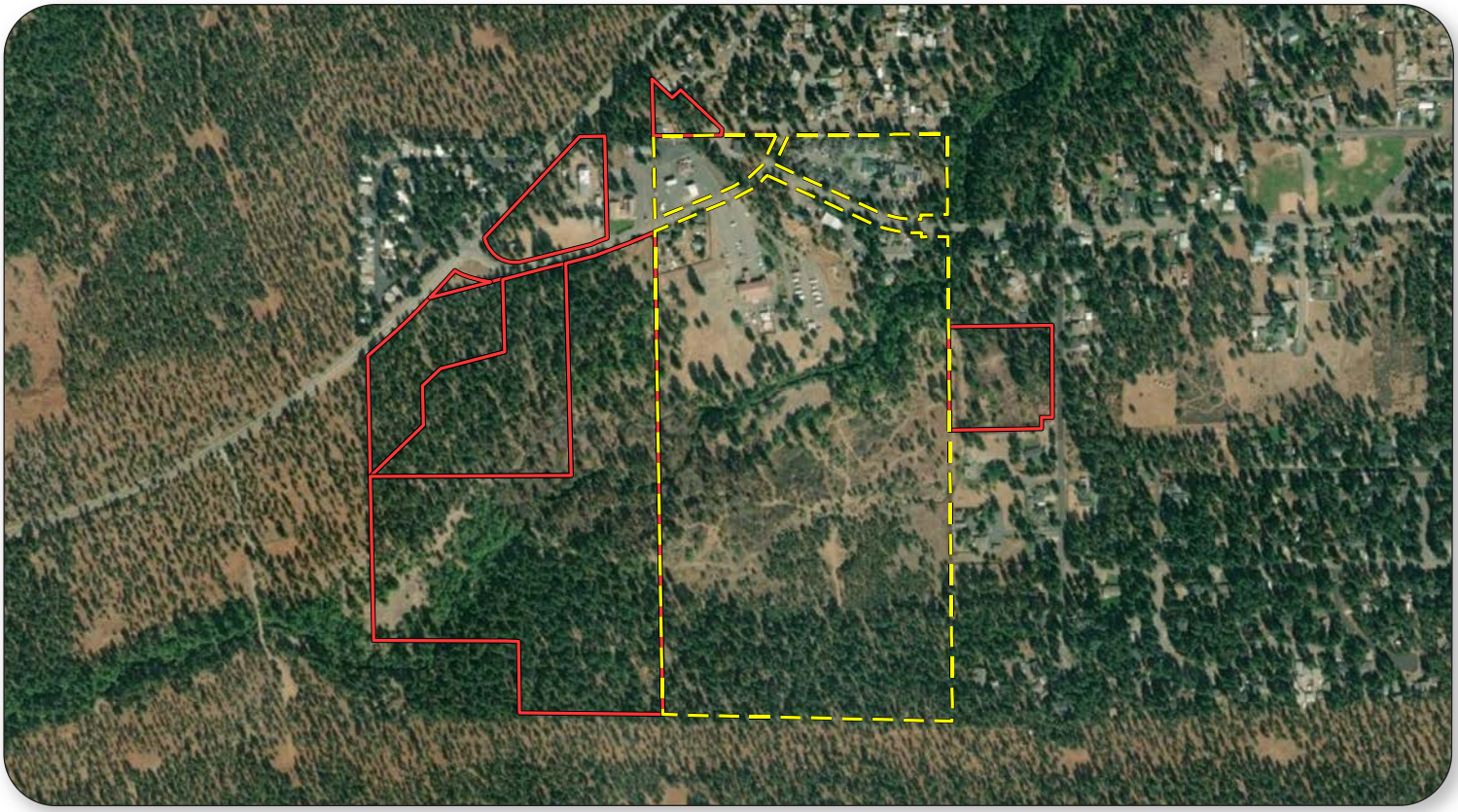

ENVIRONMENTAL ASSESSMENT

PIT RIVER TRIBE

BURNEY FEE-TO-TRUST AND HOUSING/TRIBAL COUNCIL CHAMBERS/OFFICES/MEETING SPACE PROJECT

DECEMBER 2024

PREPARED FOR:
Pit River Tribe
36970 Park Avenue
Burney, CA 96013
(530) 335-5421

PREPARED BY:
Montrose Environmental
1 Kaiser Plaza, Suite 340
Oakland, CA 94612
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ENVIRONMENTAL ASSESSMENT

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SECTION 1.0 Introduction

This Environmental Assessment (EA) has been prepared for the U.S. Bureau of Indian Affairs (BIA) to support an application from the Pit River Tribe (Tribe) for approximately 65.25 acres (Project Site) to be acquired into federal trust (Proposed Action). The Project Site is currently held in fee by the Tribe and is located within unincorporated Shasta County in the Town of Burney, California (**Figures 1** and **2**). The Tribe subsequently proposes to develop a portion of the Project Site with a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting area, up to 36 houses for tribal members, three or four small non-residential complexes that would support both commercial and tribal office uses, and a potential administration building (e.g., daycare) (Alternative A). The outdoor meeting area would not involve construction of buildings. The Project Site is contiguous to the Tribe's existing trust land.

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

1.1 TERMINOLOGY

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

Project Site: Refers to the 65.25-acre proposed fee-to-trust land.
Proposed Action: Acquisition of the Project Site into trust for the Tribe pursuant to the Secretary of the Interior's authority under the Indian Reorganization Act, 25 USC § 5108.
Alternative A: Refers to the fee-to-trust action and subsequent development of a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting area, up to 36 houses for tribal members, three or four small non-residential complexes supporting both commercial and tribal office uses, and a potential administration building (e.g., daycare).
Alternative B: Refers to the no project alternative.

1.2 LOCATION AND SETTING

The Proposed Action is located in Shasta County (County), California, directly southeast of California State Route (SR) 299 within the town of Burney and approximately 50 miles northeast of the City of Redding The Project Site is located southeast of California State Route-299 (SR-299) and Tamarack Road, and west of Bartel Street in the Town of Burney, CA located within unincorporated Shasta County (**Figure 3**). As shown in **Table INTRO-1**, the Proposed Action includes the following seven parcels (collectively called the Subject Parcels, individually identified by APN and acreage) located in Burney, California:

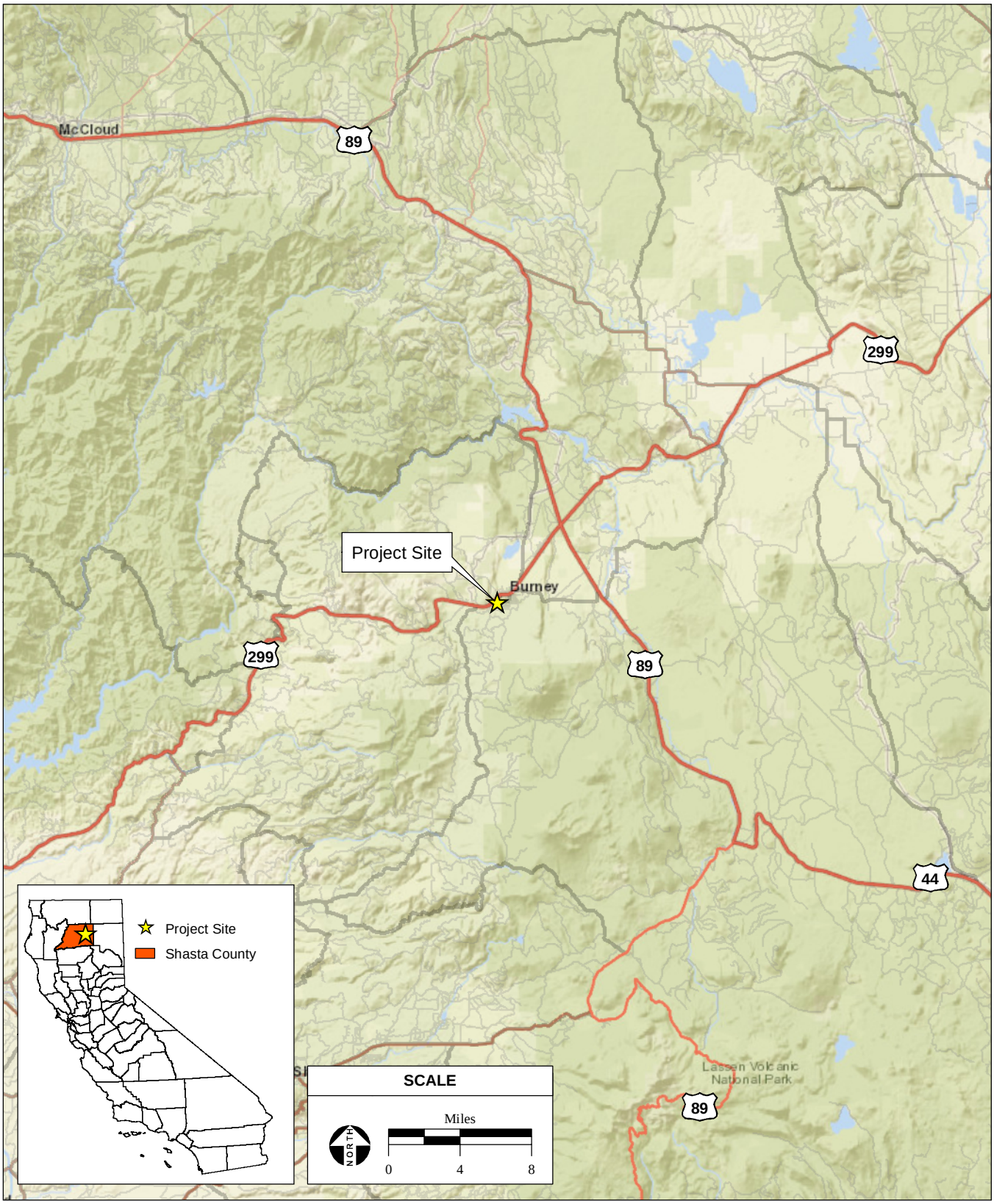
TABLE INTRO-1
SUBJECT PARCELS

APN	Acreage	Parcel Description	Proposed New Use
028-170-015	1.1 acre	Fir Street Property	n/a[a]
028-410-014	6.09 acres	Hwy 299 Property	Commercial storefronts and/or Tribal office space (five buildings).
028-410-015	11.44 acres	Tamarack Property	26 single-family Tribal member houses.
028-410-016	37.46 acres	Gensaw Property	Tribal Council chambers/ office/ meeting space, parking, and an outdoor gathering space.
028-410-018	4 acres	Roads Department Lot	n/a
028-410-025	0.22 acres	Casino Sign Property	n/a
028-450-033	4.94 acres	Bartel Property	Up to 10 single-family Tribal member houses and/or tribal administration, such as daycare.

Notes:

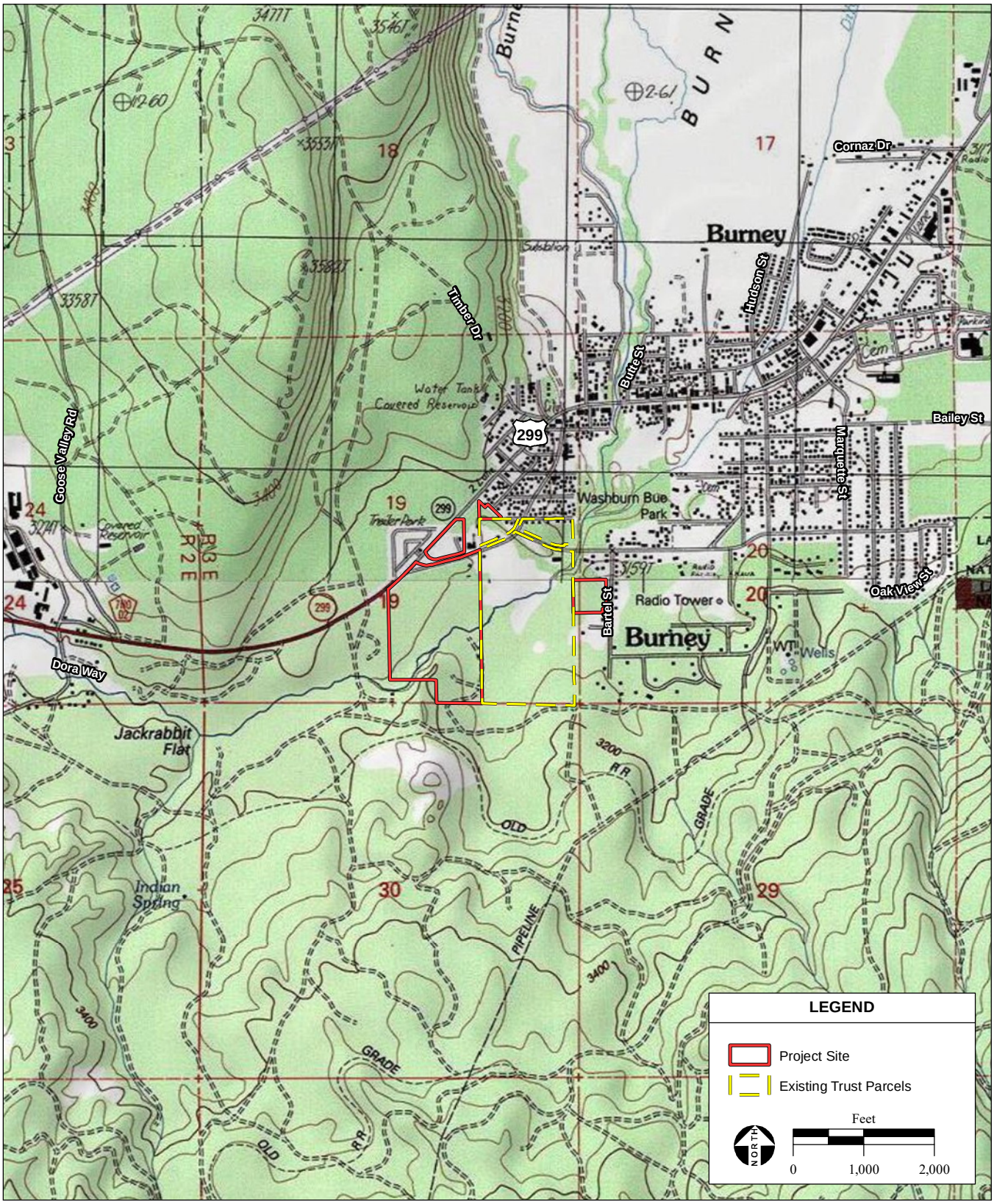
a. The proposed uses for this parcel include Tribal administrative space for the Pit River Tribal Housing Board (PRTHB) and Corporation Yard. The PRTHB Office and Corporation Yard Project was previously studied in a 2012 Environmental Assessment for HUD. Accordingly, these structures are not analyzed in this EA.

The several individual parcels proposed as part of the fee-to-trust are contiguous to existing trust properties and total 65.25 acres of land. Most of the parcels lie west of the Pit River Casino, although one lies to the north and one to the east within Sections 19 and 20, Township 35 North, Range 3 East as depicted on the Burney, CA and Burney Mountain West, CA U.S. Geological Survey (USGS) 7.5-minute topographic quadrangles (**Figure 2**). The elevation is approximately 3,200 feet above mean sea level.



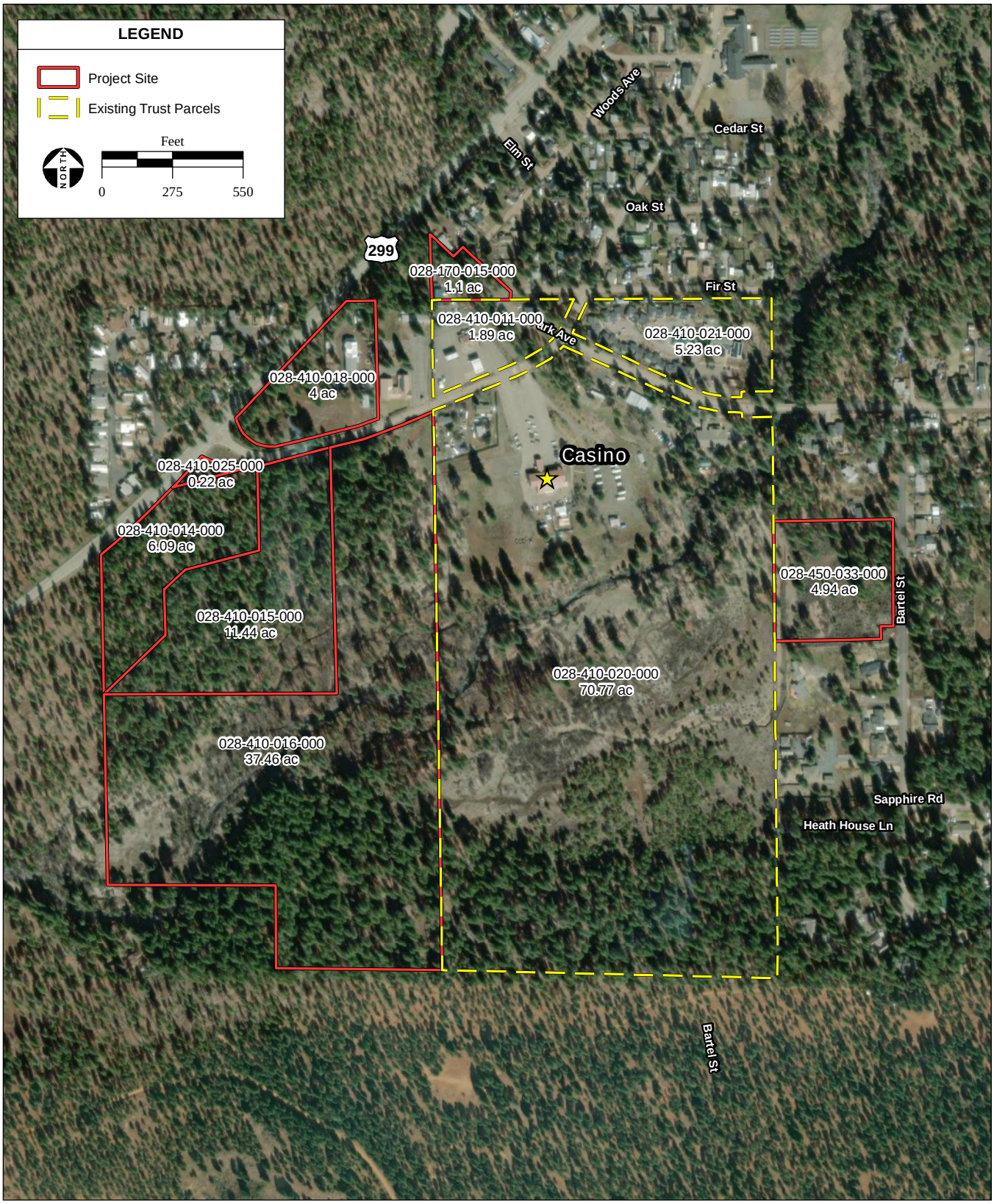
SOURCE: ESRI, 2023; Montrose Environmental, 8/9/2023

Figure 1
Regional Location



SOURCE: "Burney, CA" & "Burney Mountain West, CA" USGS 7.5 Minute Topographic Quadrangles, T35N R3E, Sections 19 &, 20, Mt. Diablo Baseline & Meridian; ESRI, 2023; Montrose Environmental, 8/9/2023

Figure 2
Site and Vicinity



SOURCE: Shasta County Parcels, 2021; Maxar aerial photograph, 3/16/2022; ESRI, 2023; Montrose Environmental, 8/9/2023

Figure 3
Aerial Photograph

1.3 PURPOSE AND NEED

The Proposed Action is the transfer of the Project Site into trust pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108. This purpose satisfies the Department of the Interior's (Department's) land acquisition policy articulated in the Department's trust land regulations at 25 CFR, Part 151. The purpose of the Proposed Action is to promote economic development, self-determination, and self-sufficiency of the Tribe, consistent with the BIA's "Self Determination" policy.

The Project Site is adjacent to facilities owned and operated by the Tribe, including the Pit River Casino the Pit River Mini Mart, and Pit River Tribal Housing. Alternative A would provide the Tribe with additional housing, income derived from commercial development, and indirect economic benefits associated with providing secure housing options to the Tribe's members. Acquisition of the Project Site into federal trust and the subsequent development of Alternative A would allow the Tribe to meet the following goals:

- Restore a land base of the Tribe's ancestral territory in the state of California;
- Provide safe and sufficient housing and childcare to tribal members;
- Engage in diverse and self-sustaining economic development;
- Assist the Tribe in meeting long-term goals of increased tribal revenue, employment and managerial experience, and enhanced economic self-sufficiency;
- Facilitate tribal self-sufficiency, self-determination, and economic development;
- Allow the Tribe to exercise sovereign authority over land that it owns;
- Enhance the well-being of tribal citizens and strengthen the Tribe's ability to serve tribal citizens;
- Reduce the risk of wildfire by allowing the Tribe to properly manage the land for fire dangers;
- Protect potentially occurring cultural resources and existing natural resources within and immediately adjacent to the Project Site.

1.4 BACKGROUND

The Pit River Tribe is a federally recognized Indian tribe made up of eleven autonomous bands, including the Ajumawi, Aporige, Astarawi, Atsugewi, Atwamsini, Hammawi, Hewisedawi, Illmawi, Itsatawi, Kosealekte, and Madesi. The Tribe has an ancestral territory that includes portions of modern-day Shasta, Siskiyou, Modoc, and Lassen Counties (Pit River Tribe, 2023). The Tribe' s ancestral territories were officially recognized by the Indian Claims Commission on July 29, 1959. (Pit River Docket No. 347, 7 ICC 815 at 845-847.) The Tribe's current land holdings encompass an area of approximately 9,605 acres, most of which is held in trust. Tribal trust land is widely scattered across Shasta and Modoc Counties within seven different Rancherias, each located in one of the eleven bands' ancestral territories.

The trust acquisition Parcels addressed in this EA are located east of State Route 299 (SR-299) in Shasta County, California, approximately 54 miles northeast of the City of Redding and approximately 1 mile west of the town of Burney (Figure 2). Figure 3 shows an aerial photograph of the project site with parcel boundaries. The project site consists of seven parcels, totaling approximately 65.25 acres, that are owned in fee simple by the Tribe. The parcels are contiguous with the border of the Tribe's existing trust lands and with one another.

The Proposed Action consists of placing the Parcels into Federal trust status for the benefit of the Tribe. The Parcels are mostly undisturbed, with the exception of a few small, existing structures and access roads. The consequences of the Proposed Action would include the development of housing for tribal members, a tribal administration building and tribal council chambers/office/meeting space, and commercial leasing space for economic development purposes.

This land trust action would shift civil regulatory jurisdiction over the Property from the State of California (State) and County of Shasta to the Tribe and the federal government; the State and County would continue to exercise criminal jurisdiction under 18 USC §1162 and other federal laws pertaining to jurisdiction in Indian country.

In addition, the Tribe currently has approximately 80 acres of land in federal trust located contiguous to the Pit River Casino at 20265 Tamarack Ave, in the Town of Burney.

The Project Site area is heavily timbered and therefore has the potential to be adversely affected by wildfires. The 2021 Dixie Wildfire, which burned approximately 965,000 acres, was located approximately 20 miles south of the Project Site. Regional wildfires have affected many socioeconomic opportunities, including housing availability (Wang, D., et al., 2020). The Proposed Action would allow the Tribe to better manage and maintain their land, as well as provide additional economic income to do so. Sustainable revenue, housing, and other commercial facilities would strengthen the Tribe's government; enhance the quality and quantity of tribal governmental services, the lives of tribal citizens, and the safety and quality of their land; create employment opportunities for tribal members and the surrounding community; and provide capital for other economic development and investment opportunities.

1.5 REGULATORY REQUIREMENTS AND APPROVALS

Alternative A, as described in **Section 2.1**, may require federal, State, and local approvals and actions. **Table 1** identifies the potential permits or approvals that may be needed. Approval of Alternative A by the Tribal Council would also be required prior to construction.

TABLE PD-1

POTENTIAL REQUIRED PERMITS AND APPROVALS

Agency	Permit or Approval
Federal	
Secretary of the Department of the Interior	▪ Transfer of Project Site into federal trust status for the Tribe.
State Historic Preservation Office (SHPO)	▪ Consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act (NHPA).
U.S. Environmental Protection Agency (USEPA)	▪ Verification of project coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Stormwater Discharges from Construction Activities as required by the Clean Water Act.
U.S. Fish and Wildlife Service (USFWS)	▪ Consultation with USFWS under Section 7 of the Federal Endangered Species Act if federally listed species may be affected by the Proposed Action.
State	

Agency	Permit or Approval
Caltrans	▪ Encroachment permits for access improvements in State right-of-way.
Local	
Shasta County	▪ Encroachment permits for access improvements in County right-of-way or County-owned lands.

SECTION 2.0 Project Alternatives

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

Alternative A: Trust acquisition of the Project Site and development of a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting area, up to 36 housing units, three or four small non-residential complexes that would support commercial and tribal office uses, and a potential administration building (e.g., daycare) (**Figure 4**).

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

2.1 ALTERNATIVE A

Alternative A consists of the following: (1) transfer of the Project Site into federal trust for the benefit of the Tribe; and (2) construction of a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting area, up to 36 residential housing units, three or four small non-residential complexes supporting both commercial and/or tribal office uses, and a potential administration building (e.g., daycare) (**Figure 4**). The outdoor meeting area would not involve construction of buildings. Alternative A would shift civil regulatory jurisdiction of the Project Site to the Tribe and federal government.

2.1.1 BUILDINGS AND OUTDOOR MEETING AREA

The Tribal Council chambers/office/meeting space would be constructed on APN 028-410-016 and would front Tamarack Avenue. The commercial/office development on APNs 028-410-014, 028-410-016, and 028-410-025 would also front SR-299 and Tamarack Avenue. Of the up to 36 residences, 26 would be built behind the non-residential buildings on APN 028-410-015. On APN 028-450-033, up to 10 residences and/or a Tribal administrative building (e.g., daycare) would be constructed (**Figure 4**).

The two-story Tribal Council Chambers/office/meeting space building would be 16,000 square feet in area. Other non-residential buildings and the potential Tribal administrative building (e.g., daycare) would have an average footprint of 13,700 square feet each. The building footprint of each house would range from approximately 1,800 square feet to 2,400 square feet.

In addition, an outdoor meeting area would be accommodated to the south of the Tribal Council chambers/office/meeting space. This area would be approximately 4 acres. No permanent structures are

anticipated for this outdoor meeting area. Instead, it would accommodate temporary structures such as awnings.

2.1.2 ACCESS AND PARKING

Regional access to some of the residences and non-residential buildings would be via SR-299 and Tamarack Avenue, which run in an approximately east-west direction to the north of the majority of the parcels. The up to 10 residential parcels and/or tribal administrative buildings (e.g., daycare) on APN 028-450-033 would be accessed via Bartel Street, a north to south trending roadway on the eastern edge of the Project Site. Internal dirt roads from these streets provide vehicular access to the interior of the Project Site. Land uses near the Project Site include residential areas, a church, a gas station, timberland, and the Pit River Casino. On-site parking would be approximately 59,000 square feet. Driveways would cover approximately 9,308 square feet, and internal roads would be 24 feet wide.

Regional access is provided by SR-299, which runs in an east-west direction north of the Project Site. SR-299 provides direct access to Burney from Interstate 5 in Redding, CA. Direct access from SR-299 is provided by Tamarack Avenue and Bartel Street (4.94-acre parcel only) (Figure 3). SR-299 traverses adjacent to the northwestern property boundaries of the 6.09-acre, 0.22-acre, and 4-acre parcels. The 4-acre parcel and associated structures are accessed via two unpaved driveways off Tamarack Avenue. The northeastern parcel, the 1.1-acre parcel, is accessed via an unpaved extension of First Avenue through a lockable gate. While there are no identifiable access roadways leading to the 11.44- and 37.46-acre parcels, there are vehicle pathways traversing throughout the properties. There is a fire road approximately 200 feet south of the most southern portion of the 37.46-acre parcel.

The 0.22-acre, 4-acre, 1.1-acre, and 4.94-acre parcels have adequate access to major roadways in the Burney area with existing driveways. The northwestern boundary of the 6.09-acre parcel has frontage access to SR-299 and the northern boundaries of the 11.44-acre and 37.46-acre parcels have frontage access to Tamarack Avenue. Circulation within the larger 6.09-acre, 11.44-acre, and 37.46-acre parcels encounter various obstacles. However, the continuity with the existing 70.77-acre trust property that current includes the Pit River Casino allows for the development of a looped and direct circulation system that connects the western parcels with the existing trust lands and the 4.94-acre property.

Construction may require encroachments permits from the County of Shasta Public Works Department and California Department of Transportation (Caltrans). An encroachment permit is required from the Department of Public Works when work is done within the public right-of-way, on county-owned land, and/or within a county easement. An encroachment permit from Caltrans is required when work is done in the State highway right-of-way.

SOURCE: Vivid Maxar aerial photography, 3/16/2022; ESRI, 2023; Montrose Environmental, 2/29/2024

Figure 4a
Site Plan

SOURCE: Vivid Maxar aerial photography, 3/16/2022; ESRI, 2023; Montrose Environmental, 3/7/2024

Figure 4b
Site Plan

2.1.3 INFRASTRUCTURE IMPROVEMENTS

Development of the Project Site would occur after acquisition into trust. Existing infrastructure for water and electricity are located in the vicinity of the Project Site. Necessary infrastructure improvements would include storm drains, septic systems, and connections to municipal water, municipal sewer pipelines, and electrical lines.

2.1.4 CONSTRUCTION

Construction would involve earthwork, placement of concrete foundations, steel and wood structural framing, electrical and mechanical work, building finishing, and paving. Given the level topography of the Project Site, construction may be accomplished with balanced onsite cut and fill; however, structural-grade fill may be imported to meet engineering requirements for roadways and building pads, in which case, any cut not reused onsite would be disposed of at an appropriate landfill. Structures would be constructed consistent with the California building code standards in effect at the time of final design planning. Roads would be a minimum of 24 feet wide with a single lane in either direction.

2.1.5 BEST MANAGEMENT PRACTICES

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

TABLE BMP-1

BEST MANAGEMENT PRACTICES

Issue Area	BMP
Land and Water Resources	– Site clearing, removal of unsuitable soil, proper moisture conditioning, and other site grading shall be verified during construction to ensure compliance with standard engineering practices. – Structures shall be designed consistent with provisions of the California Building Standards Code (Cal. Code Regs., Title 24) in effect when final design occurs. – Site preparation and earthwork shall be performed by licensed contractors. Suitability of earth and construction materials shall be determined by a licensed professional geotechnical/soils evaluation expert and shall be consistent with standard engineering practices. – Grading plans, erosion control plans, subsurface investigations, slope stability, and seismic design calculations, as well as foundation, paving, and building design parameters shall be specified under supervision of appropriate licensed professionals. – Prior to finalizing grading and development plans, design-level geotechnical specifications addressing specific grading and development plans shall be developed, and may include the following: site and building-specific grading recommendations regarding site preparation, clearing and grubbing; select grading procedures, material suitability, and compaction criteria; cut and fill slope stability analyses, recommended slope configurations and inclinations; building-specific foundation design parameters; site-specific seismic design parameters; lateral earth pressure parameters for retaining wall design, if any; and pavement design specifications. – A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and may include the following BMPs: ▪ Straw mulch shall be applied at the manufacture's specifications to stabilize disturbed areas. ▪ Undeveloped areas shall be kept as permeable surfaces to the extent feasible.

Issue Area	BMP
	▪ Earth-moving activities within 50 feet of aquatic features shall be conducted during the dry season to the extent feasible.
Air Quality and Climate Change	– Active construction areas shall be watered as needed to reduce dust. – Trucks hauling soil/loose materials shall be covered or maintain at least two feet of freeboard. – Unpaved access driveways, parking areas, and staging areas at construction sites shall receive periodic applications of water or nontoxic soil stabilizers. – Dirt, gravel, and debris piles shall be covered as needed to reduce dust and wind-blown debris. – The Tribe will reduce emissions of criteria air pollutants and GHGs during operation through the following actions as appropriate and practical. – The Tribe will use clean fuel vehicles in its vehicle fleet where practicable, including vehicles that meet the Low Carbon Fuel Standard rule set by CARB. – The Tribe will provide preferential parking for vanpools and carpools. – The Tribe will ensure all homes are electrical vehicle charging ready. – The Tribe will install electrical vehicle charging in its parking areas of commercial buildings and/or casino. – The Tribe will use low-flow appliances and utilize recycled water to the extent practicable. The Tribe will also use drought-tolerant landscaping and provide “Save Water” signs near water faucets. Low-flow appliances include, but are not limited to, toilets, faucets, dishwashers, ice makers, and steam cookers that meet USEPA Energy Star criteria. – Emissions of volatile organic compounds, nitrogen oxides, sulfur oxides, and carbon monoxide shall be controlled by requiring diesel-powered equipment to be properly maintained and minimizing idling time to five minutes when equipment is not in use, unless per engine manufacturer’s specifications or for safety reasons more time is required. The Tribe will employ periodic and unscheduled inspections to accomplish the above BMP. – The Tribe will use energy-efficient lighting that will reduce indirect criteria pollutants and GHG emissions. Using energy-efficient lighting will reduce energy usage and, thus, reduce the indirect GHG emissions from the project. Energy-efficient lighting includes adaptive lighting systems or systems that achieve energy savings beyond those required by Title 24 lighting requirements. – The Tribe will install recycling bins throughout the casino resort for glass, cans, and paper products. Trash and recycling receptacles will be placed strategically outside to encourage recycling. – The Tribe will plant trees and vegetation onsite or fund such plantings offsite. The addition of photosynthesizing plants would reduce atmospheric carbon dioxide (CO2), because plants use CO2 for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the building, thus reducing heat absorption and air conditioning needs and saving overall energy. – The Tribe will use energy-efficient building designs where possible to minimize the increase in energy demands in compliance with Title 24 of the California Code of Regulations.
Living Resources	– Aquatic features outside of development areas shall be left undisturbed and protected. – Existing native vegetation shall be retained where possible.

Issue Area	BMP
Transportation	– A traffic management plan will be prepared for special events, including annual elections and quarterly meetings. The plan will include planning for alternative forms of transportation, including the possibility of shuttling out of the area Tribal members to the Project site. – Construction of the proposed residential, commercial, and Tribal/office land uses shall include an internal circulation system that would provide Tribal members safe pedestrian access to the other proposed land uses.
Noise	– Construction activities shall be limited to daytime hours Monday through Friday (7 am to 7 pm). – Powered equipment shall comply with applicable federal regulations and shall be fitted with adequate mufflers according to manufacturing specifications to minimize construction noise. – The Tribe shall require amplified sound systems during special events at the outdoor meeting area to operate the speaker system at or below 105 dBA at 5 feet from the boundary of the special event area. The speaker systems shall be positioned and angled away from residences to the extent feasible. – The use of amplified sound systems shall stop by 10:00 pm, Monday through Saturday, and by 9:00 pm on Sunday.
Public Services	– Houses shall be equipped with a fire detection system. – Applicable construction equipment shall be equipped with a spark arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. – During construction, staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials to maintain a firebreak. – A qualified civil engineer shall design appropriately-sized septic systems.
Hazardous Materials	Personnel shall follow BMPs for fueling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving the hazardous materials include the following: – Fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to the equipment. – Catch-pans shall be placed under equipment to catch potential spills during servicing. – Vehicle engines shall be shut down during refueling. – No smoking, open flames, or welding shall be allowed in refueling or service areas. – Refueling shall be conducted away from water bodies to prevent contamination in the event of a leak. – Should a spill occur, contaminated soil shall be contained and disposed of pursuant to applicable regulations.
Aesthetics	– Signage for streets shall be subtly incorporated into the landscape.

2.2 ALTERNATIVE B

Under Alternative B, the Project Site would not be placed in trust and construction of the Tribal Council Chambers/office/meeting space building, tribal housing, and commercial/office development, potential

administration building, and outdoor meeting area would not occur. Jurisdiction of the Project Site would remain with the unincorporated Town of Burney and County of Shasta. The Project Site could be developed or sold by the Tribe consistent with County zoning and policies. As these scenarios are speculative, it is assumed that development would not occur on the Project Site under Alternative B for the foreseeable future.

2.3 COMPARISON OF ALTERNATIVES

Alternative A includes the acquisition of the Project Site into trust and the subsequent development of a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting area, up to 36 residential housing units, three or four non-residential complexes, and a potential administrative building (e.g., daycare). Potential construction and operational impacts to environmental resources would be greatest under Alternative A, given that Alternative B is the no action alternative. Alternative A would best meet the Tribe's needs and would provide the greatest benefit to the Tribe by providing housing, commercial, and economic benefits. Alternative A is generally consistent with Shasta County's zoning and land use designations and would result in minimal land use compatibility issues. Potential impacts to living resources, land resources, noise, hazardous materials, cultural resources, water resources, air quality and climate change, transportation networks, public services, and/or visual resources would occur under Alternative A.

Under Alternative B, land would not be taken into trust and development would not occur for the foreseeable future. Alternative B would not result in a change in the existing condition and would therefore not result in a conflict with Shasta County's zoning and land use designations.

2.4 ALTERNATIVES ELIMINATED FROM CONSIDERATION

Section 1502.14(a) of CEQ regulations for implementing NEPA requires a discussion of alternatives eliminated from further study, as well as reasons for elimination. Additional alternatives of a more increased intensity housing with more housing units were considered and excluded from further analysis due to infeasibility, inability to fulfill the stated purpose and need, inability to avoid impacts to wetlands and floodplains, and/or were not sufficiently distinguishable from the assessed alternatives to offer additional information to assist the BIA in the consideration of impacts under NEPA.

SECTION 3.0 AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

3.1 OVERVIEW

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

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

3.1.1 DIRECT AND INDIRECT IMPACTS

Direct impacts are caused by an action and occur at the same time and place while indirect impacts are caused by the action and can reasonably foreseeably occur later in time or further in distance (40 CFR § 1508.8). Indirect and growth-inducing effects of proposed alternatives to each resource area are assessed in **Section 3.4**.

3.1.2 CUMULATIVE ANALYSIS

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

3.2 ALTERNATIVE A

3.2.1 LAND RESOURCES

REGULATORY SETTING

The regulatory setting for land resources is summarized in **Table LR-1** below and further discussed in **Appendix REG**.

Table LR-1

REGULATORY POLICIES AND PLANS RELATED TO LAND RESOURCES

Regulation	Description
Federal	
National Earthquake Hazards Reduction Program	– Established the National Earthquake Hazards Reduction Program to reduce earthquake hazards.
State and Local	
Alquist-Priolo Earthquake Fault Zoning Act	– Identifies active and potentially active faults. – Regulates development in these areas.
Seismic Hazards Mapping Act	– Identifies areas with seismic hazards. – Requires overseeing agencies to consider seismic hazard reductions prior to issuing developmental permits.
California State General Plan Guidelines	– Discusses required land use elements for Timberland Preserve Zones, open space and natural resources.
Shasta County General Plan	– Outlines mandatory requirements for the preservation of timberland. – Provides objectives for timberland: Preservation of timberland from incompatible adjacent land uses and preservation of timberland suitable for resource and forest management.

ENVIRONMENTAL SETTING

Topography

The Project Site is southeast of SR-299 within the Burney Valley and approximately 50 miles northeast the City of Redding and partially within the unincorporated Town of Burney. The land surrounding the Project Site is relatively flat and is used for residential land uses, timber production, general industrial uses, and light commercial development along the SR-299 corridor. Elevations on the Project Site range from approximately 3,180 feet to 3,220 feet above mean sea level (amsl). Surrounding peaks include Burney Mountain to the southeast, Hatchet Mountain to the northwest, Ward Butte to the west, and Rocky Ledge Butte to the east.

Soils

Soil types on the Project Site consist mainly of Jimmerson loam-Jimmerson stony sandy loam complex, Matquaw gravelly sandy loam, and Burney-Arkright complex. Burney-Arkright complex and Jimmerson loam-Jimmerson stony sandy loam complex are well-drained with medium runoff rates and are not considered as suitable to support prime farmland. Matquaw gravelly sandy loam is somewhat poorly drained, with a high runoff rate (Figure 5 and Appendix SOIL). The depth to the groundwater table is more than 80 inches. Areas susceptible to landslides are comprised of weak soils on sloping terrain. Heavy rains or strong seismic shaking events can induce landslides. There are no known landslide events that have occurred on the Project Site (USGS, 2023a); the moderately level terrain and soil types are not conducive to landslide events.

Geologic Setting and Seismicity

The nearest known faults are approximately 0.7 miles northwest of the Project Site. The nearest seismic zone is the Rocky Ledge Fault Zone and is located approximately 3 miles east of the Project Site (CDC, 2023). Soils comprised of sands and clay in areas with high groundwater tables or heavy rainfall are at a greater risk of liquefaction during intense seismic shaking events. Given the soil type, run-off class, drainage rating, and proximity to a fault, liquefaction could potentially occur in the event of violent earthquake events. The Modified-Mercalli Intensity Scale evaluates the intensity of shaking as a result from an earthquake at a specific location through consideration of its effects on people, objects, and structures. The Project Site is located within a region with earthquake shaking potential ranging from 50% to 70% and is depicted on **Figure 6**.

Mineral Resources

The Shasta County General Plan (Shasta County, 2022a) acknowledges the prevalence of mining and mineral resources in the area by emphasizing the importance of preserving mineral resources. Zoning designations of Mineral Resources (MR) are identified at the county level. There are no mineral records on or in the immediate vicinity of the Project Site. Additionally, the USGS does not report records of active mining on-site or in the immediate area of the Project Site (USGS, 2023b).

IMPACT ANALYSIS

Soils

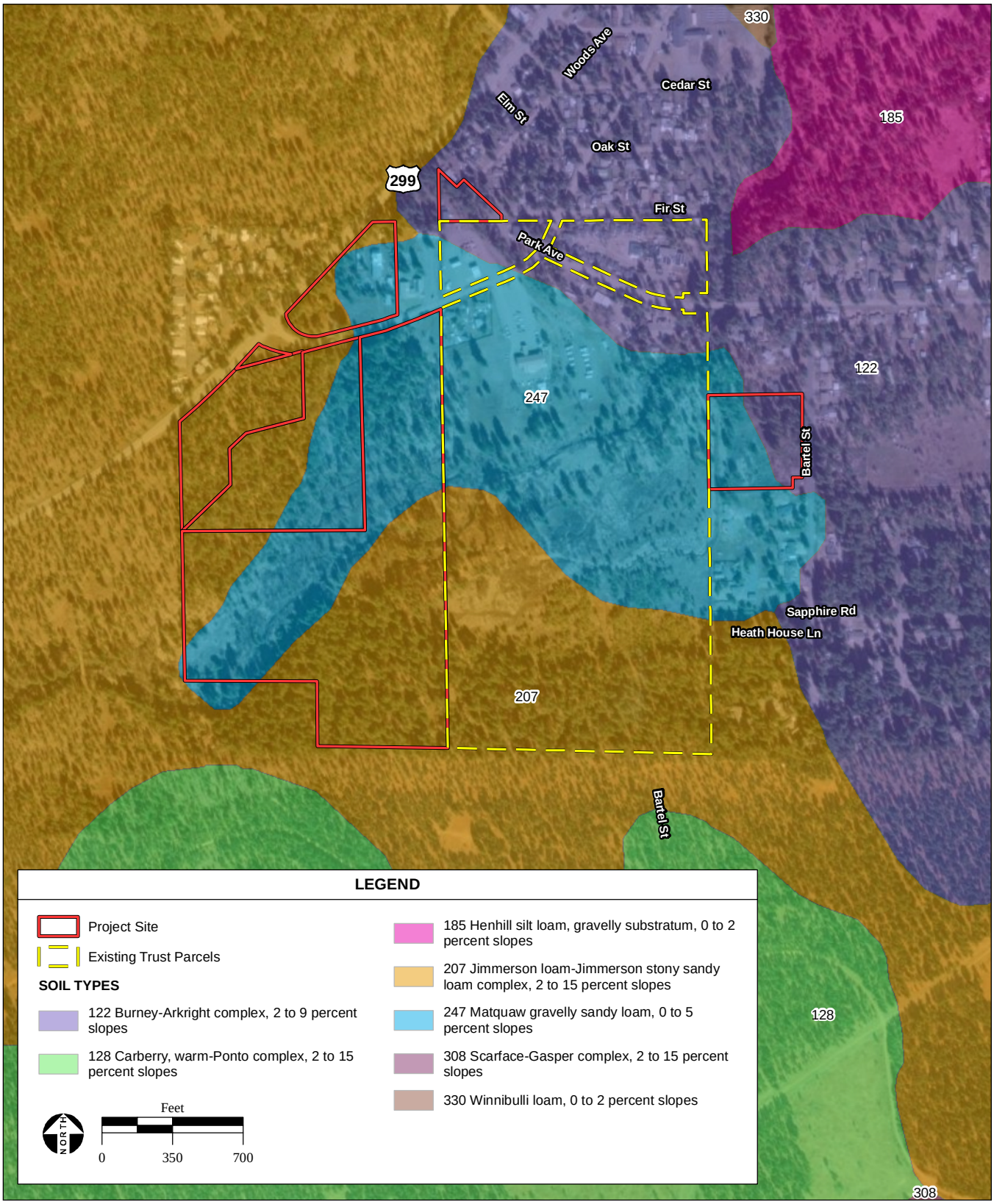
A soil map of the Project Site is shown in **Figure 5**. Soils consist predominantly of Jimmerson loam-Jimmerson stony sandy loam complex and Matquaw gravelly sandy loam with respective slopes of 2 to 15 percent and 0 to 5 percent (207, 247). These soils are well drained to somewhat poorly drained and have medium to high runoff rates. BMPs outlined in **Section 2.1.5** would include consistency with California Building Code standards as well as geotechnical specifications determined by a licensed grading and drainage engineer. Construction would involve grading, which is discussed above in **Section 2.1**. Given the level topography of the Project Site, construction may be accomplished with balanced cut and fill, and structural-grade fill may be imported to meet engineering requirements for roadways, parking areas, and building pads. Structures would be constructed consistent with applicable California Building Codes. BMPs listed in **Section 2.1.5** would also be incorporated into the project design. With the inclusion of BMPs, a Stormwater Pollution Prevention Plan (SWPPP) during construction, and consistency with California building codes in effect at the time of final design, there would be a less-than-significant impact.

Seismicity

The Project Site is not located on a known active fault; however, the nearest faults run north-south approximately 3.0 miles east and approximately 0.7 miles north of the Project Site (USGS, 2023c). The Project Site is not located on an Alquist-Priolo Earthquake Fault Zone or Seismic Hazard Zone as defined by the Seismic Hazards Mapping Act. There are no known active faults that run directly beneath the or near the Project site. The General Plan EIR concluded that it is unlikely a large magnitude earthquake would occur along this fault system given the lack of recent movement. BMPs outlined in **Section 2.1.5** would include consistency with California Building Code standards as well as geotechnical specifications determined by a licensed grading and drainage engineer. In regard to earthquake safety, the California Building Code, Title 24 (1616A and 1803A.6) provides minimum standards that prioritize safety and the reductions of life loss and injury. Therefore, compliance with the CBC, as required by County standards and included as a BMP, would ensure that the potential for impacts to occur would remain less than significant.

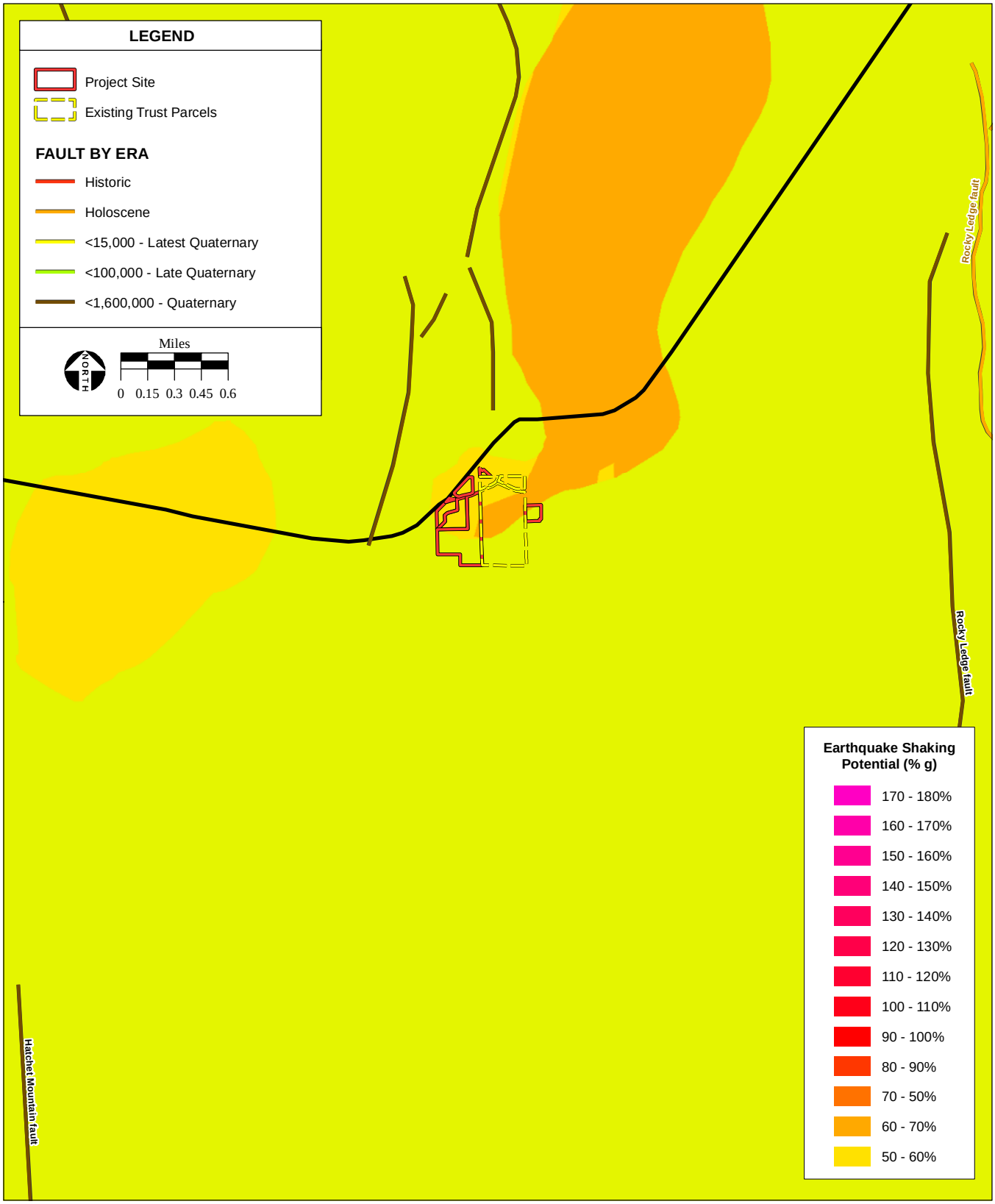
Mineral Resources

The Project Site is currently in open space, is not being mined, and construction of Alternative A would not result in a loss of economically viable aggregate rock or diminish the potential for extraction of important ores or minerals. Volcanic cinder mines are located near Burney, but not within the Project site. Alternative A would have no impact.



SOURCE: Shasta County Parcels, 2021; Maxar aerial photograph, 3/16/2022; ESRI, 2023; Montrose Environmental, 8/9/2023

Figure 5
Soil Types



SOURCE: California Geological Survey, revised 2016; USGS Earthquake Hazards Program, 2012; Montrose Environmental, 8/9/2023

Figure 6

Regional Faults and Ground Shaking Intensities

CUMULATIVE IMPACTS

Alternative A and other off-site cumulative projects that may be approved in the vicinity of the project site would be required to implement measures consistent with local permitting requirements for construction to address any regional topographic, geologic, seismic, soil, or mineral impacts. It is anticipated that other off-site cumulative projects would follow appropriate permitting procedures. Given that the Project Site is not known to contain mineral resources and would not require significant amounts of grading or fill, impacts related to grading and soils would be limited to the Project Site and reduced to a less-than-significant impact with the application of BMPs, a SWPPP, and consistency with California Building Codes. Current and future development in the vicinity of the Project Site would be required to comply with California Building Codes, implementation of a SWPPP during construction, mineral resource protection, and application of relevant BMPs. Alternative A would comply with federal and Tribal requirements for the protection of land resources and therefore implementation of Alternative A would not result in cumulatively considerable impacts to land resources.

3.2.2 WATER RESOURCES

REGULATORY SETTING

The water resources regulatory setting is summarized in **Table WAT-1** below, and additional information on the regulatory setting is provided in **Appendix REG**.

TABLE WAT-1

REGULATORY POLICIES AND PLANS RELATED TO WATER RESOURCES

Regulation	Description
Federal	
Executive Order 11988	– Limits adverse impacts associated with occupancy or modification of flood plains
Disaster Relief Act: Federal Emergency Management Act	– The 1988 Disaster Relief and Emergency Assistance Act created FEMA. – Responsible for determining flood elevations and floodplain boundaries based on U.S. Army Corps of Engineers (USACE) delineations. – Distributes Flood Insurance Rate Maps for the National Flood Insurance Program.
Clean Water Act	– Establishes national water quality goals. – Sections 303 and 304 require impaired water bodies be identified and ranked based on severity. – Section 401 requires a permit be obtained for discharge into waters of the U.S. from the USEPA. – Section 402 requires an NPDES permit be obtained to discharge pollutants into waters of the U.S.
NPDES Permitting Program	– Regulates discharge into waters of the U.S.
Anti-Degradation Policy	– Specifies that each state must develop, adopt, and retain anti degradation policy to protect minimum level of surface water quality to support existing uses.
Safe Drinking Water Act	– The USEPA sets Maximum Contaminant Levels for drinking water contaminants of

Regulation	Description
	concern to the domestic water supply.
State	
Porter-Cologne Water Quality Control Act	– Assesses statewide water conservation and efficiency program. – Protects, maintains and improves the quality and management of the waters of the state, ground and surface, public and private.
RWQCB's Anti-degradation Policy	– Requires development of RWQCB Basin Plans.
California Water Code	– Regulates treatment of wastewater and water conservation.
Local	
Shasta County General Plan	– Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface water. – Maintain surface water drainage flow as provided in a drainage plan approved as part of any subdivision plat or plan, Conditional Use Permit or Building Permit. – Requires developers to connect to City municipal systems to provide water and wastewater services. – Set forth design standards for connection to municipal water and wastewater service.

ENVIRONMENTAL SETTING

Surface Water

The Project Site is located within the Burney Creek watershed unit (Hydrologic Unit Code (HUC) 18020003) within the Sacramento River Hydrologic Region (USGS, 2023d). There are no waterbodies listed on the Clean Water Act (CWA) Section 303(d) list of threatened and impaired waters within the vicinity of the Project Site (USEPA, 2023a). Surface water on the Project Site is limited to Burney Creek as well as two ephemeral drainages tributary to Burney Creek. Burney Creek is considered a USGS blueline stream and flows through the center of the Project Site in an east to west trajectory. There are no wild or scenic rivers on or near the Project Site (National Wild and Scenic Rivers System, 2023).

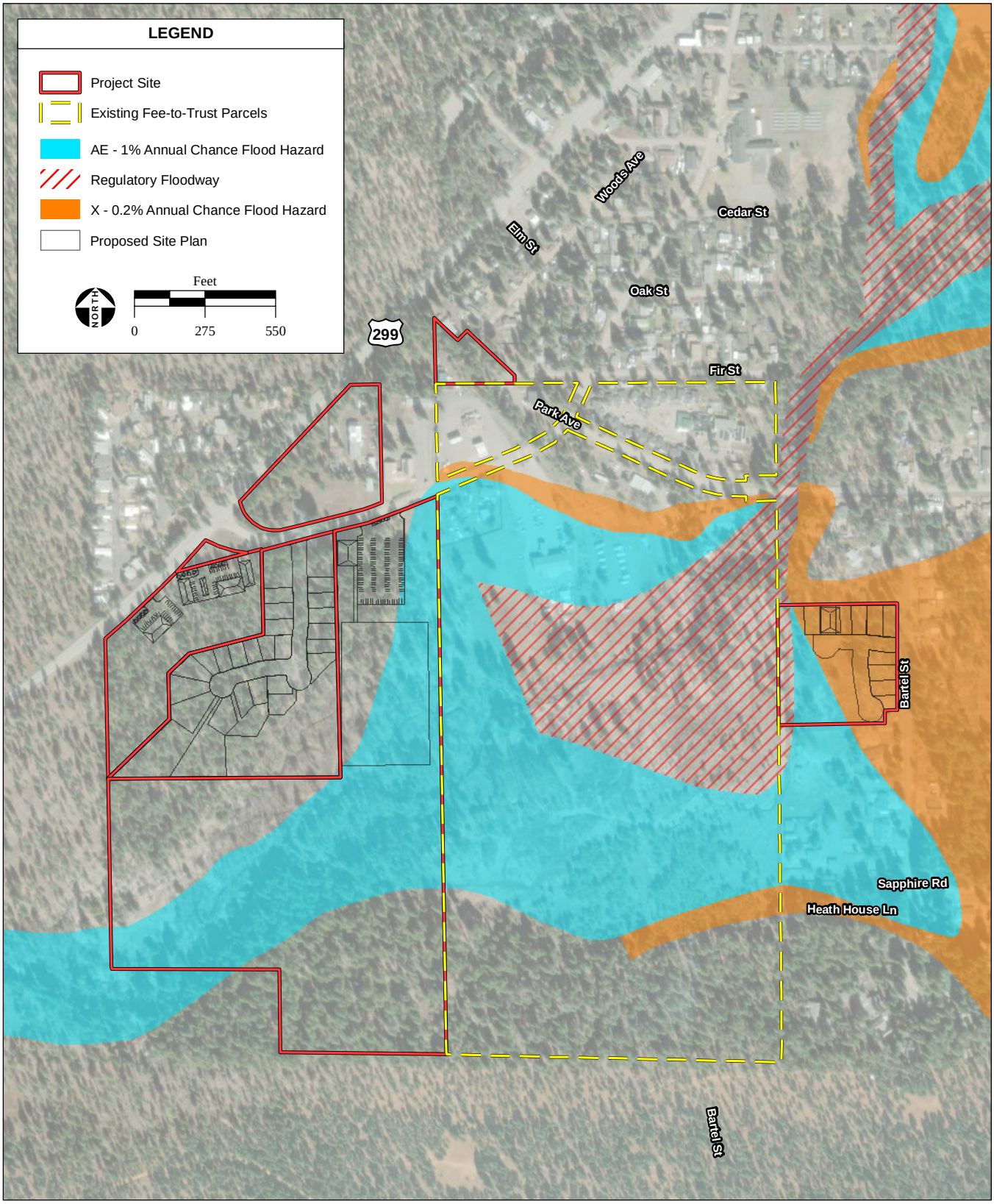
Drainage and Flooding

The Project Site is partially located within designated 100-year and 500-year floodplains (**Figure 7**). Large portions of the Project Site drain into Burney Creek and/or the ephemeral drainages that contribute to Burney Creek. No manmade drainage infrastructure exists on the Project Site.

Groundwater

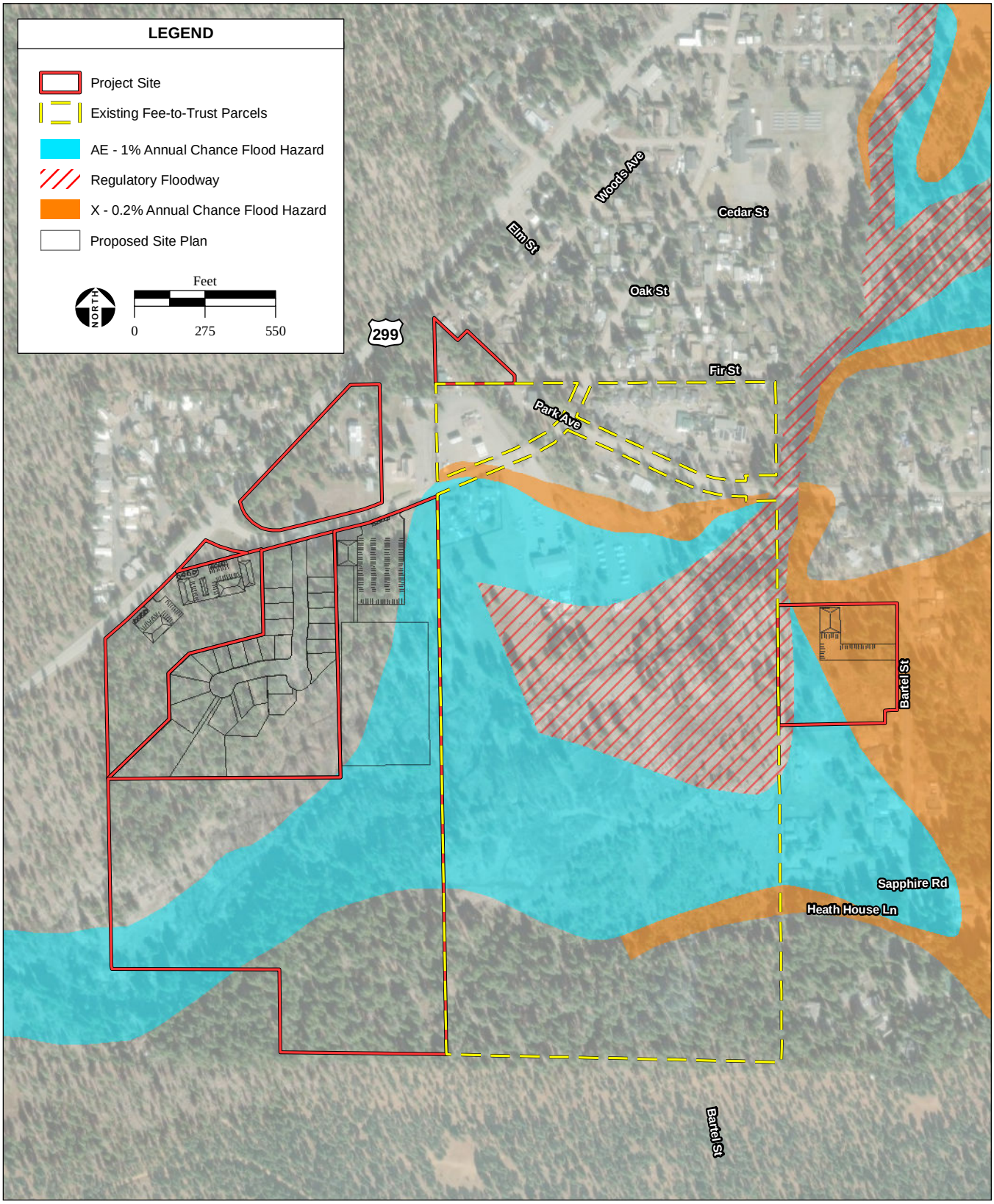
The Project Site is partially within the Burney Creek Valley Basin (5-048) (California Department of Water Resources (DWR), 2023a), with the remainder of the site not being within a mapped groundwater basin. The Burney Creek Valley Basin is designated very low priority by DWR pursuant to the Sustainable Groundwater Management Act (DWR 2023b). With a surface area of four-square miles, the Burney Creek Valley Basin is a relatively small groundwater basin (DWR 2004). Groundwater extraction from the basin

for municipal and industrial uses has been estimated at 790 acre-feet, while deep percolation of applied water has been estimated to be 490 acre-feet (DWR 2004). Data regarding groundwater monitoring wells throughout the state are maintained by DWR. The nearest monitoring well in relation to the Project Site is located approximately one mile to the east (SGMA, 2023). Groundwater elevation has been measured at this point since 2012. Groundwater levels have remained steady over that time, with a groundwater water surface elevation (WSE) of 2,994 being recorded in 2012, and a WSE of 2,998.8 being recorded in 2023 (SGMA, 2023).



SOURCE: FEMA, 2020; Shasta County Parcels, 2021; Maxar aerial photograph, 3/16/2022; ESRI, 2024; Montrose Environmental, 4/9/2024

Figure 7a
FEMA Floodplain



SOURCE: FEMA, 2020; Shasta County Parcels, 2021; Maxar aerial photograph, 3/16/2022; ESRI, 2024; Montrose Environmental, 4/9/2024

Figure 7b
FEMA Floodplain

IMPACT ANALYSIS

Impacts to the floodplain or floodplain management could be significant if construction resulted in people or structures being placed in a floodplain or a change of flood elevations. Impacts to surface water resources could be significant if construction or operation would substantially alter, impede, or degrade surface water supplies or water quality. Impacts to groundwater resources could be significant if construction or operation would substantially decrease groundwater levels, reduce or impede groundwater recharge, and/or degrade groundwater quality. Finally, impacts to drainage could be significant if drainage patterns on site were altered such that runoff could result in impacts such as increased erosion or sedimentation of surface waters.

Surface Water

Construction activities under Alternative A would include ground-disturbing activities such as grading and excavation that could lead to erosion of topsoil. Erosion from construction could increase sediment discharge to surface waters during storm events. Construction would also include the routine use of potentially hazardous construction materials, such as solvents, paint, oil, and grease that could spill onto the ground and be picked up by stormwater.

Temporary erosion and sediment control measures would be implemented during construction. As described in the project BMPs (**Section 2.1.5**), an Erosion Control Plan would be included as part of the construction design drawings and would outline general requirements and responsibilities for erosion control and stormwater pollution prevention. Additionally, as the area of ground disturbance would be greater than 1 acre, a SWPPP would be required under the USEPA NPDES General Construction Permit for construction of Alternative A. BMPs are described in **Section 2.1.5** and would ensure impaired water would not enter surface waters during construction. With adherence to the NPDES permitting program and implementation of the SWPPP and BMPs, impacts to surface water quality from construction activities would be less than significant.

As described in **Section 2.1.5**, stormwater infrastructure would be constructed on site as part of Alternative A; the stormwater infrastructure design would be guided by site-specific geotechnical specifications which would convey stormwater to accept major regional rain and flood events. Therefore, stormwater generated on site would normally infiltrate into the groundwater and not impact surface waters. Alternative A would have a less-than-significant impact on surface waters.

Drainage and Flooding

Construction of Alternative A would introduce approximately 11.89 acres of new hardscape to the Project Site. Additionally, construction of the parking lot would be within the floodplain (Figure 7). However, Alternative A would not involve activities that would change flood elevations. BMPs outlined in **Section 2.1.5** would include consistency with California Building Code standards as well as geotechnical specifications determined by a licensed grading and drainage engineer. With the development of stormwater drainage features recommended by an engineering professional, Alternative A would have a less-than-significant impact on flood elevations and floodplain management.

Groundwater

The development of Alternative A would introduce approximately 12.64 acres of new impervious surfaces to the Project Site. The introduction of new impervious surfaces has the potential to impact groundwater recharge on-site. However, the BMPs outlined in **Section 2.1.5** discuss that undeveloped areas will remain as permeable surfaces. Additionally, major grading activities will occur during the dry season and geotechnical specifications will be applied to provide stormwater detention and drainage infrastructure. As a result, although the new impervious surfaces would prevent groundwater recharge from occurring at these locations, the runoff from these areas would be routed to adjacent pervious surface areas. This would result in the diverted water being able to infiltrate into the soil and groundwater, thus recharging the basin. Therefore, Alternative A would not result in significant impacts on groundwater recharge.

Alternative A would connect to the Burney Water District municipal water lines. Construction of Alternative A would include infrastructure improvements including connection to existing water supply and would not require individual residential wells that would draw on groundwater. However, the municipal water system relies on groundwater, sourced from the Burney Creek Valley Groundwater Basin (5-048). As described in the "Environmental Setting" above, this basin is designated as very low priority by DWR, and thus there is no Groundwater Sustainability Plan (GSP) that has been prepared or is required. Although some data suggests more water is being extracted from the basin than is being recharged, at least via artificial means (i.e., applied water) (DWR 2004), the basin has no documented instances of groundwater level declines or groundwater extraction induced inelastic subsidence (DWR 2023b). As such, the quantity of water that would be needed to supply the Tribal Council Chambers/office/meeting space building, up to 36 residential housing units, three or four small non-residential complexes, and the potential administrative building (e.g., daycare) under Alternative A would not substantially affect groundwater supplies or cause substantial groundwater level declines.

Additionally, as discussed above under "Surface Water", construction of Alternative A would include the routine use of potentially hazardous construction materials, such as solvents, paint, oil, and grease that could spill onto the ground. In addition to being picked up by stormwater, these materials could leach into the soil and groundwater, thereby resulting in adverse impacts on groundwater quality. However, the SWPPP to be prepared pursuant to the USEPA NPDES General Construction Permit would include BMPs to minimize the potential release of hazardous materials during construction activities. Alternative A would also implement a number of BMPs, as discussed in Section 2.1.5, to reduce the potential for incidents/spills involving hazardous materials. Given implementation of the SWPPP and Project BMPs, substantial adverse impacts on groundwater quality during Project construction would not occur. Overall, there would be a less-than-significant impact.

CUMULATIVE IMPACTS

The geological setting for the cumulative analysis would include land within the drainage shed and groundwater basin as well as within the Burney Water District service area. Other projects in the vicinity of the Project Site would be required to comply with the CWA and with California requirements for off Reservation projects as it relates to stormwater and point-source discharges. Compliance with the USEPA's stormwater pollution prevention requirements and State water quality standards would prevent Alternative A and other off-site cumulative projects from causing cumulatively significant impacts to stormwater. It is anticipated that Alternative A and other off-site cumulatively projects would comply with

CWA, California, and USEPA requirements, as well as applicable local laws. Other projects would also be required to adhere to permit conditions for unavoidable impacts to surface waters. Therefore, cumulative impacts would be less than significant. Alternative A would comply with federal and Tribal requirements for the protection of water resources and therefore implementation of Alternative A would not result in cumulatively considerable impacts to water resources.

3.2.3 AIR QUALITY AND CLIMATE CHANGE

REGULATORY SETTING

The air quality regulatory setting is summarized in **Table AIR-1** below, and additional information on the regulatory setting can be found in **Appendix REG**.

ENVIRONMENTAL SETTING

The Project Site is located in the Sacramento Valley Air Basin (SVAB) and Shasta County. Emissions within Shasta County are estimated and documented through the Shasta County Air Quality Management District (Shasta County AQMD) and California Air Resource Board (CARB).

The Air Basin is surrounded by the Klamath and Coastal Mountains to the northwest and the Cascade Mountains to the northeast and east. When winds are calm with fairly stable atmospheric conditions, the potential for substantial air pollution in the Air Basin is considered high. The low elevation areas of Shasta County generally experience moderate to very poor capability to disperse pollutants nearly 80 percent of the time. This is primarily due to the relatively stable atmosphere that acts to suppress vertical air movement. Extremely stable atmospheric conditions referred to as 'inversions" act as barriers to pollutants. Dust and other pollutants can be trapped within these inversion layers and will not disperse until atmospheric conditions become more unstable. This situation creates concentrations of pollutants at or near the ground surface that can pose significant health risks for plants, animals, and people.

The climate in the vicinity of the Project Site provides average maximum and minimum winter (i.e., January) temperatures of 46 degrees Fahrenheit (ºF) and 21 ºF, respectively, while average summer (i.e., July) maximum and minimum temperatures are 85 ºF and 42 ºF, respectively (WRCC, 2024). Rainfall averages approximately 28 inches per year and snowfall averages 49 inches per year. Average annual wind speeds in the vicinity of Burney are approximately 21 miles per hour (mph).

TABLE AIR-1

REGULATORY POLICIES AND PLANS RELATED TO AIR QUALITY AND CLIMATE CHANGE

Regulation	Description
Federal	
Federal Clean Air Act of 1970	– Identifies regulations to protect and enhance air quality.
National Ambient Air Quality Standards	– Designates six pollutants of primary concern as criteria air pollutants and emission thresholds of each.
Federal Attainment Status	– Identifies whether air quality in a region meets air quality standards.
Federal General Conformity	– Establishes minimum thresholds for pollutants in nonattainment and maintenance areas.
Federal Class I Areas	– Requires that pollutant sources be evaluated to determine if new sources are near certain public parks.

Regulation	Description
Tribal Minor New Source Review	– Requires a new source permit be attained by a tribe prior to pollutant source development if exceeding minor New Source Review levels.
Climate Change	– Addresses impacts of Green House Gases (GHG) from a variety of factors and considers indirect and direct emissions. – Per EO 13990, the CEQ rescinded its 2019 draft guidance and is reviewing, for revision and update, the 2016 GHG Guidance. In the interim, agencies should consider all available tools and resources in assessing GHG emissions and climate change effects of their proposed actions, including the 2016 GHG Guidance. – The Secretary of the Interior issued SO 3399 to prioritize action on climate change throughout the Department and to restore transparency and integrity in the Department's decision-making processes. SO 3399 specifies that, when considering the impact of GHG emissions from a proposed action, Bureaus/Offices should use appropriate tools, methodologies, and resources available to quantify GHG emissions and compare GHG quantities across alternatives.
Federal Hazardous Air Pollutant Program	– Regulates levels of hazardous air pollutants.
State and Local	
California Air Resources Board	– Sets California Ambient Air Quality Standards (CAAQS). – Sets emission standards for vehicles, consumer products, and commercial equipment.
California Clean Air Act	– Established a statewide pollution control program.
California State Implementation Plan	– Consists of the compilation of air quality attainment plans for each Air Quality Management District.
California Solutions to Combat Global Climate Change	– Aims to create a comprehensive climate strategy that is a multifaceted plan involving a number of State agencies. – Provides guidance on greenhouse gas emissions during the preparation of NEPA documents.
California Global Warming Solutions Act	– Created a comprehensive, multi-year program to reduce greenhouse gas emissions in California.
California Climate Crisis Act	– Achieves net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieves and maintains net negative greenhouse gas emissions thereafter. – Ensures that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels. – Established a foundation for guidance via executive orders.
California's Scoping Plan and Cap and Trade Program	– Establishes an overall framework for sector specific reductions. – Integrates CARB and CAT early actions and additional GHG measures.
Shasta County Air Quality Management District	– Monitors and regulates air quality within the San Joaquin Valley Air Pollution Control District.

Attainment Status

To determine conformance with the National Ambient Air Quality Standard (NAAQS), states are responsible for providing ambient air monitoring data to the USEPA. The USEPA then determines, using the violation criteria, if the results of the monitoring data indicate compliance with the NAAQS. The USEPA classifies areas in compliance with the NAAQS as being in "attainment." Areas that do not meet the NAAQS are classified as being in 'nonattainment" by the USEPA. Shasta County is designated as in attainment or unclassified for all criteria air pollutants (CAPs) under the NAAQS. The Shasta County attainment status is shown in **Table AIR-2**.

TABLE AIR-2

SHASTA COUNTY ATTAINMENT STATUS OF NATIONAL AMBIENT AIR QUALITY STANDARDS

Pollutant	NAAQS
O_3, 8-hour	Unclassified/Attainment
PM_{10}	Unclassified/Attainment
$PM_{2.5}$	Attainment
CO	Attainment
N_2O	Attainment
SO_2	Attainment
Pb	Attainment
Sources: USEPA, 2024a,b	

Hazardous Air Pollutants (HAPs)

In addition to the above-listed CAPs, Hazardous Air Pollutants (HAPs) are a group of chemical pollutants that can cause adverse effects to human health and/or the environment. HAPs are classified as airborne chemicals, pursuant to a list developed by the USEPA. Sources of HAPs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, cigarette smoke, and motor vehicle exhaust. Cars and trucks release at least 40 different HAPs. The most important, in terms of health risk, are diesel particulates, benzene, formaldehyde, 1,3-butadiene, and acetaldehyde. Health effects of HAPs can include cancer, birth defects, and neurological damage.

HAPs are less pervasive in the atmosphere than CAPs, but they are linked to short-term (acute) or long-term (chronic or carcinogenic) adverse human health effects. The majority of the estimated health risk from HAPs can be attributed to relatively few compounds, the most important being the HAPs found in diesel particulate matter (DPM). Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are particulate matter that includes carbon particles or "soot." Diesel exhaust also contains a variety of harmful gases and over 40 other cancer-causing substances. Exposure to DPM is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. In the vicinity of the Project Site, HAPs are primarily emitted by mobile sources, such as diesel trucks.

Odors

Types of operations typically evaluated for odors include waste processing and industrial facilities such as wastewater treatment plants, landfills, and confined animal facilities. The Project Site is surrounded by rural residential development and the Pit River Casino, with limited other commercial/office structures, and no local odor sources occur in the vicinity.

Criteria air pollutants (CAPs) and GHGs in the vicinity of the Project Site are predominately emitted by mobile sources associated with transportation. The nearest larger thoroughfare is SR-299; SR-299 traverses adjacent to the northwestern property boundaries of APN 028-410-014, APN 028-410-025, and APN 028-410-018. APN 028-410-018 and associated structures are accessed via two unpaved driveways off Tamarack Avenue. These do not appear to be official encroachments onto Tamarack Drive. APN 028-170-015 is accessed via an unpaved extension of First Avenue through a lockable gate. APN 028-410-025 shows evidence of vehicle disturbance but does not have an identified roadway traversing through the property. While there are no identifiable access roadways leading to APNs 028-410-015 and 028-410-016, there are vehicle pathways traversing throughout the Project Site. APN 028-450-033 is accessed by Bartel Street.

Sensitive Receptors

Sensitive receptors include land uses that house or attract individuals susceptible to adverse impacts from air pollution and should be given special consideration when evaluating air quality impacts from projects. Hospitals, schools, convalescent homes, parks, and residential areas are examples of sensitive receptors. The nearest sensitive receptors to the Project Site include single-family residences located 150 feet to the north. The nearest school is Mountain View High School, located approximately 1,480 feet to the northeast of the Project Site. The Project will add additional sensitive receptors including new residences and a daycare center. Depending on construction buildout phasing, these sensitive receptors may exist during a portion of the construction work.

Climate Change

Climate change would not only have global impacts, such as more erratic weather patterns, more frequent droughts, and rising sea level, but could cause regional and local impacts as well. Climate change has the potential to result in winters becoming milder, summers becoming hotter thus shrinking snowpacks, and overall temperatures becoming unseasonably warm which would lead to rapid spring melts. Climate Change can also lead to increased wildfires.

The heat-trapping or “global warming” potential (GWP) of a gas is compared to carbon dioxide (CO2) as a baseline – which has a heat trapping potential of one – and is reported in terms of carbon dioxide equivalent (CO2e), usually over a 100-year time frame. The GWP of a GHG decreases over time, and the length of time a GHG remains in the atmosphere can vary substantially. The Project Site is currently vacant aside from the corporation yard/maintenance facility on APN 028-410-018 and a storage area on APN 028-410-015 and does not generate significant vehicle trips, electricity use, or other activities such that a significant amount of gases are produced. The there may be some change of carbon sequestration of the land as the site is developed depending on the extent of development and amount of landscaping and preservation of vegetation and trees occurs.

IMPACT ANALYSIS

Impacts to ambient air quality could be significant if construction or operation of the project alternatives would result in violations of federal Clean Air Act (CAA) provisions, or if emissions would impede a state's ability to meet the NAAQS. The Project Site is in a region classified as being in attainment for all CAPs. Under the federal CAA (40 CFR Part 93), if a region is in attainment for all CAPs, then the region meets the NAAQS and there are no de minimis levels or thresholds for a project's emissions unless the area is in a maintenance area. The threshold for NOx in an ozone attainment area is 100 tons per year. Therefore, for the purposes of this analysis a significant impact would occur if the alternatives would adversely affect public health or safety (40 CFR § 1508.27 [b][2]) or threaten a violation of applicable federal, State, or local law or requirements imposed for the protection of the environment (40 CFR § 1508.27 [b][10]). In accordance with the Federal Conformity Regulation, project emissions of CAPs in an attainment area would have a less-than-significant impact on regional air quality.

Construction activities would consist of land clearing, vegetation/tree removal, mass earthwork, fine grading, building, road work, and parking lot construction. A fleet mix of trucks, scrapers, excavators, and graders would be used to complete the construction of Alternative A. Reactive organic gasses (ROG), NOx, SO2, carbon monoxide (CO), GHG, and particulate matter (PM) emissions would be emitted from heavy equipment from the combustion of diesel fuel and generation of fugitive dust. The HAPs associated with fossil fuel combustion including DPM and gasoline associated HAPs would also be emitted. Effects on air quality during construction were evaluated by estimating the quantity of each CAP emitted over the duration of the construction period. PM10 and fine particulate matter 2.5 microns in diameter (PM2.5) are the pollutants of concern resulting from earth-moving and fine-grading activities.

Emissions from equipment, mobile sources, and architectural coating applications were calculated using the California Emissions Estimator Model (CalEEMod) version 2022.1.1.22 (refer to CalEEMod output in **Appendix AIR**). CalEEMod is the air quality modeling tool preferred by AQMDs and APCDs statewide. CalEEMod utilizes land use and transportation data from projects to estimate project emissions using local emission factors from sources such as energy and transportation. CalEEMod accounts for increases in fuel efficiency, renewable energy procurement, and energy efficiency mandated by state laws and included in the State's State Implementation Plan. Published emissions factors from CARB which are approved for use by USEPA were applied to project-specific estimates of equipment use, number of construction employee and vendor vehicle trips, and application rates of architectural coatings based on square footage of the components of Alternative A. Implementation of BMPs were incorporated in the construction and operational emissions to the extent that they are quantifiable in CalEEMod.

Currently there is no estimate of the amount of net import or export of material from the Project Site. In this case the demolition, site preparation, and grading phases were assumed to have up to 10 truck trips per day to account for the potential truck trips. The building footprint of each of the 36 houses was assumed to range from approximately 1,800 square feet to 2,400 square feet, the driveways were assumed to cover approximately 9,308 square feet, and the internal roads would be 24 feet wide. Non-residential buildings were assumed to have an average footprint of 13,700 square feet. On-site parking was approximated to be 59,000 square feet.

Operational emissions were calculated by quantifying operation-related fuel combustion from building energy, stationary engines, and mobile sources using CalEEMod. Emissions were calculated in the buildout

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

Federal General Conformity

Conformity regulations apply to federal actions that would cause emissions of CAPs above certain levels to occur in locations designated as nonattainment or maintenance areas for the emitted pollutants. The Project Site is located in an area that is classified as being in attainment for all NAAQS. Therefore, a federal general conformity analysis is not required for Alternative A.

Carbon Monoxide Hot Spot Analysis

Implementation of Alternative A would result in emissions of carbon monoxide. Because carbon monoxide disperses rapidly with increased distance from the source, emissions of carbon monoxide are considered localized pollutants of concern rather than regional pollutants and can be evaluated by Hot Spot Analysis. A Hot Spot Analysis is only required for areas that are in nonattainment or under a maintenance plan for carbon monoxide. Shasta County is in attainment and is not under a maintenance plan, thus no carbon monoxide hot spot analysis is required.

Federal Class I Areas

If Alternative A emits greater than the PSD threshold of 250 tons per year (tpy) of any one CAP from stationary sources during construction or operation, then a best available control technology analysis would be conducted. Emissions are below the 250 tons per year threshold. Therefore, no further analysis is required.

Tribal New Source Review

The Tribe would be required to apply for a permit under the NSR requirements of the CAA if stationary source operational emissions of regulated pollutants would exceed the thresholds. Currently there is no equipment that is assumed to need a tribal NSR permit.

Construction Emissions

Construction of Alternative A would result in emissions of PM_{10}, NO_X, SO_X, CO ROGs, GHGs, and HAPs (primarily in the form of DPM) from construction equipment, tree removal, and hauling, and grading activities. Construction is anticipated to begin in 2024 and last approximately 12 months. Construction is assumed to occur for eight hours a day, five days a week. The construction emission totals for Alternative A are shown in **Table AIR-3** (see **Appendix AIR** model output files). The Project Site is in a region classified as being in attainment for all CAPs; therefore, in accordance with 40 CFR Part 93, construction of Alternative A would not cause an exceedance of NAAQS. However, construction of Alternative A would produce DPM and fugitive dust (PM10) that may impact the residences immediately adjacent to the Project Site.

TABLE AIR-3

CONSTRUCTION EMISSIONS – ALTERNATIVE A

Construction Year	Criteria Pollutants (Tons per Year)					
	ROG	**NOx**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
2024	2.21	2.72	3.10	0.00	0.24	0.16
***de minimis* Level**	N/A	100	N/A	N/A	N/A	N/A

Notes: N/A = Not Applicable. *De minimis* levels are not applicable because the project area is in attainment, as discussed above for Attainment Status.

Source: **Appendix AIR**

BMPs identified in **Section 2.1.5** would minimize construction-related emissions of CAPs and reduce fugitive dust emissions. With the implementation of BMPs, construction of Alternative A would not result in significant adverse impacts associated with the regional air quality environment.

Operational Emissions

Buildout and operation of Alternative A would result in the generation of mobile emissions from residents, patrons of commercial buildings, employee, and delivery vehicles, as well as stationary-source emissions from combustion of natural gas in stoves, heating units, and other equipment. Estimated mobile-source and stationary-source emissions from operation of Alternative A are provided in **Table AIR-4**. Detailed calculations of vehicle and area emissions are included in **Appendix AIR.**

The Project Site is in a region classified as being in attainment for all CAPs and is below the designated thresholds for the Tribal Minor New Source Review permit. In addition, BMPs provided in **Section 2.1.5** would minimize CAP emissions resulting from operation of Alternative A. With implementation of BMPs, Alternative A would not result in significant adverse impacts associated with the regional air quality environment. Operation of Alternative A would not affect public health and safety and would be compliant with federal mandates for operational vehicle and area emissions.

TABLE AIR-4

2025 OPERATIONAL EMISSIONS – ALTERNATIVE A

Sources	Criteria Pollutants (Tons per Year)					
	ROG	**NOx**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Area	3.13	0.05	3.30	0.01	0.38	0.38
Energy	0.01	0.19	0.15	0.00	0.01	0.01

Sources	Criteria Pollutants (Tons per Year)					
	ROG	**NOx**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Mobile	1.44	1.28	7.51	0.01	1.12	0.30
Total Emissions	4.57	1.52	11.00	0.02	1.52	0.69
de minimis* Level	N/A	100	N/A	N/A	N/A	N/A

Notes: N/A = Not Applicable; *de minimis* levels are not applicable due to attainment status.

Source: **Appendix AIR**

CUMULATIVE IMPACTS

Air Quality

Past, present, and future development projects contribute to a region's air quality conditions on a cumulative basis; therefore, by its very nature, air pollution is largely a cumulative impact. If a project's individual emissions contribute toward exceedance of the NAAQS, then the project's cumulative impact on air quality would be significant. In developing attainment designations for criteria pollutants, the USEPA considers the region's past, present, and future emission levels. As shown in **Table AIR-4**, operational emissions of criteria pollutants would be considerably less than *de minimis* levels and thus have a less than significant cumulative impact.

Climate Change

Table AIR-5 shows the direct construction and area GHG emissions, annual indirect operation GHG emissions in metric tons of carbon dioxide equivalents for Alternative A. The federal government has enacted measures that would reduce GHG emissions from mobile sources, some of which have been accounted for in the air quality model used to estimate mobile emissions. Consistent with the 2023 CEQ Guidance and SO 3399, BMPs are included to reduce project related GHG emissions, such as reducing the idling of heavy equipment and thus CO2 emissions. Operational BMPs would reduce indirect GHG emissions from electricity use, water and wastewater transport, and waste transport through the installation of energy efficient lighting, heating and cooling systems, low-flow appliances, and drought resistant landscaping. Operational BMPs would also reduce indirect mobile GHG emissions by requiring adequate ingress and egress to minimize vehicle idling and preferential parking for vanpools and carpools to reduce project-related trips. In addition, tribal policies would encourage the use of alternative fueled vehicles as well as ensuring residences are electrical vehicle charging ready as well as other parking areas have electric vehicle charging stations. Direct and indirect GHG emissions are not substantial; however, project-related GHG emissions have been quantified (**Table AIR-5**) and will be reduced with the implementation of BMPs. This approach is consistent with the 2023 CEQ Guidance, which directs agencies to quantify direct and indirect emissions of project alternatives and to consider GHG reduction measures

that are reasonable and consistent with achieving the purpose and need. GHG emissions resulting from Alternative A are primarily indirect (indirect mobile emissions from delivery, patron, and employee vehicles).

TABLE AIR-5

CONSTRUCTION AND OPERATIONAL GHG EMISSIONS

EMISSIONS TYPE	GHG EMISSIONS (MT OF CO_2E/YEAR)
Construction	
Construction	545
Operation	
Area	56
Energy	405
Mobile	1,319
Solid Waste	57.5
Water/Wastewater	24.5
Refrigeration	0.12
Total	
Annual Operation GHG Emissions	1,862

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

Note: CO_2e = carbon dioxide equivalent; GHG = greenhouse gas; MT = metric ton; \.

The federal government has enacted measures that would reduce GHG emissions from mobile sources, some of which have been accounted for in the air quality model used to estimate mobile emissions. Consistent with the 2016 CEQ Guidance, SO 3399, and the CARB 2022 Scoping Plan, BMPs have been provided in **Section 2.1.5** to reduce Alternative A related GHG emissions, such as reducing the idling of heavy equipment and, thus, CO2 emissions and social costs. Operational BMPs would reduce indirect GHG emissions from electricity use, water and wastewater transport, and waste transport through the installation of energy-efficient lighting, heating and cooling systems, low-flow appliances, drought-resistant landscaping, and recycling receptacles. Operational BMPs would also reduce indirect mobile GHG emissions by requiring adequate ingress and egress to minimize vehicle idling and preferential parking for vanpools and carpools to reduce trips as well as providing infrastructure for future electrical vehicle charging.

Direct and indirect GHG emissions are not substantial; however, Alternative A-related GHG emissions have been quantified (**Table AIR-5**; **Appendix AIR**) and would be reduced with the implementation of BMPs provided in **Section 2.1.5**. This approach is consistent with the 2016 CEQ Guidance and 2023 Interim Guidance, which directs agencies to quantify direct and indirect emissions of projects and to consider GHG reduction measures that are reasonable and consistent with achieving the purpose and need for a proposed action. Additionally, the implementation of project BMPs, such as using clean fuel vehicles, installing energy-efficient appliances, and promoting waste reduction, is consistent with the intent of SO 3399 and the CARB 2022 Scoping Plan to reduce GHG emissions and contribute to the global effort to reduce climate change impacts on disadvantaged communities.

The BMPs provided in **Section 2.1.5** are consistent with these state strategies and with those consistent with the 2023 CEQ Guidance and SO 3399, which directs agencies to quantify direct and indirect emissions of project alternatives and to consider GHG reduction measures that are reasonable and consistent with achieving the purpose and need. These strategies would include using clean fuel vehicles, implementing low-flow appliances and water reuse, planting additional on-site trees, installing energy-efficient lighting and appliances, and promoting waste reduction and diversion. Therefore, implementation of Alternative A would have less-than-significant cumulative adverse effects associated with climate change.

3.2.4 LIVING RESOURCES

REGULATORY SETTING

The regulatory setting concerning biological resources is summarized in **Table LIV-1** below, and additional information on the regulatory setting can be found in **Appendix REG**.

ENVIRONMENTAL SETTING

Methodology

A biological resources survey was conducted on August 22, 2022 and August 23, 2022. Dominant vegetative communities were identified, surface waters were mapped, and the potential for special-status species to occur was evaluated. In addition to site visits, current and historical aerial imagery and topographic maps were reviewed. The following databases were also queried and are included in **Appendix BIO**:

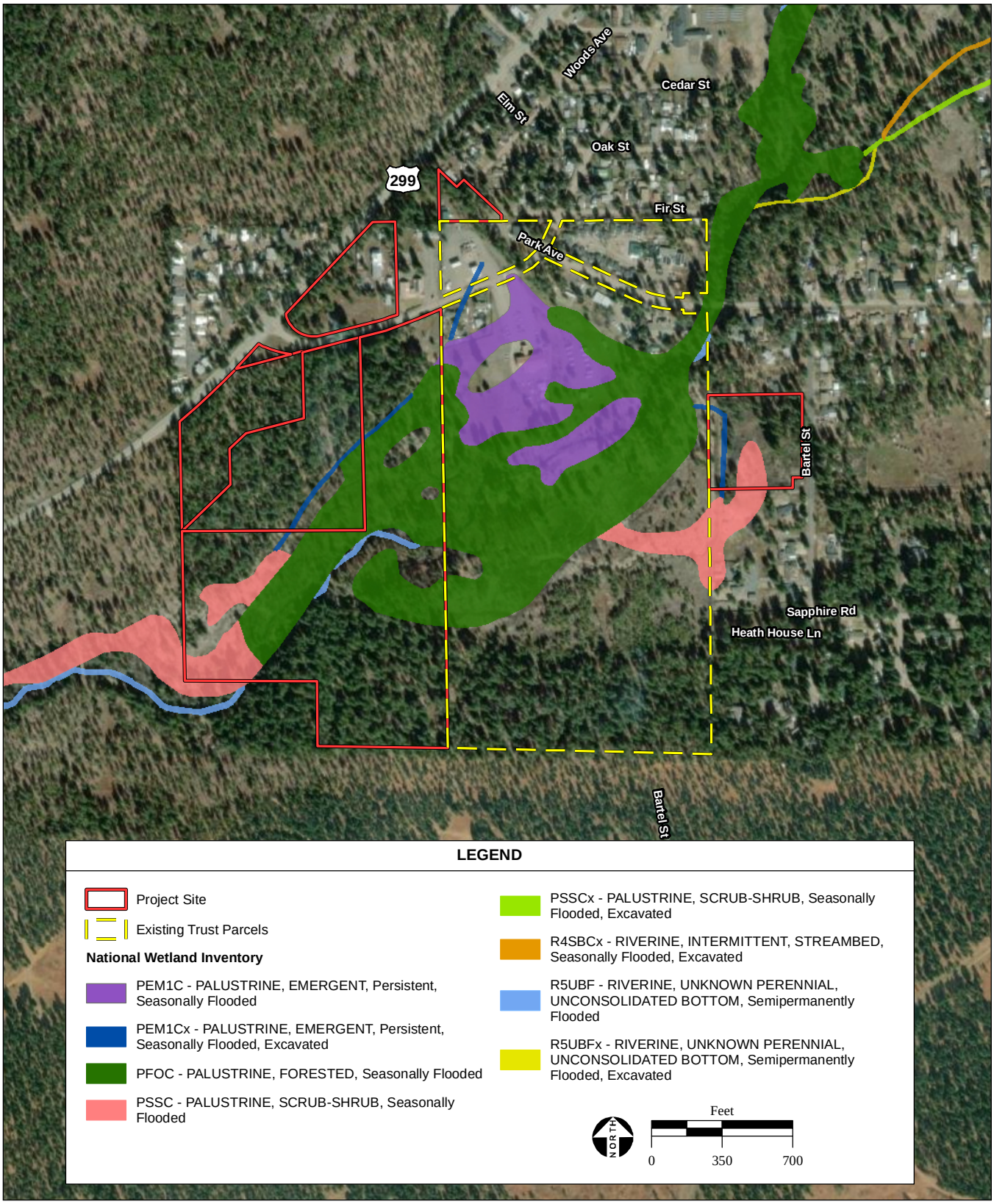
- USFWS list of federally-listed species with potential to occur on the Project Site (USFWS, 20224a);
- Map of USFWS proposed and designated Critical Habitat (USFWS, 2024b);
- Map of National Oceanic and Atmospheric Administration (NOAA) Fisheries Essential Fish Habitat Mapper (NOAA, 2023a);
- Map of NOAA Fisheries proposed and designated Critical Habitat Mapper (NOAA, 2024b);
- Natural Resources Conservation Service (NRCS) Custom Soil Resource Report (**Appendix SOIL**);
- USFWS National Wetlands Inventory (NWI) map of wetland features (**Figure 8**).
- California Native Plant Society (CNPS) query of special-status species known to occur in the Burney and Burney Mountain West quad (CNPS, 2024); and
- California Natural Diversity Database (CNDDB) query of special-status species with the potential to occur within the Burney and Burney Mountain West quad (CDFW, 2024)

TABLE LIV-1

REGULATORY POLICIES AND PLANS RELATED TO BIOLOGICAL RESOURCES

Regulation	Description
Federal	
Federal Endangered Species Act (ESA)	– Enforced by the U.S. Fish and Wildlife Service (USFWS) for terrestrial species. – Protects federally listed wildlife and their habitat from take. – Requires consultation under Section 7 of the ESA if take of a listed species is likely to occur from an otherwise lawful activity.

Regulation	Description
	– Considers habitat loss an impact to the species. – Defines Critical Habitat as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species.
Migratory Bird Treaty Act (MBTA)	– Protects migratory birds and requires project-related disturbances to be reduced or eliminated during the nesting season.
Bald and Golden Eagle Protection Act	– Prohibits take, possession, and commerce of bald and golden eagles and associated parts, feathers, nests, or eggs with limited exceptions. – The bald eagle was federally delisted under the ESA in 2007; however, provisions of the act remain in place for bald and golden eagles.
Clean Water Act (CWA) Sections 404 and 401	– Defines "Waters of the United States" subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). – Affords for the regulation of filling or dredging of Waters of the U.S. under the authority of Section 404 of the CWA by USACE. – Projects requiring a 404 permit under the CWA also require a Section 401 certification from either USEPA for trust land, or the Regional Water Quality Control Board (RWQCB) for non-trust land.
State and Local	–
California Endangered Species Act	– Identifies state-protected plants and animals. – Prohibits the take of species protected under the California Endangered Species Act.
California Department of Fish and Game Code	– Protects birds and their nests. – Requires permits for impacts to lakes, streams, and riparian habitat. – Protects other special-status species not protected under the California Endangered Species Act.
Shasta County General Plan	– Identifies the objectives and policies to address the need to preserve unique and important aquatic, fish and wildlife habitats, and plant communities for their biological resource and ecological values, as well as for their direct and indirect benefits to the citizens of Shasta County.



SOURCE: USFWS National Wetland Inventory for "'Susanville, CA" USGS 100k Topographic Quadrangle, 1981"; Shasta County Parcels, 2021; Maxar aerial photograph, 3/16/2022; ESRI, 2023; Montrose Environmental, 8/9/2023

Figure 8
National Wetland Inventory Map

Habitat Types

A habitat map is provided in **Figure 9**. The Project Site is comprised of shrub and grassland, riparian, mixed conifer forest, and ruderal/developed habitats. Additionally, a portion of Burney Creek is present within the 37.46-acre parcel APN 028-410-016 along with associated ephemeral drainages within this and the 11.44-acre parcel APN 028-410-015 (**Figure 9**), discussed further below.

The majority of the site is comprised of mixed conifer forest. This habitat covers approximately 56.8 acres (89 percent) of the Project Site and consists of mixed-age stands dominated by ponderosa pine (*Pinus ponderosa*) and Douglas fir (*Pseudotsuga menziesii*) with a contingent of true fir (*Abies* sp.) and California black oak (*Quercus kelloggii*) with an understory consisting of mahala mat (*Ceanothus prostratus*) and sapling forms of canopy tree species. A large burn scar is located within this habitat type on the Project Site and along Burney Creek. Additionally, two berms exist within the mixed conifer forest community characterized by raised earth with prior disturbance presumably from logging or other earthmoving. Shrub and grassland habitat occurs interspersed within the Project Site in areas of open canopy. This habitat covers approximately 3.0 acres (4.6 percent) of the Project Site and is comprised of bare earth, native and non-native grasses with shrub species, including rye (*Secale* sp.), purple false-brome (*Brachypodium distachyon*), manzanita (*Arctostaphylos* sp.), creeping snowberry (*Gaultheria hispidula*), yellow star-thistle (*Centaurea solstitialis*), and silver sagebrush (*Artemisia cana*). Riparian habitat covers approximately 1.4 acres (2.2 percent) of the Project Site is found in a corridor along Burney Creek and is composed of thickly growing Oregon ash (*Fraxinus latifolia*) and California greenbrier (*Smilax californica*). Existing buildings and their associated compacted dirt roads and lots comprise the developed habitat occupying approximately 2.9 acres (4.5 percent) of the Project Site.

Aquatic habitat on the Project Site includes an agricultural ditch, a portion of Burney Creek and two ephemeral drainages, which are tributaries to Burney Creek (**Figure 9**).

Wetlands/Waters of the U.S.

Based on background review and site visits, aquatic habitat on the Project Site is limited to Burney Creek, two associated ephemeral drainages, and an agricultural ditch. Approximately 1,535 linear feet of Burney Creek and 1,896 linear feet of ephemeral drainages occur on the Project Site. The course of these features and Burney Creek are shown on **Figure 9**. The ephemeral drainages originate outside the Project Site within existing trust land and flow on-site into Burney Creek. Burney Creek is likely considered a water of the U.S. under current definitions. The ephemeral drainages are potentially considered waters of the U.S. under USACE jurisdiction, exhibiting some evidence of water conveyance in the form of material racking and some scour. It may be possible for Burney Creek to backflow into these drainages in flood conditions per observation of the topography.

Special-Status Species

No State or federally-listed species were observed on the Project Site. According to the USFWS, the following five federally-listed species have the potential to occur in the vicinity of the Project Site (**Appendix BIO**):

- Shasta crayfish (*Pacifastacus fortis*)
- Conservancy fairy shrimp (*Branchinecta conservatio*)

- Northern spotted owl (*Strix occidentalis caurina*; NSO)
- Slender Orcutt grass (*Orcuttia tenuis*)
- Monarch butterfly (*Danaus plexippus*)

Burney Creek is the only surface water present on the Project Site. This creek is relatively channelized in areas, exhibits evidence and channel characteristics of high flow events, and contains gravel and cobble substrate with boulders. However, this creek does not provide the type of habitat suitable to support two federally-listed aquatic/water-bound species (Shasta crayfish and Conservancy fairy shrimp) identified above. The Project Site also lacks suitable seasonal wetland habitat for slender Orcutt grass, which requires mesic soils, seasonal wetland, and/or vernal pool habitat(s). The broader habitat is wooded with a history of disturbance and is suitable to support nesting northern spotted owl within the more mature stands of conifers and snags. Two federal candidates for listing also have the potential to occur in the vicinity of the Project Site per **Appendix BIO**: Monarch butterfly (*Danaus plexippus*) could periodically occur onsite, though the Project Site lacks suitable breeding host plants necessary for Monarch butterflies. The project site could potentially support migrating Monarch butterflies especially along Burney Creek. In addition, the USFWS in October of 2023 declared that the northwestern pond turtle ([NWPT]: *Emys [Actinemys] marmorata*) is a candidate for listing under the ESA. Burney Creek and associated upland areas along Burney Creek could potentially support northwestern pond turtle. There is a documented occurrence for pond turtle approximately seven miles northeast of the project site (CDFW 2023).

The Project Site contains no suitable habitat for federally listed plant species known to occur in the region. It contains suitable habitat for one federal special-status animal species (northern spotted owl) (**Appendix BIO**). It could also support two candidate species (Monarch butterfly and northwestern pond turtle). Special-status species were not observed during site surveys. Special-status species formally listed by the state and/or recognized by state agencies, CNPS, or other local jurisdictions due to rarity or vulnerability to habitat loss or population decline are generally not afforded formal protection once the land is in trust. Therefore, state-listed or state sensitive plant and wildlife species are not discussed further in this document.

Nesting Migratory Birds

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

Critical Habitat

There is no proposed or designated Critical Habitat by USFWS or NOAA on or near the Project Site (**Appendix BIO**). Additionally, there is no Essential Fish Habitat (EFH) present on the Project Site (NOAA, 2023a).

IMPACT ANALYSIS

Impacts to living resources could be significant if Alternative A:

- Has a substantial adverse effect on species listed under the FESA;
- Has a substantial adverse effect on habitat necessary for the future survival of such species, including areas designated or proposed as Critical Habitat by the USFWS or areas designated as

EFH by the National Marine Fisheries Service (NMFS);
- Results in a take of migratory bird species as defined by the Migratory Bird Treaty Act (16 USC §703-712);
- Results in take of bald or golden eagles as defined under the Bald and Golden Eagle Protection Act; or
- Has a substantial adverse effect on federally protected wetlands or other waters as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means.

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

Habitats

Alternative A would disturb approximately 0.7 acres of shrub and grassland habitat, 11.9 acres of mixed conifer forest, and 0.1 acres of developed habitats. Developed habitat is not considered sensitive as it has previously been modified from its original state and provides little value to sensitive wildlife species. Vegetation within developed areas is limited to weedy species and some landscaping. Similarly, the shrub and grassland habitat is not considered sensitive and is not afforded special protection at the state or federal level. Although forested habitats such as mixed conifer forests generally provide a greater value to plants and wildlife than other vegetation communities onsite, this habitat type is not considered sensitive or of limited distribution. The majority of this habitat will be avoided by Alternative A with approximately 81 percent (46 acres) preserved through project design.

Burney Creek and its associated riparian habitat would be considered sensitive habitats along with the two associated ephemeral drainages. As these habitats are considered sensitive, impacts to Burney Creek, associated riparian habitat, or the ephemeral drainages would be considered significant. These sensitive habitats would not be directly impacted as a result of Alternative A. As noted in **Section 2.1.5**, Alternative A would avoid the aquatic and riparian habitats on the Project Site.

Although Alternative A would not result in direct impacts to sensitive aquatic or riparian habitats, construction of Alternative A could result in degradation of these habitats, should impaired runoff escape the impact area and infiltrate into these habitats. However, a National Pollutant Discharge Elimination System (NPDES) Construction General Permit for stormwater discharges associated with construction activity would be required for the construction of Alternative A as the disturbance area would be greater than one acre.

As required by the NPDES permit, a stormwater pollution prevention plan (SWPPP) would be prepared and implemented prior to the construction of Alternative A. The SWPPP would contain BMPs to capture impaired runoff from the construction site. Therefore, with compliance with the required SWPPP, Alternative A would not result in direct impacts to sensitive habitat.

Avoidance of sensitive habitats via project design, the associated SWPPP with additional BMPs, and inclusion of BMPs identified in **Section 2.1.5** would reduce potential impacts to sensitive habitats to a less-than-significant level.

Wetlands/Waters of the U.S.

As discussed above, potential waters of the U.S. on the Project Site are limited to Burney Creek and potentially features that are hydrologically connected to Burney Creek. Alternative A would not impact Burney Creek, or the hydrologically connected features (ephemeral drainages and agricultural ditch), which represent the totality of the potential waters of the U.S. within the Project Site. Therefore, there would be no impact to jurisdictional waters.

Special-Status Species

Based on biological desktop review and survey results, one federally-listed species may have the potential to nest within the mixed conifer forest on the Project Site: northern spotted owl (NSO). In addition, the federal candidate species (Monarch butterfly and northwestern pond turtle) may occur within the Project Site. The nearest observation for NSO is more than 5 miles to the northwest of the Project Site from 2021 (CDFW, 2023). NSO critical habitat is approximately 7.5 miles northwest of the Project Site (USFWS, 2023b). The majority (approximately 81 percent; 46 acres) of the suitable habitat onsite for this species has been avoided in project design. However, should construction commence during the NSO nesting season (April 1 – June 1), visual and auditory disturbance associated with construction could generate a potentially significant impact to NSO, should they be nesting near an impact area. Impacts to this species would be avoided through implementation of mitigation measures identified in **Section 4.0.**

The nearest documented occurrence for northwestern pond turtle is approximately 7 miles northeast of the Project Site (CDFW 2023). Since it is a candidate species, no critical habitat has been designated for northwestern pond turtle. Suitable aquatic habitat for this species is avoided by the Project. However, construction could impact this species if it is present within upland areas during construction. This could be a potentially significant impact. Impacts to this species would be avoided through implementation of mitigation measures identified in **Section 4.0.**

The nearest documented occurrence for Monarch butterfly is approximately 5.5 miles east of the Project Area (CDFW 2023). Since it is a candidate species, no critical habitat has been designated for Monarch butterfly. Since this species would only be expected to occur within the Project Area during migration, no species-specific mitigation measures are proposed for monarch butterfly. The potential movement corridor along Burney Creek will be avoided during construction through project design that avoids impacts to the Creek corridor and associated floodplain.

Nesting Migratory Birds

Nesting migratory birds may occur on and in the vicinity of the Project Site. The general nesting season occurs between February 15 and September 15. Should active nests occur on or within 500 feet of an impact area, ground disturbance associated with the construction of Alternative A could adversely affect nesting birds through direct removal of nests during construction or abandonment of nests from increased lighting, noise, or human activity. Mitigation included in **Section 4.0** would avoid adverse impacts through conducting a preconstruction nesting bird survey for construction activities that occur during the nesting season and the establishment of a disturbance-free buffer around active nests in the event that active nests are found. With the implementation of the mitigation measures identified in **Section 4.0**, potential adverse effects to nesting migratory birds would be reduced to a less than significant level.

Critical Habitat

Designated or proposed Critical Habitat does not occur within or adjacent to the Project Site (USFWS 2023b). Waterways or hydrological connections to waters that support EFH do not occur within the Project Site. Alternative A would not affect Critical Habitat or EFH.

CUMULATIVE IMPACTS

The Project Site does not contain designated Critical Habitat or EFH. Alternative A would, therefore, not contribute to cumulative impacts to these resources. Alternative A would not impact sensitive habitats, including waters of the U.S. Therefore, Alternative A would not contribute to cumulative impacts to these resources.

Additionally, with the inclusion of mitigation in **Section 4.0**, potential impacts to nesting birds and federally listed species would be avoided, therefore, Alternative A would not contribute to cumulative impacts to these resources. As Alternative A would avoid potential impacts to federally listed or protected biological resources with the inclusion of mitigation in **Section 4.0**, cumulative impacts to sensitive biological resources would not occur.

3.2.5 CULTURAL RESOURCES

REGULATORY SETTING

The cultural resources regulatory setting information is summarized in **Table CUL-1** below, and more detailed information can be found in **Appendix REG**.

TABLE CUL-1

REGULATORY POLICIES AND PLANS RELATED TO CULTURAL RESOURCES

Regulation	Description
Federal	
Section 106 of the National Historic Preservation Act	– Federal agencies must identify cultural resources that may be affected by actions involving federal lands, funds, or permitting actions and provide the Advisory Council on Historic Preservation a reasonable opportunity to comment before making decisions. – Significance of the resources must be evaluated for National Register of Historic Places (NRHP) eligibility. – If an NRHP-eligible resource will be adversely affected, measures to avoid or reduce adverse effects must be taken.
Archaeological Resources Protection Act	– Archaeological resources and sites on public and Indian lands are protected resources.
Native American Graves Protection and Repatriation Act	– Includes provisions governing the repatriation of Native American remains and cultural items under the control of federal agencies and institutions that receive federal funding ("museums"), as well as the ownership or control of cultural items and human remains discovered on federal or tribal lands.
Paleontological Resources Preservation Act	– Paleontological resources on federal lands are protected resources.

State and Local	
PRC Section 21083.2	– Requires consideration of significant impacts on historical or unique archaeological resources.
CEQA Guidelines Section 15064.5	– Criteria for the California Register of Historical Resources.
CA Health and Safety Code Section 7050.5	– Procedures following the discovery of human remains.
Assembly Bill 52	– Tribal consultation.
Shasta County General Plan	– The Heritage Resources Element is intended to identify and protect sites and structures of architectural, historical, archaeological, or cultural significance.

ENVIRONMENTAL SETTING

Methodology

A cultural resources study was prepared and included a literature search, field survey, and tribal consultation to identify and evaluate any prehistoric or historic-period resources within or adjacent to the Project Site that may be impacted by Alternative A (**Appendix CULTURAL**). The entire Project Site is considered the Area of Potential Effects (APE). It is presumed that construction may go to 6 feet below ground surface.

On July 27th and 28th, 2022, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology conducted a pedestrian survey of the Project Site. The archeologist was accompanied by a tribal monitor and used transects spaced approximately 100 feet wide. The landscape was dominated by large conifers, with a carpet of needles on the ground limiting overall ground surface visibility to an approximate average of 10 percent.

Prehistoric Setting

Northeastern California contains three main geomorphic provinces, the Cascade Range to the west, the Modoc Plateau to the east, and the Great Basin in between. Despite the rugged and seemingly desolate nature of the terrain, hunter-gatherer populations exploited many of the regional ecological zones, which offered a wide range of plants and animals for subsistence. Regional rivers and streams provided salmon, trout, and freshwater mussels, while terrestrial resources included deer, elk, bear, rabbit, avifauna and small game.

The following is a summary of temporal periods established for northeastern California. The Early Holocene period (>5000 B.C.) is identified by Clovis tradition points and other large stone tool types such as lanceolates, large cores, bifaces, edge modified flakes, and crescents. While these tools have not been found in a directly datable context, they are currently assumed to represent Clovis era traditions (11,500–9500 B.C.) based on the similarity of their morphological attributes with other regional assemblages found in datable contexts. Technological sophistication during the Post-Mazama period (5000 B.C.–3000 B.C.) is evident through the development of refined tools such as large side notched projectile points, antler wedges, mortars with V shaped bowls, and pointed pestles, T-shaped drills, tanged blades, and flaked

stone pendants. Regionally, semi-subterranean dwellings are also recognized during this time period. The Early Archaic period (3000 B.C.–1500 B.C.) a is marked by increased population density with seasonal base camps, milling equipment and bifacial knives, and heavy core implements. The Middle Archaic period (1500 B.C.–A.D. 700) is characterized by occupation sites that exhibit increased sedentism. The transition to the Late Archaic period (A.D. 700–A.D. 1400) is marked by significant changes in the tool assemblage, settlement, and subsistence patterns, owing largely to what researchers call the Medieval Climatic Anomaly, a drought interlude that occurred between A.D. 900 and A.D. 1400. The Late Archaic is typically marked by the presence of the Rose Spring and Gunther barbed projectile points, which are indicative of bow and arrow technology in the region and ceramics beginning around A.D. 900. Desert side-notched and Cottonwood arrow points are the dominant projectile point types during the Terminal Prehistoric period (A.D. 1400–Contact), although the Gunther series are also found in these assemblages.

Ethnographic Setting

The Pit River Indians have a varied material culture in response to great variation in elevation, climate, and vegetation of their homeland. In the west, Mount Shasta (14,162 feet) and Lassen Peak (10,466 feet) served as the northwest and southwest corners of Pit River Indian territory. The eastern boundary separating the Pit River from the Northern Paiute is marked by the Warner Range. Twenty peaks with elevations greater than 6,000 feet are scattered over the Pit River interior area, breaking it into many distinct valley and stream systems (Pit River Tribe, 2023).

The Project Site is within the traditional territory of the Atsuge, one of the 11 autonomous bands that make up the Tribe; these include the Ajumawi, Atsugewi, Atwamsini, Ilmawi, Astarawi, Hammawi, Hewisedawi, Itsatawi, Aporige, Kosalektawi, and Madesi, that for thousands of years have resided in the area known as the 100-mile square, located in parts of Shasta, Siskiyou, Modoc, and Lassen counties in the State of California (Pit River Tribe, 2022).

Native American Consultation

Montrose coordinated with THPO Natalie Forest-Perez prior to the field survey, who arranged for Atsuge Cultural Specialist/Monitor Bill George to attend the cultural survey. Montrose presumes that any further consultation would be conducted by the BIA as the federal lead agency.

Paleontological Resources

The University of California Museum of Paleontology specimen search indicates that over 11,000 fossils have been recovered from Shasta County (UCMP, 2023). They represent a broad spectrum of mammal and avian species, including bear, horse, feline, deer, rabbit, and reptiles. The majority are Pleistocene fossils recovered from Potter Creek Cave and Samwell Cave, located approximately 31 miles west of the Project Site.

IMPACT ANALYSIS

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

- Physical destruction of or damage to all or part of the resource

- Alteration of a resource
- Removal of the resource from its historic location
- Change of the character of the resource's use or of physical features within the resource's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the resource's significant historic features
- Neglect of a resource that causes its deterioration
- Transfer, lease, or sale of the property

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

Impacts to cultural and paleontological resources were evaluated using a combination of background research and a pedestrian survey completed in July 2022. The record search included the APE and a 0.5-mile surrounding buffer to identify any previously known or recorded cultural resources or surveys within the APE. Historic maps were also reviewed including general land office plat maps and historic topographic maps. According to the records search results, three resources have been identified within 0.5 miles of the APE: CA SHA 3063H, a segment of the McCloud River Railroad; CA SHA 4669H, a hand split rail fence section; and P 45 004470, the Greer-Cornaz Ditch. Six archaeological surveys have been completed that include some portion of the APE, and another eight surveys have been completed within 0.5 miles of the APE (**Appendix CULTURAL**).

Cultural and Paleontological Resources

Two resources were identified during the survey. The first was a 1950s to 1960s debris scatter which included a collection of milk, syrup, steel beverage, and sanitary cans as well as bedsprings, clear glass jugs, and a washing machine and dryer. The second was a segment of the Greer-Cornaz irrigation ditch. The area south of Burney Creek was heavily vegetated in the west, becoming more open towards the central portion of APN 028-410-016; however, there were a mass of braided overflow channels and deep secondary channels within approximately 100 feet of the southern edge of Burney Creek. The volume and velocity of water required to create the channels was considered sufficient to scour away any cultural deposits at or near the ground surface. The debris scatter represents a domestic deposit of common food containers and household items. There are no connections with events or persons significant in the past (NRHP Criteria A and B), the site includes no architectural or artistic qualities that would make it eligible for listing on the NRHP (Criterion C), nor does there appear to be any data potential (NRHP Criterion D). Therefore, the site is recommended as ineligible for listing on the NRHP.

The Greer-Cornaz Ditch segment within the APE is representative of the need for water conveyance systems that is ubiquitous throughout California. It is not particularly deep or wide and is currently maintained. It was named after regional pioneers but is not connected to specific people otherwise. For these reasons, even though the ditch segment within the APE is intact, appears to be in current use, and is over 50 years old, it does not appear to be eligible to the NRHP under Criteria A or B. The ditch does not show evidence any feats of engineering (NRHP Criterion C), and previous recordation, with the addition

of the segment found within the APE, includes any data available under NRHP Criterion D. Therefore, the segment of the Greer Cornaz Ditch crossing the APE is recommended as ineligible for listing on the NRHP.

Due to the presence of Burney Creek, the APE is considered to be located in a moderate to high sensitivity area for buried cultural resources which might be uncovered during the construction of Alternative A. Mitigation included in **Section 4.0** would reduce potential impacts to cultural or paleontological resources by requiring testing, documentation, removal, or other measures as appropriate.

CUMULATIVE IMPACTS

Cumulative effects to cultural resources typically occur when sites that contain cultural features or artifacts or paleontological resources are disturbed by development. As these resources are destroyed or displaced, important information is lost and connections to past events, people and culture is diminished. No cultural or paleontological resources were identified within or adjacent to the Project Site, though the Project Site has a moderate to high potential for these resources. If cultural resources are uncovered during construction, impacts to these resources are potentially significant; significant cumulative impacts to cultural or paleontological resources could occur if sites continued to be lost, damaged, or destroyed without appropriate recordation or data recovery. Mitigation for potential cumulative impacts to unknown cultural and paleontological resources has been specified in **Section 4.0**. Implementation of these measures would ensure that cumulative impacts remain less than significant.

3.2.6 SOCIOECONOMIC CONDITIONS/ENVIRONMENTAL JUSTICE

REGULATORY SETTING

The following describes the existing socioeconomic conditions and environmental justice considerations, as well as the potential impacts and mitigation measures relating to Alternative A. The regulatory setting for socioeconomic conditions is summarized in **Table SOCIO-1** below and further discussed in **Appendix REG**.

TABLE SOCIO-1

REGULATORY POLICIES AND PLANS RELATED TO SOCIOECONOMIC CONDITIONS

Regulation	Description
Federal	
Executive Order 12898	– Directs federal agencies to identify and address disproportionately high impacts of federal projects on the health or environment of minority, low-income, and Native American populations.
State and Local	
SB 1000 CA Code 65302(h)	– Requires jurisdictions include environmental justice goals and policies into their General Plan.
Shasta County General Plan	– Established the Regional Housing Needs Allocation Plan. – Aims to improve affordable housing stock. – Develop Socioeconomic equity.

ENVIRONMENTAL SETTING

Property Taxes

Property taxes for individual Project Site parcels for the 2022-2023 tax year are shown in **Table SOCIO-2**. For the 2022-2023 tax year, property taxes for the Project Site total $16,476.12 (Shasta County Treasurer, 2023). Approximately $214 million in property taxes was collected for the 2021-2022 fiscal year in Shasta County (Shasta County Budget 22-23, 2022).

Population

Shasta County has a population of approximately 181,935 and the Town of Burney (Town) has a population of approximately 3,377 (U.S. Census Bureau, 2021a (**Table SOCIO-3**). Between 2010 and 2021, the Town experienced a population increase of 9.3 percent, the County experienced a population increase of 2.8 percent, and California experienced a population increase of 7.7 percent (**Table SOCIO-4**).

The California Department of Transportation (Caltrans) projects that the population in Shasta County is expected to increase slowly through 2027. Net migration is expected to be positive which means that the number of people moving into the County is expected to exceed those moving out (Caltrans, 2022).

TABLE SOCIO-2

PROPERTY TAXES BY PARCEL

Assessor's Parcel Number (APN)	Acreage	Assessed Value	Property Taxes
028-170-015	1.1	$30,007	$376.26
028-410-014	6.09	$411,591	$4,654.36
028-410-015	11.44	$161,749	$1,738.60
028-410-016	37.46	$394,191	$4,237.12
028-410-018	4.0	$229,663	$2,468.60
028-410-025	0.22	$24,321	$283.44
028-450-033	4.94	$240,000	$2,717.74
Total	**65.25**	**$1,491,552**	**$16,476.12**

SOURCE: Shasta County Treasurer, 2023

TABLE SOCIO-3

DEMOGRAPHIC SUMMARY

Area or Census Tract	Total Population	White (Alone)	African American	American Indian or Alaskan Native	Asian	Native Hawaiian or other Pacific Islander	Other Race	Two or More Races	Hispanic or Latino*	Total Minority	Percent Minority
California	39,455,353	14,109,297	2,128,184	124,341	5,802,086	134,692	149,096	1,413,870	15,593,787	16,027,265	64.2
Shasta County	181,935	141,948	2,026	3,456	5,944	199	373	8,459	19,530	43,421	21.9
Burney	3,377	2,892	61	59	0	0	0	192	173	485	14.3

Source: U.S. Census Bureau, 2021a

TABLE SOCIO-4

REGIONAL POPULATION

Location	2010	2021	% Change (2010-2021)	% Annual Growth Rate
California	36,637,290	39,455,353	7.7	0.7
Shasta County	176,906	181,935	2.8	0.3
Burney	3,091	3,377	9.3	0.01
Sources: U.S. Census Bureau, 2010a; U.S. Census Bureau, 2021a				

Housing

The Project Site is undeveloped, with the exception of a maintenance yard and storage facility on two of the parcels, and signage for the Pit River Casino. The land surrounding the Project Site consists of the Pit River Casino, rural density residential development, and timber production land. **Table SOCIO-5** shows a comparison of housing units and vacancy estimates for the Town, the County, and the State in 2010 and 2021.

Establishing the rate of housing unit and vacancy growth/decline per year from past data provides a perspective on the expected annual change in future housing and vacancy in the region. From 2010 to 2021, the number of units in the County increased by 3.5 percent. The vacancy rates over time for the Town, County, and State have not significantly changed.

TABLE SOCIO-5

REGIONAL HOUSING STOCK

Location	2010		2021		Growth	
	Total Units	Vacant	Total Units	Vacant	Total Units	Vacant
California	13,552,624	8.6%	14,328,539	7.8%	5.7%	-4.2%
Shasta County	76,782	10.0%	79,490	10.3%	3.5%	6.4%
Burney	1,516	13.5%	1,420	20.6%	-6.3%	43.1%
Sources: U.S. Census Bureau, 2010a; U.S. Census Bureau, 2021b						

As tribal members have limited on-reservation housing, many tribal members live off-reservation. Many tribal children attend local schools, and many adult tribal members are employed by local businesses. According to guidance from the CEQ and USEPA, agencies should consider the composition of the affected area to determine whether minority populations, low-income populations, or Indian tribes are present in the area affected by a proposed action and, if so, whether there may be disproportionately high and adverse environmental effects to those populations.

According the USEPA, either the County or the state can be used when considering the scope of the "general population" (USEPA, 1998). An affected area that has a minority percentage above the state's percentage is considered a potential minority community, and an affected area with a minority percentage double that of the state is considered a definite minority community under Executive Order 12898.

Communities may be considered "low income" under the Executive Order if the median household income is below the poverty line (primary method of analysis) and/or other indications are present that indicate a low-income community is present (secondary method of analysis). In most cases, the primary method of analysis will suffice to determine whether a low-income community exists in the affected environment. However, when income may be just above the poverty line or where a low-income pocket within the affected area appears likely, the secondary method of analysis may be warranted. Other indications of a low-income community under the secondary method of analysis include limited access to health care, overburdened or aged infrastructure, and dependence on subsistence living. The median household income within Burney ($58,443) and Shasta County ($61,937) is above the poverty threshold ($21,960) for a household of three (HHS Poverty Guidelines, 2021). The average household size for Burney and the County are 2.93 and 2.51 respectively (US Census Bureau, 2021c). Based on the average household size, it is expected that Alternative A would result in up to approximately 91 to 106 additional individuals.

IMPACT ANALYSIS

Economic Effects and Employment

New one-time employment opportunities would be generated during the construction of Alternative A. Construction costs associated with Alternative A would not significantly differ from similar development projects in the region. It is anticipated that some construction workers would reside locally with some commuting in from surrounding areas. It is expected that commuting construction workers would travel to and from the Project site as necessary throughout the length of the 12-month construction period. Indirect and induced output would result from expenditures on goods and services by homeowners within the development. Overall, Alternative A would have a positive effect on employment and the economy of the region.

Fiscal Effects

Alternative A would result in the removal of seven parcels from the County's property tax rolls, totaling 65.25 acres. **Table SOCIO-2** and summarizes the funds obtained from the fiscal 2022-2023 property taxes on the seven parcels that comprise Alternative A. For the 2022-2023 tax year, property taxes for the parcels totaled $16,476.12 (Shasta County Treasurer, 2023). Approximately $214 million in property taxes was collected for the 2021-2022 fiscal year (Shasta County Budget 22-23, 2022).

In the absence of the Project Site being taken into trust, property taxes would continue to be paid to the County. If not taken into trust, it is possible that future development on the Project Site could provide additional revenues to the County in the form of development fees and sales taxes. The Project Site would not be subject to local taxes once taken into trust. Accordingly, total local taxes would be less under Alternative A than if the parcels were developed via a standard County approval process. However, the timing and extent of development of these parcels absent Alternative A is uncertain. The tax on the Project Site represents approximately 0.007 percent of the County's total tax revenue. In determining impacts to the County's tax base, the 0.007 percent loss in property taxes is diminutive, and would not lead to adverse impacts. Therefore, Alternative A would have a less-than-significant impact with respect to fiscal effects.

Environmental Justice

The USEPA provides the following guidance for defining and assessing impacts to minority and/or low-income populations (USEPA, 1998):

- A minority population may be present if the minority population percentage of the affected area is 'meaningfully greater' than the minority population percentage in the general population.
- Other 'appropriate units of geographic analysis' may be used in lieu of the minority population percentage in the general population.
- The NEPA analysis should make every effort to identify the presence of distinct minority communities residing both within and in close proximity to an area.
- The NEPA analysis should identify those minority groups which utilize or are dependent upon natural resources that could be potentially affected.
- Low-income populations in an affected area should be identified with poverty thresholds from the U.S. Census Bureau on Income and Poverty.
- In identifying low-income populations, agencies may consider as a community a group of individuals living in geographic proximity to one another or set of individuals (such as migrant workers or Native Americans) where either type of group experiences common conditions of environmental exposure.

The minority population for both the Town and County are approximately 14.4 percent and 22 percent, respectively. Effects to minority populations would include beneficial impacts to the local economy, including the creation of temporary construction jobs and an increased land and housing base for strengthening the Tribe's housing situation, which currently lacks on-Reservation housing. Alternative A would add housing units and would not displace residential populations in the vicinity of the Project Site. Further, the Project would not result in significant impacts on air quality, noise, transportation, or water quality. Therefore, Alternative A would not result in disproportionately high and adverse environmental effects to minority or low-income communities, including the Tribe. There would be a less-than-significant impact.

CUMULATIVE IMPACTS

Alternative A could potentially result in minor cumulative effects to the local labor market and housing availability. These impacts are anticipated to be beneficial through the generation of local employment opportunities from construction, the development of a Tribal Council Chambers/office/meeting space building, commercial/office spaces, potential administrative space (e.g., daycare), and the establishment of permanent on-Reservation tribal housing for tribal members, which would lessen the burden on other overburdened spaces. Therefore, Alternative A would not contribute to a significant cumulative impact to socioeconomic conditions or environmental justice.

3.2.7 TRANSPORTATION AND CIRCULATION

REGULATORY SETTING

The regulatory setting for transportation networks is summarized in **Table TRAF-1** below and further discussed in **Appendix REG**.

TABLE TRAF-1

REGULATORY POLICIES AND PLANS RELATED TO TRANSPORTATION NETWORKS

Regulation	Description
Federal	
Federal Transportation Improvement Program	– Identifies a plan to allocate funding for long-term capital improvement projects.
State and Local	
California Department of Transportation	– Establishes Caltrans as the managing agency over permitting and regulation of state roadways.
Shasta County General Plan	– Identifies acceptable Level of Service. – Identifies local goals and policies regarding traffic and circulation.

ENVIRONMENTAL SETTING

The Project Site is located along SR-299 and Tamarack Avenue in the eastern portion of Shasta County. Regional access to the Project Site is provided by SR-299. There are no defined pedestrian or bicycle facilities near the Project Site on SR-299, Tamarack Avenue, or Parks Avenue. The roadway system to the vicinity of the Project Site is described below.

Roadway System

SR-299 is an approximately 306-mile minor arterial highway located in the northern portion of the State, originating along the coast in Arcata and terminating east of the Nevada state line. SR-299 varies between a two- and four-lane undivided highway with paved shoulders. Within the project study area, SR-299 is two lanes. The average annual daily traffic on SR-299 in the vicinity of the project site (SR-299 at Terry Mill Road) was approximately 3,330 vehicles during a California Department of Transportation (Caltrans) traffic count taken during 2014, with average peak hour volumes of approximately 380-400 vehicles analyzed during that same year (Caltrans, 2014). SR-299 provides regional access to the project site and connects to Interstate 5 and the City of Redding to the west, as well as State Route 89 and the town of Burney to the east. The posted speed limit in the vicinity of the Project Site is 40 miles per hour (mph).
Bartel Avenue is classified as a two-lane urban local roadway that extends north-south from Parks Avenue to the south, where it terminates. The posted speed limit is 25 mph.

Tamarack Avenue is classified as a two-lane urban local roadway that extends northeast-southwest and connects to SR-299 on both ends via stop signs. The posted speed limit is 25 mph.

Parks Avenue is classified as a two-lane urban local roadway that extends east-west from Tamarack Avenue to the Hudson Street and Cypress Avenue intersection. Parks Avenue connects with Tamarack Avenue via a three-way stop sign intersection. The posted speed limit is 25 mph.

Existing Bicycle and Pedestrian System

Bartel Avenue, Tamarack Avenue and Parks Avenue provide no sidewalks to accommodate pedestrian activity. Further, no bike lanes are provided along SR-299 or the main streets with the Town of Burney,

which all have relatively low traffic volumes.

Transit Service

The Redding Area Bus Authority (RABA), which is operated by the County, provides bus transit service to residents throughout the County. The Burney Express transit route provides commuter service along SR-299 to residents between Redding and Burney. The closest bus stop to the Project Site is located approximately 1.5 miles to the northwest of the Project Site along SR-299 (City of Redding, 2023).

IMPACT ANALYSIS

Construction

Construction of the Alternative A would last approximately one year. Construction vehicles accessing the Project site and construction staging area would use the existing access points from Bartel Avenue, Tamarack Avenue and Main Avenue. Approximately 30 pieces of heavy equipment would be transported on and off the site throughout construction of Alternative A. Construction activities include grading, installation of utilities, building of the structures, paving, and landscaping. These activities would generate new trips from construction and worker vehicles during the construction period, estimated to be six months. No more than 44 construction workers are anticipated to be on site at one time. Staging and parking during construction would occur on-site. Construction activities would take place Monday through Friday between the hours of 7:00 A.M and 7:00 P.M. Because Alternative A would require trenching to connect the existing water lines and sewer lines, a temporary lane closure would be required during construction. Therefore, implementation of an Encroachment Permit and a Temporary Traffic Control Plan (TTCP), as required by mitigation described below, would result in minimal effects on traffic circulation during construction. Therefore, impacts on the circulation system would be reduced to less-than-significant levels with implementation of mitigation that would require obtaining and complying with all applicable encroachment permits and mitigation that would require the development, approval, and implementation of a TTCP prior to construction activities. The impact would be less than significant with mitigation.

Operation

Development of Alternative A would generate traffic associated with residents, employees, Tribal members, and customers accessing the Project Site. This would affect intersection operations. However, Shasta County does not have a congestion management agency, and no level of service established by such an agency. Table 5-5 in the Final Draft 2010 Regional Transportation Plan for the County does not predict SR-299 to operate at a LOS below C or D during year 2030 (Shasta County, 2010).

Alternative A would introduce a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting area, up to 36 new housing units, three or four non-residential complexes, and a potential administration building (e.g., daycare) that would support both commercial and tribal office uses into unincorporated Shasta County in the Town of Burney. The construction of up to 36 dwelling units would generate approximately 47 peak hour trips, based on the ITE trip generation rate for single-family detached housing (ITE 2010). The non-residential commercial/office complexes would be local-serving commercial and would be accessible for existing, adjacent residential as well as the proposed residential dwelling units. Therefore, the inclusion of commercial/tribal office land uses as part of Alternative A would

internally capture a portion of the trips generated by the residential land uses as the purpose of the trips would be fulfilled. The proposed dwelling units would accommodate a moderate increase of residential and commercial density in a predominately rural community. Trips generated from the development of Alternative A would be primarily local residential trips, are not anticipated to result in long-term significant additions of traffic to the roadway network and would not significantly affect area circulation. The construction of the proposed facilities would not cause significant unacceptable traffic delays, due to the size and nature of Alternative A.

Bicycle and Pedestrian System

Bartel Avenue, Tamarack Avenue, and Parks Avenue provide no sidewalks to accommodate pedestrian activity. Alternative A would have minimal impact on programs, plans, or policies that address the circulation system due to the lack of existing bicycle and pedestrian facilities in the immediate area. inclusion of Project BMPs (Section 2.1.5) would ensure that construction of the proposed residential, commercial, and Tribal/office land uses includes an internal circulation system that would provide Tribal members safe pedestrian access to the proposed land uses. Although Alternative A would result in an increase in population due to additional housing, the infrastructure within the area is not conducive to non-vehicular modes of transportation; therefore, Alternative A would not significantly affect pedestrian or bicycle traffic.

Transit Service

The Redding Area Bus Authority (RABA), which is operated by the County, provides bus transit service to residents throughout the County. Alternative A would result in 36 additional housing units and is anticipated to increase ridership. During 2022, RABA experienced 332,000 riders and has experiences a loss in ridership in recent years (RABA, 2022). As discussed above in Section 3.2.6, it is expected that construction would result in up to an additional 106 individuals living on site. While it is unlikely that all individuals living onsite would rely on transit service, the addition of up to approximately 106 riders does not represent a substantial increase in riders. There is expected to be an annual event with 400 attendees and quarterly events with approximately 250 attendees. Event attendees could be tribal members attending from out of the area. The RABA system connects regionally in Redding in its main transit hub. Additionally, inclusion of Project BMPs (Section 2.1.5) would ensure that the Tribe provide alternative transportation for these pre-planned events, which would ensure that the existing transit system is not impacted during events. Thus, Alternative A would have a less than significant impact.

CUMULATIVE IMPACTS

The geological setting for evaluation of cumulative transportation impacts would be the County of Shasta. Alternative A would generate low to moderate traffic in rural parts of Shasta County. Alternative A, when considered in combination with other off-site cumulative projects that may be approved in the vicinity of the Project site, would not lead to a significant cumulative impact on transportation and circulation. The Alternative A would not adversely affect the existing roadway, bicycle, and pedestrian systems, or existing transit services. Implementation of Alternative A would not result in cumulatively considerable impacts to transportation and circulation.

3.2.8 LAND USE

REGULATORY SETTING

The land use regulatory setting is summarized in **Table LAND-1** below, and additional information on the regulatory setting is provided in **Appendix REG**.

TABLE LAND-1

REGULATORY POLICIES AND PLANS RELATED TO LAND USE

Regulation	Description
Federal	
Farmland Protection Policy Act	– Aims to minimize the impact federal programs have on the irreversible conversions of farmland to non-agricultural uses.
Williamson Act	– Allows private landowners to enter into contract with local governments to preserve agricultural and open spaces in exchange for lower taxes.
State and Local	
Shasta County General Plan	– States community values regarding the future growth, development, and quality of life in Shasta County.
Shasta County Code of Ordinances	– Promote and protect the public health and general welfare. – Implement the County General Plan and facilitate growth in accordance with that plan. – Protect the social and economic stability of residential, commercial, industrial, resource production, and recreational activities within the County through the orderly planned use of the land.

ENVIRONMENTAL SETTING

The Project Site totals approximately 65.25 acres and is located outside the unincorporated town of Burney within Shasta County. The Project Site consists of pine forest and shrub habitat (**Figure 9**). Surrounding land uses include residential development, timberland, open space, and commercial lands as well as the Pit River Casino. Uses on the Project Site include a corporation yard/maintenance facility on APN 028-410-018 and a storage area on APN 028-170-015. The project site is not under an active Williamson Act Contract.

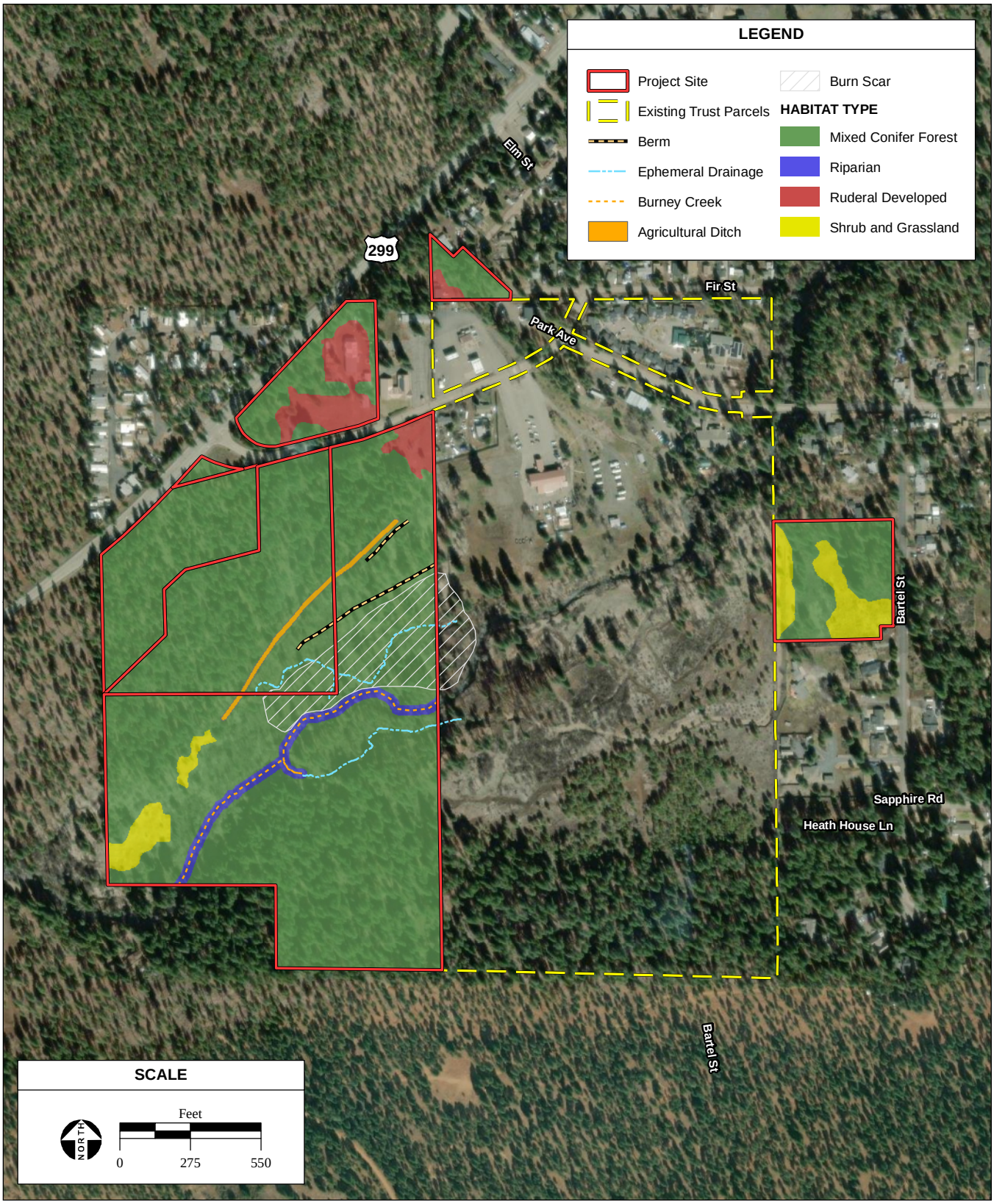
Existing land use and zoning designations for the Project Site are shown in **Table LAND-2**. As shown in Table LAND-2, with the exception of the Tribal Council Chambers/office/meeting space and outdoor meeting space on APN 028-410-016, all minor changes in land use will continue to be compatible with existing land use designation and zoning.

TABLE LAND-2

EXISTING LAND USE AND ZONING DESIGNATIONS

APN	Land Use Designation	Zoning	Proposed New Use
028-410-014	Commercial	C-2 Community Commercial	Commercial storefronts and/or Tribal office space

APN	Land Use Designation	Zoning	Proposed New Use
028-410-015	Urban Residential	R-1 One-Family Residential	26 single-family houses
028-410-016	Suburban Residential and Timber	R-1 One-Family Residential; OS Open Space; TL Timberland	Tribal Council chambers/ office/meeting space, parking, and an outdoor gathering space
028-410-018	Commercial	C-M Commercial-Light Industrial	n/a
028-410-025	Commercial	C-2 Community Commercial	n/a
028-170-015	Urban Residential	R-1 One-Family Residential	n/a
028-450-033	Urban Residential	R-1 One-Family Residential; F-1 Designated Floodway	Up to 10 single-family houses and/or tribal administration, such as daycare



SOURCE: Shasta County Parcels, 2021; Maxar aerial photograph, 3/16/2022; ESRI, 2023; Montrose Environmental, 10/20/2023

Figure 9
Habitat Types

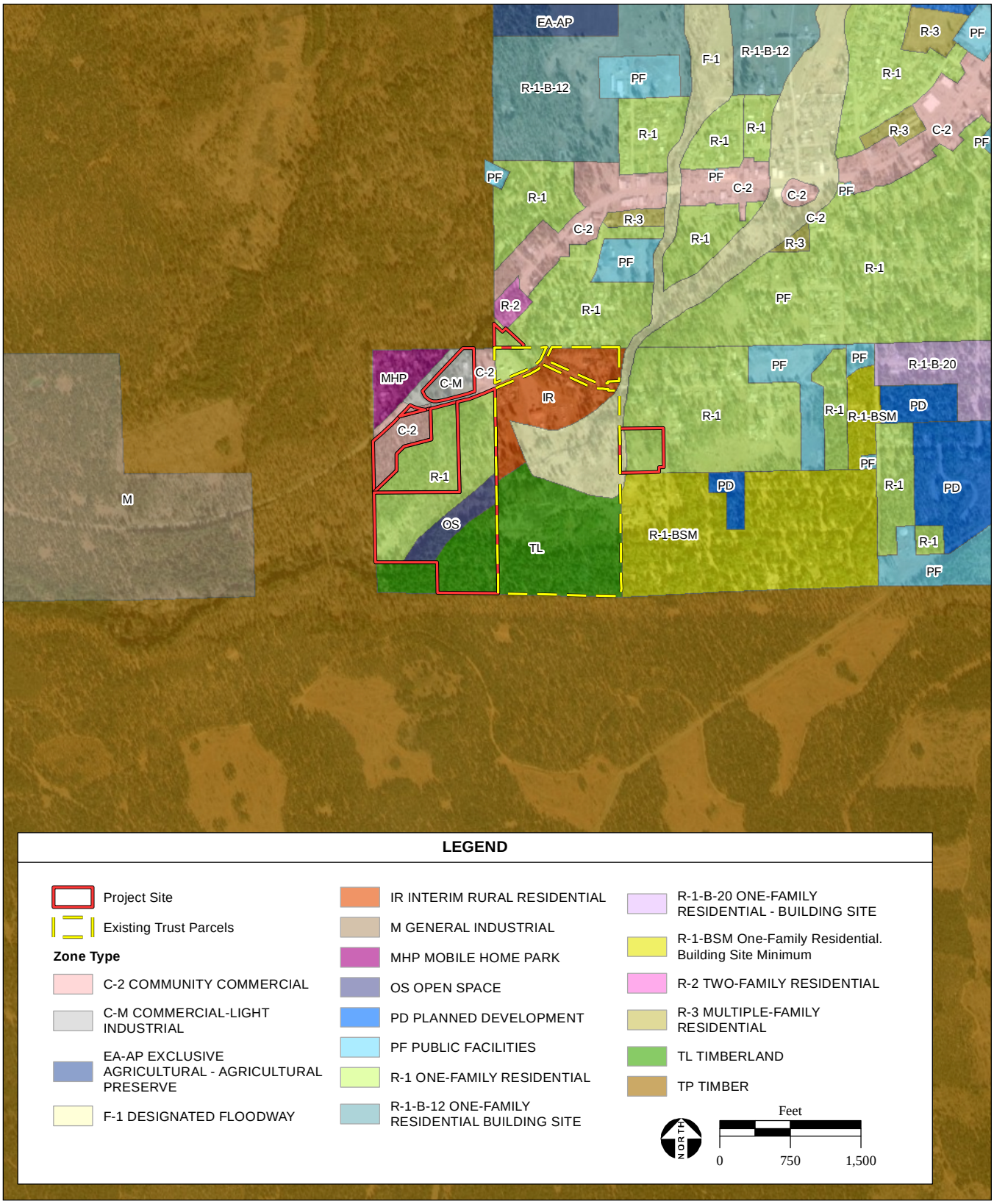
IMPACT ANALYSIS

The Project Site consists of forested land and undeveloped grassland and shrubland, surrounded by residential development, commercial/office uses, and timberland. There is no cultivation, and the only potential agricultural uses are for grazing. The Project site does not contain prime farmland and is not under an active Williamson Act Contract. The Shasta County General Plan Housing Element outlines mandatory requirements for the preservation of land designated as Timber Harvest or Timberland. The majority of the Project Site is currently zoned for commercial, office, and residential uses, and a small portion is zoned for timberland, as shown on **Figure 10**; the timberland would not be developed under Alternative A and thus would be preserved consistent with County standards.

After acquisition into trust, County land use and zoning designations would no longer apply to the Project Site. However, The Proposed Action under Alternative A would be consistent with the current County land use and zoning designations and would be similar to the adjacent land uses other than on APN 028-410-016. As seen in Table LAND-2, most of the proposed uses under Alternative A are permitted or permitted with a permit under Shasta County zoning requirements. While office space is not explicitly permitted within the R-1 zone, the structure will be consistent with R-1 height requirements. Further, the Tribal Council Chambers/office/meeting space building is consistent with the neighboring C-2 uses across the road to the north and would not conflict with surrounding residential uses. Overall, development of Alternative A would be consistent with existing zoning requirements onsite and in the surrounding area and would not substantially change the character of the area. There would be a less-than-significant impact.

CUMULATIVE IMPACTS

Once acquired into trust, the Project Site would not generally be subject to local jurisdictions regarding land uses. However, Alternative A is largely consistent with the existing residential and commercial zoning designations of the parcels as established by Shasta County. The proposed residential development on parcels 028-410-014 and 028-450-033 would be compatible with existing residential zoning. Commercial development to the north-west of the Project Site would be compatible with the neighboring commercial zoning to the north. Furthermore, as discussed above, the low-density nature of the proposed Tribal Council Chambers/office/meeting space building, outdoor meeting area, and commercial/tribal office development on APN 028-410-016 and APN 028-450-033 would be compatible with surrounding residential uses. Since Alternative A is consistent with zoning and land use designations, and other cumulatively considerable projects would be required to be compliant with zoning and land use designations, no cumulative land use impacts would occur.



SOURCE: Shasta County Parcels, 2021; Shasta County Zoning data, 2022;
Maxar aerial photograph, 3/16/2022; ESRI, 2023; Montrose Environmental, 8/9/2023

Figure 10
Land Use Zoning

3.2.9 PUBLIC SERVICES

REGULATORY SETTING

The regulatory setting for public services is summarized in **Table PUB-1** below and further discussed in **Appendix REG**.

Table PUB-1

REGULATORY POLICIES AND PLANS RELATED TO PUBLIC SERVICES

Regulation	Description
Federal	
Safe Drinking Water Act	– Establishes minimum national drinking water standards. – Establishes primary and secondary Maximum Contaminant Levels for drinking water.
State and Local	
California Integrated Waste Management Act	– Establishes waste source reduction through recycling, composting, special waste component, and public education.
Shasta County General Plan	– Identifies County plans and goals related to public utilities.
Shasta County Municipal Code	– Defines the roles of public services such as Policing, Fire Departments, Water Services and Waste Management.

ENVIRONMENTAL SETTING

Public services in the vicinity of the Project Site are provided by both public agencies and private companies. PG&E provides electricity and natural gas, the Burney Water District supplies municipal water and wastewater treatment to the region, and Burney Disposal and the Pit River Solid Waste Department provide curbside trash pick-up. Parcel 028-410-018 has water and electric connections.

Water Supply

The site is currently within the service area of Burney Water District. Burney Water District, a municipal provider that sources water from deep groundwater wells.

Wastewater Service

The site is currently within the service area of Burney Water District. Should the Proposed Action not be allowed to connect to the public sewer line, each residence, commercial/office building, the potential administrative building (e.g., daycare), and the Tribal Council Chambers/office/meeting space building would require a separate septic system to treat and dispose of wastewater.

Solid Waste

Funded from a grant from the U.S. Department of Agriculture (USDA) and USEPA, the Tribe has developed a solid waste and recycling collection program, Pit River Solid Waste and Recycling (Pit River Tribe, 2018). A solid waste coordinator and technician service the Tribal homes and businesses, and the Tribe owns their own collection vehicles and bins. Refuse can be disposed of at the Round Mountain Station operated

by Shasta County Public Works. The Round Mountain Station has a maximum annual capacity of 4,999 tons while accepting an average of 999 tpy (CalRecycle, 2018).

Electricity, Natural Gas, and Telecommunications

PG&E supplies electricity to existing homes and businesses in the vicinity of the Project Site. The closest natural gas line is approximately 12 miles to the east of the Project Site. American Telephone and Telegraph (AT&T) provides all current telephone service and also controls the telephone lines and would be responsible for any underground or overhead extensions necessary to serve the Project. Satellite television is available to the project site from various television services.

Law Enforcement

The Shasta County Sheriff's Department (SCSD) provides law enforcement services throughout the County. The service area includes approximately 3,800 square miles of unincorporated area of the County. The main patrol operations station is located in Redding. The Burney station serves the Intermountain Area, including the Project Site. The SCSD includes administrative, operations, and corrections divisions. The operations division includes patrol units, criminal investigation, and court services. The SCSD also includes a Special Enforcement Team, boating unit, SWAT, and a drug enforcement unit. The SCSD provides primary law enforcement, while California Highway Patrol provides traffic and supplemental law enforcement services to the project site. The County jail is the detention facility for persons arrested in unincorporated areas, including the project site. The expected response time for this portion of the County is estimated at 30 to 40 minutes. The SCSD is staffed by 90 sworn deputies, 35 of whom are assigned to patrol. There are approximately 33 patrol vehicles, plus specialized vehicles such as four-wheel drive and other off-road vehicles used in drug enforcement activities.

Fire Protection and Emergency Medical Services

The Project site is located in an area of very high wildfire threat (California Department of Forestry and Fire Protection [CAL FIRE], 2023). The Burney Fire Protection District, with support if necessary from Shasta County Fire Department and CAL FIRE, provides fire suppression and emergency medical services to the Town of Burney. The Burney Fire Protection District is located at 37072 Main St, Burney, CA 96013; The California Department of Forestry and Fire Protection (CAL FIRE) Burney Station #14 provides supplemental seasonal fire suppression and emergency medical services and is located at 37966 Highway 299 East in Burney.

BFPD maintains two fire stations in Burney, Main Station #17 located at 37072 Main Street in Burney and Station #18 located on Highway 299 in Johnson Park. BFPD is staffed by three full/part-time personnel, 12 dual role volunteers, eight Emergency Medical Technicians (EMT), and four paramedics. BFPD maintains three fire engines, one water tender (up to 2,000 gallons), and two ambulances. In 2017, BFPD responded to 791 calls for service and the average department response time was 14.4 minutes.

Emergency medical services (EMS) are overseen and authorized by the Sierra-Sacramento Valley Emergency Medical Services Agency (S-SV EMS Agency). The S-SV EMS Agency is a regional multi-county Joint Powers Agency and is designated as the EMS agency for the County (S-SV EMS Agency, 2018). They are dispatched through 911 from the Burney Ambulance Service and the Burney Annex of Mayers Memorial Hospital. The local CAL FIRE office provides backup EMS. The closest hospital emergency room is Shasta Regional Medical Center Emergency Room located at 1100 Butte Street, Redding, CA.

IMPACT ANALYSIS

Water Supply

Similar to the Pit River Casino, Alternative A would rely on a connection to the Burney Water District for potable water; the Project site is within the current Burney Water District service area. As discussed in Section 3.2.2 above, Burney Water District relies on deep water wells for its water supply; the wells are connected to the Burney Creek Valley Basin. This basin is designated as very low priority by DWR, and thus there is no Groundwater Sustainability Plan (GSP) that has been prepared or is required. The basin has no documented instances of groundwater level declines or groundwater extraction induced inelastic subsidence (DWR 2023b). The current production capacity of the three Burney Water District wells is 4,600 gallons per minute (gpm), or 7,420 acre-feet per year (afy), if operated continuously. Currently, the District is looking to fund the construction of a new well and improvements to the existing wells and storage tanks. As such, the quantity of water that would be needed to supply the up to 36 residential housing units, three to four small commercial/office complexes, the Tribal Council Chamber/office space building, and outdoor meeting space under Alternative A would not substantially affect groundwater supplies or cause substantial groundwater level declines. Furthermore, the Burney Water District has identified several capital improvement projects that would increase supply and quality of its potable water within its service area. Mitigation included would require that the Tribe obtain a will-serve letter from Burney Water District before construction begins. With implementation of mitigation, Alternative A would not significantly impact water supply operations.

Wastewater Service

Similar to the Pit River Casino, Alternative A would connect to the Burney Water District sewer system; the Project site is within the current Burney Water District service area. In 2022, the Burney Water District completed the Sewer System Management Plan, which stated that the existing system has capacity for existing conditions and projected flows. The Management Plan includes projects that would ensure adequate capacity to meet proposed 60-year development. Alternative A would construct residential, commercial/office, and administrative land uses, consistent with the existing land use designations. The projected 60-year development would have included development on the Project site and thus, similar development would have been included in its long-term forecasting. Burney Water District has obtained grants to fund the Collection System Improvement Project and the Wastewater Treatment Plant Improvement Project; both projects would be completed by Summer 2024. Mitigation included would require that the Tribe obtain a will-serve letter from Burney Water District before construction begins. With implementation of mitigation, Alternative A would not significantly impact wastewater operations.

Solid Waste

Construction

Solid waste generated during construction would be temporary and recycled or hauled to a landfill. The Burney Transfer Station opened in 1977 and is operated by Burney Disposal Inc.

Operation

With an average household size of three (U.S. Census Bureau, 2021c) and an average solid waste produced per person of 6.7 pounds per day (CalRecycle, 2020), the up to 36 households of Alternative A would produce up to approximately 723.6 pounds of solid waste per day. With an average of 13,700 square feet per each of the three or four commercial building complexes totaling 41,100 square feet, and CalRecycle

estimating 13 pounds/1,000 square feet/day (CalRecycle, 2023), the commercial buildings would produce approximately 534.3 pounds of solid waste per day. In addition, the building to house the Tribal Council Chambers/office/meeting space would produce approximately 96 pounds of solid waste per day, assuming 6 pounds/1,000 square feet/day. The outdoor meeting space would produce about 1,359 pounds of solid waste per day of use, assuming 3.12 pounds/100 square feet/day and an area of 4 acres.

Thus, the total solid waste per day would be approximately 1,353.9 pounds per day, with occasional increases of 1,359 pounds of solid waste per day, depending on frequency of use of the outdoor meeting space. Assuming a total use of five days per year (one election and four quarterly meetings), a cubic yard of loose solid waste weighs approximately 325 pounds. Thus, the Project would generate approximately 4.22 cubic yards per day of solid waste. According to the Burney Transfer Station 2022 Permit Application with the California Integrated Waste Management Board, the site has a capacity of 695 cubic yards with a peak daily loading of 400 cubic yards (Burney Transfer Station Registration Permit, 2022). Thus, the landfill has capacity to accommodate Alternative A. There would be a less-than-significant impact. BMPs listed in **Section 2.1.5** would be implemented to further reduce impacts. There would be a less-than-significant impact.

Electricity, Natural Gas, and Telecommunications

Electricity and natural gas are provided to the region by PG&E, electric infrastructure is located adjacent to the Project Site, and the Tribe would coordinate with PG&E regarding the extension of services to the Project Site. No adverse utility service impacts would occur.

Law Enforcement

Under Public Law 280, 18 USC §1162, the State of California and other local law enforcement agencies have criminal enforcement authority on Tribal lands. Alternative A would receive general public safety and law enforcement services from the Shasta County Sheriff's Department (SCSD). Alternative A has the potential to increase the number of calls for service placed to the SCSD; however, a limited amount of new residential development would not substantially impact the County's ability to maintain the current level of service. No significant effects to law enforcement services would occur.

Fire Protection and Emergency Medical Services

Construction-related impacts include the potential fire threat associated with equipment and vehicles coming into contact with wildland areas. Construction vehicles and equipment such as welders, torches, and grinders may accidentally spark and ignite vegetation or building materials; however, standard construction and operational measures have been incorporated into the project description to prevent fire from construction (Section 2.2). Further, the increased risk of fire during construction of Alternative A would be similar to that at other construction sites. Accordingly, the increased risk of fire during the construction of the proposed facilities would be minimal with the incorporation of standard construction and operational measures.

Increased emergency calls to 911 as a result of Alternative A may result in delays in response times or result in the need for ambulances to be dispatched from more distant locations. The small-scale development of Alternative A would not require new medical facilities. Multiple ambulance companies provide emergency medical services to the Burney area with backup aid from CAL FIRE; therefore, it is not expected that increased demand for emergency medical services would create a significant effect. The

Burney Fire Protection District provides Fire and EMS services to the region.

Alternative A would adhere to applicable tribal codes and County agreements related to public safety. County Development Services fees would be adhered to address potential impacts of Alternative A on public services. BMPs listed in **Section 2.1.5** would be implemented to further reduce impacts. There would be a less-than-significant impact.

CUMULATIVE IMPACTS

The geographic area for the cumulative impacts would be the service area of the utility and public service providers. Alternative A would connect to Burney Water District for water and sewer service; PG&E for electricity and natural gas; County of Shasta for police and fire protection. Burney Water District relies on long-term, 60-year development forecasting to identify capacity deficiencies and identify capital improvement projects. Long-term development forecasting within a service area includes assumptions regarding General Plan-compliant development. Alternative A would result in the construction of structures and land uses that are consistent with the current land use designations and thus would have been included in the long-term forecasting. Burney Water District is currently constructing infrastructure improvements and working to obtain future funding. Demand for electricity or natural gas would not require new production facilities. Compliance with Title 24 of the California Code of Regulations, as required by PG&E, would ensure minimal increase in energy demands by requiring the use of energy-efficient appliances in all new residential, commercial, and institutional facilities. BMPs provided in **Section 2.1.5** for Air Quality and Climate Change would require the use of energy efficient appliances and fixtures where possible. Extension of dry utility infrastructure within the Project site would occur only at the time of the construction of Alternative A. While other development projects in the area would also be required to extend dry utility infrastructure to other project sites, the impacts, such as temporarily increased noise levels, and would not combine with other past, present, or reasonably foreseeable impacts. Thus, the cumulative impacts would be less than significant.

3.2.10 NOISE

REGULATORY SETTING

The regulatory setting for noise is summarized in **Table NOI-1** below and further discussed in **Appendix REG**.

ENVIRONMENTAL SETTING

Sound is measured using A-weighted decibels (dBA), which de-emphasizes frequencies below 1,000 Hertz (Hz) and above 5,000 Hz. This method of frequency weighting is referred to as A-weighting. A 3 dBA increase is the smallest change in noise level detectable to the average individual, and a change in ambient sound of 5 dBA is readily noticed. Widely distributed noises would typically attenuate at a lower rate of 3 to 6 dBA per doubling distance from the source (Caltrans, 2013a).

Attenuation can range from 0 to 10 dBA per doubling of distance from the noise source depending on conditions. Peak particle velocity (PPV) is often used to measure vibration. PPV is the maximum instantaneous peak (inches per second) of the vibration signal. Continuous sources of vibration include construction, while transient sources include truck movements. Structural damage can occur when PPV

values are 0.5 inches per second or greater. Annoyance can occur at levels as low as 0.24 inches per second and become strongly perceptible at approximately 0.9 inches per second (Caltrans, 2013b).

TABLE NOI-1

REGULATORY POLICIES AND PLANS RELATED TO NOISE

Regulation	Description
Federal	
The Federal Interagency Committee on Noise	– Provides guidance on quantifying significant noise increases from a baseline level.
Noise Abatement Criteria	– Residential activity criteria: 67 dBA. – Hotels/motels or other developed lands: 72 dBA.
FHWA Construction Noise Thresholds	– Noise Sensitive Areas (Daytime): 72 dBA or baseline + 5 dBA. – Noise Sensitive Areas (Evening): Baseline + 5 dBA.
Vibration Standards	– Residences and buildings where people normally sleep (frequent, occasional, and infrequent): 72 dBA, 75 dBA, and 80 dBA.
State and Local	
California Noise Insulation Standards	– Establishes noise limits for vehicles licensed to operate on public roads.
Shasta County General Plan	– Objectives include: Protection of County residents from harmful and annoying effects of exposure to excessive noise, protection of the economic base of the County from incompatible land use likely to create significant noise impacts, and to encourage the application of state-of-the-art land use planning methodologies in the area of managing and minimizing potential noise conflicts. – Transportation noise related Land use compatibility guidelines for development of Residential areas is 55 to 60 dB. The guidelines for office buildings, commercial and professional land uses is 55 to 70 dB.

Noise Setting

The sound environment at the Project Site is dominated by traffic noise from SR-299 and local roadways. The majority of the Project Site is also approximately 0.2 miles west of the Pit River Casino. Ambient noise in the vicinity is influenced by the traffic to the surrounding suburban communities. Surrounding areas are predominately agricultural or open space, rural residential, and community commercial. Vehicular traffic on California SR-299, Tamarack Avenue, and Bartel Street contributes to noise levels in the area.

The FHWA provides construction noise level thresholds in its Construction Noise Handbook, 2006, which are provided in **Table NOI-2**.

TABLE NOI-2

Federal Construction Noise Thresholds

Noise Receptor Locations and Land Uses	Daytime (7 A.M. - 6 P.M.)	Evening (6 P.M. - 10 P.M.)	Nighttime (10 P.M. - 7 A.M.)
	dBA, Leq[1]		
Noise-Sensitive Locations: (residences, institutions, hotels, etc.)	78 or Baseline + 5 (whichever is louder)	Baseline + 5	Baseline + 5 (if Baseline < 70) or Baseline + 3 (if Baseline > 70)
Commercial Areas: (businesses, offices, stores, etc.)	83 or Baseline + 5	None	None
Industrial Areas: (factories, plants, etc.)	88 or Baseline + 5	None	None

Notes:

[1] Leq thresholds were empirically determined.

Acronyms: dBA = A-weighted decibels; Leq = equivalent continuous noise level

Operational noise standards used would be the FHWA Noise Abatement Criteria (NAC) for the assessment of noise consequences related to surface traffic and other project-related noise sources. The assessment of vibration noise is based on the Federal Transportation Administration (FTA) standards of 0.5 peak particle velocity (PPV) for structures and 0.1 PPV for annoyance of people (FTA, 2006).

Construction Noise Environment

During the construction of Alternative A, noise from construction activities would temporarily add to the noise environment in the project vicinity. As shown in **Table NOI-3**, activities involved in construction would generate maximum noise levels ranging from 76 to 85 dB at a distance of 50 feet.

TABLE NOI-3

Construction Equipment Noise

Type of Equipment	Maximum Level, dBA at 50 feet
Backhoe	78
Compactor	83
Compressor (air)	78
Crane	85
Dozer	85
Drum Mixer	80
Dump Truck	76
Excavator	81
Flat Bed Truck	84
Generator	81
Pneumatic Tools	85
Welding Truck	73
Source: FHWA, 2018.	

Construction activities would take place within Alternative A's development footprint. Construction activities would be limited to between the daytime hours of 7:00 A.M. and 7:00 P.M Monday through Friday. No construction activities shall take place on Saturdays, Sundays or on federal and local holidays.

Construction Vibration Environment

The primary vibration-generating activities associated with Alternative A would occur during construction when activities such as grading, utilities placement, and parking lot construction occur. **Table NOI-4** shows the typical vibration levels produced by construction equipment (Caltrans, 2018).

TABLE NOI-4

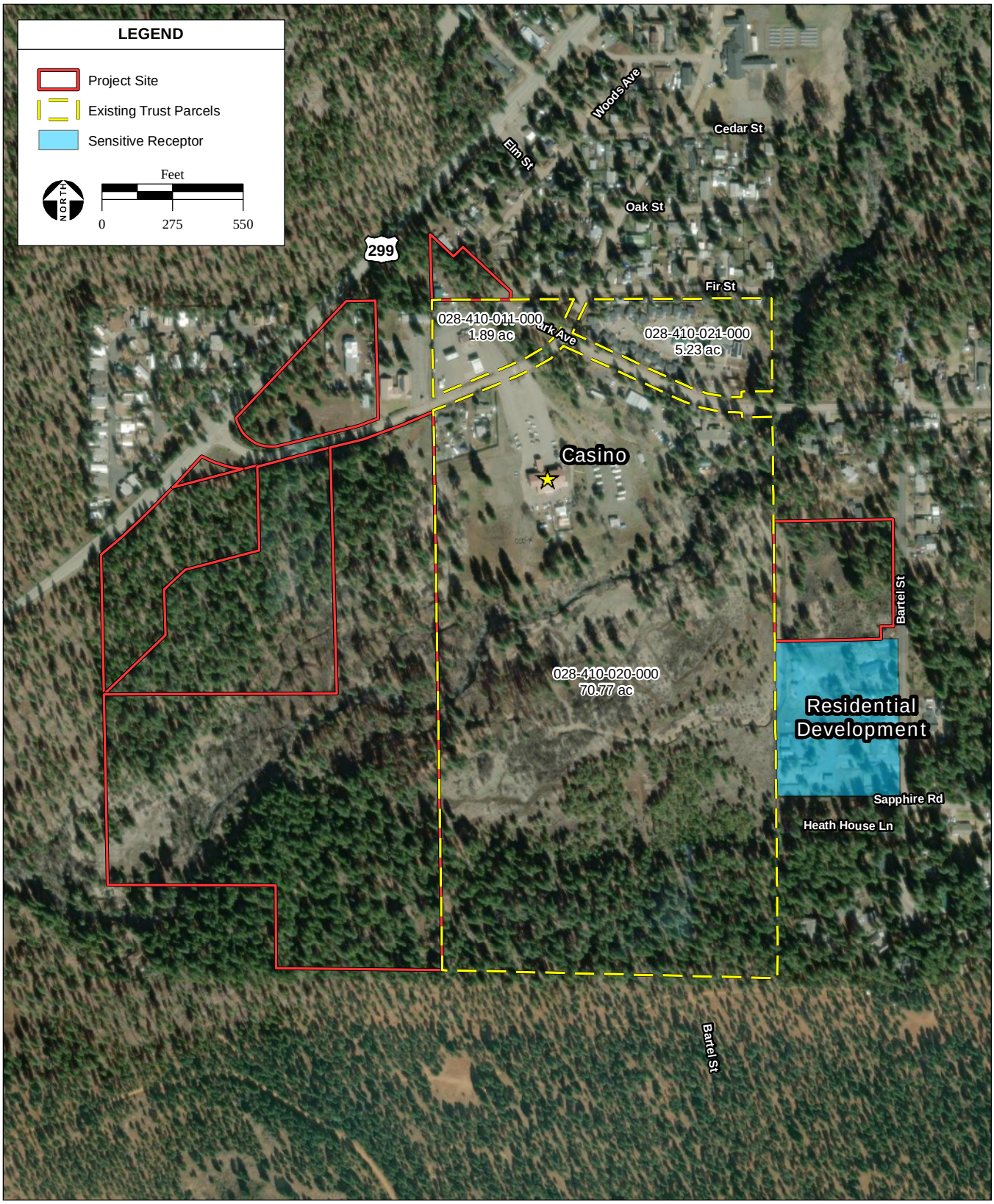
Vibration Levels for Various Construction Equipment

Type of Equipment	Peak Particle Velocity at 25 feet (inches/second)	Peak Particle Velocity at 50 feet (inches/second)	Peak Particle Velocity at 100 feet (inches/second)
Large Bulldozer	0.089	0.031	0.011

Type of Equipment	Peak Particle Velocity at 25 feet (inches/second)	Peak Particle Velocity at 50 feet (inches/second)	Peak Particle Velocity at 100 feet (inches/second)
Loaded Trucks	0.076	0.027	0.010
Small Bulldozer	0.003	0.001	0.000
Auger/Drill Rigs	0.089	0.031	0.011
Jackhammer	0.035	0.012	0.004
Vibratory Hammer	0.070	0.025	0.009
Vibratory Compactor/roller	0.210 (Less than 0.20 at 26 feet)	0.074	0.026

Existing Sensitive Noise Receptors

Some land uses are considered more sensitive to noise than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Sensitive noise receptors may also include threatened or endangered noise sensitive biological species, although many jurisdictions have not adopted noise standards for wildlife areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. The closest sensitive receptors that would be exposed to noise during construction consist of single-family residences approximately 100 feet northwest of APN 028-410-014, residences to the east of Bartel Street, and Mountain View High School, which is approximately 0.5 miles northeast of the Project Site (**Figure 11**).



SOURCE: Shasta County Parcels, 2021; Maxar aerial photograph, 3/16/2022; ESRI, 2023; Montrose Environmental, 8/9/2023

Figure11
Sensitive Receptor

IMPACT ANALYSIS

Construction Noise

During construction of the Alternative A, noise from construction activities would add to the noise environment in the immediate project vicinity. As indicated in Table NOI-3, activities involved in construction would generate maximum noise levels ranging from 76 to 85 dBA Lmax at a distance of 50 feet. Construction activities would be temporary in nature and are anticipated to occur during normal daytime working hours.

Construction of Alternative A components would occur over the course of 12 months. It is anticipated that construction of Alternative A would occur in 2024. The following equipment may be utilized occasionally during construction of Alternative A:

- Dozer
- Crane
- Concrete and dump trucks
- Flat-bed delivery truck
- Trench/Excavator
- Backhoe/Loader
- Welding truck
- Generator

Construction of the Tribal Council Chambers/office/meeting space building, outdoor meeting area, residences, non-residential commercial/office buildings, and the potential administrative building (e.g., daycare) could generate noise that could expose nearby receptors to elevated noise levels that may disrupt communication and routine activities. The magnitude of the impact would depend on the type of construction activity, equipment employed, duration of the construction, distance between the noise source and receiver, and the presence or absence of intervening structures. Equipment that would be in operation during construction would include dozers, backhoes, grader, excavators, forklifts, cranes, compressors, paving equipment, and rollers. Typically, construction equipment is operated in alternating cycles of full power and low power, producing average noise levels less than the maximum noise level. The average sound level of construction activity also depends on the amount of time that the equipment operates and the intensity of the construction activities during that time. Noise would also be generated during the construction phase by increased truck traffic on area roadways. Action-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase would be short in duration and would occur only during daytime hours.

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given this noise attenuation rate and assuming no noise shielding from either natural or man-made features (e.g., trees, buildings, fences), the existing sensitive receptor (residential occupants), located within approximately 100 feet of construction activity, could experience maximum instantaneous noise levels of up to 78 dBA Lmax. This receiver and maximum noise level is intended to represent the worst-case scenario when construction operations occur near the site boundary closest to the nearest residence. These levels are consistent with the FHWA construction noise threshold of 78 dB exterior construction noise standard for daytime (7 A.M. to 7 P.M.) activities.

Average noise levels from the construction activities would likely be annoying since levels are expected to be higher than the ambient noise levels in the vicinity. Restricting construction activities to the daytime period would avoid disruption during evening hours and overnight sleep periods, thus minimizing the potential for annoyance to occur. As described in the BMPs above in Section 2.1.5, construction activities would be limited to between the daytime hours of 7:00 A.M. and 7:00 P.M Monday through Friday. No construction activities would take place on Saturdays, Sundays, or federal and local holidays. Impacts relating to exterior noise levels due to construction of Alternative A would be considered less than significant.

Groundborne Vibration

Common construction activities and equipment may expose people to excessive groundborne vibration or groundborne noise. Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. Caltrans provides guidance regarding construction-related groundborne vibration (Caltrans, 2018). The Caltrans manual states that vibrations with a PPV of 0.1 inches/second begin to cause irritation. Larger, heavier construction vehicles have a PPV of 0.089 inches/second or less at a distance of 25 feet (Caltrans, 2018). Building damage is expected at vibration levels of 0.5 inches/second or greater for buildings of reinforced-concrete, steel, or timber construction.

Groundborne vibrations typically reduce in effect over short distances. The majority of the Project Site is not immediately adjacent to residential land uses or other non-Tribal structures. The Bartel parcel is the exception and would be located adjacent to non-Tribal residential land uses; the nearest construction would occur approximately 100 feet from an existing residence. The Project Site is located in an area with residential and commercial/office land uses. At a distance of 250 feet, the PPV would be approximately 0.0028 inches/second. However, as noted above, heavier construction equipment would result in a PPV of 0.089 inches/second even at a distance of 25 feet; this would not exceed the threshold of 0.1 inches/second. It can be inferred that at a distance of 100 feet, the impacts associated with the construction on the Bartel parcel would be less than 0.089 inches/second. Thus, potential impacts associated with Alternative A would be localized and temporary during the construction period and would not substantially impact nearby land uses. Construction of the Alternative A would require the use of heavy construction equipment, specifically backhoes, dozers, and flat-bed trucks. Alternative A would not require pile driving, blasting, or other special construction techniques associated with greater groundborne vibration. Therefore, the expected groundborne vibration generation associated with Alternative A would remain below the 0.1 inch/second annoyance threshold, and Alternative A would not result in a potentially significant impact related to vibration during construction or operation.

Operational Noise

The primary source of noise in the area is generated by traffic as well as the operation of the Pit River Casino, including the Pit River Casino air conditioner. Activity noise associated with the proposed residences at the Project site would be similar to and consistent with existing uses within the Project vicinity and would therefore not be anticipated to be distinct from the ambient noise environment created by surrounding commercial and residential land uses. Development of the residential land uses would result in an increase in noise levels associated with additional vehicle trips added to vicinity streets from

Alternative A. This increase in traffic noise would be the primary noise impact related to development of residences at the Project Site. However, due to the limited number of trips added by Alternative A, it is expected that the change in condition would be less than that which would be a discernible change to the human ear.

With regards to the commercial/office component, the commercial/office complexes would be similar to the existing surrounding commercial land uses within the Town. The construction of three or four non-residential commercial/office complexes would require commercial outdoor compressors for the air conditioning unit. Based on the size of the structure, each structure would require a 12-ton air conditioner for proper cooling (Sobieski, 2023). Decibels generated from commercial air conditioning units vary between manufacturer and can be as high as 82 decibels. This could be audible at existing residences and could result in noise levels that are disruptive. Mitigation would be required to ensure that the commercial compressors are located to the south of the non-residential commercial/office structures. Mitigation would ensure that the non-residential commercial/office structures would block the noise generated by the compressors to existing residents, and annoyance caused by the compressor noise would accordingly be reduced.

The Project proposes to host events at the Tribal Council Chambers/office buildings and outdoor meeting area. The meeting area would occasionally hold special events requiring the use of amplified sound systems. The frequency of the special events is expected to be five times per year. As shown above under Project BMPs, the use of amplified sound systems is required to stop by 10:00 pm, Monday through Saturday, and by 9:00 pm on Sunday. Thus, the use of amplified sound systems during more sensitive hours when people sleep (nighttime between 10:00 pm to 7:00 am) would not occur. The nearest noise-sensitive receptors are residences located about 450 feet to the northeast, respectively, along Tamarack Alhambra. Noise BMPs (Section 2.1.5) included as part of the Project require amplified sound systems during special events at the outdoor meeting area to operate the speaker system at or below 105 dBA at 5 feet from the boundary of the special event area and that the speaker systems are positioned and angled away from residences to the extent feasible. Inclusion of the noise BMPs would ensure that the use of amplified sound systems do not substantially contribute to the existing ambient noise environment at nearby sensitive receptors. The Project would have a less than significant impact due to amplified sound systems.

Alternative A includes additional tribal offices on the Bartel parcel that may include the presence of a daycare. The new presence of children playing outdoors may result in a substantial ambient noise increase over existing, undeveloped conditions. The daycare would only operate during typical business hours and the presence of the daycare would not result in a change to nighttime ambient noise conditions. Inclusion of noise mitigation (Section 4.0) would require that future play areas be located on the opposite of side of the proposed structure such that the structure acts as a noise barrier for the existing residences. Thus, the Project would have a less than significant impact due to the potential presence of a daycare on the Bartel parcel.

With the implementation of mitigation, Alternative A would have a less than significant impact.

CUMULATIVE IMPACTS

Alternative A would not generate a level of traffic that would exceed acceptable outdoor noise levels. Some evening traffic would occur, but the noise generated due to such evening traffic would be limited to residential traffic. Therefore, increased noise would not result in an adverse effect to surrounding residences because the majority of traffic would occur during normal business hours. The Project would include an outdoor meeting area; however, this outdoor meeting area would only host five events per year and would not change the average daily ambient condition. Thus, it would not contribute to the average daily cumulative condition. Alternative A would temporarily generate noise during the construction phase and would be limited to daytime hours.

Current and future developments in the vicinity of the Project Site would be required to comply with similar construction BMPs to limit the increase in ambient noise. However, there are no known current or future projects that are expected to be approved in the vicinity of the Project Site, and therefore the Project would not substantially contribute cumulatively to noise.

3.2.11 HAZARDOUS MATERIALS

REGULATORY SETTING

The hazardous materials regulatory setting is summarized in **Table HAZ-1** below, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE HAZ-1

REGULATIONS FOR HAZARDOUS MATERIALS

Regulation	Description
Federal	
Resource Conservation and Recovery Act	– Grants the USEPA the authority to manage hazardous waste throughout its life cycle, including storage, treatment, transportation, production, and disposal. – Establishes a management framework for non-hazardous solid wastes. – Authorizes the USEPA to respond to environmental problems related to underground hazardous substance storage tanks, including petroleum.
Hazard Communication Standard	– Ensures that information about chemical and toxic substance hazards in the workplace and associated protective measures are disseminated. – Chemical manufacturers and importers that produce and import chemicals are required to assess their products for hazards; safety data sheets and labels must be created with information that outlines the dangers of the products.
Federal Hazardous Substances Act (FHSA)	– Necessitates that hazardous household products have precautionary labeling to alert consumers of hazards, proper storage, and first aid steps in case of an accident. – Enables the Consumer Product Safety Commission to prohibit severely dangerous products and those with hazards that cannot be labeled accordingly to FHSA standards.
Federal Insecticide, Fungicide, and	– Mandates that pesticides sold or distributed be licensed with the USEPA; a pesticide cannot be licensed until it is proven that it will not generally cause unreasonable

Regulation	Description
Rodenticide Act	adverse effects on the environment if utilized in accordance with its specifications.
Toxic Substances Control Act	– Authorizes the USEPA with the authority to require record keeping, reporting, test requirements, and restrictions associated with certain chemicals and/or mixtures – Addresses the production, importation, use, and disposal of certain chemicals.
Emergency Planning and Community Right-to-Know Act	– Requires industry to report on the use, storage, and release of hazardous substances to federal, state, and local governments. – Requires state and local governments to utilize the information to prepare communities for potential risks.
Comprehensive Environmental Response, Compensation, and Liability Act	– Provides funds to clean up uncontrolled, closed, or abandoned hazardous waste sites.
State and Local	
California Environmental Protection Agency	– Develops, implements, and enforces environmental laws that regulate air, water and soil quality, pesticide use, and waste recycling and reduction.
California Code of Regulations, Title 22, Division 4.5	– Addresses off-Reservation environmental and public health standards for the management of hazardous waste.
California Health and Safety Code, Division 20, Chapter 6.95	– Requires businesses to plan and prepare for a chemical emergency through preparation of a Hazardous Materials Inventory and Business Plan.
Shasta County General Plan	– Focuses on protection of life and property.

ENVIRONMENTAL SETTING

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, State, or local agency, or if it has characteristics defined as hazardous by such an agency. A site may be listed on a hazardous materials database while still being compliant with federal, State, and local laws. The principal agencies regulating the generation, transportation, and disposal of hazardous materials are the USEPA and the United States Department of Transportation.

A Phase I Environmental Site Assessment (Phase I ESA) was prepared for the Project Site to determine if Recognized Environmental Conditions (REC) occur at the site (**Appendix HAZMAT**). RECs refer to the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of a property. As part of the Phase I ESA, a survey was completed on July 27-28, 2022.

The reconnaissance clearly showed a long-standing pattern of dumping on various areas within the Project

Site. Finds included vehicles and vehicle parts, appliances, lumber, a large propane tank, numerous tires, furniture, a port-a-potty, paint cans, food containers from the 1950s through the present day, plastic, clothing, metal, garbage, trailer skids, a cattle guard, etc.

APN 028-410-018 is a former Forest Service property that has been scraped mostly to bare earth. There is a large pile (approximately 15 feet in diameter and 6 feet high) of scraped-up soil near the center. The parcel was used by the Forest Service and vehicles were maintained there, with possible fuel and hydraulic fluid spills as a result. The Phase I ESA report recommends Phase II testing of the dirt pile in order to determine whether it contains RECs, and therefore should be disposed of at appropriate facilities. Additionally, the Phase I report recommends removing debris and abandoned buildings found on the Project Site as well as notifying PG&E of the presence of a rusted transformer along Tamarack Avenue fronting APN 028-410-016.

IMPACT ANALYSIS

Construction

Construction activities for Alternative A would require handling of hazardous materials, such as fuels, lubricating fluids, and solvents for use with construction equipment onsite. Accidental spills or improper use, storage, transport, or disposal of these hazardous materials could result in a public hazard or the transport of hazardous materials (particularly during storm events) to the underlying soils and groundwater.

Although these hazardous materials could pose a hazard, activities would be required to comply with extensive regulations so that substantial risks would not result. Examples of compliance with these regulations would include preparation of a hazardous materials business plan, which would include a training program for employees, an inventory of hazardous materials, and an emergency plan. All storage, handling, and disposal of these materials would be performed in accordance with regulations established by DTSC, EPA, the Occupational Safety and Health Administration, the California Governor's Office of Emergency Services, and OSHA. As a result of compliance with the applicable regulations as described above, no significant risks would result to construction workers, the public, or the environment from the construction-related transport, use, storage, or disposal of hazardous materials. Additionally, mitigation that requires specific measures for spill prevention and containment of hazardous materials on the Project site during construction. With implementation of mitigation measures provided in **Section 4.0** and requirements identified above, impacts associated with transport, use, or disposal of hazardous materials would be reduced to less-than-significant with mitigation.

Construction BMPs identified in **Section 2.1.5** would minimize the potential of such accidental releases and would prevent accidental releases from escaping the Project Site or entering into a surface water. Additional BMPs listed in **Section 2.1.5** for hazardous materials and water quality would be implemented to minimize the possible hazards associated with any potentially undiscovered contamination and mitigation measures provided in **Section 4.0** would minimize or eliminate adverse effects from potential contamination on APN 028-410-018 or undiscovered contaminated materials.

One potential REC was identified on APN 028-410-018 within the Project site (**Appendix HAZMAT).** There is a large pile (approximately 15 feet in diameter and 6 feet high) of scraped-up soil near the center, with possible fuel and hydraulic fluid spills as a result. Mitigation, included in **Section 4.0**, would require Phase

II testing of the dirt pile and proper disposal at appropriate facilities if the site is found to contain RECs. No other RECs or controlled RECs were found during a search within a one-mile radius of the Project site (**Appendix HAZMAT).**

Operation

During operation, Alternative would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Alternative A would construct a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting space, up to 36 residential units, three or four small non-residential complexes, and a potential administration building (e.g., daycare).

Hazardous waste generated by residential and office land uses is referred to as household hazardous waste. Households and offices commonly discard items such as paints, stains, oven cleaner, motor oil, and pesticides as well as batteries, thermostats, lamps, televisions, and computer monitors that contain hazardous constituents. Due to the number of units proposed, it is anticipated that generation of household hazardous waste or the disposal of Alternative A would result in a less that significant hazard to the public or environment. Alternative A would place residences near the SR-299 corridor and possible hazardous materials being transported along the corridor. However, residences are already located in the vicinity of the Project site and SR-299. Alternative A would not increase the likelihood of hazardous spills or accidents on the highway, nor would Alternative A affect the type or amount of hazardous materials or the frequency of hazardous materials shipping.

Potential remediation, as well as construction and operation of Alternative A, would include oversight by the appropriate federal agencies and would comply with applicable regulations regarding hazardous materials. Therefore, there is a low likelihood that hazardous materials would create a significant hazard to the public or environment through the routine transport, use, or disposal of materials or the accidental release of materials. Therefore, the impact would be less than significant with mitigation.

CUMULATIVE IMPACTS

The geographic scope for consideration of cumulative impacts related to hazards and hazardous materials is the Town of Burney. Potential hazardous materials impacts related to site-specific conditions are generally not regional in nature; impacts from one project typically do not combine with impacts from other projects in the area to create a cumulative impact. Thus, there would be no cumulative impact to which Alternative A could contribute. Compliance with all applicable federal, state, and local regulations related to hazards and hazardous materials on a project-by-project basis would be required for all projects within the area and would ensure that site-specific impacts are appropriately address and cannot combine with site-specific impacts from other project sites. Developments of similar scope would typically require implementation of BMPs similar to those listed in **Section 2.1.5** regarding hazardous materials. Therefore, there would be no significant cumulative hazardous materials impacts associated with Alternative A.

3.2.12 VISUAL RESOURCES

REGULATORY SETTING

The visual resources regulatory setting is summarized in **Table VIS-1** below. Additional information about the regulatory setting can be found in **Appendix REG**.

TABLE VIS-1

REGULATORY POLICIES AND PLANS RELATED TO VISUAL RESOURCES

Regulation	Description
Federal	
National Scenic Byway Program	– Administered by the Federal Highway Administration and was established to preserve scenic but less-traveled roadways.
State and Local	
California State Scenic Highways	– Regulates development near highways designated as scenic.
Shasta County General Plan	– Identifies the County's plans and goals related to the County's visual resources.

ENVIRONMENTAL SETTING

Land uses surrounding the Project Site include residential development, commercial, and timberland. The visual character of the surrounding area is typical of rural Shasta County. SR-299 and Tamarack Avenue are the main roads in the vicinity of the Project Site. The general area is composed of primarily single-family homes with small businesses, churches, schools, and restaurants. The Project Site is surrounded by varying topography characterized by rolling hills with subtle elevation changes, intermixed with moderate to high canopy cover. Surrounding residences and the Casino contribute to light pollution in the area; however, much of this light may be blocked by surrounding vegetation and topography. A vista is a visual corridor that is scenic in nature, pleasing to the public eye. Vistas are often interrupted to some extent by landscaping or buildings. A viewshed is comprised of one or more vistas. Scenic corridors and highways are major routes of travel that offer scenic views to tourists. Major roadways that offer visuals of the Project Site to passing motorists are the standard for assessing viewshed impacts. Duration of views is dependent on traffic conditions, vehicle speed, obstruction by buildings or landscaping, and direction of travel. Views from roadways not immediately adjacent to the Project Site are generally obstructed by vegetation, topography, and existing homes. The Project Site is in a rural area with paved roadways leading directly to the Project Site and canopy from the trees which generally cover the Project Site provide a visual barrier from onlookers looking into the Project Site. The California Department of Transportation identifies portions of State Route (SR-)89 as a designated scenic federal byway (USFHA, 2023; Caltrans, 2023); at its closest approach in an area known as the Four Corners, SR-89 is approximately 5 miles west of the Project Site.

IMPACT ANALYSIS

Impacts related to visual resources would be considered significant if development were to substantially alter or interrupt locally important scenic vistas, introduce visual elements that would conflict with the County's General Plan to maintain and enhance the quality of Shasta County's scenic and visual resources, or create sources of inappropriate or excessive glare or nighttime illumination.

Construction

During construction, as mentioned above, the Project Site would be visible from public roadways. Construction equipment and material staging at the staging area onsite would result in a temporary visual change during the duration of construction for motorists and adjacent landowners. However, the impacts would be temporary and would not substantially degrade the visual character of the surrounding area in such a way that a permanent degradation of character or quality would occur.

Operation

Alternative A would result in the construction of a building to house Tribal Council Chambers/offices/meeting space, an outdoor meeting space, up to 36 single-story, single-family homes, three or four single-story commercial/office structures, and a potential administration building (e.g., daycare). Construction of the structures would result in a visual change. However, construction would occur adjacent to existing development and would mirror adjacent land uses. Construction would require the removal of existing vegetation within the footprint of the proposed structures, driveways, and roadways; however, vegetation would be preserved to the extent feasible. Further, as shown on Figure 4, the majority of the site would remain undeveloped. The existing land uses and zoning designations allow for by-right development, which would result in a similar construction as the proposed structures. The Tribal Council Chambers/office/meeting space building would be two stories, rather than one story, but it is not substantially larger than the proposed non-residential buildings, and it would not interrupt views of the local landscape. Therefore, the proposed construction under Alternative A would result in structures similar to surrounding land uses. Additionally, the proposed construction would occur within the unincorporated Town of Burney and would not result in a substantial change in expected development or land use. Finally, the structures would be constructed using typical building materials, including earth-toned cement, neutral-colored metal siding and roofs, and/or exposed wood or brick.

No officially designated State scenic highways are located adjacent to the Project site. The U.S. Federal Highway Administration identifies portions of SR-89, as a designated scenic federal byway (USFHA, 2023). SR-89 is located 5 miles west of the Project Site; due to distance, the variations in topography and intervening structures within the Town of Burney, the Project Site is not visible from SR-89. Further, the proposed Project would not require the removal of scenic resources like rock outcroppings or historic buildings.

Construction would not occur during nighttime hours; thus, no nighttime construction lighting is required. During operation, lighting would consist of typical residential lighting and securing lighting at the Tribal Council Chambers/office/meeting space building, outdoor meeting space, three or four residential commercial/office complexes, and potential administration building (e.g., daycare). All lighting onsite would be down-shielded. Therefore, the downward-facing lighting constructed as part of Alternative A would not result in a substantially new introduction of lighting to the Project area. Additionally, as per § 130.2(c) of the California Energy Code (California Energy Code, 2022), all outdoor lighting for new non-residential uses must be controlled with an astronomical time-switch control or other control capable of shutting off the outdoor lighting when daylight is available. These light fixtures would be on at dusk and off at dawn. Lighting would be consistent with nearby residential and commercial/office development.
In the daytime, glare sources would come from building materials and vehicles accessing the site.

Alternative A does not propose highly reflective surfaces, such as mirrored glass or black glass. The proposed site plan would place the new development setback from existing public streets and would include landscaping. Buildings would be constructed with typical buildings materials, including cement plaster in neutral earth tones, which does not reflect glare, metal siding, which would incorporate low glare finishes, and/or wood, which does not contain reflective properties.

Alternative A would not interrupt or substantially alter local views or create sources of glare or excessive nighttime illumination. Lighting and landscaping would be consistent with nearby development. Additionally, protective measures and BMPs discussed in **Section 2.1.5** would be incorporated in project design to further reduce visual impacts. There would be a less-than-significant impact.

CUMULATIVE IMPACTS

As there are no locally important scenic vistas or scenic highways in the vicinity of the Project Site, cumulative impacts related to these resources would not occur. As discussed above, Alternative A would be consistent with the County's General Plan and would not introduce a land use in conflict with the anticipated visual character of the site or the existing/anticipated character of the surrounding land. Additionally, although Alternative A would introduce a new lighting source, light would be limited to residential, office, commercial, and government (i.e., Tribal Council Chambers) use that would not result in excessive glare, or lighting practices that would cause nighttime light pollution. Given the vegetative curtain and limited need for lighting, light would not be excessive or overspill the bounds of the Project Site. There would be a less-than-significant cumulative impact.

3.3 ALTERNATIVE B: NO ACTION

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

3.4 INDIRECT AND GROWTH-INDUCING EFFECTS

Under NEPA, indirect and growth-inducing effects of Alternative A must be analyzed (40 CFR §1508.8[b]). The CEQ Regulations define indirect effects as effects that are caused by the action and are later in time or further removed in distance but are still reasonably foreseeable. Growth-inducing effects are defined as effects that foster economic or population growth, either directly or indirectly. Direct growth inducement could result, for example, if a project included the construction of a new residential development. 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). The potential for direct and indirect growth-inducing effects is assessed below.

3.4.1 INDIRECT EFFECTS

Alternative A would require the extension of services for electricity, solid waste collection, as well as water and wastewater connections. If these extensions or improvements are made, impacts would be minimal given the scale of Alternative A. Additionally, the proposed land uses resulting from the construction of Alternative A would be consistent with the existing land use designations. The parcels are within the service areas for utilities and the site would be accessed via existing roadways. Therefore, Alternatives A and B would not result in potentially significant indirect effects from off-site improvements.

3.4.2 GROWTH-INDUCING EFFECTS

Growth inducement may constitute an adverse impact if the increased growth is not consistent with or accommodated by the land use and growth management plans and policies for the area affected. The Shasta County General Plan: Community Organization and Development Pattern and land use plans provide for development patterns and growth policies that allow for orderly development supported by adequate public services and utilities such as water supply, roadway infrastructure, sewer services, and solid waste disposal services (Shasta County, 2022b). A project that would induce "disorderly" growth could indirectly cause adverse environmental or public service impacts.

A limited number of employment opportunities would be created through the operation of Alternative A. The Tribal Council Chambers/office/meeting space building would be used by people who are already using similar facilities at a different location. The three or four small non-residential complexes that would support both commercial and offices uses, and the tribal government and office building would not generate substantial employment opportunities. Further, it is anticipated that the net direct local population growth resulting from the Project would be negligible given that the residential units are restricted to tribal members. Analyses of the adequacy of local infrastructure and services are included in the discussion of environmental consequences for each proposed Alternative. No significant, unmitigable impacts have been identified that would result from Alternative A. The proposed land uses resulting from the construction of Alternative A would be consistent with the existing land use designations. The parcels are within the service areas for utilities and the site would be accessed via existing roadways. The Project would be required to construct internal roadways and onsite pipelines for potable water, stormwater drainage, and sewer conveyance to serve Alternative A. As Alternative A consists of infill development, this infrastructure would only support the Project and would not support additional development or growth. Additionally, the commercial, office, and residential development is consistent with the policies included in the County's General Plan. Thus, construction of Alternative A would not result in an extension of roadways or utilities in such a way as to remove barriers to future construction. Growth-inducing impacts would be less than significant for Alternatives A and B.

SECTION 4.0 Mitigation Measures

Mitigation consists of "avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; [or] compensating for the impact by replacing or providing substitute resources or environments…" (40 CFR

1508.20). Mitigation measures are discussed below. Mitigation Measures shown in the table below are recommended to reduce potential impacts of Alternative A.

TABLE MM-1

MITIGATION MEASURES

Resource Area	Mitigation Measure
Living Resources	**Northern Spotted Owl** - Any necessary tree removal for construction will be restricted to October 1 through February 1, outside of the nesting season for northern spotted owl or protocol surveys will be conducted prior to tree removals. - Construction equipment will utilize existing public and private roads to the extent feasible during construction to minimize additional land disturbance. - In areas where field surveys identify the presence of suitable nesting habitat for northern spotted owl within the project work limits, the status of nesting activity would be determined through protocol-level surveys to determine the presence/absence of nesting northern spotted owls. If no active nests are identified, construction may proceed. If active nests are encountered during protocol surveys, USFWS will be consulted regarding incorporation of additional avoidance and minimization measures including establishment of nest avoidance buffers around active northern spotted owl nests. **Northwestern Pond Turtle** - No less than 14 days prior to initiating ground-disturbing activities, a qualified biologist shall conduct preconstruction surveys in accordance with applicable regulations and guidelines for northwestern pond turtle. The biologist will ensure turtles are not present within the project work limits prior to the installation of exclusionary fencing described below. - The project work limits shall be delineated prior to installation of exclusionary fencing by a qualified biologist. No construction activities shall take place outside the delineated project work limits. - The project work limits shall be fenced off with exclusionary fencing to prevent northwestern pond turtles from moving into the construction area. This barrier will be constructed out of properly installed silt fencing or equivalent material to prevent the movement of northwestern pond turtle into the project work limits. The bottom of the fencing will be keyed into the ground to prevent wildlife from moving under the fencing. - If any northwestern pond turtles are found during pre-construction surveys, the biologist shall contact USFWS within 24 hours to initiate consultation, to determine whether relocation and/or additional exclusion buffers are appropriate. If the USFWS approves relocating the animal, then the approved, qualified biologist shall be given

Resource Area	Mitigation Measure
	sufficient time to move the animal(s) from the project work limits before work construction can begin. - Any vegetation removed prior to the start of construction activities shall be placed away from sensitive species exclusion areas so that no cut vegetation remains once exclusionary fencing is installed. All nonnative, invasive vegetation removed shall be discarded offsite and away from aquatic resources to prevent reseeding. - If any northwestern pond turtles are observed in the project work limits during construction, work will immediately stop. The northwestern pond turtle will be allowed to move out of harm's way on its own accord, and USFWS will be contacted within 24 hours to initiate consultation on additional avoidance measures in conjunction with a qualified biologist. **Nesting Migratory Birds** - Should construction activities associated with the Proposed Action occur during the general nesting season (February 15 to September 15), a preconstruction nesting bird survey shall be conducted no more than 5 days prior to the start of ground disturbing activities including tree removals. Areas within 500 feet of construction shall be surveyed for active nests. - Should an active nest be identified, a nest avoidance buffer shall be established based on the needs of the species identified. Avoidance buffers may vary in size depending on habitat characteristics, project-related activities, and disturbance levels. - Construction fencing or flagging shall be applied along the outermost perimeter of the nest avoidance buffer. Avoidance buffers and construction fencing shall remain in place until the end of the general nesting season or upon determination that the nest has fledged or is otherwise determined to be inactive. - Should work activity cease for 7 days or greater during the breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity. - If active nests are found within the Action Area, USFWS will be consulted regarding additional avoidance measures including potentially avoiding construction during the nesting season in suitable habitat. **General Measures** - Before the project activities begin, all construction personnel shall attend a Worker Environmental Awareness Training session conducted by a qualified biologist. The session shall describe potentially occurring special-status species including northern spotted owl, northwestern pond turtle and their habitats, address the proper

Resource Area	Mitigation Measure
	implementation of avoidance measures, and clarify the boundaries of the project work limits. - Federally-listed plants or wildlife should not be collected or harassed if encountered on site. - Any wildlife encountered during an activity, including construction, operation, and decommissioning should be allowed to leave the area of its own accord, unharmed. - Trash will be disposed of daily in covered containers during construction to minimize the potential for construction activities to attract scavengers that could affect federally listed species that may occur within the Action Area. - Feeding of wildlife and/or leaving of food or trash as an attractive nuisance to wildlife is prohibited. Particular attention should be paid to "micro-trash" (including such small items as screws, nuts, washers, nails, coins, rags, small electrical components, small pieces of plastic, glass or wire, and any debris or trash that is colorful or shiny). - All trash and food items should be promptly contained within closed, wildlife-proof containers. These should be regularly removed from the Project Site to reduce the attractiveness of the area to ravens and other predators. - The project proponent, its agents, or contractors should cover or fill all potential pitfalls to wildlife or cavities in which wildlife may become trapped when not attended. These include pits, trenches, vats, buckets, pipes, etc. Ramping should be provided in open trenches when necessary to provide escape routes for entrapped wildlife. - The project proponent, its agents, or contractors should preserve existing native vegetation to the extent practicable. Precautions should be taken to avoid damage to native vegetation by people or equipment. - To the extent practicable, material laydown yards, staging areas, and areas of surface disturbance associated with the project should be located in previously disturbed areas or in areas where habitat quality is poor. In addition, material laydown yards, staging areas, and areas of surface disturbance shall not be located within the buffers to Burney Creek, or within buffers from aquatic resources. - To prevent the introduction of invasive plant species, project proponents, their agents, or contractors should ensure that all vehicles and equipment that have been used on sites outside of the project area are cleaned prior to entering the project work limits.

Resource Area	Mitigation Measure
	- When applicable, weed-free dirt, mulch, gravel, and other materials should be used. - Domestic pets are discouraged on site. This does not apply to the use of domestic animals that may be used to aid in official and approved monitoring procedures/protocols, or service animals under Titles II and III of the Americans with Disabilities Act.
Cultural Resources	- Work within 50 feet of a potential find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR § 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA, the Tribe, and other appropriate agencies. - If a find is determined to be significant by the archaeologist or paleontologist, a tribal representative shall meet with the archaeologist or paleontologist to determine the appropriate course of action, including the development of a treatment plan and implementation of appropriate provisions, if necessary. - If human remains are discovered during ground-disturbing activities on tribal lands, the County Coroner, the Tribe, and the BIA shall be contacted immediately. If the coroner determines that the remains are Native American, the provisions of NAGPRA shall apply. No further disturbance shall occur in the vicinity of the find until the Tribe and BIA have consulted regarding treatment and disposition of the remains.
Transportation	- Prior to the start of construction activities, all applicable local and State encroachment permits shall be obtained and the conditions of approval complied with. - Prior to the start of construction activities, a Temporary Traffic Control Plan (TTCP) shall be developed detailing the construction route, hours of construction, the construction staging area, and the location and duration of any anticipated lane closures. Lane closures shall be limited during peak traffic hours to the extent practicable. The TTCP shall require the implementation of a flag person to assist with one-way traffic control in the event of lane closures, to assist with traffic control at the project site and construction staging area, and to maintain adequate emergency access. The TTCP shall be reviewed and approved by the County prior to the start of construction activities.
Public Services	- Prior to the start of construction activities, the Tribe will obtain Will Serve letters from Burney Water District for both water and sewer connections and service.
Noise	- Future Project designs of any proposed onsite daycare shall be designed such that the outdoor play area is located on an internal side of a building such that the building serves as a noise barrier between the outdoor play area and any existing, offsite residencies.

Resource Area	Mitigation Measure
Hazardous Materials	- Try and determine the origin of the large soil pile on APN 028-410-018-000; if from scraping the parcel, or if the origin cannot be determined, submit samples to an accredited testing laboratory, and implement additional steps (i.e., soil sampling, remediation) as needed depending on results. If a REC is identified, then Phase II testing of the dirt pile would be required, as well as proper disposal of materials on this pile. If the tests come back with unacceptably high levels of hazardous materials, retain a qualified contractor to remove and dispose of at a qualified facility. - Remove all debris, garbage, tires, lumber, vehicles, furniture, cans, drums, wire, fencing, glass, plastic, appliances, etc. and dispose of at an appropriate facility. - Report the rusted transformer to PG&E, as it may contain PCBs.