TOLOWA DEE-NI' NATION
7 PARCEL FEE-TO-TRUST PROJECT
ENVIRONMENTAL ASSESSMENT



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Prepared for:

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1. INTRODUCTION

1.1 INTRODUCTION

This Environmental Assessment (EA) was prepared to support the application of the Tolowa Dee-ni' Nation (Tribe) for land to be placed into federal trust for the Tribe. The United States Bureau of Indian Affairs (BIA) is the lead federal agency that is charged with reviewing and approving tribal applications pursuant to 25 C.F.R. Part 151 to take land into federal trust status. The proposed trust land consists of seven parcels totaling 22.3± acres in Del Norte County, California, which the Tribe intends to use for visitor parking, residential housing, cultural center, cultural preserve, and natural preserve.

This document has been completed in accordance with the requirements set out in the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq.), the Department of the Interior's Procedures for the Implementation of NEPA (43 CFR Part 46); 516 DM 10 - Managing the NEPA Process - BIA; and the BIA NEPA handbook (516 DM 1). This document provides a detailed description of the Proposed Action and an analysis of the potential consequences associated with the development of the project. This document also includes a discussion of project alternatives, impact avoidance, and mitigation measures. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action and either it determines that a Finding of No Significant Impact (FONSI) is appropriate or it will request that an Environmental Impact Statement (EIS) be prepared.

1.2 BACKGROUND AND PROJECT LOCATION

The 164-acre Smith River Rancheria was established in 1908 as one of three serving the Tolowa people. However, as a part of the California Rancheria Act of 1958, the Smith River Rancheria was terminated. During the period of Termination, the land that formerly comprised the Rancheria was allotted to individual members and as much as 40% of that land was sold to non-Indians. On December 15, 1983, the Tolowa Indians of the Smith River Rancheria was restored as a federally recognized Indian tribe as a result of the *Hardwick v. United States*, a class-action suit involving 17 California Indian rancherias unlawfully terminated by the United States Bureau of Indian Affairs. The aboriginal ancestral lands of the Tribe lay along the Pacific Coast between Wilson Creek to the south, Sixes River to the north and inland to the Applegate River. The Tribe's federally designated service area (on or near reservation status) includes Del Norte and Humboldt Counties in California and Curry, Josephine, and Coos Counties in Oregon. This service area encompasses about 7,000 square miles of land. Tolowa Dee-ni' Nation trust lands are located south of the California-Oregon border in northwest California. The name "Smith River Rancheria" was replaced with "Tolowa Dee-ni' Nation" in 2015.

The Tolowa Dee-ni' Nation owns various parcels in trust status and in fee title. The Tribe operates a number of different facilities on Reservation lands including administrative offices, the Lucky 7 Casino and Howonquet Lodge, the Regional Tribal Justice Center, Lucky 7 Fuel Mart, Xaa-wan'-K'wvt Hall Community Center, Xaa-wan'-K'wvt Early Learning Program (Headstart and day care facility), elder housing, rental units, United Indian Health Services, and Community and Family Services.

The seven proposed trust parcels addressed by this EA (the Project Area) are owned in fee title by the Tribe and are located on the east side of State Route 101 in the town of Smith River. Details on the parcels are as follows (Figure 1.2-1 and Figure 1.2-2):

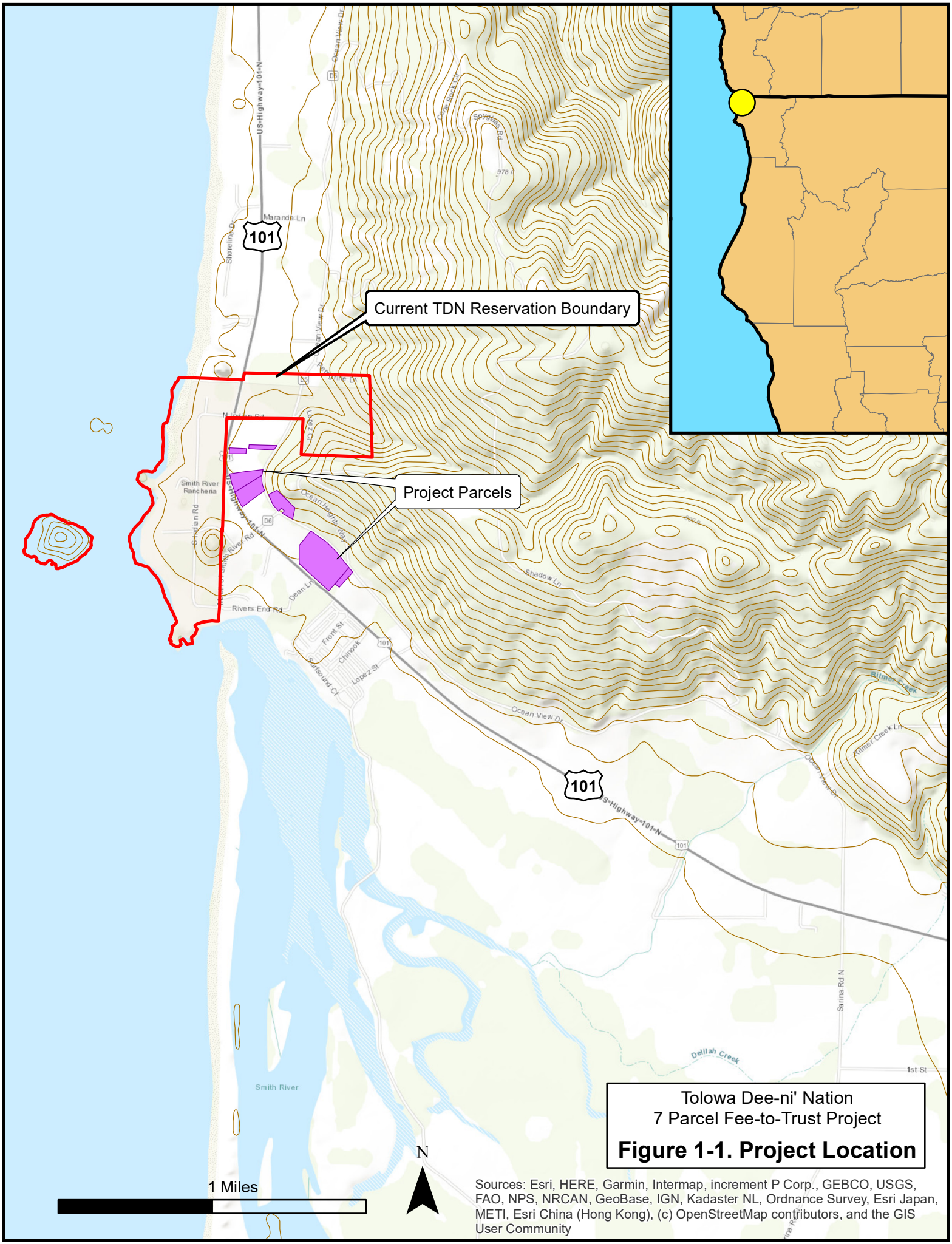
- the Ball Property (Na'-lee-dvn), 1.0 acre, Assessor Parcel Number (APN) 102-070-17, 13130 Oceanview Drive
- the Croft Property (Lhan-tr'vt), 0.69 acres, APN 102-070-13, 13091 Highway 101 North
- the Allen/Epperson Property (Yulh-naa-des-wet), 2.85 acres, APN 102-070-08, 13001 Highway 101 North
- the Etta Richards Property (Xaa-wan'-chvn-dvn), 2.96 acres, APN 102-070-25, 12940 Ocean View Drive and 12955 Highway 101 North
- the Brune Property (Xaa-wan'-chii-la'), 2.0± acres, APN 102-160-23, with an approximate address of 13001 Ocean View Drive
- the Eller Property (See-lhsrik), 11.77-acres, consisting of two parcels, APN 102-010-41 (10.77± acres) and APN 102-010-40 (1.0± acre), with an approximate address of 12600 Ocean View Drive

The Project Area is located within Section 17 of Township 18 North and Range 1 West, Humboldt Baseline and Meridian, of the Smith River U.S. Geological Survey 7.5 degree-minute quadrangle. The center of the seven parcels has the following coordinates: latitude 41.9516 degrees North and longitude 124.2026 degrees West. Figure 1.2-1 shows the location of the Project Area. Four parcels (the Ball Property, the Croft Property, the Allen/Epperson Property, and the Etta Richards Property) are located within the traditional Reservation boundary. This EA addresses the environmental consequences of the Proposed Action: the transfer into federal trust and subsequent development of some of the parcels.

1.3 PURPOSE AND NEED

The Tribe's purpose and need for the Proposed Action is to provide essential services and housing for Tribal members. As of July 2025, the Tribe has 2,106 Tribal members, and its population is growing every year. The Tribe's existing land base is currently inadequate to accommodate existing needs and future growth. Less than 90 acres of the Tribe's original Reservation are held in Federal Trust status on behalf of the Tribe and tribal members (through Allotments). The Proposed Action would provide for the following Tribal needs:

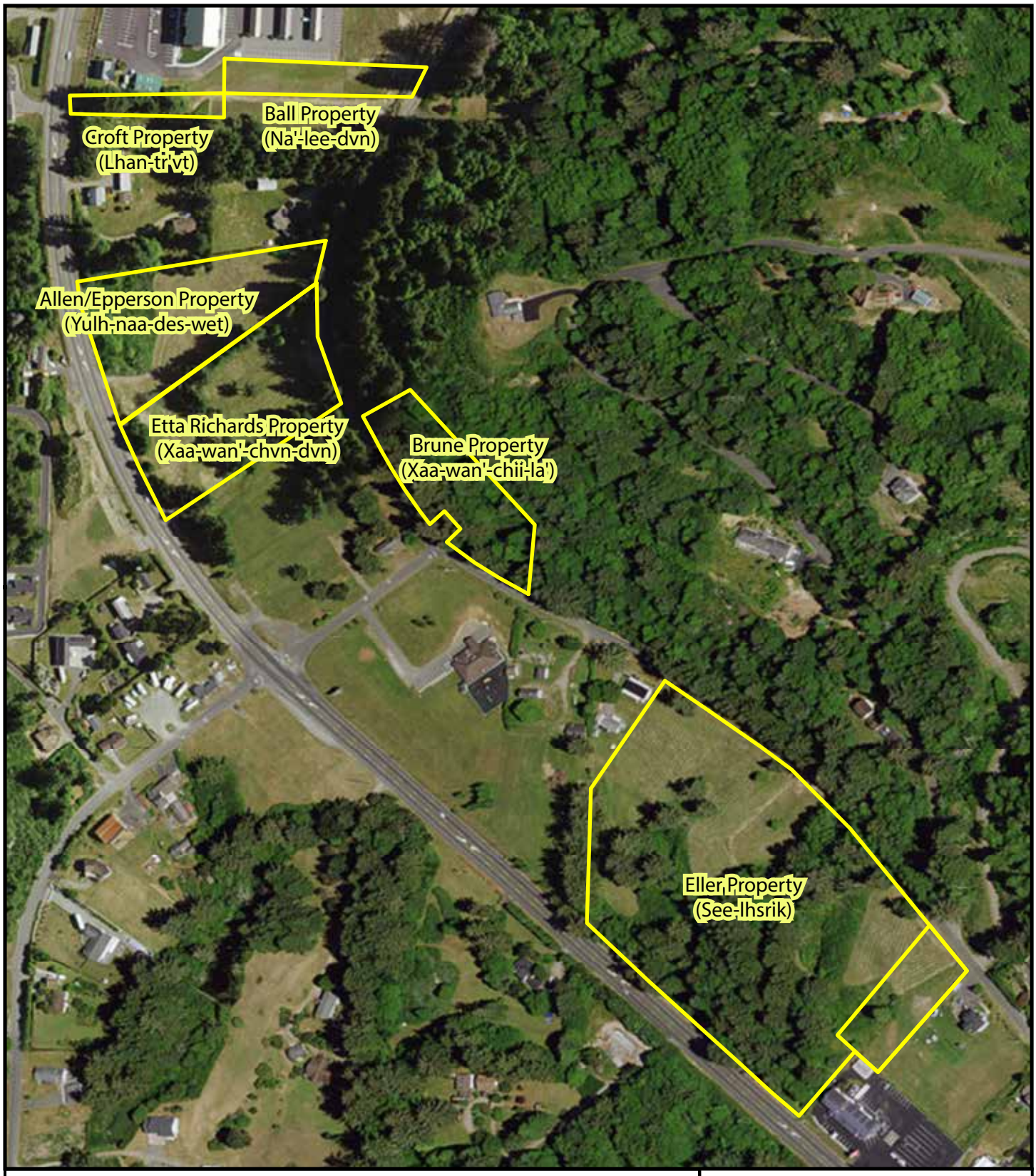
- Housing for Tribal Members—additional residential units are needed to provide for the increasing demand for housing for Tribal Members.
- Economic development—construction and operation of the visitor parking and recreational vehicle parking spaces would allow the Tribe to expand their tourist-based services, which provides more economic stability.
- Social development—construction and operation of the cultural center and outdoor gathering area will allow the Tribe to practice its traditional ceremonies and provide cultural events and education.
- Reclaim land base—the parcels proposed for trust status are located within the aboriginal ancestral lands of the Tolowa Dee-ni' Nation.
- Tribal Sovereignty—allow the Tribal Government to exercise its sovereign authority over their land.



Tolowa Dee-ni' Nation
7 Parcel Fee-to-Trust Project

Figure 1-1. Project Location

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project

Figure 1-2. Project Parcels

1.4 GENERAL SETTING

The Smith River region is situated on a coastal terrace known as the Crescent City Plain. The climate of the Crescent City area is characterized by cool temperatures and frequent overcast conditions and precipitation. Temperatures in the Crescent City area range from an annual mean high of 66°F in September to an annual mean low of 40°F in January. Rainfall averages 67 inches annually, making Crescent City one of the wettest places in California. The coastal ranges and Klamath Mountains isolate the Smith River region from the more populated areas of California, yet the wilderness setting is a major appeal to nature-based recreation and tourism. The majority of Del Norte County is owned by state and federal resource agencies. The County, like much of the Pacific Northwest region, is transitioning from an economy based upon resource extraction to an economy based upon recreation and tourism and retirement living.

1.5 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

This EA has been prepared to analyze and document the environmental consequences associated with: 1) the proposed immediate transfer of 22.3± acres of fee title land into federal trust status for the Tribe, and 2) the proposed future development of visitor and recreational vehicle parking, tribal residential housing, and a cultural center. The BIA is the federal agency charged with reviewing and approving tribal applications to take land into federal trust status. This EA has been completed in accordance with and to satisfy the requirements set out in the Procedures for the Implementation of NEPA (43 CFR Part 46); 516 DM 10 - Managing the NEPA Process - BIA; and the BIA NEPA guidebook (59 Indian Affairs Manual 3-H). The BIA, in its internal manual setting forth NEPA procedures, recognizes that an EA must comply with NEPA as amended, and that it must also comply with other statutory and regulatory requirements of various federal agencies such as the United States Environmental Protection Agency and the Advisory Council on Historic Resources.

1.6 ENVIRONMENTAL ISSUES ADDRESSED

Preparation of this EA has included consultation with the United States Fish and Wildlife Service, Del Norte County Planning Division, and other agencies and organizations (see Section 6.0). Based on a review of the Project Area and the consultations mentioned above, the following key environmental issues are evaluated in this EA.

LAND RESOURCES

- The Project Area is situated in a region of geologic hazards.
- Ground-disturbing activities from project construction could increase the potential for erosion and discharge of sediment into drainages near the Project Area.

WATER RESOURCES

- During construction of the proposed facilities, surface water or ground water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products
- During operation of the proposed facilities, parking lots and access roads could potentially collect petroleum products and other pollutants that are typically concentrated in paved areas and then transported to receiving water bodies during storm events.

AIR QUALITY

- Implementation of the Proposed Action, either during construction or during operation, could potentially emit pollutants in excess of established quantitative air pollution thresholds, which may hinder regional efforts in meeting State and Federal air quality standards.

BIOLOGICAL RESOURCES

- Development of the proposed facilities could potentially impact undetected endangered, threatened, or rare species, sensitive natural communities, or other ecological resources.

CULTURAL RESOURCES

- Development of the proposed facilities could potentially impact unrecorded archaeological or historical resources located within or adjacent to the Project Area.

SOCIOECONOMIC RESOURCES

- Development of the Proposed Action could potentially result in social or economic changes to the local community that in turn could affect the physical environment.

TRAFFIC

- Operation of the Proposed Action could potentially generate additional vehicular use of U.S. 101 and local roadways, contributing to increased traffic volumes and possible impacts to traffic flow.

LAND USE

- Development of the Proposed Action could potentially conflict with the policies of the Del Norte County 2003 General Plan, Local Coastal Plan, or the County's Zoning Ordinance.

PUBLIC SERVICES

- Development of the proposed facilities could potentially impact providers of water and wastewater services, fire protection, or law enforcement services

NOISE

- Implementation of the proposed facilities, either during construction or during operation, could potentially result in increases in existing noise levels.

HAZARDOUS MATERIALS

- Development of the proposed facilities could potentially result in health hazards or environmental degradation if hazardous materials are encountered or mishandled during the construction process.

VISUAL RESOURCES

- Development of the proposed facilities could potentially result in impacts to the visual character or aesthetics of the Project Area or vicinity.

All environmental impacts that have been identified as potentially significant can be mitigated to a less than significant level with measures identified in this EA.

1.7 POTENTIAL REGULATORY REQUIREMENTS AND APPROVALS

The following federal approvals and actions may occur as a result of the Proposed Action:

- Transfer of the 7 parcels (22.3± acres) into federal trust status for the Tribe by the Secretary of the Interior.
- Enrollment under the National Pollutant Discharge Elimination System (NPDES) general permit for construction-related storm water discharges by the United States Environmental Protection Agency (EPA) as required by the Clean Water Act (to be completed prior to construction).
- Consultation with the United States Fish and Wildlife Service (USFWS) under Section 7 of the Federal Endangered Species Act.
- Consultation with the Tribal Historic Preservation Officer under Section 106 of the National Historic Preservation Act.
- Federal Coastal Zone Act Consistency Determination

2. PROPOSED ACTION AND ALTERNATIVES

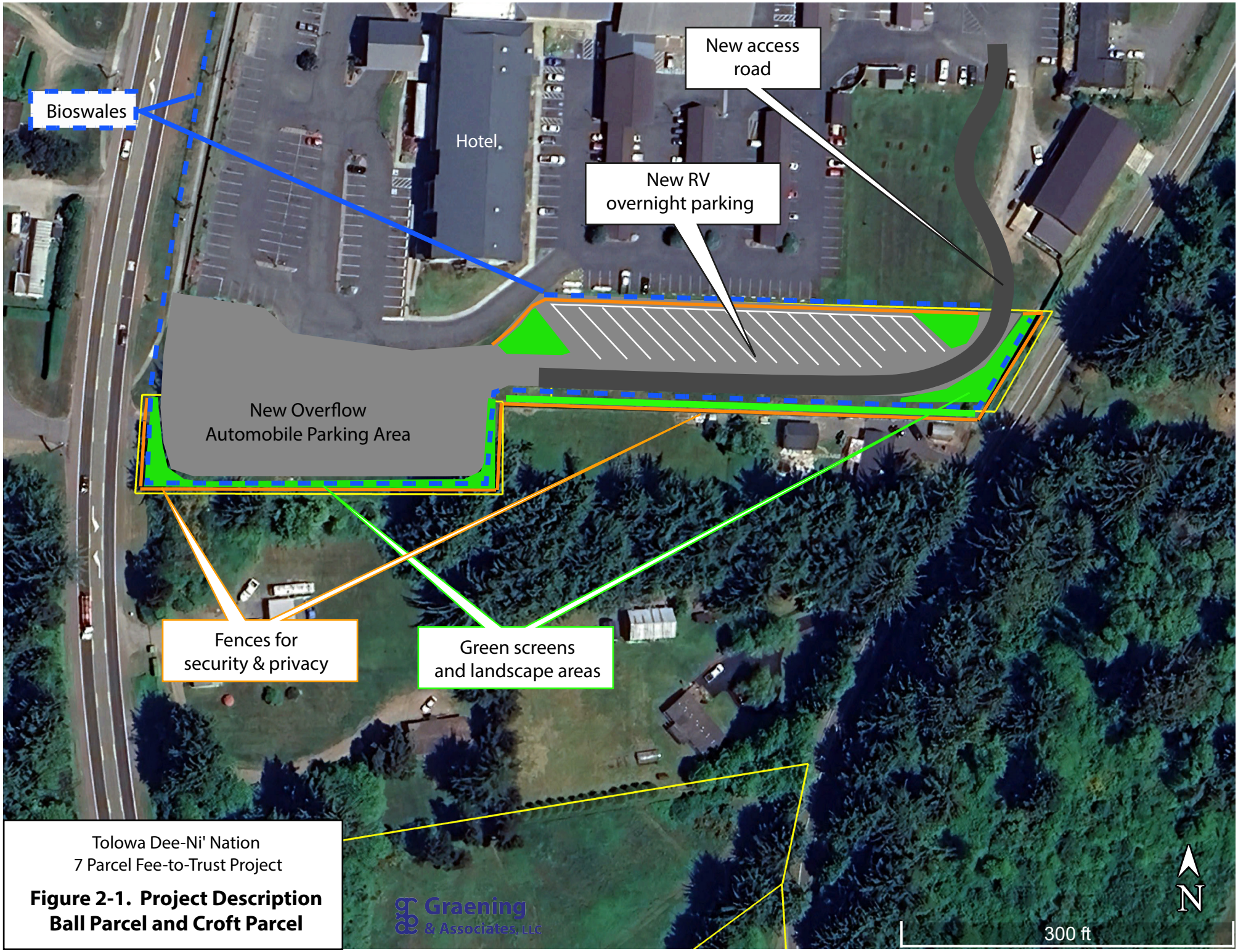
2.1 PROPOSED ACTION

The Proposed Action consists of placing the seven parcels (described in Section 1.2), totaling 22.3± acres, into federal trust status on behalf of the Tribe (Figure 1.2-2). All seven parcels are contiguous with the Tribe's trust lands, and four are within the original reservation boundary. The transfer of this property is intended to reclaim the Tribe's land base, to encourage economic development, to provide housing for tribal members, to promote cultural activities, and to protect sensitive cultural resources. The land transfer would be made in accordance with the procedures set forth in 25 C.F.R. Part 151. Proposed land uses consist of visitor and recreational vehicle parking, tribal residential housing, a cultural center, and a cultural preserve. A conceptual layout of the proposed land uses is provided in Figures 2.1-1 through 2.1-5.

2.1.1 VISITOR AND RECREATIONAL VEHICLE PARKING LOTS

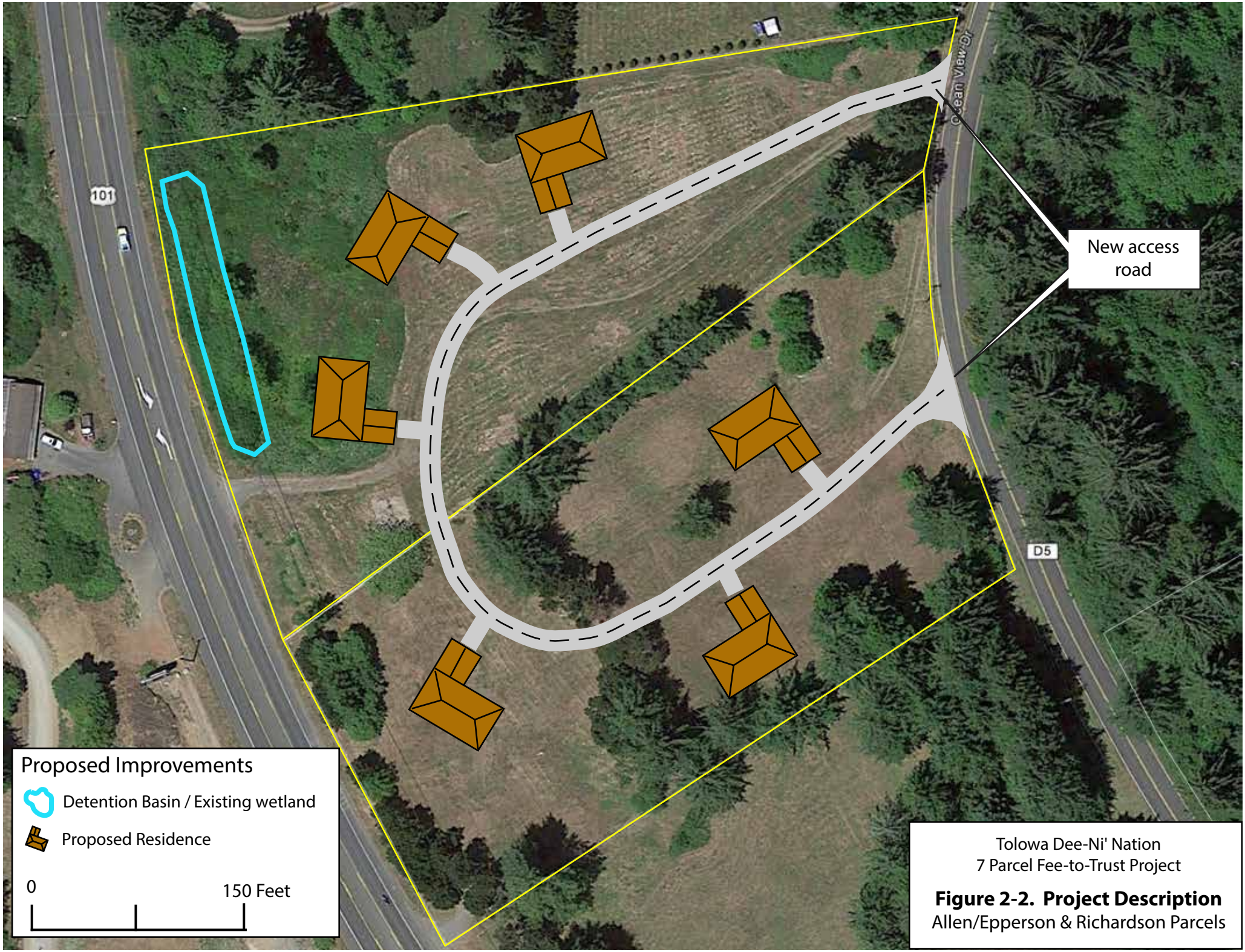
The proposed development project includes new asphalt parking lots to expand parking for visitors for the tribal hotel and casino and special events and for some recreational vehicles (Figure 2.1-1). On the Croft Property, a paved asphalt parking lot is proposed that would contain approximately 50 automobile parking stalls. This new parking lot would be accessed from the existing hotel and casino parking lots. On the Ball Property, a paved asphalt recreational vehicle parking lot is proposed to be constructed on an area of mowed lawn, with approximately 17 parking stalls. These parking stalls would accommodate Class A recreational vehicles (large motor homes often called "diesel pushers") and Class B and C recreational vehicles (motor homes mounted to van or truck chassis, fifth wheel trailers, pop-up trailers, etc.). This new parking lot would be accessed from the existing hotel and casino parking lots, as well as from a potential new road constructed through the Keeter Property. Only overnight, or weekend, occupancy will be allowed; no long-term or residential use will be allowed. These parking stalls will not provide "full hookup"—no individual water supply, electricity, or waste disposal will be available. Instead, a central water spigot and drinking fountain will be provided.

All improvements would be constructed according to County building codes. The two properties would be graded flatter; it is expected that cut and fill volumes would balance such that import or export of soil is not required. Some existing trees in the central portions of the parcel would need to be removed (eight Sitka spruce trees), but as many trees as possible will be retained on the perimeter of the properties to maintain shade, privacy, and a natural ambiance. Stormwater collection facilities will be installed that will collect runoff from paved surfaces; this system will tie into the existing Casino stormwater system. On the project site's perimeter, privacy fencing or landscaped vegetation screens will be installed for aesthetic purposes, and shielded light fixtures will be installed for convenience and safety, similar to other parking lots. Appropriate technology lighting will be used, such as the installation of LED or low sodium light fixtures and the use of shielding to eliminate light pollution.



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Figure 2-1. Project Description Ball Parcel and Croft Parcel

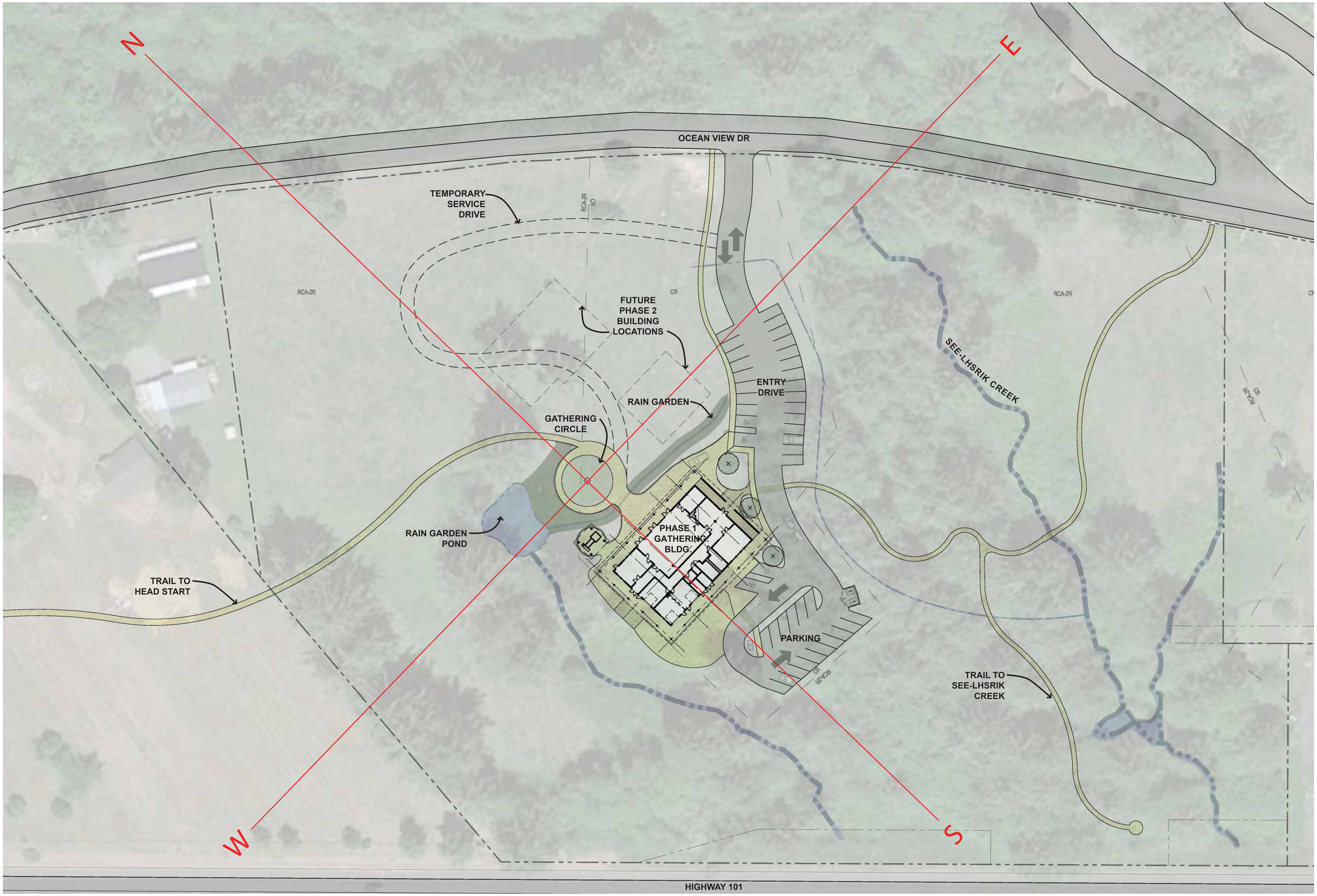

101
Ocean View Dr
D5
New access road
Proposed Improvements
Detention Basin / Existing wetland
Proposed Residence
0
150 Feet
Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project
Figure 2-2. Project Description
Allen/Epperson & Richardson Parcels



Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project

Figure 2-3. Project Description
Dee-ni' Dvn Cultural Center
Eller Parcels

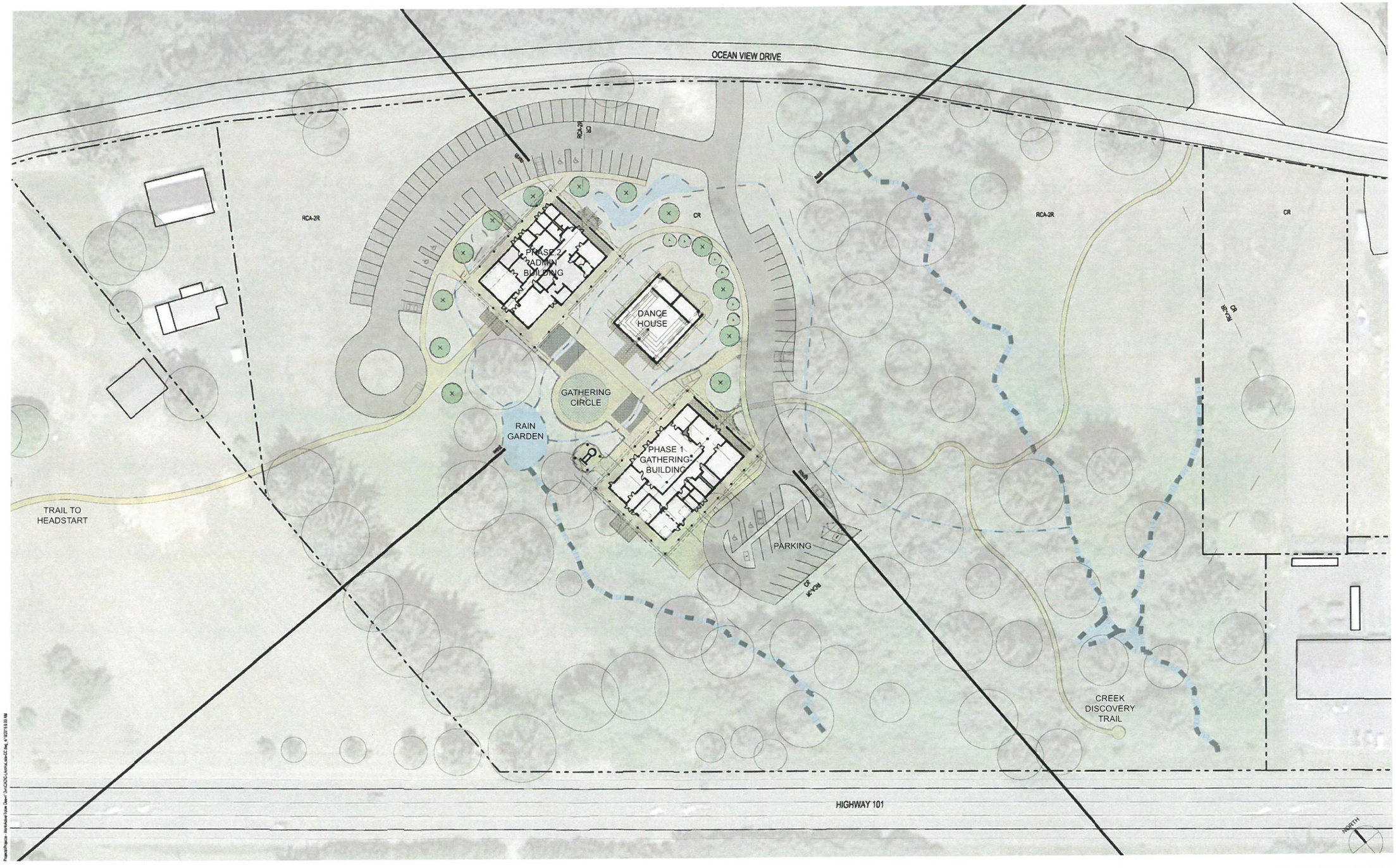
TOLOWA DEE-NI'-DVN
Smith River, California



CULTURAL CENTER SITE PLAN - PHASE 1
June 2016

0 15' 30' 60'
1"= 30'-0"

TOLOWA DEE-NI' DVN
Smith River, California



CULTURAL CENTER SITE PLAN - FULL BUILD OUT
April 2016

0 15' 30' 60'
1" = 30'-0"

2.1.2 RESIDENTIAL HOUSING

The Tribe is currently proposing to build 6 single-family homes for tribal members, accessed by a new private road off of Ocean View Drive (Figure 2.1-2). On the Allen/Epperson Property, 3 new single-family residences are proposed. On the Etta Richards Property, 3 new single-family residences are proposed. The residential housing would consist of custom designed, single-story or double-story structures with a range of 1,000 to 3,000 square feet of space for each dwelling unit. A private 2-lane asphalt road would be constructed and accessed only by Ocean View Drive. No automobile access would be provided to U.S. 101 from this residential area.

Residential housing design would consist of custom designed, single-story or double-story structures with a range of 1,000 to 3,000 square feet of space for each dwelling unit. Residential and commercial structures would be constructed according to County ordinances, the latest edition of the Uniform Building Code, and the Building Construction and Safety Code of the National Fire Protection Association. Existing utilities (water, electricity, natural gas/propane, communications, etc.) have excess capacity and direct service connections to the Project Area. Water supply would be provided by the tribal water supply system, or by the Smith River Community Services District. All proposed structures would be served by the Tribe's wastewater treatment system.

2.1.3 DEE-NI' DVN CULTURAL CENTER

On the Eller Property (2 parcels), a cultural center is proposed—the Dee-ni' Dvn Cultural Center (Figure 2.1-3). Two phases of development are proposed. Phase 1 is analyzed in this EA (Figure 2.1-4); Phase 2 would be constructed sometime in the future after conducting supplementary environmental review (Figure 2.1-5). Phase 1 consists of a Gathering Building (a 5,330-sq. ft. cultural center); a dance house associated automobile parking (42 parking stalls); a Gathering Circle (an outdoor events area); and pedestrian trails that lead to the Tribe's Head Start facility and to the open space and stream (See-lhsrik Creek) on the remainder of the Eller Property (Figure 2.1-4). The cultural center would be accessed off of Ocean View Drive using a new asphalt 2-lane driveway. Stormwater would be collected in a rain garden (i.e., vegetated swales and constructed wetland and pond) that would enhance infiltration and treatment of stormwater and provide aesthetic landscaping. Phase 2, if constructed, consists of a cultural resources administration building (8,725 square feet), a dance house, and additional parking spaces (approximately 63 parking stalls) (Figure 2.1-5).

2.1.4 CULTURAL PRESERVE

The Tribe's name for the Brune Property is: *Xaa-wan'-chii-la'*. This land has cultural significance for the Tribe; see Section 3.5 for a discussion of cultural resources within the Project Area. The Tribe does not intend to develop the Brune Property; the transfer of this property is intended to reclaim the Tribe's land base and to protect sensitive cultural resources within this property.

2.2 REDUCED INTENSITY ALTERNATIVE

The Reduced Intensity Alternative consists of:

- Croft Property: a 50% smaller paved asphalt parking lot, with only 25 parking stalls, accessed from the existing hotel and casino parking lots. The purpose is overflow parking for the hotel and casino and special events. Around the perimeter, a green screen and landscaping will be planted and a security/privacy fence erected.
- Ball Property: 17 parking stalls for automobiles (with no recreational vehicle parking).

- Eller Property: a cultural center: a gathering building (a 2,600 sq. ft. cultural center), associated parking (20 parking stalls); and a gathering circle (an outdoor events area). The cultural center would be accessed off of Ocean View Drive using a new private driveway.
- Brune property: a cultural preserve area, with no development proposed.
- Allen/Epperson Property: 1 new single-family residence and a private access road off of Ocean View Drive.
- Etta Richards: 1 new single-family residence and a private access road off of Ocean View Drive.

The Reduced Intensity Alternative would generally result in environmental impacts similar to those of the Proposed Action, but would not meet all of the project objectives since the project would provide fewer housing units, no recreational vehicle parking, and a much smaller cultural center with reduced support facilities such as parking.

2.3 NO ACTION ALTERNATIVE

Under the No Action Alternative, the seven parcels would not be placed into trust for the benefit of the Tribe and would not be developed as identified under the Proposed Action. Jurisdiction of the property would remain with Del Norte County. The Tribe could develop the Project Area consistent with its County zoning with the property held in fee title. However, for the purposes of the environmental analyses in this EA, it is assumed that no development or redevelopment would occur.

2.4 ALTERNATIVES ELIMINATED FROM FURTHER CONSIDERATION

The Tribe considered other locations for the development of the tribal housing, parking lots, and cultural center. However, the Tribe does not own or control property that is sufficient in size and otherwise appropriate for the development of these proposed land uses. Many other available properties, for example, do not have adequate access. Other available properties are too small, zoned for other uses, or located far outside of the Reservation boundaries. As a result, no reasonable off-site alternatives have been identified or evaluated in greater detail in this EA. The Tribe also considered alternative access for the Properties via U.S. 101; however, this alternative was ruled out due to potentially significant impacts upon traffic flow and aesthetics.

2.5 COMPARISON OF THE PROPOSED ACTION AND ALTERNATIVES

2.5.1 PROPOSED ACTION

The Proposed Action would result in potentially significant, but mitigable, environmental impacts in the following areas: water resources; air quality; biological resources; cultural resources; traffic; noise; and hazardous materials. Of the project alternatives evaluated in Section 4.0, the Proposed Action would best meet the Tribe's objectives by providing the Tribe with expanded housing for tribal members, and reclamation of their land base.

2.5.2 REDUCED INTENSITY ALTERNATIVE

The Reduced Intensity Alternative would generally result in environmental impacts similar to those of the Proposed Action, but would not meet all of the project objectives since the project would provide fewer housing units, no recreational vehicle parking, and a much smaller cultural center with reduced support facilities such as parking.

2.5.3 NO ACTION ALTERNATIVE

While the No Action Alternative would not result in any of the potential adverse environmental effects identified for the Proposed Action or for the Reduced Intensity Alternative, this alternative would not meet any of the Tribe's objectives. The Tribe considers the No Action Alternative unacceptable since it does not further their goals of reclaiming their land base, stimulating economic growth, promoting cultural identity, and creating housing for Tribal members.

3. AFFECTED ENVIRONMENT

3.1 LAND RESOURCES

3.1.1 GEOLOGIC SETTING AND SEISMICITY

The Smith River region's geologic context is an elevated marine platform (Smith River Plain) set against the mountain belts of the Northern Coastal Range and the Klamath Mountains beyond. The coastal lowlands consist of marine sediments of the Pliocene-aged Saint George Formation and riverine/nearshore marine deposits of the Quaternary-aged Battery Formation; sandstones and shales of the Franciscan Complex are found underneath these marine deposits and constitute the bulk of the surrounding coastal mountains.

The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. This state law resulted from the 1971 San Fernando Earthquake, which damaged numerous homes, commercial buildings, and other structures via extensive surface fault ruptures. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake-related hazards. The Seismic Hazards Mapping Act, passed in 1990, addresses other earthquake-related hazards, including liquefaction and seismically induced landslides. The site is not located within an Alquist-Priolo special study zone as classified by California Geological Survey and Del Norte County is not listed as an affected county under the Seismic Hazards Zonation Program (California Department of Conservation 2025). However, there is a fair probability of seismic event in this region in the future, according to the Uniform California Earthquake Rupture Forecast (Statewide California Earthquake Center 2025). Some tsunamis have hit the northern coast of California over the last century. In 1964, an earthquake of magnitude 8.8 on the Richter Scale focused on the Kenai Peninsula, Alaska, and triggered a tsunami that inundated the low-lying areas of Crescent City; the devastation was sufficient for former President Johnson to declare the city a disaster area.

3.1.2 SOILS

Soils in the Project Area and vicinity derive from the weathering of sedimentary bedrock from slopes and ridges (e.g. Franciscan greywacke, shale, and sandstone formations), marine terraces, and alluvium from local drainages. The US Department of Agriculture's Soil Conservation Service's database (SSURGO) has mapped the following soil units in the Project Area and immediate vicinity: unit 145, Halfbluff-Tepona-Urban Land, 0 to 2% slopes; 146, Halfbluff-Tepona-Urban Land, 2 to 9 percent slopes; 262, Hookton, 2 to 9% slopes; 524, Buzzini, 30 to 50% slopes; and Buzzini, 9 to 30% slopes.

3.1.3 TOPOGRAPHY

Within the Project Area, elevation ranges from approximately 60 to 100 feet in the Project Area, with a gradual slope to the west and south, based upon the USGS 7.5-minute quadrangle Smith River, 1966 revision (Figure 1.2-1). All 7 parcels have probably experienced some historical grading activity. The Croft, Ball, Etta Richardson, and Allen/Epperson Properties are extremely flat, as they are situated on a coastal terrace. The Brune Property has steep slopes, but no development is proposed. The Eller Property is a gradually-sloping plain incised by several channels. Since the proposed development area on the Eller Property is not located in a highly sloped area, slope movements are not anticipated to be a factor. The slope movements are generally classified as predominately shallow sloped failures confined mainly to the northern face of hillsides (p. 21, Smith River Rancheria 2008).

3.1.4 MINERAL RESOURCES

The California Geological Survey has a project that provides objective economic-geologic expertise to assist in the protection and development of mineral resources through the land-use planning process. The Geological Survey's project is mandated by the Surface Mining and Reclamation Act of 1975 (SMARA). The primary products are mineral land classification maps and reports. Local agencies are required to use the classification information when developing land-use plans and when making land-use decisions. The Geological Survey has not identified or classified any mineral-rich areas within Del Norte County (California Geological Survey 2025). Mineral extraction, specifically clay, gravel, sand, and stone, are an important industry in the County (Del Norte County 2003). However, the Project Area is not a known significant repository of these resources. The nearest commercial extraction area is the lower Smith River.

3.2 WATER RESOURCES

Several water bodies are located in the vicinity of the Project Area. Lopez Creek is located about a mile north of the Project Area, the Pacific Ocean is several city blocks to the west, and the Smith River estuary is several blocks to the southwest (Figure 1.2-1). The Project Area lies within the North Coast Hydrologic Region, Smith River Hydrologic Unit, Smith River Plain subunit. The Smith River is designated a Wild and Scenic River. Water quality is assumed to be excellent. Neither the Smith River watershed nor the Lopez Creek watershed is listed as an impaired waterbody under the Clean Water Act Section 303(d). The Project Area is not located inside a 100-year or 500-year flood zone, as designated on the Flood Insurance Rate Map of the region by the Federal Emergency Management Agency (FEMA).

No water features occur on the Brune Property, Ball Property, Croft Property, or Etta Richards Property. There is one water feature on the Allen / Epperson Property. An unnamed ephemeral channel collects surface flow from upland areas and US 101 and then flows under US 101 via a 3-foot diameter corrugated metal pipe culvert. A freshwater marsh surrounds this channel. There are four water features on the Eller Property. An intermittent stream channel originates from the watershed to the east and upgradient of the Eller Property, flows under Ocean View Drive via a 3-foot diameter plastic corrugated pipe culvert, and through the Eller Property. The Dee-ni' (Tolowa) name for this stream is "See-lhsrik" meaning "red stone" (Sloan 2009). A small ephemeral tributary on the Eller Property joins the main channel, as well as storm runoff from US 101 that is directed by vegetated swales to this channel. A small isolated wetland is associated with this tributary. Just after this tributary joins the main channel, See-lhsrik flows under US 101 via a 4-foot diameter corrugated metal pipe culvert that parallels Dean Lane, and then flows southwest to the mouth of

Smith River. Another ephemeral tributary begins on the Eller Property and joins See-Ihsrik west of U.S. 101 after passing through a corrugated metal pipe culvert.

The Project Area is located within the Smith River Plain Groundwater Basin. There are no known groundwater management plans, groundwater ordinances, or basin adjudications for this basin. Groundwater is the primary water supply for the area, and is the sole source for the Smith River Community Services District and also for the tribal water supply system. The California Department of Water Resources reports that water quality in the basin is generally good, and that there are no long-term trends in groundwater levels (California Department of Water Resources 2021). A review of the 2022 data from the Smith River Community Services District safe drinking water information indicates no health-based violations, with the exception of elevated levels of copper in some households in the district (SRCSD 2022). The elevated copper levels may be caused by leaching of copper from household plumbing due to the slightly acidic and corrosive water, or by influences of surface water upon groundwater. The elevated copper levels were addressed in the Howonquet Community Water System by adding soda ash, which has reduced copper levels to an acceptable level (SRCSD 2022; Brad Cass, Tolowa Dee-ni' Nation, pers. comm.).

3.3 AIR QUALITY

3.3.1 AIR QUALITY SETTING

The Project Area is located in the North Coast Air Basin (Air Basin), which consists of Del Norte, Humboldt, Mendocino, and Trinity Counties and the northern portion of Sonoma County. The physiographic features that give shape to the Air Basin are the Coast Range to the east, the Pacific Ocean to the west, the San Francisco Bay area to the south, and an artificial state barrier to the north. In the Project Area, dominant winds exhibit a seasonal pattern. In the summer months, strong north to northwesterly winds are common; during the winter, storms from the South Pacific increase the percentage of days that winds are from southerly quadrants. Offshore and onshore flows are common along the coast and are associated with pressure systems in the area. Onshore flows frequently bring foggy cool weather to the coast, while offshore flows often blow fog away from the coast and bring warm sunny days.

Sensitive receptors are land uses that are sensitive to air pollution. The 2003 Del Norte County General Plan identifies residences, hospitals, extended care facilities, schools and other educational institutions, and libraries as sensitive land uses. The nearest sensitive receptors to the Project Area are the adjacent residences, the Xaa-wan'-K'wvt Hall Community Center, and the Xaa-wan'-K'wvt Early Learning Program (Headstart facility).

3.3.2 POLLUTANTS OF CONCERN

Pollutants are generally classified as either criteria pollutants or non-criteria pollutants. Federal ambient air quality standards have been established only for criteria pollutants. The criteria pollutants of greatest concern for the Proposed Action are inhalable particulate matter (PM_{10}) and fine particulate matter ($PM_{2.5}$). Ozone and carbon monoxide are of less concern in Del Norte County, due to its rural nature. Other pollutants of concern are toxic air contaminants and asbestos. In response to being classified as nonattainment for California Ambient Air Quality Standards for PM_{10} (for Humboldt County only), the North Coast Unified Air Quality Management District (NCUAQMD) published a Particulate Matter Attainment Plan in 1995. The Plan noted that the Air Basin is not heavily industrialized, with the majority of the industry related to timber. Even though the Air Basin

is in nonattainment because PM_{10} is a regional pollutant, the PM_{10} monitors in Crescent City have never documented an exceedance of the State PM_{10} standard.

Since ozone is a reaction between reactive organic gases (ROG) and nitrogen oxides (NOX), the emissions of both must be evaluated. NOX is primarily a product of combustion of fossil fuels. On a statewide basis, on-road vehicular influence is predominant; however, the rural nature of Del Norte County diminishes that influence. "On-road motor vehicles" contribute only 17 percent of the total NOX, but "Other Mobile Sources" contribute 64 percent. Of the "other mobile sources" component, the primary contributor is foreign ocean-going ships. In Del Norte County, wildfires contribute another 17 percent. ROG is largely an evaporative emission. Because of the abundance of flora in Del Norte County, the largest single category of ROG emissions is natural (biogenic) sources, which makes up 84 percent of the total ROG. The largest anthropogenic, or man-caused, sources are from "Miscellaneous Processes," which is 55 percent of the anthropogenic total for NOX. Another 17 percent is added by "on-road motor vehicles." The primary "Miscellaneous Processes" component is burning for forest management. On a statewide basis, "On road motor vehicles" are the overwhelming primary contributors of CO; however, Del Norte County's rural nature again shows a different composition. In Del Norte County, only 7 percent of the total CO comes from on-road motor vehicles. The majority of CO emissions in Del Norte County are from "Miscellaneous Processes" (61 percent of the total), with an additional 30 percent coming from wildfires. Again, the primary "Miscellaneous Processes" component is burning for forest management. Particulate matter in Del Norte County is almost completely the result of the "Miscellaneous Processes" category (70 percent of PM10 and 58 percent of PM2.5 emissions) and wildfires (27 percent of PM10 and 37 percent of PM2.5 emissions). The two components in "Miscellaneous Processes" that are the major contributors of PM10 are controlled burning for forest management and unpaved road dust.

The NCUAQMD is listed as "attainment" or "unclassified" for all the federal and state ambient air quality standards except for the state 24-hour particulate (PM10) standard in Humboldt County only. The District has not exceeded the federal annual standard for particulate matter during the last five-year period. Primary sources of particulate matter in the Eureka area are on-road vehicles (engine exhaust and dust from paved and unpaved roads), open burning of vegetation (both residential and commercial), residential wood stoves, and stationary industrial sources (factories).

3.4 BIOLOGICAL RESOURCES

3.4.1 BIOLOGICAL SETTING

The Project Area is located in a particular zone of vegetation types – the North Coast Ranges Subregion of the Northwestern California Region of the California Floristic Province (Hickman 1993). The regional climate zone is "17 - Marine Effects in Northern California," characterized by mild and wet winters, usually without any frost, and cool summers with frequent fog or wind (Sunset 2025). Rainfall averages 67 inches annually, making Crescent City one of the wettest places in California. The topography of the Project Area is an undulating alluvial plane and adjacent foothills, bisected by stream channels. Most of the Project Area appears to have been previously graded and some low areas filled, and historic developments include residential housing, farm structures, and pasture (horses and cows).

3.4.2 FIELD SURVEYS

Two biological assessments were completed for the Proposed Project and submitted to USFWS (Natural Investigations Co. 2016; Graening and Associates, LLC. 2025 (Appendix A). Numerous

biological field surveys of the Project Area was conducted over a span of years (2009 through 2025). Complete pedestrian surveys were performed, and modified to account for differences in terrain, vegetation density, and visibility. Some portions of the Brune parcel were not surveyed because vegetation was impenetrable. No federally-listed (or otherwise special-status) plant or animal species were detected.

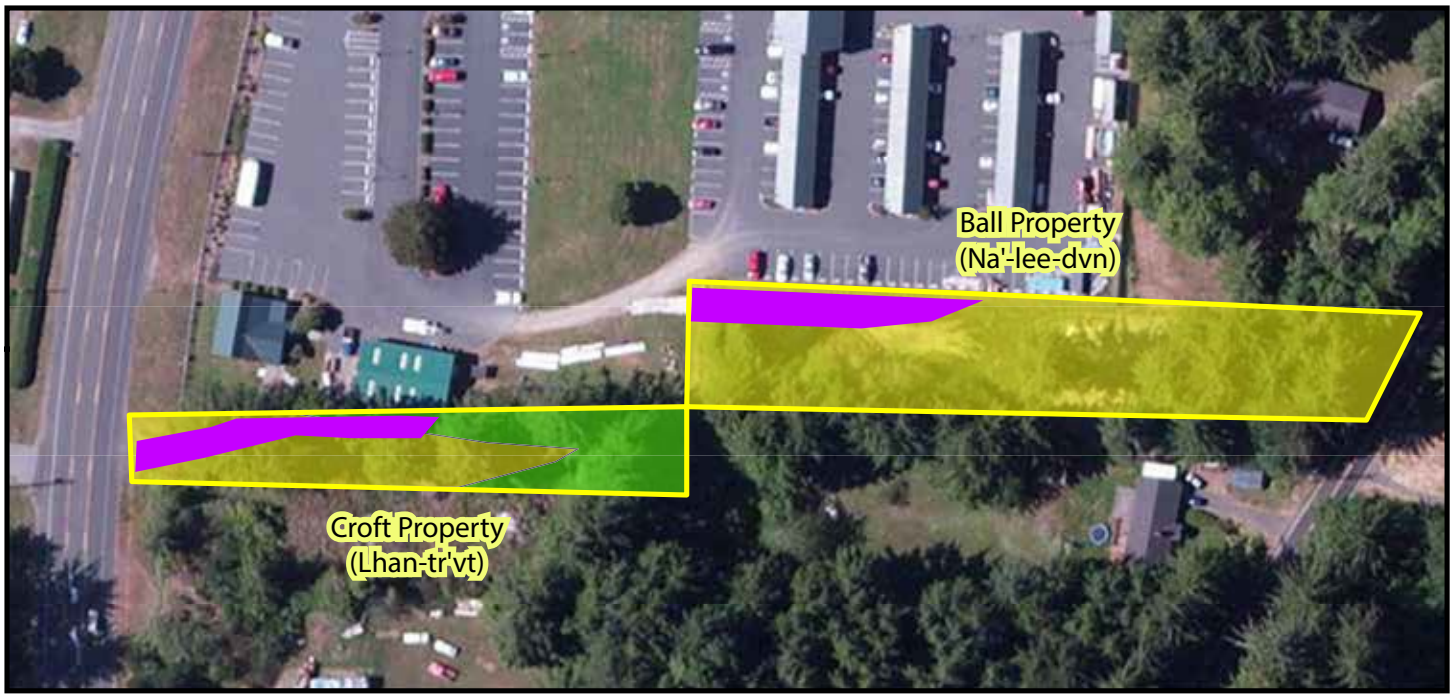
3.4.3 HABITATS

The Project Area contains five terrestrial habitat types: ruderal/developed; annual pasture; coastal forest; coastal scrub; and riparian. These habitat types are discussed in the following text and are delineated in Figures 3.4-1, 3.4-2, and 3.4-3. The Ball Property is entirely pasture, as it is maintained as a mowed lawn (Figure 3.4-1). The plant community consists of non-native pasture grasses and forbs. Various wildlife species may use grasslands for foraging and breeding, but this habitat is periodically mowed or grazed in the Project Area. The Croft Property has a remnant of coastal forest (some Sitka spruce trees) in the eastern portion of the parcel as well as a rock outcrop. The rest of the parcel is ruderal or pasture, and is used for storage of grounds maintenance materials for the Lucky 7 Casino. The Brune parcel consists of urbanized coastal forest (Figure 3.4-1). Regenerating coastal forest in the Project Area consists of second-growth Sitka spruce, coastal redwood, shore pine and cedars, while ferns and shrubs fill the understory. A large assemblage of wildlife species utilizes this habitat type, but they typically require areas larger than the patch size available on the Project parcels to establish functional communities. Much of the Eller parcel can be classified as pasture. Coastal scrub occurs in small patches alongside U.S. 101 and Ocean View Drive where brush clearing operations are performed. The structure can range from impenetrable berry thickets to isolated patches in forest clearings. A diverse assemblage of native and non-native shrubs and forbs occur within this habitat type, including coyote brush, twinberry, Himalayan blackberry, cascara, hydrangea, fuchsia, and invasive acacia and scotch broom. Coastal scrub is useful to many wildlife species.

Along roads disturbed or converted natural habitat is found that is now either in ruderal state (disturbed and weedy), mowed, graded, or urbanized with asphalt pavement, landscaping, and structure and utility placement. Vegetation within this habitat type consists primarily of nonnative weedy or invasive ruderal species or ornamental plants lacking a consistent community structure. Exotic species include sweet vernal grass, velvet grass, ryegrass, orchard grass, plantain, Himalayan blackberry, sheep sorrel, foxglove, and ox-eye daisy. Native species include wax myrtle, evergreen blackberry, and coyote brush. Urbanized/ruderal habitat type provides limited resources for wildlife and is utilized primarily by species tolerant of human activities. The disturbed and altered condition of these lands greatly reduces their habitat value and ability to sustain rare plants or diverse wildlife assemblages.

One special-status terrestrial habitat was detected within the Project Area: coastal riparian. Coastal riparian habitat occurs along the drainages in the western edge of the Allen/Epperson parcel and the central portion of the Eller parcel. Representative species are willows, red alder, evergreen blackberry, red elderberry, twinberry, California and Himalayan blackberries, swordfern, poison oak, and wild rose.

One special-status aquatic habitat was detected within the Project Area: coastal freshwater marsh. This habitat is found in low-gradient portions of channels on the Eller parcel and in along the drainage in the western edge of the Allen/Epperson parcel. Representative species are horsetail, willows, rush, dock, and nettle.





Parcels

Vegetation Types

- lawn
- coastal forest
- ruderal

N

0 50 100 Feet

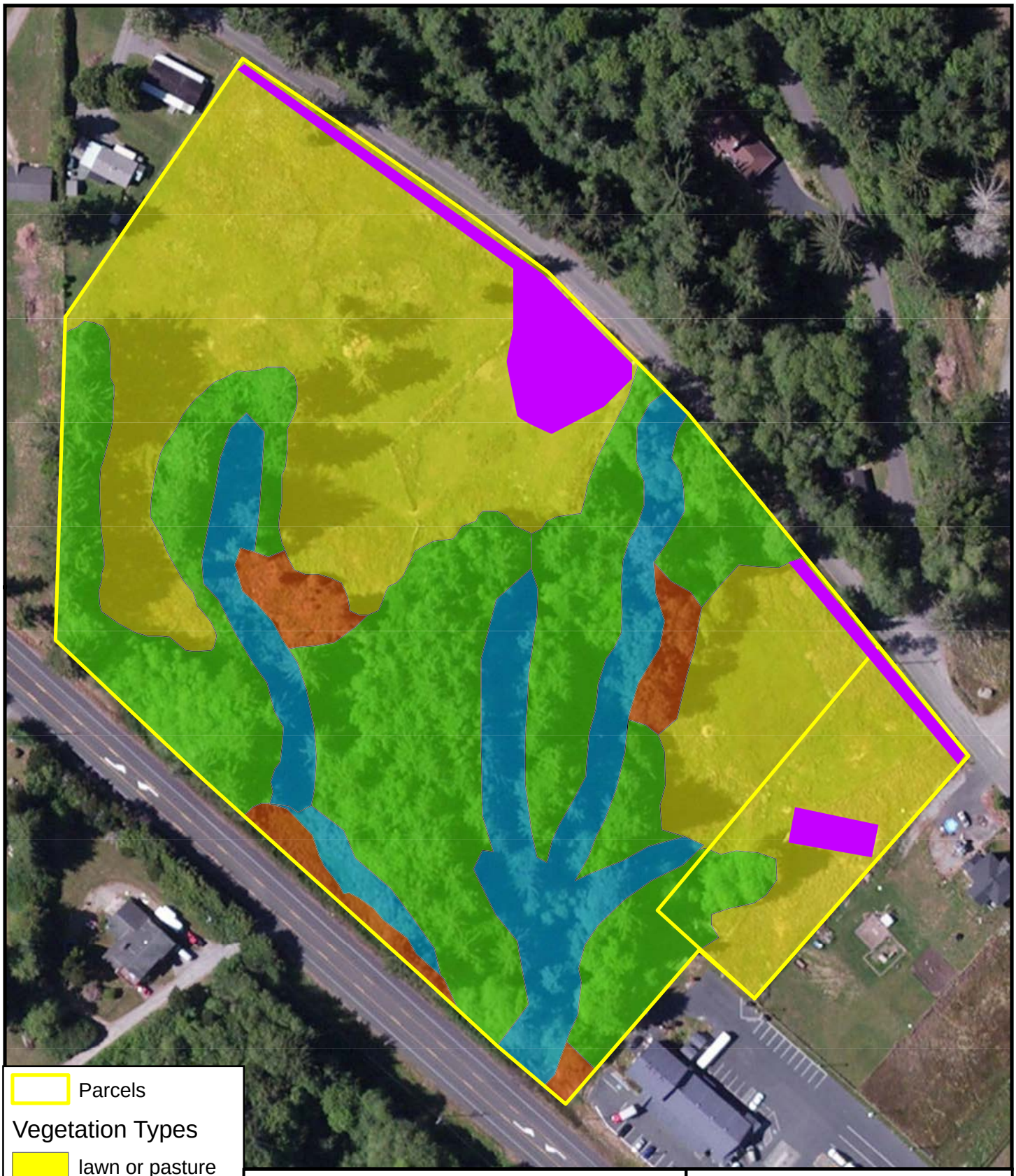
Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project

Figure 3-1. Vegetation Types



Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project

Figure 3-2. Vegetation Types



Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project

Figure 3-3. Vegetation Types

3.4.4 JURISDICTIONAL WATER RESOURCES

A formal wetland delineation was performed by Dr. Graening in 2015-2016 (Natural Investigations Co., 2016b) and re-delineated in 2025 (Graening and Associates LLC, 2025). The Project Area was examined for evidence of wetlands using the criteria of both the US Army Corps of Engineers and the California Coastal Commission. No channels or wetlands occur on the Brune Property, the Croft Property, or the Ball Property. There is no evidence of hydric soils, hydrology, or dominant hydrophytic vegetation on these parcels. There is one water feature on the Allen/Epperson Property (Figure 3.4-4):

- an unnamed channel that collects surface flow from upland areas and road runoff and then flows under US 101 via a corrugated metal pipe culvert. A freshwater marsh surrounds this channel (approximately 2,080 square feet in size).

Based upon federal criteria, 3 features totaling 0.184 acres within the Eller Property were determined to be potentially subject to USACE jurisdiction (Figure 3.4-5):

- An unnamed freshwater wetland (0.003 acres); contains common rushes (*Juncus effusus*) and Himalayan blackberry
- See-Ihsrik, an intermittent stream, begins at a large culvert under Oceanview Drive on the east end of the Eller Property and ends when it drains to a culvert which passes under U.S. 101 on the southwest edge of the property. The channel runs approximately 729 feet from culvert to culvert and the average width is about 4 feet; a side channel is also present.
- An unnamed ephemeral tributary of See-Ihsrik Creek begins on the northern half of the Eller Property and runs approximately 389 feet and then drains into a culvert that passes under U.S. 101. The channel has an average width of about 3 feet.

A coastal riparian corridor surrounds these channels, but intergrades with the surrounding coastal forest such that a distinct riparian zone boundary is difficult to delineate. Within this riparian zone, numerous riverine wetlands are found in the channel where inundated soils persist. This riparian corridor is zoned “Designated Resource Conservation Area - Riparian Habitat” by Del Norte County.

3.4.5 LISTED SPECIES AND SPECIAL-STATUS SPECIES

CDFW’s California Natural Diversity Database (CNDDB) was queried and any reported occurrences of special-status species were plotted in relation to the Project Area boundary using GIS software. The CNDDB reported no listed species or otherwise special-status species occurrences specifically within the Project Area. However, there are various special-status species occurrences mapped within the vicinity of the Smith River Rancheria (Graening and Associates 2025). A federal species list was also generated from the USFWS IPaC website and the following species were on the list:

- Pacific Marten, Coastal Distinct Population Segment (*Martes caurina*) Threatened
- California Condor (*Gymnogyps californianus*) Experimental Population, Non-Essential
- Marbled Murrelet (*Brachyramphus marmoratus*) Threatened
- Northern Spotted Owl (*Strix occidentalis caurina*) Threatened
- Western Snowy Plover (*Charadrius nivosus nivosus*) Threatened
- Yellow-billed Cuckoo (*Coccyzus americanus*) Threatened
- Northwestern Pond Turtle (*Actinemys marmorata*) Proposed Threatened
- Tidewater Goby (*Eucyclogobius newberryi*) Endangered
- Monarch Butterfly (Danaus plexippus) Proposed Threatened

Suckley's Cuckoo Bumble Bee (*Bombus suckleyi*) Proposed Endangered

3.5 CULTURAL RESOURCES

Four cultural resources studies assessed parcels within the Project Area (Sloan 2007a, 2007b; Sloan 2009; and Sikes and Arrington 2016)(bound separately).

3.5.1 ETHNOGRAPHY AND HISTORIC CONTEXT

The Project Area is located within the ancestral lands of the Tolowa Dee-ni', an Athabascan-speaking people. The Tolowa Dee-ni' aboriginal territory and the authority of the Smith River Rancheria extends north from the Sixes River in Curry County, Oregon; to the Applegate River drainage in the east in Josephine County, Oregon, which extends south to Wilson Creek in Del Norte County, California; and west to the sea stacks off the coast. The first direct contact with Dee-ni' peoples occurred in 1828 when Jedediah Smith led an American party of beaver trappers down the Trinity River to the Klamath and then up the Pacific Coast. In the late 1700s, however, the spread of foreign diseases introduced to the region by European explorers had caused the abandonment of a large Dee-ni' village at Point St. George. The Gold Rush of 1849 brought an influx of prospectors and miners into the North Coast region, and in 1852, the initial wave of settlers arrived in the Crescent City area. Intense conflict arose between miners, settlers, and Indians over land and resources, and led to the 1853 massacres at Battery Point and Howonquet in which hundreds of Tolowa Dee-ni' were killed. By 1854 there were more than 300 non-Indian settlers in Crescent City, with farms established along Smith River. More conflict ensued, and massacres at Yontocket and Achulet nearly annihilated the Tolowa Dee-ni'. In the ensuing months, surviving Tolowa Dee-ni' lived in exile on a small, offshore island near the mouth of the Smith River (Sikes and Arrington 2016).
Two Indian reservations were created in 1855 that impacted the Tolowa Dee-ni'—the Oregon Coast Reservation (or Siletz Indian Reservation) and the Klamath River Reserve (or Klamath Indian Reservation). Between 1856 and 1857, Tolowa Dee-ni' from the Smith River basin were forcibly removed to the Klamath Indian Reservation, but then Tolowa Dee-ni' returned to their ancestral homeland in the Smith River area. In 1860, Tolowa Dee-ni' were force-marched to Siletz and Grand Ronde Reservations in western Oregon. The forced removals exacted heavy tolls on the remaining Tolowa Dee-ni' population, as many were killed or died along the way. Many of the surviving Tolowa Dee-ni' escaped these distant reservations, however, and returned to the Smith River area (Sikes and Arrington 2016).

The Smith River Reservation was initially established in 1862, and became home to several regional tribes—Dee-ni', Yurok, Wiyot, Matolle [Mattole], and Wylackie [Wailaki] —after the Klamath River Reserve had been virtually destroyed in an 1861 flood. In 1868, after only six years, the reservation was terminated. The Tolowa Dee-ni' were then again forcibly relocated, this time to the Hoopa Reservation, but they still returned to their ancestral homeland along the Smith River where they worked in the fisheries, logging, and agricultural industries. The Smith River Rancheria was established again in 1908. Two years later, the Elk Valley Rancheria was established in Crescent City. Some Tolowa Dee-ni' moved to these rancherias and continued to practice traditional lifeways and subsistence agriculture while adapting to the cultural pressures brought about by settlers. Both rancherias were again terminated in 1958. The California Rancheria Termination Act of 1958 revoked their federal status, excluded Indians from federal assistance, and distributed land assignments to eligible members in fee simple status (Sikes and Arrington 2016).



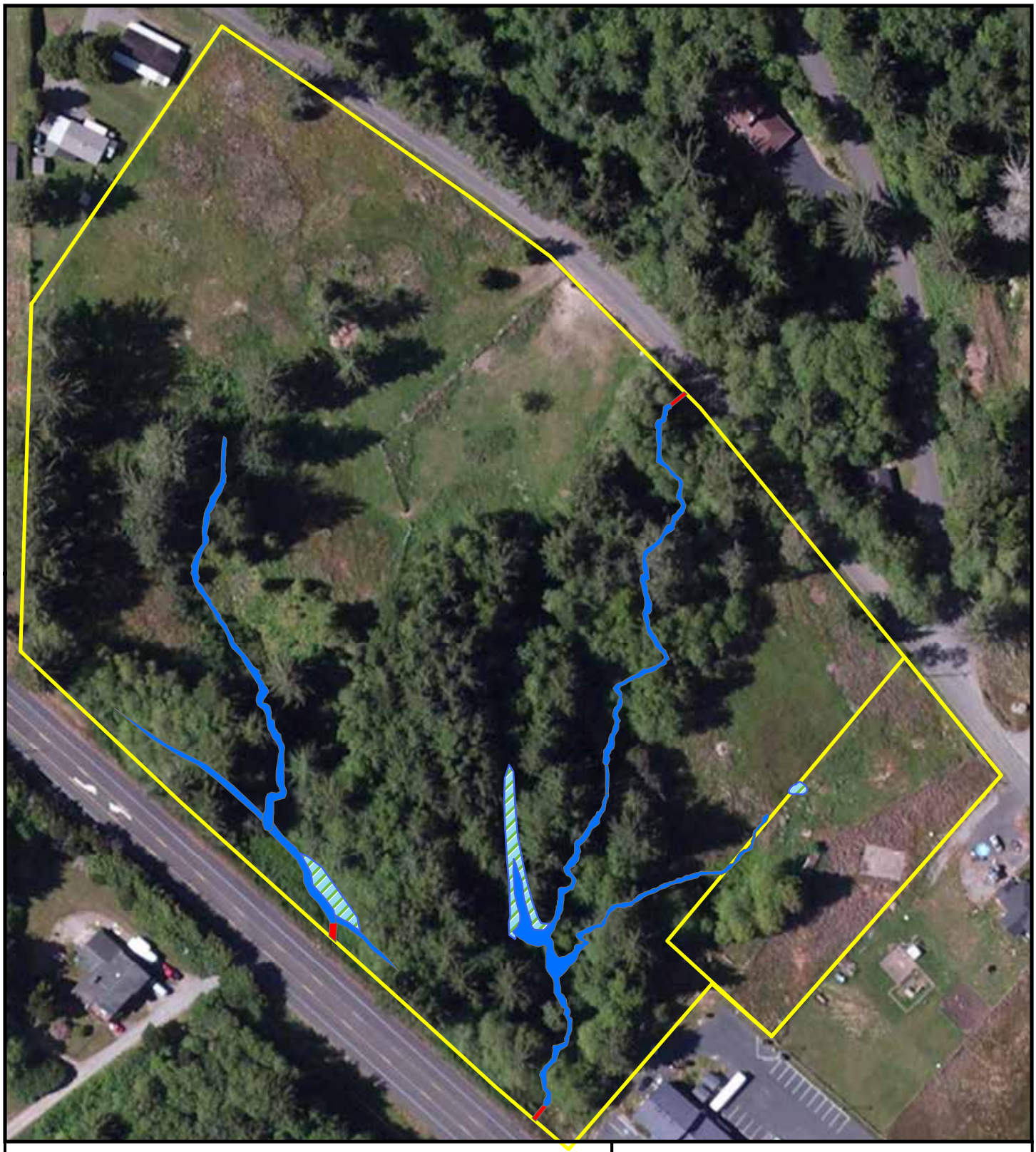
Parcel Boundaries
channels
wetlands
culverts

N

0 50 100 Feet

Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project

Figure 3-4. Water Features on the Allen / Epperson Parcel



Tolowa Dee-Ni' Nation
7 Parcel Fee-to-Trust Project

Figure 3-5. Water Features on the Eller Parcels

In the mid-1970s the Smith River/Howonquet Indian Community joined 16 other Indian groups and filed suit against the federal government for illegally withdrawing recognition pursuant to the California Rancheria Termination Act. The 17 Indian rancherias prevailed and in 1983, the U.S. District Court ordered the full reinstatement of the plaintiffs as federally recognized Tribes. Over 25 years of terminated status had taken its toll on the Tolowa Dee-ni', primarily the alienation of their land base. As a consequence, the tribes continue to rebuild their land bases to allow for community and economic development. Today, both the Tolowa Dee-ni' Nation and the Elk Valley Rancherias are thriving tribal communities. On May 28, 2015, the Smith River Rancheria announced a change in name to Tolowa Dee-ni' Nation, adopted by majority vote and subsequently published in the Federal Register.

3.5.2 REGULATORY BACKGROUND

The proposed change in status from fee to trust for the subject parcels constitutes a federal undertaking and, as such, is subject to review under the National Historic Preservation Act (NHPA). Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties. The Section 106 process defines how federal agencies meet these statutory responsibilities, and seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation among the agency officials and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess project effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties (36 CFR 800.1(a)). The report prepared for these parcels fulfills obligations under Section 106 (36 CFR 800) to conduct formal records research, archaeological field surveys, consultation, and report preparation for the purposes of identifying and documenting potentially-eligible and eligible historic properties on the subject parcels or the Area of Potential Effects (APE), defined as the combined boundaries of the seven subject parcels.

3.5.3 FINDINGS

Available archival literature and primary records were reviewed in an effort to locate and identify any previously documented information on the Project APE. The archival and record searches indicate that: portions of the Project APE were previously surveyed in 1978, 2011 and 2012 for improvements to U.S. 101, including a proposed interchange in the southeast corner of the Eller Property; the majority of the Eller Property was surveyed in 1978 for a proposed mobile home park and shopping center and resurveyed in 2009; the Allen Property was surveyed in 2006; the Brune Property and Croft Property were surveyed in 2007; and the Ball Property had not been previously surveyed.

The literature search conducted in 2016 also indicates that no previously recorded prehistoric or historic archaeological resources and no historic buildings or structures are located within the Project APE. An Indian cemetery, two prehistoric/protohistoric habitation sites, one of which may be the ethnographic Tolowa/Dee-ni' village of Howonquet, a prehistoric lithic scatter with habitation debris, and a Tolowa/Dee-ni' religious and ceremonial place (Xaa-wan’-le’) are located within a half mile of but outside the Project APE. Additionally, the Redwood Highway, which includes the segment of U.S. Highway 101 adjacent to but outside the APE for four of the seven parcels, is listed in the National Register of Historic Places (NRHP).

A record search of the Sacred Lands File maintained by the Native American Heritage Commission (NAHC) was requested for Project APE in April 2016. The April 2016 response received from the NAHC indicated Native American cultural sites are present in the immediate vicinity of the Project APE, for which the Tolowa Dee-ni' Nation is the contact.

Consultation was conducted with the Tolowa Dee-ni' Nation Cultural Committee and Tribal Historic Preservation Officer (THPO) regarding the potential for cultural resources within the Project APE in 2007 and 2009, as detailed below. No cultural resources were identified by the Tribe on the Allen/Epperson Property, Ball Property, Croft Property, or Etta Richards Property.

Brune Property

Tribal consultation for the Brune Property was conducted on October 17, 2007 with the Tribe's Cultural Committee, Natural Resources Department, and THPO (Sloan 2007). At the meeting, the cultural importance of restoring Tribal lands to trust status was conveyed and an oral history of an event was shared by the Cultural Committee Chairman, Loren Bommelyn. Consultations with the Cultural Committee resulted in the identification of this property as a Traditional Cultural Property for the Tribe. The report summarized: "*Its significance was conveyed through the recounting of oral tradition recounting a tragic event in Tolowa history, an event that occurred during the Rogue River Indian Wars and conflicts in the 1860s. The area is utilized as a place to commemorate and honor the lives of three Indian men who died near that location, and is honored every year as part of Tolowa and Smith River Rancheria history and ceremony*." (Sloan 2007a:25)

The Brune Property is considered potentially eligible as a Traditional Cultural Property for NRHP inclusion under Criteria A, B, and D:

- Criterion A for its association with events that have made a significant contribution to the broad patterns of Dee-ni' (Tolowa) history;
- Criterion B for its association with the lives of persons significant in the history of the Dee-ni' people; and
- Criterion D for its information potential on yielding and having the potential to yield information important in the history and prehistory of the Dee-ni' peoples and the Tolowa Dee-ni' Nation (previously listed as the Smith River Rancheria).

In 2007, the Cultural Committee determined not to record the site or evaluate the property for its potential eligibility for inclusion in the NRHP as a Traditional Cultural Property (Sloan 2007).

The Brune Property is currently in fee status, is owned by the Tribe, and has a Cultural Easement designation by the Tribe, which was recorded by the County in 1997 (Figure 3.5-1). The Tribe plans to continue to utilize the property in its commemoration of the tragic event in Tribal history, as a place of prayer and commemoration that is honored every year as part of Dee-ni' peoples and Tribal history and ceremony. The transfer of status from fee to trust will not impact the property's use as a cultural area.

Eller Property

Tribal consultation for the Eller Property was conducted on September 16, 2009 with the Cultural Committee and THPO (Sloan 2009:23-24). The consultation was part of the Cultural Committee meeting and included a discussion of Dee-ni' tenure in the area, oral history and language, place names and cultural uses of the area, including the nearby village of Howonquet (Xaa-wan'-K'wvt) and the intermittent stream on the property. The stream was referenced as a "spring" during consultation and in the report by Sloan. The Cultural Committee discussed the traditional village of Xaa-wan'-K'wvt and the Dee-ni' name for the spring/creek "See-lhsrik" which means "red stone" in reference to a prayer rock located off of the property up the hill. The spring/creek was the primary water source for Howonquet and another village to the north—Trulumet.

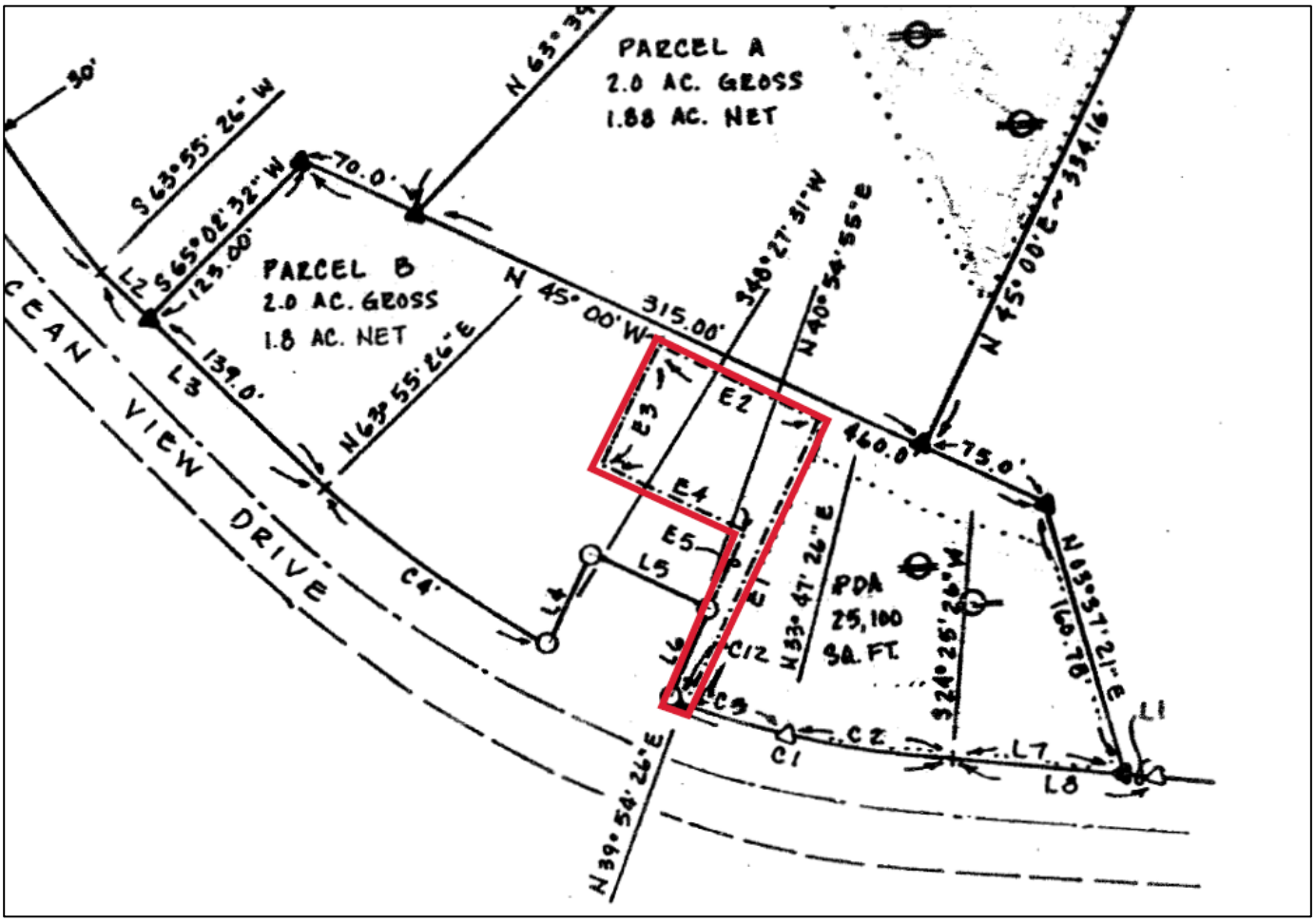


Figure 3.5-1. Excerpt of Parcel Map of Brune Property (Native American Easement highlighted in red)

The water feature on the Eller Property is considered an important natural resource to the Tribe. Neither the THPO nor the Cultural Committee recommended it be considered as a potential cultural resource or historic property. The Tribe has no plans to develop or impact the spring/creek. As a wetland/water source, the water feature will be subject to protection and conservation. Although no specific cultural resources were identified on the Eller Property, the Cultural Committee and THPO agreed that the area has a high potential for buried resources to exist throughout the area and that the proposed fee-to-trust status transfer would serve to protect whatever may exist on the property (Sloan 2009).

Field surveys was conducted in 2006, 2007 and 2016 by Secretary of Interior Standards qualified archaeologists. Ground visibility was constrained by vegetation density, ranging from negligible to poor. No subsurface testing was conducted. The field survey findings were negative for archaeological or built-environment resources (Sikes and Arrington 2016). There were no observable remnants on the Allen/Epperson Property, Ball Property, Croft Property, or Etta Richards Property of buildings or mobile homes removed between 2003 and 2014. Title records show that no buildings or structures have been constructed on the Brune Property. The Eller property has been used for livestock grazing, and contains remnants of a modern corral and feed station.

Consultation with the Tribe resulted in the identification of the Brune Property as a potentially NRHP-eligible Traditional Cultural Property, for which the Tribe assigned a Tribal Cultural Easement and decided not to record or formally evaluate at this time. Although the water source known as See-Ihsrik was observed on the Eller Property during the field survey (Sikes and Arrington 2016), consultation also determined that it is not considered a cultural resource by the Tribe. Thus, there is only one potential historic property identified within the Project APE, the potentially eligible Brune Property Traditional Cultural Property.

3.6 SOCIOECONOMIC CONDITIONS

3.6.1 DEMOGRAPHICS

3.6.1.1 Del Norte County

Del Norte County is located in the northwestern corner of California. Approximately 80 percent of the County consists of publicly-owned lands, including the Six Rivers National Forest, Redwoods National Park, and state parks. A quarter of the County's residents live in Crescent City, the only incorporated city in the County (U.S. Department of Commerce, 2025). According to the 2020 U.S. Census, Del Norte County has a total population of 27,743 people with 2,136 Native Americans comprising 7.7% of the total County population; the percentage is 8.0 percent if mixed race Native Americans are included (U.S. Department of Commerce, 2025).

The economy of Del Norte County was historically based on timber extraction/milling and commercial fishing; however these segments of the local economy have declined dramatically, and have been replaced primarily by tourism and health services. The County's workforce is primarily allocated to education and health care and social assistance (27%), public administration (16%), and retail (11%) (U.S. Department of Commerce, 2025). In 2020, Del Norte County had an unemployment rate of 6%, which is higher than the California average of 5 percent (U.S. Department of Commerce, 2025). The median household income in Del Norte County in 2014 was $66,780, which is well below the state average of $95,521. Twelve percent of individuals in the County were living below the poverty level (U.S. Department of Commerce, 2025).

3.6.1.2 Tolowa Dee-ni' Nation Reservation

The Tribe presently has an enrollment of 2,106 persons, with 766 members being children. The primary employment and income sources within the Rancheria are generated from Tribal government operations and gaming / visitor services.

3.6.2 MINORITY AND LOW INCOME POPULATIONS

The County's economy is somewhat depressed, as evidenced by the high unemployment rate and low average income relative to state standards. Locally, the Project Area is located within the boundary of the Tolowa Dee-ni' Nation, which for the purposes of environmental analyses, is considered to be a minority (American Indian) population. In spite of the many injustices suffered by the Tolowa people over the last 150 years, which included forced removal from their homelands, termination of their Rancheria, and the revoking of their tribal status, the Tribe has preserved their culture, has developed a thriving, self-determined Tribal government, and has begun to reclaim their land base.

3.7 TRAFFIC

The following traffic studies are incorporated by reference:

- California Department of Transportation (Caltrans). 2025. Traffic Census Program: Traffic Volumes. Internet database available at: https://dot.ca.gov/programs/traffic-operations/census.
- Green DOT Transportation Solutions. 2021. Tolowa Dee-ni' Nation Connected Communities Plan.
- Caltrans. 2005. Initial Study, Smith River Left-Turn Channelization Safety Project, U.S. Route 101 in Del Norte County from north of Indian Road intersection to Ocean View Drive.
- Whitlock & Weinberger Transportation. Inc. 2003. Highway 101 Corridor Study and Access Plan.
- Whitlock & Weinberger Transportation. Inc. 2009. Focused traffic impact analysis for the Haswell, Bridge & Bartley and Eller & Brune Projects. Prepared for Smith River Rancheria. 14 pp.

3.7.1 ROADWAY SYSTEM

The Project Area is located adjacent to U.S. 101 which provides regional access to the Tolowa Dee-ni' Nation. U.S. 101 is a three-lane highway with two 12-foot-wide travel lanes and a center turn lane, with a posted speed limit of 55 miles per hour (mph). Ocean View Drive is a two-lane, 22-foot-wide rural road; it has a rolling terrain and a posted speed limit of 45 mph. North Indian Road is a 24-foot-wide two-lane roadway that forms a tee-intersection with Ocean View Drive and a four-legged intersection with U.S. 101. It is stop-controlled at both intersections, with a single lane on the Ocean View Drive approach and two lanes on the approach to U.S. 101, including a right-turn lane and a left-turn/through lane. There is no posted speed limit on North Indian Road. Mouth of Smith River Road is a two-lane roadway and runs generally southeast-northwest, providing a connection between parallel segments of U.S. 101 and Ocean View Drive. It terminates at Ocean View Drive, forming the stop-controlled side street at this tee intersection. It is stop-controlled at the U.S. 101 intersection as well, with a right-turn lane and a left-turn/through lane marked on both approaches. There is no posted speed limit on Mouth of Smith River Road.

3.7.2 EXISTING TRAFFIC VOLUMES

Traffic volumes are available through the California Department of Transportation (Caltrans) Traffic Census Program (Caltrans, 2025). Traffic volumes are measured primarily as average daily traffic, which is the average number of vehicles that travel past a specific point on a state highway during a 24-hour period. The highest daily traffic counts are measured as peak hour counts and peak monthly counts. There are two traffic volume counting locations in the Smith River region: one on U.S. 101 at the Oregon state line and one at U.S. 101 at Fred Haight Drive. At U.S. 101 at the Oregon state line, there are 1,100 vehicles at the average peak hour and 10,400 vehicles at the peak month. At U.S. 101 at Fred Haight Drive, there are 900 vehicles at the average peak hour and 10,500 vehicles at the peak month.

According to recent data (Caltrans 2025; Green DOT Transportation Solutions 2021), traffic volumes are low to moderate on local roadways like Ocean View Drive and Indian Road, and increase in speed and volume along U.S. 101. Traffic becomes greater on U.S. 101 near services such as the House of Howonquet Restaurant, the Lucky 7 Casino and Howonquet Lodge, the Lucky 7 Fuel Mart, the Xaa-wan'-K'wvt Hall Community Center, United Indian Health Services, and the Lucky 7 Fuel Mart bus stop. Traffic volumes increase when heading southwest along the Mouth of Smith River Road towards Fisherman's Gulf from Ocean View Drive.

3.8 LAND USE

3.8.1 EXISTING LAND USES

The Project Area is located within an unincorporated area of Del Norte County approximately three miles northwest of the town of Smith River. North of the Project Area, land use is a mixture of agriculture (primarily nursery crops and cattle grazing) and clusters of rural residential housing. Some visitor-serving facilities are located along U.S. 101. To the south of the Project Area, the prominent development is the town of Smith River; beyond, agriculture dominates (dairy farms, nursery crops, and pasture). Other land uses in the vicinity include a lumber mill, several mobile home/RV parks, and rural residences. Directly across from the Brune Property is the Tribe's Xaa-wan'-K'wvt Early Learning Program (Headstart facility), and private residences are adjacent as well. A liquor store—All Star Liquors—and a gift shop are adjacent to the Eller Property, as well as numerous residences and the U.S. 101 corridor. The Lucky 7 Casino and Howonquet Lodge are adjacent to the Ball and Croft Properties.

The Ball Property is currently open space that is maintained as residential lawn; there are no structures present. A residence was removed circa 2010. The Croft Property is also vacant and has no structures, but is used by the Tribe for storage of grounds maintenance materials such as gravel and fencing. A 2-story home was demolished in 2007. The Allen/Epperson Property is currently vacant and regularly mowed. Previous residential structures are visible in a 1988 aerial photo. The Etta Richards Property is currently vacant and regularly mowed; two mobile homes were removed sometime in the past. The Brune Property is undeveloped open space; no structures are known to have been located on the parcel. The Eller Property had several agricultural structures. The Eller Property is currently vacant, and is periodically mowed. Land use within the Tolowa Dee-ni' Nation is subject to the Land Ordinance 08-02. All of the parcels within the Tolowa Dee-ni' Nation are subject to review under the Tolowa Dee-ni' Nation Reservation Master Plan.

3.8.2 DEL NORTE COUNTY LAND USE POLICIES

When the Smith River Rancheria was terminated, this reservation was divided into a number of fee parcels, and brought under County jurisdiction as the Smith River Rancheria Subdivision in 1961. This original subdivision consisted of 52 parcels. This subdivision has a mixture of zoning categories, ranging from residential to commercial. The Tribe is currently in discussions with Del Norte County to update the County General Plan designation and zoning for the Project Area to be consistent with the Tribe's land use master plan and intended uses for these properties. The General Plan designations for the 7 parcels are as follows:

- Ball Property is RR-1du/1ac (Rural Residential, 1 dwelling per acre)
- Croft Property is RR-1du/1ac
- Allen/Epperson Property is RR-1du/1ac
- Etta Richards Property is RR-1du/1ac
- Brune Property is RR-1du/2ac
- Eller Property is RR-1du/1ac and RCA

The RCA designation on the Eller Property corresponds to the area that contains the riparian corridor. This designation applies to sensitive habitat areas with the Coastal Zone including coastal estuaries, coastal sand dunes, coastal wetlands, farmed wetlands, and riparian corridors (Del Norte County General Plan, pg. 3-14).

The current County zoning for the Ball, Croft, Allen/Epperson, and Etta Richards Properties is RRA-1, which is Rural Residential Agriculture, 1-acre minimum lot size. The current County zoning for the Brune Property is RRA-2-C-(H), which is Rural Residential Agriculture, 2-acre minimum lot size with Coastal Combining District for Bluff Hazard. The current County zoning for the Eller parcels is CR, which is Commercial Recreation, visitor - serving commercial recreation; hotels, motels, restaurant & serving stations, outdoor recreation facilities, one-acre minimum. On the area of the Eller Parcel that contains the riparian corridor, the zoning is RCA-2(r), which is a Designated Resource Conservation Area - Riparian Habitat.

3.8.3 LOCAL COASTAL PLAN

The Project Area is located within a Coastal Zone: Coastal Zone of Del Norte County, North Coastal Subarea - Area 1 Planning Unit. The Coastal Element of the Del Norte County General Plan serves as the Local Coastal Plan (LCP). The LCP sets forth policies to guide development in the County's Coastal Zone. The LCP addresses the preservation of coastal resources including public access, scenic character, environmental quality, and compatible land uses. The LCP generally addresses the immediate coastline and specifically addresses special area of concerns. The following LCP polices have been identified as being applicable to the Proposed Action:

Marine & Water Resources

All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters (VI.C.3). Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters (VI.C.4).

Riparian vegetation shall be maintained along streams, creeks and sloughs and other water courses with the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization (VII.E.4.a)

Hazard Areas

New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard. (IV.A.1)

Visual Resources

Proposed development within established highly scenic areas shall be visually compatible with their scenic surroundings, by being reflective of the character of the existing land uses while conforming to the land use criteria, as set forth in the land use component and subsequent zoning ordinance (V.C.2).

Housing/New Development

Proposed development within the urban boundary shall meet land use criteria described in each area plan and in Land Use Plan policies. Proposed development within the urban boundary may be approved only after it has been adequately proven that the location of the proposed development will accommodate the development. These factors include but are not limited to sewage disposal, water supply and street system capacity.

3.8.4 AGRICULTURE

Agriculture and forestry are two of the County's most important economic enterprises. The Project Area and the larger Reservation are both situated between two designated agricultural districts, which support nursery crops (especially lily flower bulb production) and cattle pasture (for dairy and beef) (Del Norte County 2003). The Project Area is not currently designated as prime farmland, and the Project Area does not qualify as prime farmland under the criteria of the LCP or the Williamson

Act of 1965. None of the parcels are under Williamson Act contracts. The soil series classifications within the Project Area are not one of the five prime agricultural soils identified in the LCP (Del Norte County 1983, 2003). The Project parcels have no known historical use of commercial agriculture. The surrounding region, especially the more fertile marine terraces to the south, have a rich agricultural history, and nursery crops, especially lily flower bulb production, dominates. Most of the commercial forests in the County are located east of the coastal zone boundary (Del Norte County 1983). The Project Area has only small remnants of coastal forest and the Project Area is not located within, or directly adjacent to, a Timber Preserve Zone or Special Treatment Area (Del Norte County 1983, 2003). The nearest commercial forestland is located to the east in the Rowdy Creek watershed.

3.8.5 COASTAL CONSISTENCY DETERMINATION

The implementing regulations of the federal Coastal Zone Management Act of 1972, as amended (CZMA), and the policies of the California Coastal Commission apply to lands within coastal zone boundaries. Under Section 307 (c) (1) of the CZMA, 16 USC Section 1456 (c) (1), federal activities that affect any land or water use or natural resource of the coastal zone are required to be consistent with the affected state's coastal management program to the "*maximum extent practicable."* The standard of review for federal consistency determinations consist primarily of the policies of Chapter 3 of the CZMA. CZMA Section 304(1) excludes from the coastal zone all lands held in trust by the federal government, but if activities on excluded lands affect natural resources of the coastal zone, they must be reviewed for consistency with the California Coastal Management Program. Section A(6) of the California Coastal Management Program states that certified Local Coastal Programs "*will be used in making federal consistency determinations."* The Del Norte County LCP was certified in 1983 (Del Norte County 1983). A consistency determination was performed for this project (see Section 4).

3.9 PUBLIC SERVICES

3.9.1 WATER SUPPLY

The Tolowa Dee-ni' Nation Natural Resource Department developed a Water Master Plan to provide complete water supply services to the entire Reservation; this Water Master Plan includes a source water protection plan. The Reservation is served by two different water systems that are capable of serving the future growth of the Tribe, as specified in the Reservation Master Plan. The primary system is the Howonquet Community Water System—a tribally-operated system supplied via one groundwater well and an infiltration gallery in Lopez Creek that currently supplies approximately 50 service connections. The remainder of Reservation residents and the surrounding community are currently served by the Smith River Community Services District. The County General Plan estimated that the Smith River Community Services District water demand is at half capacity (650 connections out of about 1,000). Thus, there is adequate water supplies to service the Proposed Project.

3.9.2 WASTEWATER SERVICE

The Smith River region relies primarily upon private septic tank/leachfield systems. However, the Tolowa Dee-ni' Nation completed its tertiary-level wastewater treatment facility in 2009. The wastewater treatment facility is currently treating approximately 25,000 gallons per day; the primary sources of wastewater are from the Lucky 7 Casino, the Howonquet Lodge, the Lucky 7 Fuel Mart, and the House of Howonquet restaurant. The wastewater treatment facility has the ability to expand to 50,000 gallons per day in the future with the addition of a second membrane bioreactor. The

collection system will accommodate future expansion, including the Proposed Action, in accordance with the Reservation Master Plan (Smith River Rancheria 2008) and Sewer System Master Plan (Winzler & Kelly 2009). Sewer mains will be extended to serve the Proposed Project (Figure 3.9-1).

3.9.3 SOLID WASTE SERVICE

The Del Norte Solid Waste Management Authority oversees solid waste and recycling services in the County. Del Norte Disposal, Inc., is the current solid waste and recycling contractor. The Solid Waste Management Authority operates the Del Norte County Transfer Station at 1700 State Street, and the County's solid waste is ultimately disposed at the Dry Creek Landfill, located near Medford, Oregon. As of 2025, this landfill had a remaining capacity of 30 million tons, which is estimated to provide at least 25 years of operational life (Rogue Waste Inc. 2025). The Tribe's Natural Resource Division manages a community recycling program, hosts an annual "Tolowa Dee-ni' Nation Clean Up" event, and has begun preparation of a long term Solid Waste Management Plan for the Tribe, including solid waste removal and the development of a Tribal Blight Ordinance.

3.9.4 ELECTRICITY, NATURAL GAS, AND TELECOMMUNICATIONS

Other utilities are located along the US 101 highway corridor. Pacific Power Corporation (PacifiCorp) provides service to the Project Area, and electric service connections currently exist at all the parcels. AT&T provides communication services to Del Norte County and the Project Area. Blue Star Gas Company and Suburban Propane Company, both in Crescent City, provide propane gas service for residential and commercial heating and cooking appliances.

3.9.5 LAW ENFORCEMENT/ FIRE PROTECTION / EMERGENCY MEDICAL SERVICES

The County Sheriff's Department (headquartered in Crescent City) serves unincorporated areas of the County, and the California Highway Patrol serves the U.S. 101 corridor. The response time to the Project Area is 15 minutes or less. The Smith River Fire Protection District serves the Project Area and other urbanized areas around Smith River. Response time to the Reservation ranges from 5 to 30 minutes. The California Department of Forestry and Fire Protection serves the outlying rural and forested areas. Del Norte Ambulance, Del Norte Ambulance Ground and Air Service, and Cal-Ore Life Flight provide emergency ambulatory service. Response time to the Reservation is approximately 5 minutes (or 7 miles).

3.9.6 OTHER RESOURCE USES

The Project Area is located within the Del Norte County Unified School District, which operates Smith River Elementary School, Crescent Elk Middle School, Del Norte High School, and Sunset High School. The Smith River region, and Del Norte County in general, offers outstanding recreational activities including hunting, fishing, hiking, river rafting, and sightseeing. There are three County Parks, four State Parks, one National Park, and two National Forests all within 30 miles of the Project Area.

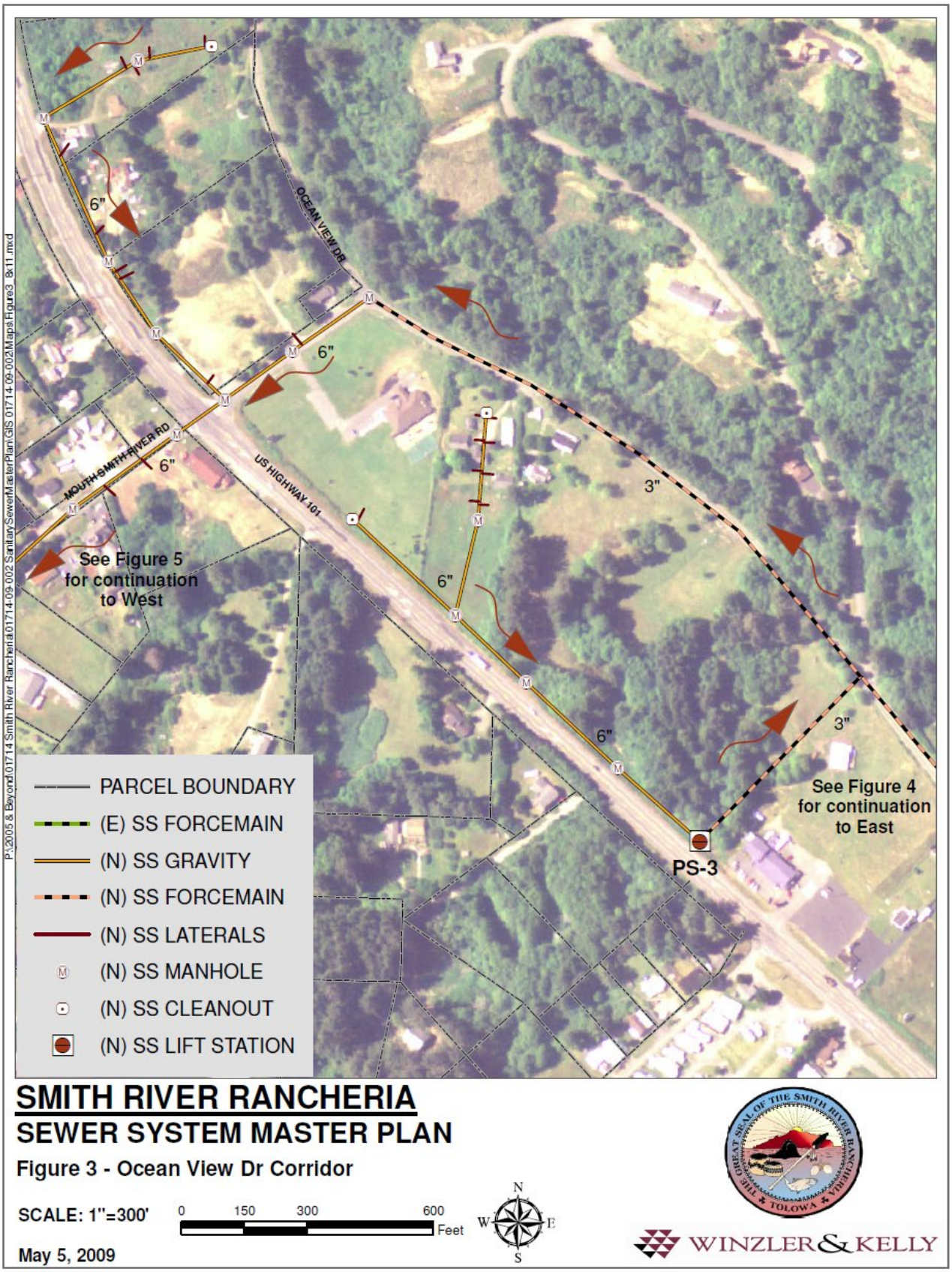


Figure 3.9-1. Planned Sanitary Sewer System Service to the Project Area

3.10 NOISE

3.10.1 NOISE EXPOSURE AND NOISE STANDARDS

Noise is defined simply as unwanted sound (US Department of Housing and Urban Development [HUD] 1991). The noise descriptor currently adopted by HUD is the day-night average sound level system (L_{dn}), defined as, "*The day night average sound level is the 24 hour average sound level, expressed in decibels, obtained after the addition of a 10 decibel penalty for sound levels which occur at night between 10 PM and 7 AM*." (p. 3, HUD 1991). Del Norte County has established noise level criteria for various land uses that are consistent with HUD's requirements (see Del Norte County General Plan, Section 2: Safety and Noise). The Del Norte County Code and General Plan do not contain any noise restrictions or standards that would be applicable to the construction of the Proposed Action. County General Plan Policy 2.H.3 is applicable to the operation of the Proposed Action (Del Norte County 2003). Sensitive receptors to noise consist of neighboring residences, the Xaa-wan'-K'wvt Hall Community Center, the Howonquet Lodge, and the Xaa-wan'-K'wvt Early Learning Program (Headstart facility).

3.10.2 EXISTING NOISE SOURCES

Roadway traffic is the most widespread source of noise within the County (Smith River Rancheria 2008). Within the Project Area, this is true as well. Vehicular traffic, especially tractor-trailer rigs, driving along the U.S. 101 corridor is the dominant noise source. Other roads, such as Mouth of Smith River Road, contribute some noise as well, although less consistently and loudly. Ocean breakers can be heard faintly at night when vehicular traffic is absent. Other natural sources include breezes and birdsong (especially crow cackling). The nearest airport is Brookings State Airport, Curry County, Oregon, 12 miles north of the Project Area. Del Norte County's Jack McNamara Field Airport is located in Crescent City, 16 miles south of the Project Area. No air traffic was audible at the Project Area during site visits.

Natural Investigations Co. performed an acoustical study to determine the source and magnitude of existing noise sources on a neighboring parcel—12751 South Indian Road, Smith River. The acoustical study was conducted in August 2009 during the noisiest periods of the day, which corresponds to the peak weekday traffic hours (Natural Investigations Co. 2009). Numerous sound (LEQ) measurements were taken over the course of the acoustic study in an attempt to establish the ambient noise levels of the Project Area; data from previous studies by Natural Investigations Co. was also used. Peaks of 65 to 75 dBA were recorded at the boundaries of the residences on parcels adjacent to US 101 when tractor-trailer rigs were passing. The lowest sound level recordings (circa 40 dBA) were measured in areas farthest away from US 101 on Ocean View Road, during periods when no vehicles were passing by. When vehicles passed on Ocean View Road, sound level recordings rose, temporarily, up to 65 dBA. Noise was noticeably attenuated by natural barriers, primarily hedge-rows and stands of trees with developed understories, and by residential structures.

3.11 HAZARDOUS MATERIALS

The BIA requires that the proposed properties must be free of all hazardous / toxic materials and environmental liability prior to conveying lands acquired by a Tribe into federal trust status (25 CFR Part 151; Department Manual 602 DM 2 Land Acquisitions - Hazardous Substances Determinations; 30 BIAM and 54 BIAM). Two Phase I Environmental Site Assessments were performed for the Proposed Action (Natural Investigations Co. 2016; Graening and Associates, LLC. 2025)(Appendix C). The Croft, Allen / Epperson, Etta Richards, and Eller properties have no hazardous material

usage or storage. On the Croft Property, there is non-hazardous landscape material storage, such as poles, compost, gravel, and cobble. At the parcel boundary the Ball Property in the northwest corner, there are 2 large steel above ground storage tanks that store propane for use by the hotel, casino, and restaurant. Adjacent parcels have propane tank storage for residential cooking and heating purposes as well. Common landscape/lawn maintenance chemicals in small quantities (e.g., fertilizers, pesticides, gasoline for mowers) may be used to maintain the grounds on the parcels. Interviews with the Tribe did not reveal any known historical hazardous materials usage or storage on any of the seven parcels.

Dr. G. O. Graening, serving as the environmental assessor, performed a site reconnaissance on May 27, 2016, and again on January 26, 2025; no recognized environmental conditions were noted. Environmental Data Resources Inc. (EDR) was retained to perform searches of all reasonably ascertainable environmental databases (federal, state, municipal, and proprietary), city directories, and Sanborn Maps for records of potential environmental impacts in the Project Area and vicinity. The Project Area was not listed in any of the databases searched by EDR. No mapped sites were found in EDR's search of available ("reasonably ascertainable") government records on the 7 parcels. Only a few properties in the vicinity of the Properties are listed on various databases.

Two other databases were queried: California Department of Toxic Substances Control's EnviroStor Database and California State Water Resources Control Board's GeoTracker database on February 13, 2025. No new reported cases were found on the Properties or adjoining properties; the only case identified was the Eller's Mini Mart case previously described in the EDR Radius Map. The County's records were also queried. The Del Norte County Community Development Department, Environmental Health Division serves as the Certified Unified Program Agency for all hazardous material regulations and resources. A request for file searches of the Project parcels was made on December 7, 2016. On December 9, 2016, Mr. Houawa Moua, REHS (Environmental Health Division) responded by email, stating that the County had no record of hazardous materials usage any of the 7 project parcels. The nearest site on file was: Eller's Mini Mart, 12559 Highway 101 N, LUST cleanup site, case closed.

3.12 VISUAL RESOURCES

The dominant feature in the Project Area viewshed is the US 101 highway corridor, which includes occasional advertisement billboards. Also prominent are stands of mature trees, both native conifers (remnants of the coastal forest) and various landscape trees. The Pacific Ocean is not very visible from the Project Area due to structures and trees blocking the line of sight and also due to the length and height of the coastal terrace. None of the parcels have panoramic views of the coastal mountains because they are situated at the base of a hill and many trees obscure views. The Project Area (and larger Reservation) is not in a California Coastal Commission designated Special Treatment Area. The Project Area is near a Local Coastal Plan visual resource inventory area – "*Oregon border to the mouth of the Smith River*," which designates view corridors on the entire Ocean View Drive and State Route 101 north of Indian Road to the Oregon border (Del Norte County 1983). Four viewpoints are designated within this visual resource inventory area: Pelican Beach State Park, Kamph Memorial Park, Prince Island Court, and Mouth of Smith River. From the perspective of motorists traveling on US 101, the views of the Project Area from this highway corridor are considered short-term in nature, due to the high travel speeds of the motorists and the presence of thick vegetation.

4. ENVIRONMENTAL CONSEQUENCES

4.1 PROPOSED ACTION

4.1.1 LAND RESOURCES

Potential geologic hazards near the Project Area are summarized by the LCP (Del Norte County 1983): "*Liquefaction potential is within close proximity to the community of Smith River indicating Smith River's susceptibility to this seismic response*. *Potential lurching areas exist along the entire stretch of the Smith River and Rowdy Creek southwest of the community*. *The high intensity use structures in the community of Smith River, as well as the Ship Ashore Recreational Hall, near the mouth of the Smith River, are not subject to landslides, flooding or lurching*. *Highway 101 is not within a known liquefaction nor within a potential landslide area, however, it crosses the Smith River which is subject to flooding and subject to lurching along its banks*."

The County's General Plan has a Seismic Safety and Safety Element that requires the inventory of natural hazard areas of the County, and identifies policies and programs to mitigate the hazards. The Project Area would be located in an area that would be subject to ground shaking and potential tsunami hazards. Del Norte County has developed a tsunami warning system in conjunction with the National Oceanic and Atmospheric Administration and the State Office of Emergency Services. In addition, the Tolowa Dee-ni' Nation has its own siren warning system and has its own Emergency Operations Plan that is compliant with the Standardized Emergency Management System / National Incident Management System. Because the County is implementing all possible policies and programs to mitigate natural hazards, and because earthquakes and tsunamis occur infrequently in the County, the earthquake hazard and tsunami hazards are considered an acceptable risk. The County has adopted the Uniform Building Code and enforces the grading provisions therein, which utilizes the most current seismic design criteria for new public buildings. The Proposed Action would be constructed in accordance with the seismic requirements of the Uniform Building Code, which would reduce potential seismic impacts to a less than significant level.

Construction of the Proposed Action would alter the topography of some portions of the Project Area by grading and earthmoving activities. The onsite cut/excavation and fill volumes are expected to balance such that little to no import or export of soil should be needed. Construction would occur primarily on previously graded and/or developed areas. This is considered a less than significant impact.

There are no known mineral or energy resources of local, regional, or national importance in the Project Area. Therefore, no impacts to mineral or energy resources would result from Project implementation.

4.1.2 WATER RESOURCES

During construction of the Proposed Action, surface water or ground water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling. This is a potentially significant impact. However, the Tribe and its designated general contractor must enroll under the USEPA's 2022 General Storm Water Discharge Permit for Construction Activities prior to the initiation of construction. In conjunction with enrollment under this Permit, a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan must be created and implemented during construction to avoid or

minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these regulations would reduce potential construction-related impacts to water quality to a less than significant level.

Operation of the proposed project (specifically, the RV parking lot and the parking lot for the cultural center) could degrade surface water resources by collecting petroleum products and other pollutants that are typically concentrated in paved areas and then transport them to receiving water bodies during storm events. This is a potentially significant water quality impact. However, stormwater treatment features have been incorporated into the project design to address these concerns. The treatment features consist of the development and maintenance of stormwater basins, vegetated swales, and the installation and maintenance of oil - water separators (or media filters). Implementation of these measures would reduce potential impacts to water resources during operation of the project to a less than significant level.

Due to the limited capacity of soils in the coastal zone, the Local Coastal Plan recommends a maximum density of 1 dwelling per acre for rural areas not served by a municipal wastewater treatment system. The Proposed Action is consistent with this housing density. Discharge of treated wastewater in the Project Area in excess of soil capacity is a potentially significant impact upon water quality. However, no septic system/leachfield use is proposed; instead, all proposed structures would be connected to the Tolowa Dee-ni' Nation's wastewater collection and treatment system. The wastewater treatment facility is a Membrane Bioreactor (MBR) facility that produces a high quality effluent that meets California Department of Health standards for the reuse of tertiary treated wastewater (Title 22). The treated effluent is disposed through a new leachfield pursuant to Waste Discharge Requirements set by the North Coast Regional Water Quality Control Board, the agency that oversees implementation of applicable provisions of the federal Clean Water Act and Safe Drinking Water Act within this region of California. No adverse impacts to soils or groundwater should occur.

4.1.3 AIR QUALITY

4.1.3.1 Study Methodology and Standards

The air quality analysis for the Proposed Action consists of unmitigated construction and operational air quality modeling using California Air Pollution Control Officers Association (2022). California Emissions Estimator Model (CalEEMod) Version 2022.1.1.29. The CalEEMod program output run on February 11, 2025 is provided in the Appendix D. The variables and assumptions are also contained in the program output and are based on the project description described in this EA. Air quality impacts resulting from the implementation of the Proposed Action would be considered significant if, during construction or during operation, the project generated emissions in excess of established quantitative air pollution thresholds established by NCUAQMD (2015) (summarized in Table 4-1).

Air pollutants are regulated at the federal, state, air basin, and local levels; each agency has a different degree of control. The United States Environmental Protection Agency (EPA) regulates at the federal level, CARB regulates at the state level, and the NCUAQMD regulates at the air basin level. The EPA sets NAAQS, also known as federal standards. There are NAAQS for six common air pollutants, called criteria air pollutants, which are regulated by the EPA pursuant to the Clean Air Act. The six criteria pollutants are ozone, particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide, carbon monoxide, lead, and sulfur dioxide. The EPA is the regulatory authority charged with

enforcing the NAAQS. The NCUAQMD establishes a program of rules and regulations to obtain and maintain the state and national air quality standards. Rule 1.0 requires any person who constructs or modifies any new source of air contaminants, including indirect sources, to obtain a Permit to Operate to ensure compliance with Rules and Regulations and State and Federal Ambient Air Quality Standards. Rule 104-4 governs emissions of fugitive dust from the handling, transporting, or open storage of materials. Rule 306 governs the potential release of naturally occurring asbestos from surfacing applications. Rule 401-2 applies a fee to any construction project which contains naturally-occurring asbestos. The Del Norte County General Plan establishes applicable policies related to air quality in Policies 1.F3, F5, F6, and F9 and Policies 8.E.2 and 8.E.3.

Table 4-1. NCUAQMD Significance Thresholds (from Rule 110)

Pollutant	Significance Threshold Daily (pounds per day)	Significance Threshold Annual (tons per year)
Carbon monoxide	500.0	100.0
Flourides	15.0	3.0
Hydrogen sulfide	50.0	10.0
Lead	3.2	0.6
Nitrogen oxides	50.0	40.0
PM10	80.0	15.0
PM2.5	50.0	10.0
Reactive organic compounds	50.0	40.0
Sulfur oxides	80.0	40.0

4.1.3.2 Construction Effects

Short-term construction emissions may include fugitive dust and other particulate matter, as well as exhaust emissions generated by earthmoving activities and operation of grading equipment during site preparation. Construction emissions are caused by onsite or offsite activities. Onsite emissions principally consist of exhaust emissions (NO_X, CO, ROG, PM_{10}, and $PM_{2.5}$) from heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM_{10}) from disturbed soil. Offsite emissions are caused by motor vehicle exhaust from delivery vehicles as well as worker traffic, but they also include road dust (PM_{10}). Major construction-related activities include grading/clearing, excavation, building construction, and asphalt paving.

Construction equipment such as scrapers, bulldozers, forklifts, backhoes, water trucks, and industrial saws are expected to be used on the Project site and would result in exhaust emissions. During the finishing phase, paving operations and application of architectural coatings would release ROG emissions. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Project construction activities were estimated to begin in January 2026. CalEEMod defaults were used for construction equipment and days of operation. Results shown below in Table 4-2 indicate that the Proposed Action's unmitigated construction emissions would not exceed the comparative NCUAQMD emissions thresholds (see Appendix D for full model output details). With the implemented mitigation measures described in Section 5.3, there would be a less than significant impact from dust and exhaust from construction activities. In addition, the Proposed Action would not provide in excess of 1,000 new parking spaces, so the Project does not need to obtain an NCUAQMD Permit to Operate. Thus, construction emissions are considered to have a less than significant impact.

Table 4-2. Unmitigated Construction Emissions Calculations Compared to NCUAQMD Significance Thresholds

	Significance Threshold Daily	Project Emissions Daily	Significance Threshold Annual	Project Emissions Annual
Pollutant	**(pounds/day)**	**(pounds/day)**	**(tons/year)**	**(tons/year)**
CO	500.0	8.6	100.0	1.6
NOx	50.0	7.3	40.0	1.3
PM_{10}	80.0	< 1	15.0	< 1
$PM_{2.5}$	50.0	< 1	10.0	< 1
ROG	50.0	2.0	40.0	< 1
SO_2	50.0	< 1	10.0	< 1

Source: CalEEMod (Appendix D)

Construction activities could potentially take place in areas where naturally occurring asbestos could be present. The California Division of Mines and Geology has published the "General Location Guide for Ultramafic Rocks in California" to indicate where natural occurrences of asbestos may be an issue. A review of this Guide shows that the Project Area is not located in an area of naturally occurring asbestos. Therefore, this condition precludes the exposure of humans or the environment to such hazards, and no mitigation is necessary.

4.1.3.3 Operation Effects

Operational emission sources consist of mobile emissions and area source emissions.
Mobile source emissions estimates are derived from motor vehicle traffic. Area source emissions estimates are derived from the consumption of propane, electricity, and consumer products, as well as emissions resulting from landscape maintenance. An estimate of the daily operational missions is derived by combining both mobile and area source emissions. Total daily emissions were estimated for summer, which is the high ozone season and, therefore, provides a worst-case scenario of emissions. Unmitigated emissions for the Proposed Action for the project buildout year 2027 were calculated using the CalEEMod model. Results shown below in Table 4-3 indicate that the Proposed Action's daily operational emissions would not exceed the comparative NCUAQMD thresholds for any pollutant (see Appendix D for full model output details). Therefore, project operational emissions are considered to have a less than significant impact upon air quality, and no mitigation is necessary.

Table 4-3. Unmitigated Operational Emissions Calculations Compared to NCUAQMD Significance Thresholds

	Significance Threshold Daily	Project Emissions Daily	Significance Threshold Annual	Project Emissions Annual
Pollutant	**(pounds/day)**	**(pounds/day)**	**(tons/year)**	**(tons/year)**
CO	500.0	8	100.0	1.5
NOx	50.0	1.4	40.0	< 1
PM_{10}	80.0	8.8	15.0	1.2
$PM_{2.5}$	50.0	1.7	10.0	< 1
ROG	50.0	1.8	40.0	< 1
SO_2	50.0	< 0.1	10.0	< 1

Source: CalEEMod (Appendix D)

The Proposed Action would develop residential units, parking lots, and a cultural center which typically do not contain any substantial sources of objectionable odors (e.g., agricultural operations, wastewater treatment facilities, petrochemical usage). Odors may be apparent in and around dumpsters and other refuse collection facilities; however, these facilities would be located away from area frequented by the public, and odors would be localized in a manner that would not affect a substantial number of people. Therefore, potential odor impacts created by the Proposed Action would be less than significant.

4.1.4 BIOLOGICAL RESOURCES

The Project Area is not within any designated listed species' critical habitat. Project implementation will not adversely affect any designated critical habitat. The majority of the Project Area does not contain suitable habitat for listed species because these areas are developed or managed as residential lawns, horse pasture, or equipment and material storage. The exceptions are the coastal forest on the Brune parcel and the unmowed areas of the Eller parcel (patches of coastal forest and the drainages and associated riparian habitats). These areas have higher-quality habitat that could sustain listed species. Streams, riparian corridors, and riverine wetlands within the Project Area can sustain aquatic special-status species and diverse wildlife species. However, no development is proposed on the Brune parcel. On the Eller parcel, development is only proposed in the horse pasture areas; no development is proposed within 100 feet of the riparian or coastal forest habitats. Implementation of the proposed action would result in the development of areas that contain only developed, ruderal, or annual grassland habitats. No adverse effects to listed species were identified from the development of these open spaces. The specific analyses are for each species are detailed in the Graening and Associates LLC (2025) biological assessment. Direct adverse impacts (take, harass, or harm) typically occur during the construction phase of projects. Vegetation clearing, grading, and construction can kill or displace listed species that occur within, or adjacent to, the construction areas. However, no listed species are known to occur within the Project Area. Field surveys over several years have failed to detect any listed animals or plants in any of the 7 parcels. Nevertheless, the potential for listed species to migrate into the Project Area and be impacted by construction activities is a potentially significant impact before mitigation.

Listed bird species, migratory bird species, and other special-status bird species were reported in databases (CNDDB and USFWS) in the vicinity of the Project Area. The project area, and adjacent trees and utility poles, contain suitable nesting habitat for various bird species. However, no nests were observed during the field surveys. If construction activities are conducted during the nesting season, nesting birds could be directly impacted by tree removal and indirectly impacted by noise, vibration, and other construction-related disturbance. Therefore, project construction is considered a potentially significant adverse impact to nesting birds.

Potential indirect adverse impacts are discussed next, and include habitat loss, water resource degradation, and any reasonably foreseeable effects. The Project Area is not within any designated listed species' critical habitat. Project implementation will not adversely affect any designated critical habitat. The majority of the Project Area does not contain suitable habitat for listed species because these areas are developed or managed as residential lawns, horse pasture, or equipment and material storage. The exceptions are the coastal forest on the Brune parcel and the unmowed areas of the Eller parcel (patches of coastal forest and the drainages and associated riparian habitats). These areas have higher-quality habitat that could sustain listed species. However, no development is proposed on the Brune parcel. On the Eller parcel, development is only proposed in the pastures; no development is proposed within 100 feet of the riparian or coastal forest habitats. Implementation

of the proposed action would result in the development of areas that contain only developed, ruderal, or annual grassland habitats. No indirect adverse effects to listed species were identified from the development of these open spaces.

There are several water resources within the Project Area: an ephemeral drainage and associated coastal freshwater marsh and riparian habitat on the Allen / Epperson parcel; and one perennial drainage (See-lhsrik) and two ephemeral drainages and associated coastal freshwater marsh and riparian habitats on the Eller parcel. Potential adverse impacts to water resources could occur during construction by modification or destruction of stream banks or riparian vegetation, the filling of wetlands, or by increased erosion and sedimentation in receiving water bodies due to soil disturbance. Degradation of these smaller aquatic could indirectly adversely affect listed species that rely on downstream aquatic habitats (e.g. tidewater goby, Coho salmon, and eulachon). However, avoidance and minimization measures have been incorporated into the project design by establishing a 100-foot buffer around all water features and placing all development outside of this buffer area. No direct construction-related impacts to water features will occur.

Operation of the proposed project (specifically, the RV parking lot and the parking lot for the cultural center) could degrade surface water resources by collecting petroleum products and other pollutants that are typically concentrated in paved areas and then transport them to receiving water bodies during storm events. This is a potentially significant water quality impact. However, stormwater treatment features have been incorporated into the project design to address these concerns. The treatment features consist of the development and maintenance of rain gardens, vegetated swales, and the installation and maintenance of oil - water separators, or media filters. Implementation of these measures would reduce potential impacts to aquatic habitats during operation of the project to a less than significant level.

4.1.5 CULTURAL RESOURCES

Consultations with the Tolowa Dee-ni' Nation Cultural Committee and the THPO resulted in the identification of two resources: one traditional cultural property that was not formally evaluated but is considered potentially eligible for listing in the NRHP as a historic property; and one important natural resource that is not considered a potentially eligible historic property. No archaeological or built-environment resources have been identified within the Project APE.

The entire Brune Property has important historical significance for the Tribe (Sikes and Arrington 2016; Sloan 2007a). The Tribe's Cultural Committee and THPO identified this property as a Traditional Cultural Property for the Tribe. The property has a cultural easement designation by the Tribe. The Cultural Easement was recorded by the County in 1997 (Certificate filed July 31, 1997 in Book 008 of Parcel Maps at page 092) (Figure 3.5-1). The Tribe will continue to utilize this property in its commemoration of this history and the transfer of status from fee to trust will not impact its use as a cultural area. Because no development is proposed on the Brune Property, no adverse effect from Project implementation will occur. No mitigation is necessary.

The intermittent stream on the Eller Property (See-lhsrik) was recognized as an important natural resource by the Tribe's Cultural Committee and THPO, but neither recommended considering the water feature (referred to as a "spring" during consultation and in the 2009 Sloan report) as a potentially eligible historic property under Section 106. There are no plans to develop or impact this water feature, and it is already protected by County, State and Federal regulations. Because no

development is proposed within 100 feet of this water feature, no adverse impacts from Project implementation are expected to occur. No mitigation is necessary.

No archaeological resources were identified within the Project APE. Even though four of the parcels have been previously disturbed by development, grading and building removal, and considering the close proximity of the APE to a significant Tolowa/Dee-ni' village site, Tolowa/Dee-ni' religious and ceremonial place, Indian cemetery, and other prehistoric/protohistoric habitation sites, previously unknown cultural resources with no surface manifestation could be present within the Project APE. Potential cultural resources that could exist within the Project APE include shell midden deposits, fire-cracked rock, objects or features associated with traditional Tolowa/Dee-ni' occupation and use of the area, and historic objects or features associated with historic land use. Destruction of cultural resources due to construction activities would be a potentially significant impact. Mitigation measures have been identified reduce potential impacts to a less than significant level.

In the cultural report of the Project Area (Sikes and Arrington 2016), consulting archaeologist Dr. Nancy Sikes recommended that the BIA make a determination of No Adverse Effect per 36 CFR 800.5(b) for this undertaking.

4.1.6 SOCIOECONOMIC CONDITIONS

Social and economic impacts resulting from the Proposed Action are expected to be generally beneficial to the Tribe and the surrounding community. The Proposed Action would stimulate tourism by providing recreational vehicle overnight parking. The Proposed Action would create additional housing for Tribal members. The Proposed Action would increase community cohesion and cultural awareness by the creation of a cultural center.

The Proposed Action would remove seven parcels from the County's property tax rolls, which would result in a small loss of tax revenues. For the 2023-2024 tax year, the property taxes for all seven proposed trust parcels total no more than $30,000 (Del Norte County Treasurer / Tax office). The removal of this tax source would not result in a significant change in the County's property tax base, which currently receives over $369,000,000 in gross revenue (U.S. Department of Commerce, 2025). Additionally, the Tribe provides public facilities and services to its members and surrounding community, which reduces demands on the County's financial resources. The following text summarizes these public facilities and services.

Between the economic enterprises owned by the Tribe and government employment, the combined employment by the Tolowa Dee-ni' Nation is over 330 employees, which makes the Tolowa Dee-ni' Nation one of the top 10 employers in the County. This personnel income infuses into the County through services rendered, purchases, rent, housing purchases (including tax on employee housing to the County), etc. that far surpasses the loss of tax base from the 7 parcels.

Government services provided by the Tolowa Dee-ni' Nation include: education supplement, Indian Child Welfare, Domestic Violence, Head Start and Daycare, burial expense, nutritional programs for elders and children, Donations to community partners, fire protection to the Smith River and Fort Dick Fire Districts, health and dental services through United Indian Health Services, a police officer for the County, and other incidental services. The value of these services provided totals millions of dollars annually. This cost burden is carried by the Tolowa Dee-ni' Nation and alleviates services that would be required from the County if the Tolowa Dee-ni' Nation did not exist.

The Tolowa Dee-ni' Nation also provides a wide list of community-based services that provide value to the County. The Lucky 7 Casino attracts visitors to the region through their marketing efforts as a recreational destination. The development of a regional wastewater treatment plant provides the ability to develop other properties, alleviate failed septic tanks, and eliminate health hazards. A municipal water system provides potable water to the community. Tribal funds assist the improvement of the transportation network in the County; the airport district; Economic Development Councils; Chambers of Commerce; and other venues. Thus, no significant adverse socioeconomic impacts would occur from Project implementation.

4.1.7 TRAFFIC

For the Proposed Project, W-Trans (2009) estimated the following average daily trips: up to 10 trips for a single-family residence; and up to 44 trips per 1000 square feet of retail space. It was concluded that these additional daily trips would not directly impact traffic conditions on U.S. 101 or arterial roads such as Ocean View Drive. The contribution to traffic impacts is discussed in Section 4.4.

Green DOT Transportation Solutions coordinated with Caltrans, the Tribe, and the community, and analyzed collision data and observed current traffic trends to identify traffic impacts in the Smith River region. Ultimately, the intersections of U.S. 101/North Indian Road, U.S. 101/Mouth of Smith River Road, and U.S. 101/Chinook Street were identified for improvements.

4.1.8 LAND USE

Following approval of 25 CFR Part 151 Trust Acquisition, all of the 7 parcels would be exempt from County land use regulations. The only applicable land use regulations on the trust lands are the Tolowa Dee-ni' Nation's Land Use Ordinance 08-02. The Tribe relies upon the Tribal Council, the governing body of the Tribe, to enact land use regulations for Tribal lands. However, the Tribal Government desires to work cooperatively with local and State authorities on matters related to land use. The Tribe is currently in discussion with Del Norte County to update the County's land use plans to be consistent with the Tribe's Master Plan. Additionally, NEPA requires an assessment of the project effects on adopted land use plans. Accordingly, County land use plans and Project effects are assessed below.

4.1.8.1 Compatibility with Existing and Planned Land Uses

The land uses of the Proposed Action is consistent with County land use ordinances and zoning. The Ball and Croft parcels would be developed as visitor-serving facilities, and the Rural Residential Agriculture zoning designation allows, conditionally, developments for guest lodging, small public facilities, and neighborhood commercial uses. The Allen / Epperson Property and Etta Richards Property would be developed with one residence per acre, which is equivalent to their zoning density. There would be no development of the Brune Property. On the Eller Property, the cultural center would be built on the portion zoned Commercial Recreation, which is consistent. The proposed land uses do not represent a significant adverse change in allowable land uses. Adjacent existing land uses are a mixture of residential and commercial. The proposed land uses are not expected to result in significant adverse conflicts with adjacent land uses. No mitigation is necessary.

As described in the project description (Section 2.1), the proposed facilities would be constructed in compliance with County ordinances. Zoning standards including building setbacks and heights would be followed, thereby reducing the potential for land use conflicts. No significant adverse land use impacts are expected.

4.1.8.2 Consistency Determination with Local Coastal Plan

The following Table 4-4 analyzes the Proposed Action's consistency with applicable Local Coastal Plan policies. The Proposed Action has been evaluated and has been found to be consistent to the maximum extent practicable with the California Coastal Management Program, Coastal Zone Management Act, and the California Coastal Act. The Proposed Action has been found to be maximally consistent with Del Norte County's Local Coastal Plan policies including public access, marine and water resources, recreation, land resources, hazard areas, visual resources, public works, housing/new development, and land use policies. The BIA's full consistency determination and correspondence with the California Coastal Commission is bound separately. No significant conflicts with the Local Coastal Plan policies have been identified.

4.1.8.1 Agriculture

No evidence of use of the Project Area for commercial agriculture was detected. Land within the project parcels is not considered prime, unique, or regionally important agricultural land and are not under any Williamson Act contract. The Brune Property has never been developed for any use, including agriculture. The Eller Property was used as horse and cow pasture, but there is no indication that it was a commercial operation; rather, it was a pastoral activity of a rural residence. The Proposed Action will not interfere with agricultural or forestry activities as these activities do not occur in the vicinity. Therefore, no impacts to agricultural resources would occur as a result of implementation of the Proposed Action.

4.1.9 PUBLIC SERVICES

4.1.9.1 Water Supply

Water supply will be provided by connection to the existing Tribal water supply system or to the Smith River Community Service District's water supply system. No wells would be developed to supply the Proposed Action. The Smith River Community Services District indicated their ability to provide water service. The current water supplies, both Tribal and District operated, are projected to be more than adequate to serve the Proposed Action and other future development projects detailed in the Master Plan. No significant impacts to water supply are expected.

4.1.9.1 Wastewater Treatment

No impacts to wastewater service capacity is anticipated because the Tribe has recently completed a tertiary treatment wastewater treatment plant with an ultimate capacity of 100,000 gallons per day that will provide for all projected Tribal growth, including the Proposed Action. Therefore, no impacts to wastewater service will occur from Project implementation. Other utilities, such as solid waste and electricity, have adequate capacity for the Proposed Action's needs, and no significant impacts to these other utilities were identified.

Table 4-4. Proposed Action's Consistency with Applicable Local Coastal Plan Policies

Local Coastal Plan Policy	Project Consistency
Marine & Water Resources	
All surface and subsurface waters shall be maintained at the highest level of quality to insure the safety of public health and the biological productivity of coastal waters (VI.C.3). Wastes from industrial, agricultural, domestic or other uses shall not impair or contribute significantly to a cumulative impairment of water quality to the extent of causing a public health hazard or adversely impacting the biological productivity of coastal waters (VI.C.4).	Mitigation measures have been identified to ensure that surface waters would not be adversely affected. Measures include the development and maintenance of vegetated buffers and swales, oil/water separators, and a rain garden for storm water treatment, development setbacks from riparian zones, and implementation of an effective Storm Water Pollution Prevention Program during construction.
Riparian vegetation shall be maintained along streams, creeks and sloughs and other water courses with the Coastal Zone for their qualities as wildlife habitat, stream buffer zones, and bank stabilization (VII.E.4.a)	The proposed development footprint is not located within any riparian zone. A 100-foot buffer was placed around all wetlands and riparian zones, and proposed development was located outside of this buffer zone.
Hazard Areas	
New development shall minimize risks to life and property in areas of high geologic, flood and fire hazard	The Brune Property has a zone designation of Bluff Hazard; no development is proposed on the Brune Property. No development will occur in or near Project Areas zoned Bluff Hazard.
Visual Resources	
Proposed development within established highly scenic areas shall be visually compatible with their scenic surroundings, by being reflective of the character of the existing land uses while conforming to the land use criteria. As set forth in the land use component and subsequent zoning ordinance (V.C.2).	The Project Area is near, but not within, the established scenic corridor (U.S. 101 north of Indian Road). The proposed land uses are consistent with the range of land uses in the immediate vicinity (commercial, residential, and recreational). The land uses will be consistent with the development standards of the County's zoning ordinance.
Housing/New Development	
Proposed development within the urban boundary shall meet land use criteria described in each area plan and in Land Use Plan policies.	Proposed residential development is consistent with County land use policies. Proposed development is compatible with surrounding land uses.
Proposed development within the urban boundary may be approved only after it has been adequately proven that the location of the proposed development will accommodate the development. These factors include but are not limited to sewage disposal, water supply and street system capacity.	The proposed development will be served by the Tribe's tertiary treatment wastewater facility. No proposed developments will utilize septic tank/leachfield systems. Water supply will be supplied by either the Tribe's water system or the Smith River Community Services District

4.1.9.1 Law Enforcement/Emergency Response

The Proposed Action is not expected to significantly increase the demand for law enforcement services. The proposed cultural center and residential housing would be designed in accordance with the Building Construction and Safety Code of the National Fire Protection Association which includes fire protection systems and equipment, fire-resistant materials and construction, and sufficient accessibility. The Tribal Emergency Response Team meets regularly to help establish plans and procedures to handle emergency situations on the Reservation (Brad Cass, Tolowa Dee-ni' Nation, pers. comm.). This includes communication, transportation, securing emergency supplies, and various trainings for both Team members and Tribal Members. The Tribe has also recently joined the North Coast Tribal Emergency Management Association. Because of inherent design features and Tribal preparedness, the Proposed Action should not significantly increase the demand for fire protection or emergency medical services.

4.1.9.1 Recreation

The Project Area is not currently utilized for recreation, and the proposed facilities would not adversely affect recreational opportunities in the region. No adverse impacts to recreation would occur. To the contrary, the Proposed Action is intended to enhance recreation activities in the region by providing an overnight parking area for recreational vehicles and by creating a cultural center which will host a wide variety of community activities. A beneficial impact to recreation is expected to occur by implementation of the Proposed Action.

4.1.10 NOISE

The construction of the Proposed Action would intermittently and temporarily increase ambient noise levels within some areas of the Project Area due to the use of heavy construction equipment and material transport. Several residences and the Xaa-wan'-K'wvt Community Center are located near the proposed construction zones. Although construction noise would be temporary and its intensity would fluctuate by construction activity, this is considered a potentially significant temporary impact. These temporary impacts would be reduced to a less than significant level by implementation of the mitigation measures identified in Section 5.10.

Noise generated from vehicular traffic is a potentially significant issue. Along the U.S. 101 right-of-way, noise levels were measured in excess of 65 dBA L_{dN}, which is the threshold noise level established by HUD (1991) for residential housing. However, the noise level declines significantly as one moves away from the highway corridor, and 20 feet away (east) from the corridor the average noise level was 60 L_{dN} or less. Proposed structures would be set back from U.S. 101 at least 100 feet. Furthermore, interior spaces of the residences would be insulated from outdoor noise sources. Thus, no proposed inhabitation within the Project Area will be exposed to a noise level in excess of 65 L_{dN}. Therefore, vehicular noise from US 101 would not be considered a significant impact.

Operation of the Proposed Action would generate some noise, primarily from air conditioning and heating systems. However, the equipment would not be loud enough to negatively affect adjacent properties, and this equipment would be situated away from publicly-frequented areas within the Project Area. The Proposed Action would also not significantly increase the volume of traffic on U.S. 101 and thus would not significantly increase noise levels along the highway. Typically, a doubling of the traffic volume on a roadway, increases the average noise level by 3 dB, the smallest change in noise level a person can detect. The Proposed Action would not result in a doubling of traffic on any roadway (W-Trans 2009). Therefore, operational noise impacts are considered less than significant.

4.1.11 HAZARDOUS MATERIALS

According to the findings of the Phase I environmental site assessment (Graening and Associates 2025), the Project Area has no history of hazardous materials usage or storage and has no recognized environmental conditions, and no further investigation was recommended. No hazardous materials or underground tanks are expected to be encountered during excavations on any of the parcels. There is a potential for hazardous materials or petroleum products to be accidentally released during Project construction. However, the Tribe and its contractor must enroll in the USEPA's 2022 General Storm Water Discharge Permit for Construction Activities, which requires the preparation and proper implementation of a Storm Water Pollution Prevention Plan, Hazardous Materials Management and Spill Response Plan, and related Best Management

Practices. With proper implementation, these plans significantly reduce or eliminate the potential for accidental release of hazardous materials other pollutants during construction.

There are no known environmental health or safety hazards associated with operation of the Proposed Action, other than normal, minor (*de minimis*) use of household quantities of sanitizers, cleansers, and pesticides and fertilizers for normal operational and maintenance functions of the residences and grounds. For public health and safety, the Tribe will comply with the provisions set forth under Compact Section 10.0 - Public and Workplace Health, Safety, and Liability. In addition, structures will be constructed according to the latest edition of the Uniform Building Code. It is the intent of the Tribe, that, in the public interest, it will provide for adequate protection of the environment, public health, and safety for its members, employees, and patrons.

4.1.12 VISUAL RESOURCES

Implementation of the Proposed Action could have a potentially significant impact on visual resources because it involves changes to the land form, and placement of housing units, and because various policies protect visual resources in the region. The State's California Scenic Highway Program and the County's Scenic Highways Element of the General Plan are both intended to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. Although the Tolowa Dee-ni' Nation is outside of State and County jurisdiction, the Tribe intends that proposed facilities will be as compatible as possible to existing State and County land use requirements. Toward this end, adequate design measures are included to avoid visual/aesthetic effects to neighboring properties. The design of the residential housing units would be consistent with other residential uses in the area and would not detract from the existing visual environment. Other design features that will be implemented include: installation of a privacy fence and/or green wall; minimal alteration of natural landforms, underground utility placement (or least conspicuous above-ground placement), limited use of signage, and emphasis on native species for landscaping. Light pollution prevention is a potentially significant issue, and appropriate technology lighting, such as the use of installation of LED or low sodium light fixtures and shielding of light fixtures, is an essential component to reducing light pollution and will be utilized by the Tribe in this proposed development. Because of the features incorporated into the Project's design, no adverse effects to visual resources from project implementation are anticipated.

4.2 REDUCED INTENSITY ALTERNATIVE

4.2.1 LAND RESOURCES

Geologic hazards exist regardless of the size of structures proposed. Geologic hazards constitute a potentially significant impact upon public safety and structural stability for this Alternative as well. The Reduced Intensity Alternative, with a 50% reduction in the development footprint, would require less grading and generate less soil disturbance than the Preferred Alternative. Construction would occur primarily on previously graded and/or developed areas. This is considered a less than significant impact.

4.2.2 WATER RESOURCES

The Reduced Intensity Alternative, with a 50% reduction in the development footprint, would generate less soil disturbance than the Preferred Alternative. Nevertheless, surface water or ground water quality has the potential to be degraded from stormwater transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products from sources such as heavy equipment servicing or refueling. This is a potentially significant impact. However, the Tribe

must enroll under the USEPA's 2022 General Storm Water Discharge Permit for Construction Activities prior to the initiation of construction. In conjunction with enrollment under this Permit, a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan must be created and implemented during construction to avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. Implementation of these regulations would reduce potential construction-related impacts to water quality to a less than significant level.

Operation of the proposed project (specifically, the RV parking lot and the parking lot for the cultural center) could degrade surface water resources by collecting petroleum products and other pollutants that are typically concentrated in paved areas and then transport them to receiving water bodies during storm events. This is a potentially significant water quality impact. However, stormwater treatment features have been incorporated into the project design to address these concerns. The treatment features consist of the development and maintenance of rain gardens (i.e., constructed wetland and pond), vegetated swales, and the installation and maintenance of oil - water separators (or media filters). Implementation of these measures would reduce potential impacts to water resources during operation of the project to a less than significant level.

4.2.3 AIR QUALITY

The air quality study performed for this environmental assessment determined that the Proposed Action would have a less than significant effect upon air quality, both in the construction phase and in the operation phase. The Reduced Intensity Alternative, with a 50% reduction in the development footprint, would generate less potential air pollutants than the Preferred Alternative, and would thus have an even smaller impact upon air quality.

4.2.4 BIOLOGICAL RESOURCES

The biological assessment performed for this EA determined that the Proposed Action would have a less than significant effect upon biological resources. The Reduced Intensity Alternative, with a 50% reduction in the development footprint, would be less disturbing to the biological environment, and would thus have an even less significant impact upon biological resources. Nevertheless, the potential for listed species to migrate into the Project Area and be impacted by construction activities is a potentially significant impact before mitigation. If construction activities are conducted during the nesting season, nesting birds could be directly impacted by tree removal and indirectly impacted by noise, vibration, and other construction-related disturbance. Therefore, project construction is considered a potentially significant adverse impact to nesting birds.

4.2.5 CULTURAL RESOURCES

The Brune Property contains important cultural resources, but no development is proposed on this property. Like the Proposed Action, implementation of the Reduced Intensity Alternative is not expected to result in impacts to any cultural resources on the other 6 parcels as no cultural resources have been identified within the Project Area. However, the potential still exists that construction of the proposed residences could encounter unknown cultural resources. Mitigation measures have been identified in Section 5.0 to reduce potential impacts to a less than significant level.

4.2.6 SOCIOECONOMIC CONDITIONS

Analysis of the Proposed Action determined that the overall socioeconomic impacts would be beneficial. Likewise, the Reduced Intensity Alternative would have beneficial impacts upon

socioeconomic conditions for both the Tribe and the Smith River community. The Reduced Intensity Alternative would create residential housing and a smaller cultural center. While this alternative would also reduce the County's property tax revenues by a small percentage, the Tribe provides public facilities and services to its members and surrounding community, which offsets demands on the County's financial resources. No significant adverse socioeconomic impacts would occur.

4.2.7 TRAFFIC

The Proposed Action would have a less than significant effect upon traffic and circulation. The Reduced Intensity Alternative would generate 50% fewer trips due to the reduced size of the cultural center and the reduced number of RV parking stalls and residential housing units provided. No mitigation measures are needed.

4.2.8 LAND USE

Like the Proposed Action, implementation of the Reduced Intensity Alternative would remove the parcels from the jurisdiction of Del Norte County. The Reduced Intensity Alternative would result in the development of 50% less residential housing and vehicle parking and a smaller cultural center. As discussed under the Proposed Action, the specific land uses proposed are consistent with the permitted uses of the current zoning, and are less intensive that some allowable commercial uses. The proposed uses do not represent a significant change in planned land uses, and such landuses are not expected to result in significant conflicts with adjacent residences. As described in the Project description (Section 2.1), the proposed facilities will be constructed in compliance with County ordinances. Zoning standards including building setbacks and maximum heights would be followed, thereby reducing the potential for land use conflicts. No significant conflicts with the Local Coastal Plan policies have been identified. No significant land use impacts are expected.

4.2.9 PUBLIC SERVICES

The Proposed Action was determined not to impact public services significantly. The Reduced Intensity Alternative, with a 50% reduction in the development footprint, would require only approximately half of the public services, and would thus have an even less significant impact upon public services.

4.2.10 NOISE

Noise generated during construction of the Proposed Action was identified as being a potentially significant temporary impact. The Reduced Intensity Alternative, with a 50% reduction in the development footprint, would generate less noise during construction, but could still represent a potentially significant temporary impact. These temporary impacts would be reduced to a less than significant level by implementation of the mitigation measures identified in Section 5.10.

Operation of the Proposed Action was determined not to generate a significant amount of noise. The Proposed Action was determined not to be significantly affected by existing noise sources (primarily road noise). Likewise, the Reduced Intensity Alternative would not generate significant amounts of noise, nor be significantly impacted by existing noise sources.

4.2.11 HAZARDOUS MATERIALS

Similar to the Proposed Action, construction of the Reduced Intensity Alternative has the potential for hazardous materials or petroleum products to be accidentally released during construction. This is considered a potentially significant impact. However, the Tribe and its contractor must enroll in

the USEPA's 2022 General Storm Water Discharge Permit for Construction Activities, which requires the preparation and proper implementation of a Storm Water Pollution Prevention Plan, Hazardous Materials Management and Spill Response Plan, and related Best Management Practices. With proper implementation, these plans significantly reduce or eliminate the potential for accidental release of hazardous materials other pollutants during construction.

4.2.12 VISUAL RESOURCES

The Reduced Intensity Alternative would have a similar visual effect as the Proposed Action, although 50% fewer structures would be visible, the cultural center and the RV parking lot would be smaller. The design of the residential housing units would be consistent with other residential uses in the area and would not detract from the existing visual environment. Other design features include: installation of a privacy fence and/or green wall; minimal alteration of natural landforms, underground utility placement (or least conspicuous above-ground placement), limited use of signage, emphasis on native species for landscaping, and using shielded light fixtures. Because of the features incorporated into the Reduced Intensity Alternative's design, no adverse effects on visual resources from Project implementation are anticipated.

4.3 NO ACTION ALTERNATIVE

4.3.1 LAND RESOURCES

The No Action Alternative does not involve any specific development plans or ground-disturbing activities, so no adverse impacts to land resources would occur.

4.3.2 WATER RESOURCES

The No Action Alternative does not involve any specific development plans, ground-disturbing activities, or water use, so no adverse impacts to water resources would occur.

4.3.3 AIR QUALITY

The No Action Alternative does not involve any specific development plans or ground-disturbing activities, so no adverse impacts to air quality would occur.

4.3.4 BIOLOGICAL RESOURCES

The No Action Alternative does not involve any specific development plans or ground-disturbing activities, so no adverse impacts to biological resources would occur.

4.3.5 CULTURAL RESOURCES

The No Action Alternative does not involve any specific development plans or ground-disturbing activities, so no adverse impacts to cultural resources would occur. However, no beneficial cultural impacts would occur, as no cultural center would be built.

4.3.6 SOCIOECONOMIC CONDITIONS

The No Action Alternative does not involve any specific development plans, so no adverse impacts to socioeconomic conditions would occur. However, no beneficial impacts would occur from implementing the No Action Alternative. Unlike the Proposed Action or Reduced Intensity Alternative, the No Action Alternative would not create any recreational parking, residential housing, or cultural center. The No Action Alternative would not promote cultural identity, would not stimulate

economic growth, would not expand the Tribe's land base, and would not further Tribal goals toward self-sufficiency and self-determination.

4.3.7 TRAFFIC

The No Action Alternative does not involve any specific development plans, so no adverse impacts to traffic would occur.

4.3.8 LAND USE

The No Action Alternative does not involve any specific development plans or ground-disturbing activities, so no adverse impacts to land uses would occur.

4.3.9 PUBLIC SERVICES

The No Action Alternative does not involve any specific development plans, so no public services impacts would occur.

4.3.10 NOISE

The No Action Alternative does not involve any specific development plans or ground-disturbing activities, so no adverse noise impacts would occur.

4.3.11 HAZARDOUS MATERIALS

The No Action Alternative does not involve any specific development plans, ground-disturbing activities, or hazardous material usage, so no adverse hazardous material impacts would occur.

4.3.12 VISUAL RESOURCES

The No Action Alternative does not involve any development plans or ground-disturbing activities, so no adverse impacts to land uses would occur.

4.4 REASONABLY FORSEEABLE EFFECTS

4.4.1 LAND RESOURCES

As growth occurs in the region, reasonably foreseeable effects to land resources may take place as the result of changes to topography, soil loss, increased seismic hazards, and loss of mineral resources. However, as discussed in Section 4.1, construction will occur primarily on previously graded and/or developed areas, thereby reducing potential impacts to topography. Construction Best Management Practices, required under the USEPA's National Pollution Discharge Elimination System, would avoid or minimize the potential for erosion, sedimentation, or accidental release of hazardous materials. No known mineral or energy resources of importance are located in the Project Area. Therefore, no impacts to these resources would occur. Potential seismic impacts would be mitigated by compliance with the seismic design requirements of the Uniform Building Code. Therefore, reasonably foreseeable effects regarding land resources are considered to be less than significant.

4.4.2 WATER RESOURCES

Septic tanks/leachfield systems are the conventional solution for decentralized wastewater treatment at residences and larger buildings in Del Norte County, and rural areas in general. Conventional onsite wastewater treatment systems often require a lot of space to work properly and there are issues with treatment efficacy for nutrients and pathogens. These concerns about onsite wastewater

treatment systems have led to an increased use of wastewater treatment alternatives (e.g., sequencing batch reactors) that use less land and produce effluent of higher quality. However, such effluents still contain high nutrient levels, and such nutrient pollution is not fully attenuated in receiving leachfields. Regional groundwater contamination often occurs as a cumulative impact. To address the issues with conventional treatment solutions, Tolowa Dee-ni' Nation went to extraordinary lengths to build a much more expensive treatment system that employs tertiary treatment and membrane bioreactors (MBRs). MBR technology is superior because it removes additional nutrients and bacteria from the effluent. Because the Tolowa Dee-ni' Nation will replace treatment using existing septic tanks/leachfield systems with treatment of this waste water treatment facility on all of its properties (including the Project Area), this will result in beneficial impacts upon receiving waters.

Reasonably foreseeable effects to water resources may take place as the result of existing and future developments which alter watershed characteristics. Examples of these effects include decreased permeability, increased erosion and sedimentation rates, increased pollution, and increased stormwater flows. Stormwater discharges from residential and commercial areas are of concern due to such pollutants as oil and grease, and pesticides.

Mitigation measures have been identified in Section 5.0 to ensure that surface waters would not be adversely affected by runoff from the Proposed Action. Measures include the development and maintenance of vegetated buffers and swales and rain gardens for stormwater treatment and infiltration, and setbacks from riparian zones. All proposed structures will be connected to the Tolowa Dee-ni' Nation's wastewater treatment facility. The treated effluent is disposed through a new leachfield pursuant to Waste Discharge Requirements set by the North Coast Regional Water Quality Control Board. No significant reasonably foreseeable impacts to water resources are anticipated.

4.4.3 AIR QUALITY

The NCUAQMD does not have established thresholds for cumulative significance of air pollutant emissions. However, the significance of cumulative air quality emissions typically is determined by whether project-level air emissions exceed established thresholds. As discussed previously, project-level air emissions would not exceed the comparative NCUAQMD thresholds. Moreover, given the overall good air-quality conditions of the Air Basin, Project air emissions would not represent a cumulatively significant increase in air pollutants that would cause the Air Basin to reach nonattainment for criteria pollutants for which it is currently in attainment.

The NCUAQMD Particulate Matter Attainment Plan is the regional air quality management plan for the Counties of Del Norte, Humboldt, and Siskiyou. The Attainment Plan focuses mostly on residential burning and woodstove control strategies. Additionally, the Attainment Plan discusses traffic flow improvements as a way to reduce PM_{10} from stop-and-go traffic, but the Proposed Action does not significantly affect the flow of traffic. The Project includes residential units that may include the installation of wood stoves or fireplaces. Since the Attainment Plan suggests that sale and installation of wood burning stoves in new homes be limited to EPA-certified or equivalent devices, and the County General Plan (Policy 1.F.6) states that the County shall "*encourage development to be located and designed to minimize direct and indirect air pollutants*," the Proposed Action has the potential to be deemed inconsistent with the regional air quality plan if it does not utilize the proper stoves, which is a potentially significant impact to air quality by emitting particulates.

4.4.4 BIOLOGICAL RESOURCES

Adverse biological resource effects would occur if the Proposed Action, in conjunction with other projects, would result in an adverse impact to state or federally-listed species, result in an adverse impact to sensitive habitat of regional significance, or result in a conflict with regional conservation goals. The Proposed Action will completely avoid all sensitive habitats, riparian corridors, and wetlands. Since the Project Area is already located in an urban area, and the proposed development will occur only on disturbed lands that have little to no natural habitat left, redevelopment with the Project Area is not expected to contribute incrementally or significantly to the loss of natural habitat or otherwise adversely impact state or federally-listed species, or result in a conflict with regional conservation goals. No impacts to biological resources are expected.

Adverse effects in the existing environment consist primarily of habitat fragmentation or loss of wildlife corridors. Construction of the project features will not fragment habitat or impede wildlife corridors, because development is focused on areas that are already disturbed or developed, and more than half of the project area will remain open space. Construction of the project features is not expected to increase growth significantly, as no commercial facilities are proposed other than parking places for RVs. No interrelated or interdependent effects were identified from project implementation.

4.4.5 CULTURAL RESOURCES

Impacts to cultural resources have the potential to occur in the region through development that disturbs or removes historical buildings, archaeological sites, and other cultural resources. However, as described previously, a potential historic property, the Traditional Cultural Property encompassing the entire Brune Property, will be avoided by the Project and is protected by a Cultural Easement designated by the Tolowa Dee-ni' Nation (Smith River Rancheria) and recorded by the County in 1997. As no other cultural resources were identified during the surveys or consultation, the Project will have No Adverse Effect on historic properties. While the potential exists that previously unknown cultural resources could be present within the Project APE, mitigation measures have been identified to reduce potential impacts to a less than significant level. Accordingly, potential impacts to cultural resources are considered to be less than significant.

4.4.6 SOCIOECONOMIC CONDITIONS

Reasonably foreseeable socioeconomic impacts could occur in the Project Area as the result of developments that affect the lifestyle and economic wellbeing of residents. The Proposed Action and the Reduced Intensity Alternative are expected to have beneficial impacts upon socioeconomic conditions for both the Tribe and the Smith River community. The Proposed Action would create housing for Tribal members which is greatly needed. While the Project would reduce the County's property tax revenues by a small percentage, the Tribe provides public facilities and services to its members and surrounding community which offsets demands on the County's financial resources. No significant adverse socioeconomic impacts would occur.

4.4.7 TRAFFIC

The Proposed Action will generate additional daily trips with construction of tribal housing and the cultural center. These trips add a small increment to the total traffic volumes on U.S. 101 and arterial roads. However, the future growth of the Smith River region, and resulting increase in traffic volumes, was already analyzed by Green DOT Transportation Solutions and Caltrans, and the solutions to congestion on U.S. 101 (the three roundabouts) account for this increase in future traffic

volumes.

4.4.8 LAND USE

Reasonably foreseeable adverse land use may occur as the result of expected growth and disruption of orderly development. As discussed in Section 4.1, the specific uses proposed are consistent with the permitted uses of the current zoning. The proposed land uses are not expected to result in significant conflicts with adjacent properties, which have similar land uses. As described in the Project description (Section 2.1), the proposed facilities will be constructed in compliance with County ordinances. Zoning standards including building setbacks and maximum heights would be followed, thereby reducing the potential for land use conflicts. No significant conflicts with the Local Coastal Plan policies have been identified. No significant land use impacts are expected.

4.4.9 PUBLIC SERVICES

As growth occurs within the region, effects to public services may take place by exceeding the capacity of public infrastructure such as wastewater treatment and water supply as well as law enforcement and fire protection services. As described in Section 4.1, wastewater treatment would be provided by the Tribe's new wastewater treatment plant, which has excess capacity to serve the Proposed Action. Likewise, the Tolowa Dee-ni' Nation's two sources of water supply, the Howonquet Community Water System and the Smith River Community Services District, have excess capacity to serve the proposed facilities. The proposed developments would present a negligible increase in the demand for other public services such as law enforcement and fire protection. The Proposed Action's incremental contribution to public service impacts are considered to be less than significant.

4.4.10 NOISE

Operation of the Proposed Action would generate noise mainly in the form of vehicles traveling to and from the RV parking, cultural center, and residential housing. As discussed in Section 4.1, it generally requires a doubling of the traffic volume on a roadway to increase the average noise level by 3dB, the smallest change in noise level a person can detect. The traffic studies completed previously indicate that future traffic volumes on U.S. 101 will not approach a doubling of the existing volume. As a result, it is expected that the noise level of U.S. 101, which is the dominant noise source in the area, will not significantly increase within the 20-year study horizon. No noise impacts would occur.

4.4.11 HAZARDOUS MATERIALS

There are no known hazardous materials currently in the Project Area and hazardous materials will not be used or stored on site in commercial or industrial quantities. The Proposed Action does not have any reasonably foreseeable impacts by hazardous materials occurring throughout project operations.

4.4.12 VISUAL RESOURCES

As growth occurs within the Smith River region, reasonably foreseeable effects to visual resources may take place as the result of development that is inconsistent with the rural character of the region. The scale and nature of the proposed residential housing and cultural center is consistent with the existing character of the region. The design of the housing units and cultural center would be consistent with other residential uses in the area and would not detract from the existing visual environment. Other design features include minimal alteration of natural landforms, underground utility placement (or least conspicuous placement), limited use of signage, emphasis on native

species for landscaping, and using shielded light fixtures. Because of the features incorporated into the Project's design, no significant adverse reasonably foreseeable effects on visual resources would occur.

5. MITIGATION MEASURES

5.1 LAND RESOURCES

No mitigation measures are required.

5.2 WATER RESOURCES

To reduce potential impacts upon water quality from project drainage to a less than significant level, a combination of the following Best Management Practices shall be incorporated into the project's storm water drainage system:

- Installation and maintenance of vegetated buffer strips and swales that biologically attenuate pollutants
- Installing, as needed, stormwater basins, grease/oil water separators or media filters, to capture and filter stormwater pollutants.

Incorporation of these Best Management Practices into the project design will reduce water quality impacts to a less than significant level.

5.3 AIR QUALITY

The following construction Best Management Practices will be implemented:

- Apply sufficient water to suppress dust on roads used for vehicular traffic and restrict vehicle speed to 15 mph
- When feasible, shut down idling construction equipment
- Revegetate disturbed areas as soon as possible after disturbance
- Cover construction materials and stockpiled soils if they are a source of fugitive dust
- Cover dump trucks before transporting soils offsite
- When possible, schedule construction activities during periods of low winds to reduce fugitive dust
- For all disturbed surface areas apply dust suppression in a sufficient quantity and frequency so as to maintain a stabilized surface.

Implementation of these Best Management Practices will reduce potentially air quality impacts during construction to a less than significant level.

Any and all wood stoves and wood burning devices installed in project homes and buildings shall be EPA-certified appliances. Implementation of this mitigation measure will reduce potentially significant air impacts from project operation to a less than significant level.

5.4 BIOLOGICAL RESOURCES

Pre-construction Wildlife Surveys

Because of the possibility of listed species migrating into the Project Area between the time of the last biological survey and the start of construction, a pre-construction survey will be performed by a qualified biologist to ensure that no listed species or otherwise special-status species are present. The primary focal species is northwestern pond turtle. If any listed species are determined to be present within the alignment, one of the following mitigation measures shall be implemented:

- The areas surrounding the listed species shall be avoided and protected by the installation of orange construction fencing and warning signage; plywood or silt fence may also be installed as needed to further protect the species from sediment-laded stormwater or fill dirt. Worker-awareness tailgate training shall be implemented to inform all workers of this sensitive area; or
- Where impacts to listed species cannot be avoided, USFWS will be consulted and compensatory mitigation defined, which may consist of the issuance of a take permit and the purchase of off-site habitat dedicated to preservation of sensitive animal species.

With these mitigation measures implemented, the Proposed Action will have no adverse effect upon Western lily and the Oregon silverspot butterfly or any other listed species.

Northwestern Pond Turtle Avoidance Measures

Before construction commences, wildlife exclusion fencing will be erected between riparian habitat and construction areas and between aquatic resources (channels or wetlands) and construction areas. The fencing may be integrated with erosion control devices, such as silt fence.

Monarch Butterfly Conservation Recommendations

- To protect foraging habitat for monarch butterfly, the applicable USFWS (2023) conservation recommendations should be implemented, such as:
- Use only native, locally sourced, insecticide-free plants for habitat restoration and enhancement actions. If plants are grown via contract, use grow specifications that limit pesticide residues.
- Protect monarchs, and other pollinators, and their habitats from pesticides, including insecticides, fungicides and herbicides. Avoid applying herbicides to blooming flowers.
- To assist in maintaining normal migration behavior, do not plant any type of milkweed.
- Maximize use of non-chemical weed and pest prevention.
- Select a mosaic plant palette of native species that bloom throughout the year.

Water quality protection measures

Stormwater treatment features have been incorporated into the project design to address these concerns. The treatment features consist of some combination of vegetated swales, stormwater basins, the installation and maintenance of oil - water separators, or media filters. To protect water quality and aquatic habitats, an erosion and sediment control plan will be implemented. The Tribe shall apply for coverage under the USEPA's 2022 Construction General Permit, and implement a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management/Spill Response Plan. Rigid barriers, such as plywood or sheet piles, shall be placed between work areas and the active channel. These measures will minimize the potential for erosion, sedimentation, or accidental release of hazardous materials.

Pre-Construction Nesting Bird Surveys

If construction activities occur during the nesting season (February 15 to September 15), pre-construction surveys for the presence of migratory birds or any nesting bird species shall be conducted by a qualified biologist within 500 feet of proposed construction areas. If active nests are identified in these areas, avoidance measures shall be implemented based on the needs of the species identified. Avoidance measures may include establishment of a buffer zone using construction fencing or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site. Avoidance buffers may vary in size depending on habitat characteristics, project-related activities, and disturbance levels. Should work activity cease for 7 days or more during the nesting season, surveys shall be repeated to ensure birds have not established nests during inactivity.

5.5 CULTURAL RESOURCES

During Project construction, ground disturbing activities could uncover previously unidentified cultural resources—a potentially significant impact. Any inadvertent discovery of any historic properties in future project implementation is subject to the requirements of 36 CFR 800.13 (post-review discoveries). Any such discovery will require the immediate cessation of all construction activities, and the notification of the Tolowa Dee-ni' Nation THPO and the designated official archaeologist for the BIA. Appropriate mitigation, as recommended by the THPO and/or archaeologist, shall be implemented.

The THPO and Tolowa Dee-ni' Nation Cultural Committee have recommended the following for Project activities or undertakings for the seven parcels within the APE:

- Any ground disturbing activities on the Eller Property or the Brune Property are to be monitored by a monitor identified by the THPO;
- Although no monitoring was recommended in the cultural report for the Allen/Epperson Property, Ball Property, Croft Property, or Etta Richards (Gutierrez) Property, each of which has been previously disturbed by prior development and subsequent removal of buildings (Sikes and Arrington 2016), the THPO may determine all or portions of the parcels be monitored by a monitor identified by the THPO;
- The THPO or BIA may also require a qualified archaeologist (36 CFR Part 61) monitor ground-disturbing activities;
- Any discoveries of cultural or ancestral remains will cause all work to cease and the immediate notification of the THPO;
- Appropriate Tribal protocols will be followed for the handling of any discoveries through the THPO; and
- Any cultural items (non-ancestral remains) are the sole property of the Tribe and are to be curated at the Tolowa Dee-ni' Nation Tribal Offices.

Pursuant to the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), if human skeletal remains or associated cultural items, or bones of unknown origin are found during construction, all work will stop in the vicinity of the find and the Tolowa Dee-ni' Nation THPO and the BIA archaeologist will be contacted immediately. The THPO or BIA will contact the County Coroner. If the coroner determines the remains are Native American, NAGPRA consultations will be initiated with the NAGPRA designee. The NAGPRA designee, the Tribe and the BIA will work with the contractor toward a comprehensive agreement determining if the human remains and other cultural items, if any, may be left in place, or may be excavated or removed in accordance with the requirements of NAGPRA and the Archaeological Resources Protection Act of 1979 and, following disposition if excavated or removed, whether the human remains and other cultural items will be reburied in accordance with the comprehensive agreement. No additional work will take place within the immediate vicinity of the find until the identified appropriate actions have been implemented. Implementation of these mitigation measures would reduce ground disturbing impacts to a less than significant level.

5.6 SOCIOECONOMIC CONDITIONS

No mitigation measures are required.

5.7 TRAFFIC

Green DOT Transportation Solutions coordinated with Caltrans, the Tribe, and the community, and analyzed collision data and observed current traffic trends to identify traffic impacts in the Smith River region. Ultimately, the intersections of U.S. 101/North Indian Road, U.S. 101/Mouth of Smith River Road, and U.S. 101/Chinook Street were identified for improvements. Out of the explored intersection alternatives detailed below, a roundabout design is the recommended alternative due to enhanced safety, traffic calming, and community support. Roundabouts improve traffic flow and reduce traffic delays by allowing vehicles to move through intersections without stopping. Furthermore, the Federal Highway Administration found that roundabouts increase traffic capacity by 30% to 50% compared to signalized intersections. The following intersection improvements are planned for the future (Figure 5.7-1 through 5.7-3):

- a roundabout at U.S. 101 at N Indian Road
- a roundabout at U.S. 101 at Mouth of Smith River Road
- a roundabout at U.S. 101 at Chinook Street

5.8 LAND USE

No mitigation measures are required.

5.9 PUBLIC SERVICES

No mitigation measures are required.

5.10 NOISE

Construction noise will be controlled by limiting construction activity to the least noise-sensitive daytime hours; specifically, the hours from 7:00 a.m. to 6:00 p.m. on weekdays and from 8:00 a.m. to 5:00 p.m. on Saturdays. Construction equipment shall be muffled and shrouded to minimize noise levels. With the implementation of these mitigation measures, construction-related noise impacts would be reduced to a less than significant level.

5.11 HAZARDOUS MATERIALS

No mitigation is required.

5.12 VISUAL RESOURCES

No mitigation is required.

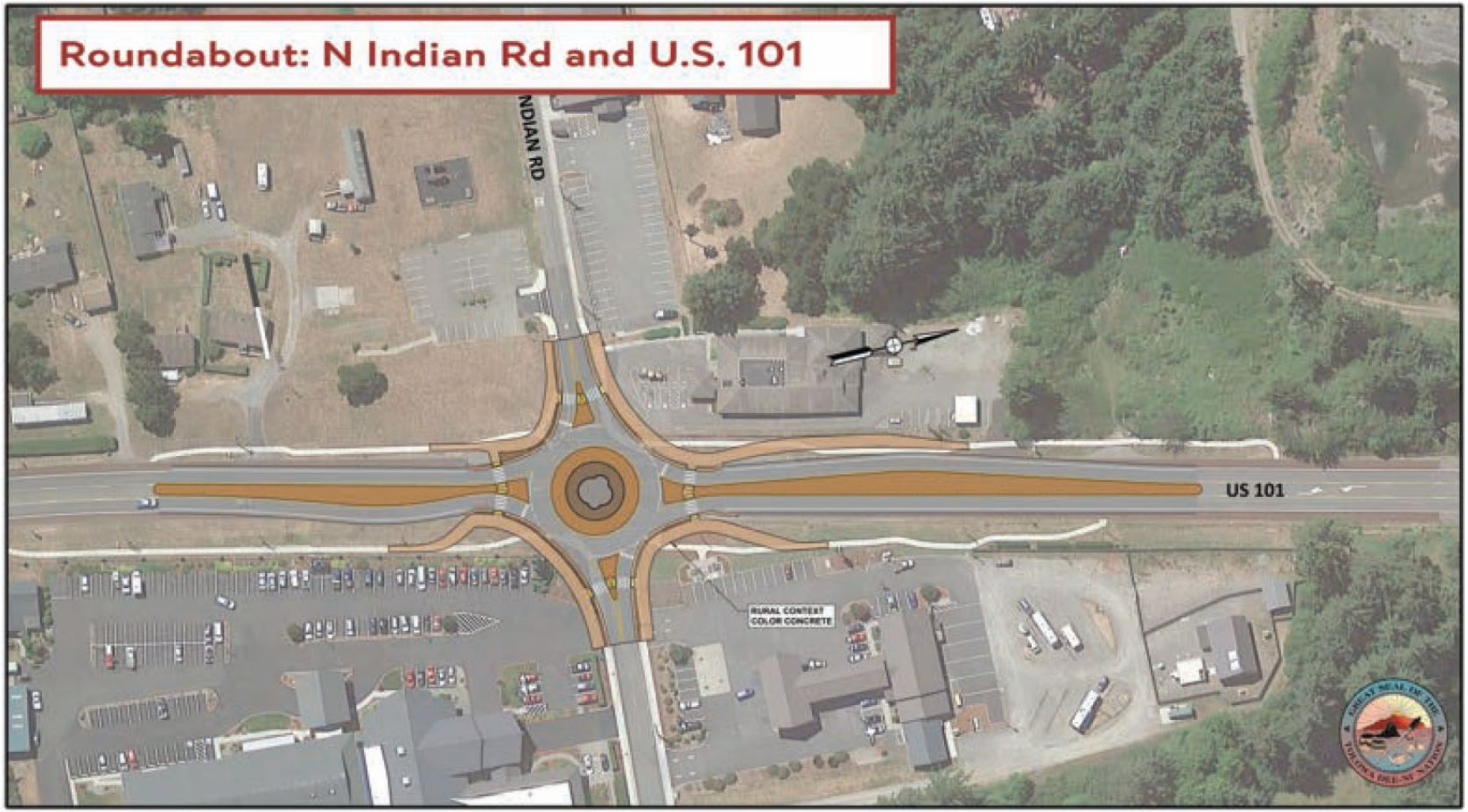


Figure 5.7-1. Proposed roundabout at U.S. 101 at North Indian Road (Green DOT Transportation Solutions, 2021)

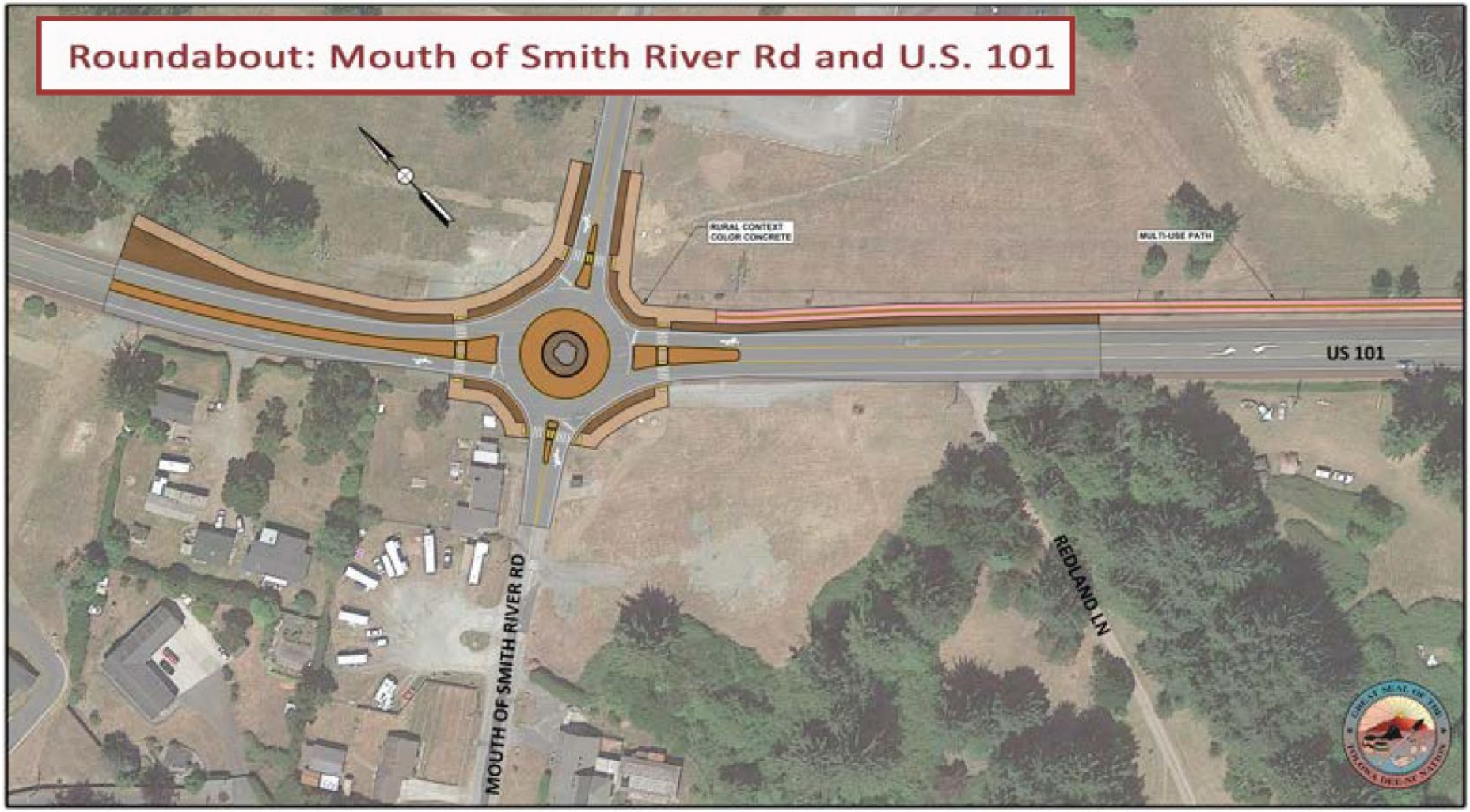


Figure 5.7-2. Proposed roundabout at U.S. 101 at Mouth of Smith River Road (Green DOT Transportation Solutions, 2021)

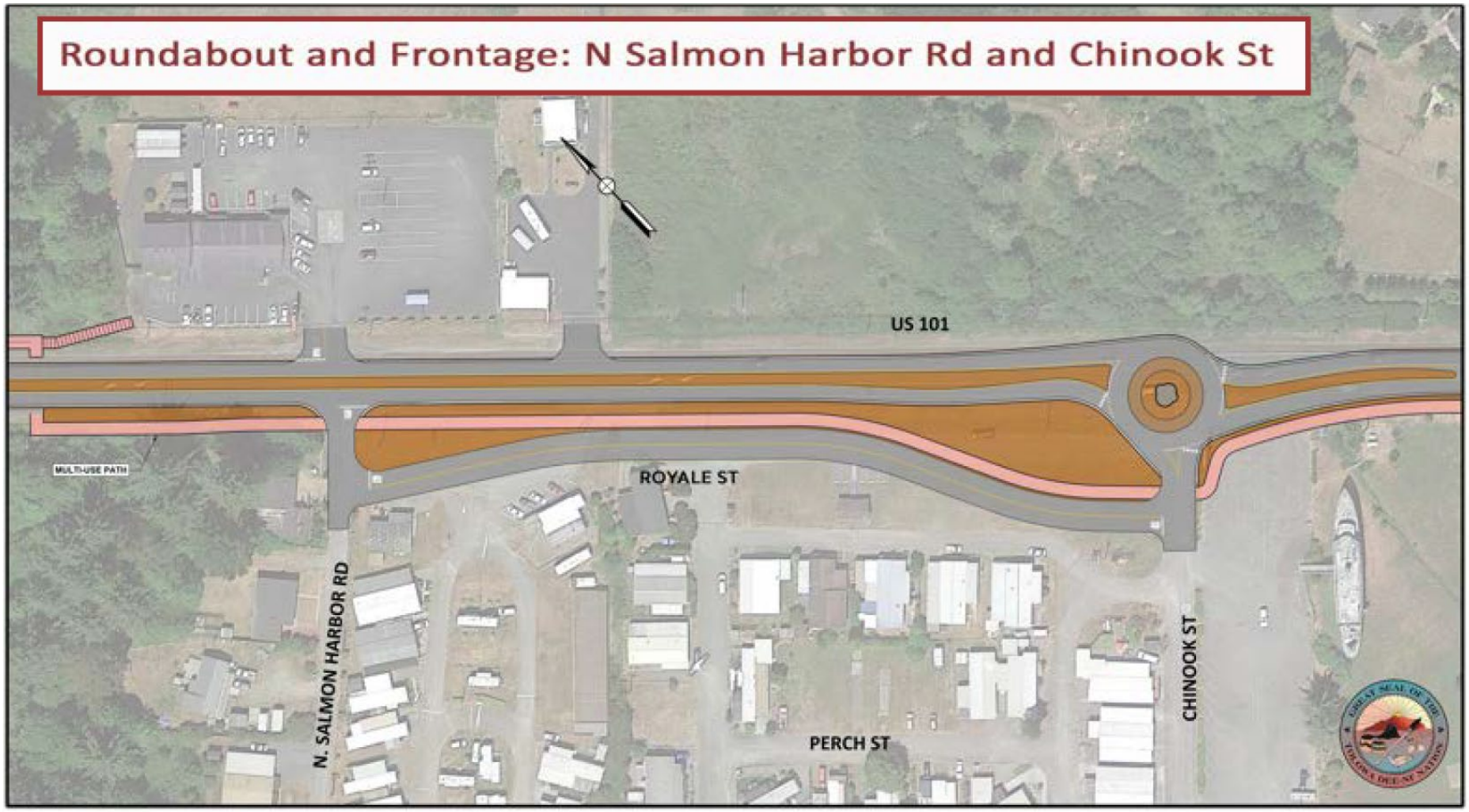


Figure 5.7-3. Proposed roundabout at U.S. 101 at Chinook Street (Green DOT Transportation Solutions, 2021)

6. CONSULTATION, COORDINATION, AND PREPARERS

6.1 FEDERAL AGENCIES

Bureau of Indian Affairs (Lead Agency)

- Chad Broussard, Environmental Protection Specialist, Regional Office, (916) 978-6165
- Dan Hall, Regional Archaeologist

United States Fish and Wildlife Service
Arcata Field Office
1655 Heindon Road Arcata, CA 95521

- David Imper, Endangered Species Division, (707) 822-7201

6.2 TRIBAL AGENCIES

Tolowa Dee-ni' Nation (Project Proponent)
12801 Mouth of Smith River Road, Smith River, CA 95567

- Tim Hoone, Community Development Director, Phone: (707) 487-9255
- Brad Cass, Natural Resources Director (retired)
- Henry Sanderson, GIS Specialist/Planning Dept.
- Cynthia Ford, Tribal Historic Preservation Officer
- Suntayea Steinruck, Tribal Historic Preservation Officer

6.3 STATE AGENCIES

California Coastal Commission
45 Fremont, Suite 2000, San Francisco, CA 94105

- Mark Delaplaine, (415) 904-5289

6.4 LOCAL GOVERNMENT (DEL NORTE COUNTY)

Department of Health and Human Services

- Leon Perrault, Senior Environmental Health Scientist, (707) 464-3191 ext. 341

Planning Division

- Heidi Kunstal, Senior Planner, hkunstal@co.del-norte.ca.us, (707) 464-7254

6.5 ENVIRONMENTAL CONSULTANT

Graening and Associates, LLC
343 Carpenter Hill Road, Folsom, CA 95630

- Dr. G.O. Graening, Principal Scientist, (916) 452-5442

7. REFERENCES

Sunset. 2025. Climate Zones. Sunset Publishing Corporation, Menlo Park, California.

California Air Pollution Control Officers Association. 2022. California Emissions Estimator Model Version 2022.1.1.29. Online model at: https://www.caleemod.com/ Accessed July 2, 2025.

California Department of Conservation. 2025. EQ Zapp: California Earthquake Hazards Zone Application. Internet database at https://www.conservation.ca.gov/cgs/geohazards/eq-zapp.

California Department of Water Resources. 2021. California's Groundwater, Update 2020: Bulletin 118. 485 pp.

California Employment Development Department. 2016. Population and Census Data, at http://www.labormarketinfo.edd.ca.gov/Population_and_Census.html#PRO, accessed November 22, 2016.

California Department of Fish and Wildlife. 2016. RareFind Version 3.x, California Natural Diversity Data Base. Sacramento, California. (Updated monthly by commercial subscription).

California Department of Transportation (Caltrans). 2025. Traffic Census Program: Traffic Volumes. Internet database available at: https://dot.ca.gov/programs/traffic-operations/census.

California Geological Survey. 2025. SMARA Mineral Land Classification. Publications available online at (http://www.conservation.ca.gov/cgs/minerals/mlc/Pages/Index.aspx). Department of Conservation, State of California.

California Native Plant Society. 2016. Inventory of Rare and Endangered Plants, 7th edition. Rare Plant Scientific Advisory Committee, David P. Tibor, convening editor. California Native Plant Society. Sacramento, California. Internet database available at http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi.

Del Norte County. 1983. Del Norte County General Plan Coastal Element – 1983 Local Coastal Plan. Certified by the California Coastal Commission. 359 pp.

Del Norte County. 2003. Del Norte County General Plan. 194 pp.

Department of Conservation, Division of Mines and Geology. 2000. A General Location Guide for Ultramafic Rocks in California - Areas More Likely to Contain Naturally Occurring Asbestos. Open-File Report 2000-19. August 2000.

Graening and Associates, LLC. 2025. Biological assessment for the Tolowa Dee-Ni' Nation 7 Parcel Fee-to-Trust Project, Smith River, California. 70 pp.

Gray Sky Engineering, Inc. 2007. Onsite Sewage Disposal Evaluation for Smith River Rancheria, APN 101-110-02 & 03. Prepared for Smith River Rancheria. 43 pp.

Green DOT Transportation Solutions. 2021. Tolowa Dee-ni' Nation Connected Communities Plan. 82 pp.

McLaughlin, J., and F. Harradine. 1966. Soils of coastal Del Norte County. Department of Soils and Plant Nutrition, University of California, Davis, in cooperation with County of Del Norte, California.

McMillan, Jack R. and Lee R. Gibson. 1987. Smith River Ground Water Study. California Department of Water Resources, Northern District, Sacramento, California.

Natural Investigations Co. 2009. Lopez Parcel Elder Housing Project Environmental Assessment, Smith River Rancheria, Del Norte Co., CA. 2009. Prepared for US Department of Housing and Urban Development.

Natural Investigations Co. 2016. Biological Assessment for the Tolowa Dee-Ni' Nation 7 Parcel Fee-To-Trust Project, Smith River, California. Prepared for U.S. Bureau of Indian Affairs and Tolowa Dee-ni' Nation Natural Resources Department. 48 pp.

Natural Investigations Co. 2016b. Jurisdictional Waters Delineation Report for the Eller and Brune Parcels, 12600 and 13001 Ocean View Drive, Smith River, California. Prepared June 22, 2015; revised April 8, 2016. Prepared for Tolowa Dee-ni' Nation, Natural Resources Department.

North Coast Unified Air Quality Management District. Particulate Matter (PM10) Attainment Plan. Draft Report. May 11, 1995.

North Coast Unified Air Quality Management District. 2015. Regulation I: Rule 110 – New Source Review (NSR) And Prevention of Significant Deterioration (PSD). 16 pp.

Rogue Waste Inc. 2025. Dry Creek Landfill. https://drycreeklandfill.com/

Sikes, N.E. and C.J. Arrington. 2016. Cultural Resources Inventory for the Tolowa Multi-Parcel Project, Smith River, Del Norte County, California. Prepared for Tolowa Dee-ni' Nation and U.S. Bureau of Indian Affairs. 39 pp.

Sloan, K. 2006. Cultural Resources Study for the Allen Property, APN 102-070-88, 12999 Highway 101 N., Smith River, Del Norte County, California. Report prepared for Smith River Rancheria, Smith River, CA. 37 pp.

Sloan, K. 2007a. Cultural resources and historic properties inventory study for the Brune Property, APN 1012-160-23, Ocean View Drive, Smith River Rancheria, Del Norte County, California. Prepared for Smith River Rancheria. 41 pp.

Sloan, K. 2007b. Cultural Resources and Historic Properties Inventory Study for the Croft Property, APN 102-070-13, 13091 Highway 101 N., Smith River Rancheria, Del Norte County, California. Report prepared for Smith River Rancheria, Smith River, CA. 40 pp.

Sloan, K. 2009. Cultural resources and historic properties inventory study for the Eller Property, APN 102-010-40 and APN 102-010-41, Smith River, Del Norte County, California. Prepared for Smith River Rancheria. 52 pp.

Smith River Community Service District (SRCSD). 2022. 2022 Consumer Confidence Report. 9 pp.

Smith River Rancheria. 2008. Tribal Environmental Impact Study – Lucky 7 Casino Expansion, Smith River Rancheria – Tolowa Tribe, Del Norte County, California. Prepared by Winzler & Kelly Consulting Engineers, Eureka, California. 89 pp.

Statewide California Earthquake Center. 2025. Uniform California Earthquake Rupture Forecast, Version 3 (UCERF3). Statewide California Earthquake Center, University of Southern California, Los Angeles, CA.

Transportation Research Board. 2000. Highway Capacity Manual 2000: U.S. Customary Version. National Academy of Sciences, Washington, District of Columbia. 1134 pp.

U.S. Department of Commerce. 2025. 2020 Census data. Internet database at http://data.census.gov.

United Stated Department of Housing and Urban Development. 1991. The Noise Guidebook: a reference document for implementing the Department of Housing and Urban Development's Noise Policy. 1991 printing. Prepared by the Environmental Planning Division, Office of Environment and Energy. 105 pp.

Whitlock & Weinberger Transportation, Inc. 2009. Focused traffic impact analysis for the Haswell, Bridge & Bartley and Eller & Brune Projects. Prepared for Smith River Rancheria. 14 pp.

Winzler & Kelly Consulting Engineers. 2009. Smith River Rancheria – Final Sewer System Master Plan. Prepared for Smith River Rancheria. 19 pp.