

COLUSA INDIAN COMMUNITY COUNCIL WORTHAM FEE-TO-TRUST PROJECT

MITIGATION MONITORING AND ENFORCEMENT PROGRAM

INTRODUCTION

Under the National Environmental Policy Act (NEPA) and the Department of the Interior's 516 DM 1 Handbook of National Environmental Policy Act Implementing Procedures, the Bureau of Indian Affairs (BIA), Pacific Region, prepared and signed a Finding of No Significant Impact (FONSI) for the Wortham Property Fee-to-Trust Acquisition. The FONSI relies on the mitigation commitments identified in the Environmental Assessment (EA) and incorporated into this Mitigation Monitoring and Enforcement Program (MMEP).

This MMEP establishes the parties responsible for implementing, monitoring, and enforcing each mitigation commitment; the applicable performance standards and implementation timing; and the documentation required to demonstrate compliance. The mitigation commitments shall apply to each applicable phase of future development and shall be incorporated into project plans, specifications, construction contracts, funding applications, permits, and other approval documents, as appropriate.

MITIGATION IMPLEMENTATION AND OVERSIGHT

The Tribe is responsible for ensuring implementation of the mitigation commitments through its departments, consultants, contractors, and facility operators. The Tribe's Environmental Department shall maintain the compliance record and submit phase-specific documentation to BIA. BIA retains oversight of the mitigation commitments relied upon in the FONSI and may require corrective action or additional environmental review if a proposed change could affect the analysis or conclusions of the EA.

Agency coordination or authorization may also be required from the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and California Department of Transportation for measures within their respective jurisdictions. Participation by another agency does not transfer BIA's NEPA oversight responsibility or the Tribe's responsibility for implementing the commitments. The signed FONSI incorporates this MMEP by reference and makes compliance with the applicable measures a condition of implementation of the Proposed Action.

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Mitigation Measure	Implementing Responsibility	Compliance Standards	Timing	Verification (Date/Initial)
Land Resources				
GEO-1: Should any paleontological specimens be uncovered during construction, all construction shall halt within 25 feet of the find and the Tribe, BIA, and construction contractor shall be notified immediately. A qualified professional paleontologist shall be retained to assess the significance of the find and, if significant, shall recommend an avoidance, recovery, and/or documentation program in keeping with current professional standards. All recommendations shall be followed before the resumption of construction in the vicinity of the find.	Construction Contractor Tribe	Immediate notification documentation confirms that work stopped within 25 feet of the discovery and that the Tribe, BIA, and construction contractor were notified. A qualified professional paleontologist evaluates the discovery and prepares written recommendations consistent with current professional standards. The approved avoidance, recovery, and/or documentation recommendations are fully implemented and documented before BIA or its designee authorizes work to resume within the discovery area.	Construction	
GEO-2: Building design and construction methods shall adhere to the provisions of the Uniform Building Code.	Tribe General Contractor	Final building plans and specifications identify the applicable building code and incorporate all required structural, seismic, foundation, and life-safety provisions. A qualified design professional certifies the plans, and required plan review approvals and inspection records demonstrate that construction conforms to the approved plans and applicable code requirements. Any field changes affecting code compliance are reviewed and approved by the appropriate licensed professional before installation.	Planning and Construction	
Water Resources				
WATER-1: To allow for extended and periodic construction of project elements, a flexible design of water detentions, bioswales, and surface water conveyance shall be incorporated into individual construction phases to ensure ongoing compliance with NEPA and to prevent off trust land impacts.	Tribe General Contractor	Each phase-specific grading and drainage plan depicts detention facilities, bioswales, and surface-water conveyance sized and configured for that phase and for the cumulative developed condition. A qualified civil engineer verifies that phased improvements maintain positive drainage, avoid increased off-trust peak flow or pollutant		

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		discharge, and remain compatible with later phases. Approved plans, calculations, inspection records, and post-construction photographs document installation and continuing function of the drainage controls before occupancy or operation of each phase.		
WATER-2: Prior to construction, a SWPPP shall be prepared and implemented as required by the EPA to prevent erosion and prevent pollutants from entering surface and groundwater. Water quality control measures identified in the SWPPP shall include, but not be limited to, the following BMPs: - Major grading activities shall be scheduled during the dry season. - Erosion control blankets or jute netting shall be placed in rough-graded ditches and then hydroseeded. - Fiber rolls and straw wattles shall be installed throughout the construction site around the down-slope perimeter of the construction site. - All exposed soil areas shall be stabilized and re-seeded with appropriate native plant species. Stockpiles of unsuitable or excess soil shall be removed and disposed of at approved sites. - Hay or straw mulch and tackifier shall be used as temporary measure for stabilizing disturbed areas. - Landscaping shall be managed to minimize erosion and sedimentation according to the following practices: - Rock filter berms shall be placed across roadways. - Silt fencing shall be placed down-slope of exposed soil areas and around temporary soil stockpiles. - Catch basins, junction boxes, culverts, and	Tribe General Contractor	Before regulated construction activity begins, the Tribe or its authorized operator shall obtain coverage under the applicable EPA NPDES Construction General Permit and prepare a phase-specific SWPPP. The SWPPP shall identify the responsible operator, applicable erosion and sediment controls, pollution-prevention practices, inspection frequency, corrective-action procedures, stabilization requirements, and recordkeeping obligations. The SWPPP and permit-coverage documentation shall be maintained at the project site or made electronically available during construction. Inspection reports, rainfall-event documentation, corrective-action records, photographs, stabilization records, and permit closeout documentation shall be retained in the mitigation compliance file.	Planning and Construction Phases	

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outfall structures/energy dissipaters shall be used throughout grading. ○ Ingress/egress points to the proposed trust parcel shall be stabilized and graded. ○ Cleaning, fueling, maintenance, and repair of construction vehicles and equipment shall be performed offsite whenever possible. ○ The Contractor shall be responsible for all maintenance, inspection, and repair to all erosion and sediment control measures throughout the construction period and shall ensure that all other protective devices are maintained and repaired in good and effective condition. ○ Existing drainage patterns shall not be significantly modified and drainage concentrations shall be avoided. ○ Revegetated areas shall be properly maintained in order to ensure adequate establishment and growth.				
Air Quality				
AIR-1: ○ Exceeding current Title 24 building energy efficiency standards by a minimum of 15 percent; ○ Installation of on-site solar photovoltaic systems to offset a portion of building energy demand; ○ Provision of electric vehicle charging infrastructure in residential and commercial areas; ○ Incorporation of water-efficient landscaping and irrigation systems to reduce energy associated with water use; and ○ Implementation of waste reduction and recycling programs during construction and operation.	Tribe General Contractor	Final energy compliance documentation demonstrates that each applicable building exceeds the current Title 24 energy-efficiency baseline by at least 15 percent. Approved plans identify the photovoltaic system capacity, electric-vehicle charging infrastructure, water-efficient landscaping and irrigation features, and construction and operational waste-diversion procedures. Plan-check approvals, equipment specifications, installation inspections, commissioning or acceptance documentation, waste-hauling receipts, and final photographs confirm that all listed measures were installed and implemented before occupancy or operation.	Planning and Construction Phase	
Biological Resources				

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BIO-1: Valley Elderberry Longhorn Beetle A qualified biologist shall conduct pre-construction surveys within 24 hours of work initiation. If no elderberry shrubs are found within the proposed trust parcel, no further actions would be necessary to mitigate for this species. A letter report shall be completed by the qualified biologist and submitted to USFWS. If elderberry shrubs are found within the proposed trust parcel, then the following measures shall be executed onsite: ○ All project activities (e.g., grading, staging, vehicle use) shall be designed to avoid direct disturbance to elderberry shrubs. A minimum buffer of 100 feet shall be maintained between construction activities and any elderberry shrub with a stem diameter ≥ 1 inch at ground level, unless otherwise authorized by USFWS. Temporary environmental exclusion fencing (e.g., orange plastic mesh) shall be installed at the 100-foot buffer boundary to prevent encroachment by equipment or personnel. Fencing shall be maintained throughout the duration of construction activities. ○ Prior to ground disturbance, all personnel shall receive Worker Environmental Awareness Training (WEAP) from a qualified biologist on the identification of elderberry shrubs, the life history of the VELB, and the importance of compliance with avoidance measures. ○ Vegetation clearing and ground disturbance shall be scheduled outside of the VELB adult emergence period (typically March to June), to avoid disrupting breeding or dispersal activities.	Tribe	A qualified biologist completes a pre-construction survey within 24 hours before work begins and submits a dated survey letter/report, including mapped results and representative photographs, to the Tribe, BIA, and USFWS. If no qualifying elderberry shrubs are present, the survey report documents the negative finding and no additional VELB measures are required unless site conditions change. If qualifying shrubs are present, approved plans show the 100-foot avoidance buffer or an alternative distance authorized in writing by USFWS; exclusion fencing is installed before ground disturbance and documented through inspection logs and photographs. All workers complete documented WEAP training before entering the work area, and vegetation clearing/ground disturbance occurs outside March through June unless otherwise authorized by USFWS. The qualified biologist verifies continued buffer and fencing compliance and provides a final compliance memorandum before removal of protective fencing.	Planning and Construction Phases	
BIO-2 Special-Status Reptiles The following measures would reduce impacts to GGS and northwestern pond turtle to less than-significant levels: ○ Conduct all ground-disturbing activities outside	Tribe	The construction schedule and daily records demonstrate compliance with the specified seasonal and temperature work windows; when inactive-period work is necessary, written USFWS coordination and any additional required protections are obtained before work	Planning and Construction Phases	

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the active period for northwestern pond turtles whenever possible. Ground disturbing activities within 200 feet of aquatic snake habitat shall be conducted between May 1 and October 1. Work may also be conducted between October 2 and November 1 or between April 1 and April 30 if ambient air temperatures exceed 75 degrees Fahrenheit (°F) when work occurs and maximum daily air temperatures have exceeded 75°F for at least three consecutive days immediately preceding the work. In the event that work must be conducted in the inactive period (i.e., work will occur between October 2 and April 30), construction and ground disturbing activities shall be initiated during the active period. The U.S. Fish and Wildlife Service shall be contacted at least one week prior to October 1 for additional protective measures to implement during construction. ○ A snake exclusion fence shall be installed around the proposed project boundary to allow the snake to leave the proposed project area prior to the start of construction activities. The design of the fence shall include, and is not limited to, one-way exit doors or exit funnels at ground level; burying the fence a minimum of 6 inches below ground surface; placing the fence a minimum of 24 inches away from any vegetation or solid surfaces (i.e., rocks or tree trunks) that could be used as a ladder by the snake; extending the fence to a height of not less than 3 feet above the ground surface; and turning all open ends of the fence by 180-degrees for at least 10 feet. Fence installation shall be supervised by a qualified biologist, and the exclusion fence shall be monitored daily by a qualified biologist or trained personnel.		proceeds. A qualified biologist completes and documents a preactivity clearance survey before exclusion-fence installation and a pre-construction survey within 24 hours before work initiation. The exclusion fence is installed to the specified burial depth, height, setback, exit-feature, and terminal-return criteria under biological supervision; dated photographs and daily inspection/repair logs document continued effectiveness. A qualified biological monitor is present during initial vegetation clearing, grading, and ground disturbance in suitable habitat, with daily monitoring logs documenting observations, stop-work events, and agency coordination. Posted signs, contractor records, or monitoring logs demonstrate compliance with the 15-mph project-area speed limit; staging and covered stockpiles remain outside wetland/riparian areas. All construction personnel complete documented WEAP training before work. Any listed reptile encounter results in immediate work stoppage and documented USFWS notification and direction before work resumes.		

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• Prior to installing the exclusion fence, a qualified biologist shall conduct a preactivity clearance survey and remain onsite during initial vegetation clearing and ground-disturbing activities conducted within suitable habitat for the snake. If a snake is observed, the qualified biologist shall stop work and allow the species to leave the proposed project area of its own volition. ○ Project related vehicles shall observe a 15-mile-per-hour speed limit within the project areas. ○ Pre-construction surveys shall be conducted by a qualified biologist within 24 hours of work initiation. If a listed reptile is found, work shall be halted immediately and the qualified biologist shall notify USFWS for proper guidance. ○ A qualified biological monitor shall be present during all initial ground-disturbing activities, initial vegetation removal, and grading. This qualified biologist shall monitor the site for reptile activity and ensure compliance with all protective measures. If a listed reptile is encountered during ground disturbing activities, the qualified biologist shall halt work and contact USFWS for proper guidance. ○ All materials shall be staged away from wetland/riparian areas to avoid attracting special-status reptiles causing habitat degradation. All stockpiled materials shall be covered when precipitation events exceed 50 percent probability. ○ All construction personnel shall receive WEAP from a qualified biologist prior to project initiation. Training shall cover listed reptile identification, legal protections, avoidance behaviors, and procedures if a listed species is encountered.				

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Cultural Resources				
CUL-1: Should unusual amounts of bone, stone, shell, building materials, or other artifacts be uncovered during construction, all ground-disturbing activities within 50 feet of the find shall halt and the Tribe, construction contractor, and BIA shall be notified. A qualified professional archaeologist shall be retained to assess the significance of the find in consultation with the Tribe and BIA. Should the find be significant, a program of avoidance, treatment, or mitigation shall be devised and implemented prior to the resumption of ground-disturbing activities. At the end of construction, a report prepared in accordance with current professional standards shall be prepared and submitted to the appropriate groups or repositories. If human remains are encountered, work shall halt in the vicinity of the find and the Colusa County Coroner shall be notified immediately. Pursuant to 36 CFR Part 800.1363 of the NHPA: Post-Review Discoveries, and 43 CFR § 10.464 (2006) of the Native American Graves Protection and Repatriation Act (NAGPRA): Inadvertent Discoveries, the SHPO and the BIA archaeologist shall also be contacted immediately. No further ground disturbance shall occur in the vicinity of the find until the County Coroner, SHPO, and BIA archaeologist have examined the find and agreed on an appropriate course of action. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant (MLD). The MLD is responsible for recommending the appropriate disposition of the remains and any grave goods.	Tribe General Contractor	Discovery procedures and stop-work requirements are included in construction specifications and worker training materials. For an archaeological discovery, records confirm that work stopped within 50 feet, required parties were notified, and a qualified archaeologist evaluated the find in consultation with the Tribe and BIA. Work resumes only after the approved avoidance, treatment, or mitigation program is implemented and written clearance is issued by BIA or its designee; a final professional report is submitted to the designated agencies or repositories. For human remains, records confirm immediate work stoppage and notification of the County Coroner, BIA archaeologist, and other required officials. No work resumes in the vicinity until the legally required review, consultation, disposition, and written authorization are complete.	Planning and Construction Phase	
Transportation and Circulation				
TRAFFIC-1:	Tribe General Contractor	Final improvement plans and supporting traffic-control documentation show a traffic signal at	Planning and Construction	

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<i>SR at the Main Project Access and Wintun Road:</i> With the addition of traffic from the proposed uses this intersection would exceed County standards; installation of a traffic signal is the only improvement that would allow the intersection to meet the County's LOS standard. The signal is also recommended due to potential safety issues associated with forecast pedestrian crossing volumes that would occur once the project is developed on the opposite side of SR 45 from the existing casino and hotel. This measure would also include installing separate left-turn lanes on SR 45, widening the casino exit to provide for separate right- and left-turn lanes, and constructing separate right- and left-turn lanes on the new main project exit approach to SR 45.		the SR 45/Wintun Road-main project access intersection, separate SR 45 left-turn lanes, a widened casino exit with separate right- and left-turn lanes, and separate right- and left-turn lanes on the new main project exit approach. The plans receive all required approvals and encroachment permits from Caltrans and other agencies with jurisdiction before construction. Construction inspection records, signal activation/acceptance documentation, and as-built plans confirm that all improvements are operational before occupancy or operation of the development phase generating the associated traffic.	Phase	
TRAFFIC-2: Site Access and Circulation: At the intersection where the northern driveway would be constructed on SR 45, it is recommended that left-turn lanes be installed for the SR 45 approaches and that the existing casino exit be widened to provide separate right- and left-turn lanes (two-lane approach). At the southern driveway, left turns from northbound SR 45 into the project site would be prohibited. No other site circulation or access issues have been identified that would cause a traffic safety problem or unusual congestion or delay.	Tribe General Contractor	Approved access and circulation plans show left-turn lanes on the SR 45 approaches at the northern driveway, widening of the existing casino exit to provide separate right- and left-turn lanes, and prohibition of northbound left turns at the southern driveway through channelization and regulatory signage or equivalent approved controls. All required Caltrans and other agency permits and approvals are obtained before roadway work begins. Construction inspections, photographs, and as-built plans verify completion of the improvements and installation of traffic-control devices before the affected driveway is opened for public use.	Planning and Construction Phase	
Hazardous Materials and Health and Safety				
HAZ-1: Waste oil and other materials generated by the vehicle repair shop shall not be stockpiled in large quantities and the Tribe's Environmental Department	Tribe General Contractor	A hazardous-materials and waste-management procedure identifies permissible storage quantities, compatible and labeled containers, secondary containment, covered storage, spill-	Ongoing during operation of the vehicle repair facility	

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shall regularly inspect any storage area in order to identify leaks at the earliest possible moment.		response materials, inspection frequency, and authorized disposal facilities. Waste oil and other vehicle-repair wastes shall be removed often enough to prevent large-volume accumulation, and disposal or recycling documentation shall be retained. The Tribe's Environmental Department conducts and documents regular storage-area inspections for leaks, damaged containers, labeling, containment, and housekeeping. Deficiencies and releases are corrected promptly and documented through corrective-action records and photographs.		