# MITIGATED FINDING OF NO SIGNIFICANT IMPACT FOR THE SAN PASQUAL BAND OF DIEGUENO MISSION INDIANS NATIVE OAKS VILLAGE FEE-TO-TRUST PROJECT

**AGENCY:** Bureau of Indian Affairs, Pacific Region

**ACTION:** Mitigated Finding of No Significant Impact

## SUMMARY

The San Pasqual Band of Diegueno Mission Indians (Tribe) submitted a fee-to-trust application to the Bureau of Indian Affairs (BIA), Pacific Region, for the acquisition of an approximately 8.5-acre property located in San Diego County, California, consisting of APNs 189-012-84-00, 189-012-85-00, 189-091-37-00, 189-091-38-00, and 189-091-35-00 (Project Site) into federal trust for the benefit of the Tribe (Proposed Action). Following acquisition of the Project Site into trust, the Tribe proposes to develop a grocery store, convenience store, multiple commercial buildings, fuel pumps, and parking spaces (Proposed Project). The Proposed Action was analyzed in an Environmental Assessment (EA) dated May 2026 that was released to the public for a 30-day public comment period that ended on July 13, 2026. No comments were received during the public comment period; therefore, no revisions to the May 2026 EA are warranted. The May 2026 EA is hereby incorporated by reference and can be viewed at this location: https://sanpasqualbandofmissionindians.org/environmental-assessment-san-pasqual-native-oaks-village-fee-to-trust-project/. Based upon the entire administrative record, including analysis in the EA, and mitigation imposed, the BIA makes a finding of no significant impact (FONSI) for the Proposed Action. This finding constitutes a determination that the Proposed Action would not have a significant effect on the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C § 4321 et seq., an Environmental Impact Statement is not required.

## PURPOSE AND NEED

The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus satisfying both the Department's land acquisition policy as articulated in the Department's trust land regulations at 25 CFR Part 151. The need for the Department to act on the Tribe's application is established by the Indian Reorganization Act (25 U.S.C. § 5108) and the Indian Land Consolidation Act (25 U.S.C. § 2202) and the relevant implementing federal regulations at 25 CFR § 151.

## ALTERNATIVES CONSIDERED

Two alternatives are analyzed in the EA: the Proposed Project and the No Action alternative. The Proposed Project consists of the acquisition of the 8.5-acre Project Site in trust for the Tribe pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108, and the subsequent development of a grocery store (51,163 square feet [sf]), convenience store (6,008 sf), multiple commercial buildings (totaling 19,720 sf), fuel pumps (12), and associated parking lot (330 spaces). Under the No Action alternative, no federal actions would occur, and the Tribe would not construct the grocery store, convenience store, multiple commercial buildings, fuel pumps, or parking lot. Additional details regarding the Proposed Action and Alternatives can be found in EA Section 2.

## ENVIRONMENTAL IMPACTS

Potential impacts to land resources, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions, transportation and circulation, land use, public services, noise, hazardous materials, and visual resources were evaluated in the EA, with the following conclusions for the Proposed Action (see EA Section 2 for Protective Measures and Best Management

Practices [BMPs], EA Section 3 for detailed analysis, and EA Section 4 for mitigation measures). Consistent with requirements set forth in Section 1.6 of the DOI NEPA Handbook (516 DM 1) a Mitigation Monitoring and Compliance Plan (MMCP) has been prepared that identifies the mitigation measures that will be undertaken to avoid significant effects and the mechanisms to ensure their implementation and is included in **Attachment 1**. EA Section 4 states that mitigation is enforceable if it is part of the project design or mandated by federal or tribal regulations. The Tribe would exercise governmental jurisdiction over the Project Site once acquired into trust and will have the authority to enforce the mitigation measures. The Tribe has committed to the implementation of these mitigation measures as a matter of Tribal law (see Tribal Resolution included as **Attachment 2**.

### Land Resources

With adherence to BMPs (see EA Section 2), the Proposed Project would not result in significant impacts to land resources during construction or operation.

### Water Resources

With adherence to BMPs (see EA Section 2), including the National Pollutant Discharge Elimination System permitting program and implementation of a Stormwater Pollution Prevention Plan, no significant impacts would occur.

### Air Quality

With adherence to BMPs (see EA Section 2), the Proposed Project would not result in significant impacts to air quality during construction or operation.

### Biological Resources

A Biological Resources Memorandum was prepared for the Proposed Project and concluded the project would result in a less-than-significant impact to biological resources with mitigation. BMPs (see EA Section 2) as well as mitigation measures detailed in EA Section 4 would ensure impacts to biological resources are less than significant.

### Cultural Resources

Mitigation measures detailed in EA Section 4 would ensure impacts to cultural resources are less than significant. The BIA has conducted consultation with the State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act. On July 24, 2025, the SHPO acknowledged that pursuant to 36 CFR § 800.4(d)(1), SHPO does not object to a finding of *no historic properties affected* and had no further comments.

### Socioeconomics

The Proposed Project would not result in significant impacts to socioeconomics during construction or operation.

### Transportation and Circulation

With adherence to BMPs (see EA Section 2), the Proposed Project would not result in significant impacts to transportation and circulation during construction or operation.

### Land Use

The Proposed Project would not result in significant impacts to land use during construction or operation.

### Public Services

With adherence to BMPs (see EA Section 2), the Proposed Project would not result in significant impacts to public services during construction or operation.

### Noise

Adherence to BMPs (see EA Section 2)as well as mitigation measures detailed in EA Section 4 would ensure impacts to noise are less than significant.

### Hazardous Materials

With adherence to BMPs (see EA Section 2), the Proposed Project would not result in significant impacts to hazardous materials during construction or operation.

### Visual Resources

With adherence to BMPs (see EA Section 2), the Proposed Project would not result in significant impacts to visual resources during construction or operation.

## PUBLIC AVAILABILITY

A Notice of Availability for the May 2026 EA was provided to agencies, organizations, and interested parties announcing a comment period of 30 days (excluding federal holidays) starting June 11, 2026 and ending July 13, 2026. The BIA did not receive any comment letters during the public comment period for the EA.

## DETERMINATION

The BIA Pacific Region has determined that the Proposed Action to approve acquisition of 8.5-acres (APNs 189-012-84-00, 189-012-85-00, 189-091-37-00, 189-091-38-00, and 189-091-35-00) into federal trust for the Tribe for the purposes of tribal self-sufficiency, self-determination, and economic development would not have a significant effect on the quality of the human environment. Therefore, in accordance with NEPA, 42 USC § 4321 et seq., an Environmental Impact Statement is not required. This determination is supported by the findings described in this FONSI and the analysis contained in the entire administrative record, including the May 2026 EA and the mitigation imposed. This fulfills the requirements of NEPA as set forth in NEPA (42 USC § 4321 et seq.); the DOI's Procedures for the Implementation of NEPA (43 CFR Part 46); and 516 DM 1 – U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures.

**Approved:** **Date:**

RYAN HUNTER

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Date: 2026.08.03 20:17:06 -07'00'

Acting Regional Director
Bureau of Indian Affairs, Pacific Region

**Attachments:**

Attachment 1 – Mitigation Monitoring and Compliance Plan
Attachment 2 – Tribal Resolution Committing to Mitigation Implementation

Attachment 1

# Mitigation Monitoring and Compliance Plan

# Mitigation Monitoring and Compliance Plan

## San Pasqual Band of Diegueno Mission Indians

## Native Oaks Village Fee-to-Trust Project

The purpose of this Mitigation Monitoring and Compliance Plan (MMCP) is to guide compliance and implementation of mitigation measures associated with the San Pasqual Band of Diegueno Mission Indians Native Oaks Village Fee-to-Trust Project (Project). The mitigation measures listed in **Table 1** were identified within the Environmental Assessment (EA) dated May 2026 and the Mitigated Finding of No Significant Impact (FONSI). This MMCP includes descriptions of the following:

- The mitigation measures identified within the EA;
- The parties responsible for monitoring and implementing the mitigation measures;
- The anticipated timeframe for implementing and completing the mitigation measures; and
- Compliance standards and entities responsible for the enforcement of the mitigation measures.

Mitigation measures detailed in **Table 1** were included in Section 4 of the EA and shall be implemented to reduce potentially significant impacts associated with biological resources, cultural resources, and noise. The Tribe will be the primary agency responsible for funding, monitoring, and/or implementing the mitigation measures. Implementation of the mitigation measures will occur prior to beginning construction-related activities (pre-construction) or during construction. The Tribe will exercise governmental jurisdiction over the Project Site once acquired into trust and will have the authority to enforce the mitigation measures. Per Section 4 of the EA, mitigation is enforceable because it is (1) inherent to the project design; and/or (2) required by federal or tribal regulations. The Tribe has certified a resolution that the Tribe adopts and agrees to enforce, fund, and implement the mitigation measures and Best Management Practices (BMPs) and will incorporate such measures into the specifications of design documents and construction contracts as appropriate. This resolution is included as Attachment 2 of the FONSI.

**Table 1: Mitigation Monitoring and Compliance**

| Mitigation Measure | Party Responsible for Monitoring and/or Implementation | Timing of Implementation | Compliance Standards and Enforcement |
|---|---|---|---|
| **Biological Resources** | | | |
| **Nesting Migratory Birds/Birds of Prey** | | | |
| ▪ If tree removal occurs during the general nesting season (February 15 to September 1), a preconstruction nest survey shall be conducted by a qualified biologist within 7 days of initiating removal.<br>▪ If active nests are identified, the qualified biologist shall determine a suitable avoidance buffer based on the needs of the species observed. Avoidance measures may include establishment of a buffer zone using construction fencing, flagging, or similar. The buffer shall remain in place until after the nesting season or until the qualified biologist determines the nest is no longer active. | Tribe | Pre-Construction Phase and Construction Phase | **Compliance Standard:** Migratory Bird Treaty Act<br><br>**Enforcement Entity**: U.S. Fish and Wildlife Service, Tribe |
| **Cultural Resources** | | | |
| ▪ A qualified archaeologist and a Native American representative shall be present during grading and other ground disturbance to monitor for potential inadvertent discoveries during construction.<br>▪ In the event of any inadvertent discovery of a cultural or paleontological resource:<br>o All work within 30 feet of the find shall be halted and the qualified archaeologist (36 CFR § 61) shall be notified immediately so they can assess the significance of the find in consultation with the BIA and other appropriate agencies.<br>o Construction may continue in other areas, but may not resume in the area of the find until the BIA provides written permission.<br>o If any find is determined to be significant, additional work, such as data recovery excavation, may be warranted and would be discussed in consultation with the BIA, affiliated tribal organizations, and any other relevant agencies or invested parties.<br>▪ If human remains are discovered during ground-disturbing activities on Tribal lands, the Native American Heritage Commission (NAHC) and BIA representative shall be contacted immediately. No further disturbance shall occur until the NAHC and BIA representative have made the necessary findings as to the origin and disposition of the find. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. This Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods. | Tribe | Construction Phase | **Compliance Standards:** National Historic Preservation Act, Archaeological Resources Protection Act, Native American Graves Protection and Repatriation Act<br><br>**Enforcement Entity:** BIA, Tribe, NAHC, and Most Likely Descendant. |
| **Noise** | | | |
| ▪ During construction, loud or high-vibration generating stationary construction equipment shall be located as far away from residential receptor areas as feasible.<br>▪ Construction equipment and machinery that produce reduced noise and vibration levels shall be utilized to the extent feasible.<br>▪ To minimize construction noise exposure, the line of sight between the nearby sensitive receptors along the Subject Property's western boundary and active construction areas shall be obstructed using noise-reducing fencing. If feasible, the six-foot permanent fence included as part of Alternative A shall be constructed prior to or early in the construction phase to provide noise attenuation for nearby residences. If the permanent fence is constructed early, temporary augmentations shall be added as needed to enhance its effectiveness. If this fence is not installed, temporary noise-reducing construction fencing shall be installed along the boundary of the Subject Property in the vicinity of adjacent residences to block the line of sight between nearby sensitive receptors and construction activities.<br>▪ The Tribe shall monitor construction noise and vibration and will designate a disturbance coordinator (such as an employee of the general contractor or the project manager for the Tribe), post the coordinator's contact telephone number conspicuously around the Project Site, and provide the number to nearby sensitive receptors. The disturbance coordinator shall receive all public complaints, be responsible for determining the cause of the complaints, and implement any feasible measures to alleviate the problem. | Tribe | Construction Phase | **Compliance Standards:** Federal Highway Administration Noise Abatement Criteria, San Diego Municipal Code Section 36.404<br><br>**Enforcement Entity:** Tribe. |

Attachment 2

# Tribal Resolution

IPAI

SAN PASQUAL BAND OF MISSION INDIANS

SAN PASQUAL RESERVATION

**Resolution SP082726-27**

TRIBAL COUNCIL

Stephen W. Cope
Tribal Chairman

Victoria Diaz
Vice Chair

Lydia Escalante
Secretary-Treasurer

Roberta Cameron
Councilmember

Joyce Stein
Councilmember

**A Resolution committing to Best Management Practices (BMPs) and Mitigation Measures for the San Pasqual Band of Diegueno Mission Indians Native Oaks Village Fee-To-Trust Project as outlined in the Bureau of Indian Affairs Environmental Assessment**

**WHEREAS**, the San Pasqual Band of Mission Indians ("Tribe") is a federally recognized sovereign Indian Tribe, reorganized pursuant to the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, as amended, 25 U.S.C. § 461 et.seq., and is entitled to all privileges and immunities, as such, under federal law; and

**WHEREAS,** the Tribe is organized under its governing Constitution and bylaws, ratified by the Tribe and approved by the Secretary of the Interior in January 1971 pursuant to Section 16 of the Indian Reorganization Act, 25 U.S.C. 476; and

**WHEREAS**, pursuant to Article IV, Section 2 of the Tribal Constitution, the Business Committee of the Tribe is empowered to act on behalf of the Tribe in all negotiations and relationships between the Tribe and Federal, State, and Local governments or agencies thereof; and

**WHEREAS,** pursuant to Article VIII of the Constitution of the Tribe, the Tribal Council is authorized to administer tribal assets and manage economic affairs for the Tribe; and

**WHEREAS,** the jurisdiction of the Tribe extends to all those lands held in trust, or hereinafter acquired in trust by the United States of America for the Tribe or any member thereof, whether within or without the boundaries of the Reservation; and

**WHEREAS,** the Bureau of Indian Affairs (BIA) has undertaken a comprehensive environmental review in accordance with the National Environmental Policy Act (NEPA) to assess the environmental effects of the Native Oaks Village Fee-To-Trust Project (the "Proposed Action") that would be developed on approximately 8.5 acres (Project Site) of land non-contiguous to the reservation for the Tribe located in Valley Center, San Diego County, and more particularly described as San Diego County assessor's parcel numbers (APNs) 189-012-84-00, 189-012-85-00, 189-091-37-00, 189-091-38-00 and 189-091-35-00; and

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**WHEREAS,** upon being placed into trust, the Tribe proposes to develop the Project Site with a grocery store, convenience store, multiple commercial buildings, fuel pumps, and parking lot (Proposed Project); and

**WHEREAS,** the Proposed Action was analyzed within an Environmental Assessment (EA) published on May 2026, that was prepared in accordance with NEPA; and

**WHEREAS,** the EA was circulated for a 30-day (excluding federal holidays) agency and public review period from June 11, 2026 to July 13, 2026; and

**WHEREAS,** based on the analysis contained in the EA and public and agency review and consultation, with inclusion of Protective Measures and Best Management Practices (BMPs) contained in Section 2 of the EA and implementation of mitigation measures contained in Section 4 of the EA, the Proposed Action will not result in significant adverse effects on the quality of the human environment; and

**WHEREAS,** the Protective Measures and BMPs and mitigation measures that will be implemented and overseen by the Tribe to address potential environmental effects of the Proposed Action as described in the EA are identified in Attachment 1 to this Resolution; and

**WHEREAS,** the Tribe recognizes the importance of the Protective Measures and BMPs and mitigation measures to ensure the Proposed Action avoids significant environmental impacts, and is committed to undertaking and enforcing these measures as outlined in Attachment l;

**NOW, THEREFORE LET IT BE RESOLVED**, that the Tribe hereby adopts and agrees to enforce, fund and implement the Protective Measures and BMPs and mitigation measures included in Attachment 1 and will incorporate such measures into the specifications of design documents and construction contracts as appropriate.

**CERTIFICATION**

We the undersigned, the duly elected officers of the San Pasqual Band of Mission Indians, do hereby attest and certify that the forgoing resolution was duly adopted at the meeting of the Business Committee, on the 27 day of August, 2026; at which a legal quorum was present; and by a vote of 4 in favor, 0 opposed, and 1 abstentions.

Stephen W. Cope, Tribal Chairman

Victoria Diaz, Vice Chair

Lydia Escalante, Secretary/Treasurer

Roberta Cameron, Councilmember

Joyce L. Stein, Councilmember

# ATTACHMENT 1
## BMPS AND MITIGATION MEASURES THAT WILL BE IMPLEMENTED AND OVERSEEN BY THE TRIBE TO ADDRESS POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION AS DESCRIBED IN THE EA

### Best Management Practices and Design Features

Protective measures and best management practices (BMPs), including regulatory requirements and voluntary measures that would be implemented by the Tribe, have been incorporated into the design of the Proposed Project. Where applicable, these measures will be incorporated into any design or construction contracts to eliminate or substantially reduce environmental consequences from the Proposed Project.
These measures are listed in **Table 1.**

**Table 1: Protective Measures and Best Management Practices**

| Resource Area | Standard Operating Procedure/Design Features/Best Management Practices |
|---|---|
| Land Resources | ▪ Erosion control measures shall be implemented during construction as described further under the Water Resources BMPs.<br>▪ Standard engineering practices and International Building Code (IBC) standards will be used, including adherence to geotechnical standards ensuring soil suitability for structures. |
| Water Resources | ▪ Water consumption will be reduced through low-flow appliances and drought resistant landscaping, and the incorporation of "Save Water" signs near water faucets.<br>▪ The Tribe shall apply for coverage under and comply with the National Pollutant Discharge Elimination System Construction General Permit (CGP) from the USEPA for construction site runoff during the construction phase in compliance with the CWA and similar to the SWPPP that was prepared, implemented, and maintained throughout the grading phase of development. A SWPPP shall be prepared, implemented, and maintained throughout the construction phase of the development, consistent with CGP requirements. The SWPPP prepared for the Project Site would include, but would not be limited to, the following BMPs to minimize storm water effects to water quality during construction:<br>o To the extent feasible, grading activities shall be limited to the immediate area required for construction.<br>o Loose aggregate chunks and dust will be swept or shoveled and collected (not hosed down a storm drain) for recycling or proper disposal.<br>o To minimize dust generation during construction, soil will be wetted down with water prior to ground disturbance. All generated waste must be properly disposed of.<br>o Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) shall be employed for disturbed areas. Existing catch basins with the project vicinity will have inlet protection measures installed to provide secondary protection from polluted stormwater entering the onsite drainage facilities.<br>o Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. |

| Resource Area | Standard Operating Procedure/Design Features/Best Management Practices |
|---|---|
| Water Resources | ○ Disturbed areas shall be paved or re-vegetated following construction activities.<br>○ Construction area entrances and exits shall be stabilized with large-diameter rock.<br>○ A spill prevention and countermeasure plan shall be developed which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite.<br>○ Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC §§ 1251 to 1387).<br>○ Construction materials, including topsoil and chemicals, shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater.<br>○ Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff.<br>○ Sanitary facilities shall be provided for construction workers.<br>○ Disposal facilities shall be provided for soil wastes, including excess asphalt during construction.<br>○ Solid waste storage containers will be stored in a roofed enclosure so that runoff cannot come into contact with the waste storage containers. The storage area will be paved with the area's grading to prevent uncontaminated stormwater from flowing into the waste storage area.<br>○ Wheel wash or rumble strips and sweeping of paved surfaces shall be used to remove any and all tracked soil. |
| Air Quality | The following BMPs will be implemented during construction to suppress dust:<br>▪ Exposed construction surfaces will be watered daily as needed. These areas include, but are not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads.<br>▪ At least two feet of free board space will be covered/maintained on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways will be covered.<br>▪ Wet power vacuum street sweepers will be used to remove any visible track out mud or dirt onto adjacent public roads at least once a day. Dry powered sweeping will be prohibited.<br>▪ Vehicle speeds on unpaved roads will be limited to 15 miles per hour.<br>▪ Paving of roadways, driveways, sidewalks, and parking lots will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used.<br>▪ Idling time will be minimized by shutting equipment off when not in use or by reducing the time of idling to five minutes. Clear signage that posts this requirement for workers will be provided at the entrances to the site.<br>▪ Construction equipment will be maintained in proper working condition according to manufacturer's specifications. The equipment will be checked by a certified mechanic and determined to be running in proper condition before it is operated.<br><br>The following BMPs will be implemented during operation to reduce emissions of criteria air pollutants (CAPs):<br>▪ Energy efficient lighting and appliances will be used, which would reduce energy usage, thus reducing indirect CAP.<br>▪ Water consumption will be reduced through low-flow appliances, drought resistant landscaping, and the incorporation of "Save Water" signs near water faucets. |

| Resource Area | Standard Operating Procedure/Design Features/Best Management Practices |
|---|---|
| | ▪ Recycling bins will be installed throughout the office and community facilities for glass, cans, and paper products. Trash and recycling receptacles will be placed strategically outside to encourage recycling. |
| Transportation and Circulation | The following BMPs shall be implemented during construction:<br>▪ A traffic management plan shall be prepared in accordance with standards set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways. The traffic management plan shall be submitted to each affected local jurisdiction and/or agency.<br>▪ Prior to construction, the contractor shall coordinate with emergency service providers as necessary to avoid obstructing emergency response service. Police, fire, ambulance, and other emergency response providers shall be notified in advance of the details of the construction schedule, location of construction activities, duration of the construction period, and any access restrictions that could impact emergency response services.<br>▪ Flagging, performed in consultation with the California Highway Patrol, California Department of Transportation, and the Sacramento County Sheriff's Department, shall be provided when necessary to assist with construction traffic control.<br>▪ Transport of construction material shall be scheduled outside of the area-wide commute peak hours.<br>▪ Where feasible, lane closures or obstructions associated with construction of the project shall be limited to off-peak hours to reduce traffic congestion and delays. |
| Public Services and Utilities | BMPs to be implemented during construction:<br>▪ Construction equipment shall contain spark arrestors, as provided by the manufacturer.<br>▪ Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel.<br>▪ The Tribe shall contact the Utility Notification Center to notify the utility service providers of excavation at the work site. In response, the utility service providers shall mark or stake the horizontal path of underground utilities, provide information about the utilities, and/or give clearance to dig.<br>▪ The site shall be cleaned daily of trash and debris to the maximum extent practicable.<br>BMPs to be implemented during construction and operation:<br>▪ A solid waste management plan will be developed and adopted by the Tribe that addresses recycling and solid waste reduction and proper disposal onsite during construction and operation. These measures will include, but not be limited to, the installation of a trash compactor for cardboard and paper products, the installation of ample and visible trash and recycling bins to encourage proper disposal, and periodic waste stream audits. |
| Noise | ▪ Construction activities shall be limited to daytime hours between 7:00 a.m. and 7:00 p.m., Monday through Saturday.<br>▪ All powered equipment shall comply with applicable federal regulations, and all such equipment will be fitted with adequate mufflers according to the manufacturer's specifications to minimize construction noise effects.<br>▪ Heating, ventilation, and air conditioning equipment shall be shielded to reduce noise.<br>▪ Construction equipment and machinery that produce reduced vibration levels shall be utilized to the extent feasible. |

| Resource Area | Standard Operating Procedure/Design Features/Best Management Practices |
|---|---|
| Hazardous Materials | ▪ Underground storage tanks (USTs), piping, and fuel dispensers shall be designed, built, installed, tested, and certified to prevent fuel leaks, as required by 40 CFR Part 280. Leak prevention measures required under 40 CFR Part 280 include corrosion resistant and double walled tanks and piping, inclusion of spill and overflow prevention equipment, and use of leak detection equipment.<br>▪ Fuel Pumps will include regular inspections and maintenance and staff training on safety procedures. Key maintenance includes checking for leaks, ensuring proper calibration, and cleaning equipment. For safety fire extinguishers will be available within each structure and at the fuel island. Emergency shutoff systems and hose breakaway coupling systems will be installed at the fuel pumps.<br>Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving the hazardous materials include the following.<br>▪ Fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment to reduce the potential for accidental release.<br>▪ Catch-pans shall be placed under equipment to catch potential spills during servicing.<br>▪ Refueling shall be conducted only with approved pumps, hoses, and nozzles.<br>▪ All disconnected hoses shall be placed in containers to collect residual fuel from the hose.<br>▪ Vehicle engines shall be shut down during refueling.<br>▪ No smoking, open flames, or welding shall be allowed in refueling or service areas.<br>▪ Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.<br>▪ Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.<br>▪ Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations.<br>▪ All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. |
| Visual Resources | The following BMPs shall be implemented to reduce visual impacts during operations, such as from lighting and glare:<br>▪ Exterior lighting on new buildings shall be downcast, shielded, and limited to the extent feasible so as to not cast significant light or glare into the public right-of-way or any surrounding residentially zoned properties.<br>▪ Landscaping will be consistent with existing surroundings to the extent feasible.<br>▪ Project lighting sources would have light controls implemented to reduce glare, including but not limited to dimmers and motion sensors.<br>▪ Light absorbing materials and finished with low specular reflection would be used to absorb lights.<br>▪ The exterior lighting of will be designed in accordance with the International Dark-Sky Association's Model Lighting Ordinance so as not to cast light or glare off site (e.g. utilize a warm correlated color temperatures (3000K or less) for exterior lighting for reduced likelihood of blue wavelengths which stimulate the photoreceptors of humans and some wildlife). |

**Mitigation Measures**

Mitigation measures to be implemented during construction and operation of Alternative A are summarized in **Table 2**. Mitigation is enforceable because it is (1) inherent to the project design; and/or (2) required by federal or Tribal regulations.

**Table 2: Mitigation Measures**

| Resource Area | Proposed Mitigation |
|---|---|
| Biological Resources | **BIO-1: Potentially nesting migratory birds and other birds of prey in accordance with the federal MBTA**<br>1. If tree removal occurs during the general nesting season (February 15 to September 1), a preconstruction nest survey shall be conducted within the proposed construction area within 7 days of initiating removal. If active nests are identified, a qualified biologist shall determine a suitable avoidance buffer based on the needs of the species observed. The buffer shall be established using construction fencing, flagging, or similar. The buffer shall remain in place until after the nesting season or until the biologist has determined the nest is no longer active. |
| Cultural Resources | **CUL-1: Inadvertent Discovery Protocols**<br>1. During grading and other ground-disturbing activities, a qualified archaeologist and a Native American representative shall monitor the work due to the property's disturbance history and the presence of nearby recorded sites. In the event that a cultural or paleontological resource is inadvertently discovered during Project activities, work must be halted within 30 feet of the find and the qualified archaeologist (36 CFR § 61) notified immediately so that an assessment of its potential significance can be undertaken. Construction activities may continue in other areas but may not resume in the area of the find until the BIA provides written permission. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and would be discussed in consultation with the BIA, affiliated tribal organizations, and any other relevant regulatory agencies or invested parties, as appropriate.<br><br>**CUL-2: Human Remains**<br>1. If human remains are discovered during ground-disturbing activities on Tribal lands, the NAHC and BIA representative shall be contacted immediately. No further disturbance shall occur until the NAHC and BIA representative have made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods. |

| Resource Area | Proposed Mitigation |
|---|---|
| Noise | **NOI-1: Construction Noise and Vibration Impacts to Sensitive Receptors**<br>A. Loud or high-vibration generating stationary construction equipment shall be located as far away from residential receptor areas as feasible.<br>B. Construction equipment and machinery that produce reduced noise and vibration levels shall be utilized to the extent feasible.<br>C. To minimize construction noise exposure, the line of sight between the nearby sensitive receptors along the Subject Property's western boundary and active construction areas shall be obstructed using noise-reducing fencing. If feasible, the six-foot permanent fence included as part of Alternative A shall be constructed prior to or early in the construction phase to provide noise attenuation for nearby residences. If the permanent fence is constructed early, temporary augmentations shall be added as needed to enhance its effectiveness. If this fence is not installed, temporary noise-reducing construction fencing shall be installed along the boundary of the Subject Property in the vicinity of adjacent residences to block the line of sight between nearby sensitive receptors and construction activities.<br>D. The Tribe shall monitor construction noise and vibration and will designate a disturbance coordinator, post the coordinator's contact telephone number conspicuously around the Subject Property, and provide the number to nearby sensitive receptors. The disturbance coordinator shall receive all public complaints, be responsible for determining the cause of the complaints, and implement any feasible measures to alleviate the problem. |