

**DRAFT FINDING OF NO SIGNIFICANT IMPACT  
FOR THE  
PROPOSED RESIGHINI RANCHERIA AGGREGATE EXTRACTION  
PROJECT**

**AGENCY:** Bureau of Indian Affairs

**ACTIONS:** Finding of No Significant Impact

**SUMMARY:**

The Resighini Rancheria (Tribe) submitted a request to the Bureau of Indian Affairs (BIA) for approval of a business lease for the purposes of investigating, exploring, prospecting, drilling, mining for, and producing aggregates and construction materials for beneficial use (Proposed Action). The project site is located on the Resighini Rancheria particularly described as Township 13 North, Range 1 East; Sections 13 and 14; Parcel Number(s): 140-30-014-000. The BIA Tract Number is 556-T5086 (a portion thereof) containing 40 +/- acres. Based analysis in the February 07, 2018 Department of the Army Permit Evaluation and Decision Document (PEDD), the BIA makes a finding of no significant impact (FONSI) for the Proposed Action. This finding constitutes a determination the Proposed Action is not a Federal action significantly affecting the quality of the human environment. Therefore, in accordance with Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C § 4321 et seq., an Environmental Impact Statement (EIS) is not required.

**PURPOSE AND NEED:**

The purpose of the Proposed Action is to address economic development goals for the community, allow for the expansion of sovereign Tribal authority over the project site, and to ensure continued social and economic independence for the Tribe. Additional details regarding the purpose and need can be found in PEDD Section II(A)(2) and (3).

**ALTERNATIVES CONSIDERED:**

Five alternatives are analyzed in the PEDD: Alternative A (Proposed Action), Alternative B (No Action), Alternative C (Other Project Designs) and Alternate D (Other sites). The Proposed Action is summarized above and includes mechanically extracting aggregate from gravel bars in an outflow channel in a 40-acre site within the project area described above. The Tribe will prepare an annual gravel extraction plan (AGEP) with review, input and final approval from the US Environmental Protection Agency, US Army Corps of Engineers and the National Marine Fisheries. The Proposed Action would best meet the purpose and need and therefore has been identified as the Preferred Alternative. Under Alternative B, no federal actions would occur and the Tribe would not extract aggregate from the Klamath River

overflow channel. Under Alternate C, the AGEP would consider reduced footprint but may not meet the economic benefits expected. Under Alternate D, the project may result in greater environmental impacts without other benefits achieved. Additional details regarding Alternatives A, B, C and D can be found in PEDD II(B)(1), (2) and (3).

## **ENVIRONMENTAL IMPACTS:**

Potential impacts to land resources, water resources; air quality; biological resources; cultural and paleontological resources; socioeconomics; resource use patterns; transportation; hazardous materials; noise; visual resources; and public services were evaluated in the PEDD, with the following conclusions (see Section C for detailed analysis and for specific mitigation measures):

### **Air Quality**

Impacts to air quality would occur as a result of the operation of the proposed aggregate mining project but are identified as short-term, minor and adverse. General and Specific Conditions defined in Permit Number 2000-251250 would ensure air quality impacts are less than significant.

### **Visual Resources**

Impacts to visual resource would occur as a result of the proposed aggregate mining project. General and Specific Conditions defined in Permit Number 2000-251250 would ensure visual resources impacts are less than significant.

### **Biological Resources**

Impacts to biological resources would occur as a result of the proposed aggregate mining project. The National Marine Fisheries Service concurred with the US Army Corps of Engineers (ACE) that the proposed action is not likely to jeopardize the SONCC coho salmon; may effect but is not likely to adversely effect the Pacific eulachon Southern DPS, green sturgeon southern DPS, or the critical habitat for the above species. Further, ACE has determined that sediment sorting has a short-term, minor, adverse impact on salmonid life cycles. General and Specific Conditions defined in Permit Number 2000-251250 would ensure biological resources impacts are less than significant.

### **Cultural Resources**

Impacts to cultural resources would occur as a result of the proposed aggregate mining project. General and Specific Conditions defined in Permit Number 2000-251250 would ensure cultural resources impacts are less than significant.

### **Wild and Scenic Rivers**

No significant wild and scenic rivers impacts would occur.

### **Water Resources**

Impacts to water quality would occur as a result of the proposed aggregate mining project and are considered short-term, minor and adverse. General and Specific Conditions defined in Permit Number 2000-251250 would ensure water quality impacts are less than significant.

### **Flood Hazards and Floodplain Functions**

Impacts to floodplain functions would occur as a result of the proposed aggregate mining project. Removal of aggregate material can have a beneficial effect in terms of reducing flood hazards and is considered to have minor, long-term and beneficial effect.

### **Noise**

Impacts from noise would occur as a result of the proposed aggregate mining project and are considered short-term, minor and adverse. General and Specific Conditions defined in Permit Number 2000-251250 would ensure noise impacts are less than significant.

### **Socioeconomics and Community Resources**

No significant socioeconomics or community resources impacts would occur.

### **Transportation and Circulation**

No significant transportation and circulation impacts would occur.

### **Water Resources**

Impacts to water resources would occur during construction and operation of the medical/dental clinic. Mitigation measures in EA Section 5.11 would ensure impacts to water resources are less than significant.

### **Human Health and Safety**

No significant human health and safety impacts would occur.

## **PUBLIC AVAILABILITY:**

A Notice of Availability for the EA and this FONSI has been provided to agencies, organizations, and interested parties. These documents have been made available for a 14-day review period. BIA will take no administrative action on the Proposed Action prior to expiration of the review period and review of any comments received.

## **DETERMINATION:**

BIA has determined that the proposed Federal action to approve a three (3) year business lease with a right to renew the Lease for a successive period of three (3) years for the purpose of mechanically extracting aggregate from a Klamath River overflow channel, does not constitute a major federal action that would significantly affect the quality of the human environment. Therefore, in accordance with Section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C § 4321 et seq., an Environmental Impact Statement is not required. This determination is supported by the aforementioned findings described in this FONSI and the

analysis contained in the entire administrative record, including the February 07, 2018 PEDD, and the permit as issued by the US Army Corps of Engineers. This fulfills the requirements of NEPA as set out in the Council on Environmental Quality Regulations for Implementing NEPA (40 C.F.R. 1500–1508), and the BIA NEPA Guidebook (59 IAM 3-H, August, 2012).

Approved:

Date:

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Regional Director  
Bureau of Indian Affairs, Pacific Region