

DRAFT ENVIRONMENTAL ASSESSMENT

Karuk Tribal Court Facility

Karuk Tribe, Yreka, Siskiyou County, California

Lead Agency:

U.S. Department of Justice, Office of Justice Programs
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Abbreviations & Acronyms Used in This Report

AADT	Annual Average Daily Traffic
AF	Acre Feet
AIDA	American Indian Development Associates
APE	Area of Potential Effect
APN	Assessor's Parcel Number
ARPA	Archaeological Resources Protection Act
BA	Biological Assessment
BFE	Base Flood Elevations
BMP	Best Management Practice
CAA	Clean Air Act of 1970
CAAQS	California ambient air quality standards
Caltrans	California Department of Transportation
City	City of Yreka
CO ₂ e	carbon dioxide equivalent
CARB	California Air Resources Board
CalEEMod	California Emissions Estimator Model
CHRIS	California Historical Resources Information System
CNDDDB	California Natural Diversity Database
CEQ	Council on Environmental Quality
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
Cfs	Cubic feet per second
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
COE	U.S. Army Corps of Engineers
CWA	Clean Water Act
dB	decibel(s)
dBA	A-weighted decibel(s)
DOJ	Department of Justice
DWR	(California) Department of Water Resources
EA	Environmental Assessment
EO	Executive Order

EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FT	federally listed as threatened
Gal	gallon
GHG	greenhouse gas
HR	Hydrologic Region
ITE	Institute of Transportation Engineers
LACO	LACO Associates
MDD	maximum daily demand
MBTA	Migratory Bird Treaty Act
mph	miles per hour
MT	million tons
N ₂ O	nitrous oxide
N/A	not applicable
NWI	National Wetland Inventory
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NFMS	National Marine Fisheries Service
NOI	Notice of Intent
NO ₂	nitrogen dioxide
NCIC	North Coastal Information Center
NEPAB	Northeast Plateau Air Basin
NRCS	National Resource Conservation Service
NPDES	National Pollutant Discharge Elimination System
O ₃	ozone
OJP	Office of Justice Programs
OIT	Old Indian Trick
PMP	Pavement Management Program
PL	Public Law
PM ₁₀	Respirable particulate matter
PM _{2.5}	Fine particulate matter

ppm	parts per million
REC's	recognized environmental conditions
SB	Senate Bill
SCAPCD	Siskiyou County Air Pollution Control District
SIP	State Implementation Plan
SO ₂	sulfur dioxide
SO ₄	sulfate
SFHA	Special Flood Hazard Areas
S.R.	State Route
STAGE	Siskiyou Transit and General Express
SWPPP	Storm Water Pollution Prevention Plan
THPO	Tribal Historic Preservation Officer
TAS	Treatment as a State
U.S.	United States
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VOCs	Volatile Organic Compounds
WWTP	Waste Water Treatment Plant

1.0 EXECUTIVE SUMMARY

This Environmental Assessment (EA) has been prepared to analyze the effects of installing a modular building and associated infrastructure on Tribal trust lands within the jurisdiction of the Karuk Tribe. The proposed project involves construction of a Karuk Tribal Court Facility using grant funds received from the US Department of Justice on Tribal Trust land donated by the Karuk Tribe.

The proposed Karuk Tribal Court Facility is intended to centralize all social and civil justice programs into one facility. For most Tribal members, having a local and centralized facility will provide easy access to social and justice services. The unmet social and justice needs of the Tribe will be addressed through centralized programs and through new programs that will be available under the Tribal Law and Order Act of 2010. The current and future needs of the Tribe will be addressed by providing a tribal facility designed to strengthen the Tribal Court system. The facility will also address high rates of alcohol and substance abuse, and programs to improve opportunities for at-risk youth on Tribal lands.

The Karuk Tribal Court currently serves a 6,000 square mile jurisdiction assisting 3,754 enrolled members, and 4,404 descendant members, yet; it has no Tribal Court Administration facilities other than two small offices totaling 400 gross square feet located in the Karuk Tribes Housing Authority building in Yreka CA. Tribal Court office operations are overwhelmed due to lack of adequate space, security, safety, and confidentiality for clients and staff. For judicial hearings and other matters that require larger meeting space, the Tribal Court is dependent on scheduling available space in Tribal Council Chambers which also lack adequate safety, security, and confidentiality.

There are no significant environmental or socioeconomic impacts as a result of the project. The project will have no impact on sensitive species and the site has no adverse effect from a cultural/historical preservation perspective. Noise and air pollution will be minimal during construction with no impact upon completion of the project. The new structure is beneficial as it will ensure services continue to assist Karuk Tribal Members and other Native Americans working to better their lives by having access to judicial services. The population to benefit from the project are the individuals and families of the Karuk Tribe and primarily low-income and/or unemployed Native Americans accessing the services of the Karuk Justice Center.

CONCLUSION

Karuk Tribal Court Facility will have limited to no environmental or socioeconomic impact on the community that is not beneficial or cannot be sufficiently mitigated. A recommendation to the Bureau of Justice Office of Justice Programs, U.S. Department of Justice is made that a FONSI is an appropriate designation for this project.

2.0 INTRODUCTION

This Environmental Assessment (EA) has been prepared to comply with the National Environmental Policy Act of 1969 (NEPA) (40 CFR § 1500-1508) to assist the U.S. Department of Justice (DOJ) to comply with 42 U.S.C. § 4371 et. seq.

This EA documents the environmental review for the proposed development of a Karuk Tribal Court Facility to be constructed on property within the boundaries of Karuk Trust Lands. The purpose of this EA is to investigate and outline the potential environmental effects associated with the development of the facility. The Bureau of Justice Assistance, Office of Justice Programs (OJP), as Lead Agency, will use this EA to determine if the approval of the development of the multi-purpose Karuk Tribal Court Facility would result in significant effects to the environment.

The purpose of this EA is to satisfy the environmental review process of NEPA as set forth by the U.S. Department of Justice, Office of Justice to document the need for the Karuk Tribe to develop and administer the types of services that would be made available at the Karuk Tribal Court Facility. This document provides a detailed description of the Proposed Action and an analysis of the potential environmental consequences associated with development of the proposed project. Also included is a discussion and analysis of project alternatives, impact avoidance, and mitigation measures. These mitigation measures are incorporated into the Environmental Consequences section of this EA and summarized in Table 1.

2.1 Project Description

The 25.59-acre parcel (APN# 062-061-030) with a 0.34-acre portion to be developed for the Karuk Tribal Court Facility is located in a portion of Section 26, Township 45 North, Range 7 West of the Mount Diablo Meridian, Siskiyou County, Yreka, California. The project site, which is largely vacant and undeveloped, is part of the Karuk Tribe's trust lands, located at 1221 Thook Street. The site formally included the Amkuuf Smoke Shop which has since been relocated. The project site is primarily vacant except for two cargo storage containers that store landscaping equipment and is in a grassy flat. The subject property is fenced and gated. The site has been extensively disturbed and consists of imported fill, gravel and soil. Surrounding land uses include multi-family housing to the east, undeveloped land to the north, mini-storage units to the west and open space to the south.

By being aligned with the other tribal and non-tribal social service, health, and administrative entities, the Karuk Tribal Court Facility is a proposed 2,800 square foot factory built modular facility that will house the Tribal Court and wellness center. The proposed project involves construction of a Karuk Tribal court building using grant funds received from the US Department of Justice on Tribal Trust land donated by the Karuk Tribe.

2.2 Background

The Karuk Tribe has primarily lived along the Klamath River and within the aboriginal territory of the Tribe. The Karuk Tribe was first recognized by the federal government during the negotiations for the never-ratified 1851 California Treaties. The Tribe was "administratively terminated" by the Bureau of Indian Affairs unlawfully because it was landless Tribe. After more than three decades of uncertainty and confusion, the Assistant Secretary - Indian Affairs firmly and finally reestablished the government-to-government relationship and directed the Karuk Tribe of California be added to the list of federally recognized tribes. By February of 1979, the Tribe was included on the list of federally recognized tribes.

The Karuk Tribe adopted a Constitution on April 6, 1985 with constitutional amendments adopted by Special Election on July 19, 2008. The Karuk Tribe is one of the largest tribes in California with approximately 3,754 enrolled members and 4,404 descendant members.

As a government organization, the Karuk Tribe has demonstrated its ability to administer a multitude of social, cultural and economic programs effectively, earning the status of a "Self-Governance Tribe" from the U.S. Department of Interior. The Tribal government currently employs more than 463 people in administrative, child welfare, community/economic development, education, judicial programs, elder's assistance, energy assistance, health, housing, human services and natural resources programs.

The Karuk Tribe operates under a general membership form of government which includes all duly enrolled members eighteen years and older eligible to vote. The governing body of the Karuk Tribe of nine (9) members elected at large from the Tribe: six (6) Council Members, consisting of two (2) representatives elected from each of the three (3) Council Districts, and three (3) officers (the Chairperson, Vice-Chairperson and Secretary/Treasurer), elected from anywhere within 100 road miles of the Tribe's Aboriginal Territory. All terms of office are four (4) years. Article VI – Delegation of Authority to the Tribal Council of the Constitution of the Tribe provides:

(Section 9): To enact laws and codes governing conduct of individuals and prescribe disciplinary action for offenses against the Tribe; to maintain order; to protect the safety and welfare of all persons within Tribal jurisdiction, and to provide for the enforcement of the laws and codes of the Tribe.

(Section 10): To establish Tribal courts and administrative bodies, and to provide for the courts' jurisdiction, procedures, separation of the judicial branch of government, and a method for selecting judges.

The Karuk have a legally designated 10.65 acres reservation and a number of small tracts held in trust by the federal government as well as tracts owned by the tribe in fee-simple status. These non-contiguous parcels of land are primarily located along the Klamath River in western Siskiyou County and northeastern Humboldt County in California. The total land area of these parcels is approximately 1,736 acres. There are also a number of tracts located within the City of Yreka including the Project site.

2.3 Purpose and Need for the Proposed Action

The purpose of this action is to continue to expand the Karuk Tribe's social justice and judicial programs within the aboriginal area and service area in order to satisfy Tribal needs in the areas of Tribal self-determination and economic self-sufficiency. The Karuk services area was designated by the Bureau of Indian Affairs and articulated in the Federal Register. As a sovereign nation, the Karuk Tribe's primary focus is to improve the livelihood of its members. In order to accomplish this, the Tribe has created several facilities to accommodate the community members and to provide new opportunities for employment on within the Tribe's service area. The proposed program is designed to create a justice facility within the service area that will provide a single central facility that will accommodate the social and civil justice needs of the Tribe now and well into the future.

The proposed Karuk Tribal Court Facility is intended to centralize all social and civil justice

programs into one facility. For most Tribal members, having a local and centralized facility will provide easy access to social and justice services. The unmet social and justice needs of the Tribe will be addressed through centralized programs and through new programs that will be available under the Tribal Law and Order Act of 2010. The current and future needs of the Tribe will be addressed by providing a tribal facility designed to strengthen the Tribal Court system. The facility will also address high rates of alcohol and substance abuse, and programs to improve opportunities for at-risk youth on Tribal lands.

The Karuk Tribal Court currently serves a 6,000 square mile jurisdiction assisting 3,754 enrolled members, and 4,404 descendant members, yet; it has no Tribal Court Administration facilities other than two small offices totaling 400 gross square feet located in the Karuk Tribes Housing Authority building in Yreka CA. Tribal Court office operations are overwhelmed due to lack of adequate space, security, safety, and confidentiality for clients and staff. For judicial hearings and other matters that require larger meeting space, the Tribal Court is dependent on scheduling available space in Tribal Council Chambers which also lack adequate safety, security, and confidentiality.

The need for the project is articulated in two independent studies which are summarized as follows. In April 2017 a Five Step Tribal Court Assessment Process for the Tribal Justice Support Office of Justice Services, U.S. Department of the Interior - Indian Affairs was conducted by The American Indian Development Associates, LLC. (AIDA). They concluded the Karuk Court does not have its own facility but utilizes office space in the three service area locations in Yreka, Happy Camp, and Orleans and courthouse security is essentially non-existent. They state, "...improvements need to be made that would ensure the safety of court staff and the public". The AIDA recommended a need for a separate facility to house judicial operations; in order to provide proper access and security for all persons that utilize court services.

In 2014 an 18-month Karuk Judicial Strategic Planning Process was completed by the Tribe to improve tribal justice, community wellness and community safety. The five-year plan incorporates Judicial System initiatives that respond to alcohol and substance abuse related crimes including alcohol and substance abuse prevention/interventions; healing to wellness courts; treatment; and, addressing the needs of youth in need of care, drug-endangered children and children exposed to domestic violence, and or family violence. The proposed Tribal Court facility is crucial to build an infrastructure to carry out these strategic planning initiatives.

In order to meet the constitutional obligations of the Tribe, the Tribal Council is committed to creating a facility that will serve the unmet needs of its membership through the development of the proposed Karuk Tribal Court Facility.

2.4 General Setting

The 25.59-acre parcel with a 0.34-acre portion to be developed for the Karuk Tribal Court Facility is located in APN# 062-061-030. The project site, which is largely vacant and undeveloped, is part of the Karuk Tribe's trust lands, located off of Thook Street.

2.5 Overview of the Environmental Review Process

This EA was prepared to analyze and document the environmental consequences associated with the proposed development of the Karuk Tribal Court Facility. The OJP, as the Lead Agency, will make a determination if the proposed project would or would not result in adverse

effects to the environment.

2.6 Environmental Issues Addressed

Regulations promulgated by a variety of government agencies at the federal, state, and local level are cited and discussed in different portions of this document. These regulations result in the identification of environmental effects and their mitigation. Compliance with these regulations will be discussed in the Environmental Consequences section as the rationale for determining that an adverse effect would be avoided. All potential environmental impacts that have been identified can be mitigated to less than significant levels with incorporation of the measures that are proposed herein. In part, the following laws, statutes, executive orders, and regulations from cognizant federal agencies have been evaluated in this EA:

2.6.1 Environmental Protection Agency (EPA)

Environmental Protection Agency (EPA) has taken the position in the Tribal Authority Rule under the Clean Air Act (CAA) based on several provisions of the statute and legislative history - that the CAA constitutes a delegation of Congressional authority to eligible tribes to run air programs over their entire reservations, including fee lands. Under that regulation, tribes may also run programs on non-reservation lands over which they can demonstrate jurisdiction. However, EPA's Indian policy states that *"Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing programs for reservations unless the State has an express grant of jurisdiction from Congress sufficient to support delegation to the State Government."* Thus, EPA maintains jurisdiction on Karuk Tribal lands over air quality until such time that the Tribe chooses to assume jurisdiction. For Karuk Tribe, the National Ambient Air Quality Standards and not the Siskiyou County Air Pollution Control District standards apply.

The Clean Water Act provides for the National Pollution Discharge Elimination System (NPDES), a national program for regulating and administering permits for all point source discharges to waters. All construction projects encompassing one acre or more on federal land, including Indian lands/reservations, must be covered by the EPA's NPDES General Storm Water Discharge Permit for Construction Activities (Permit Number CAR120001). Commercial projects in rural areas do not require the EPA's NPDES Storm Water Permit in order to operate; however, the permit is required for construction activities, mainly governing the use of sediment and erosion control measures. A copy of the NPDES permit requirements can be found at FR. Vol. 82, No. 12, January 19, 2017.

Other Federal regulations under the jurisdiction of EPA that have been analyzed in this EA include, but are not limited to, the following:

- The Resource Conservation and Recovery Act
- The Safe Drinking Water Act

2.6.2 Federal Emergency Management Agency (FEMA)

Development in floodplains and floodways is administrated by the Federal Emergency Management Administration (FEMA). The proposed property is a "Mapped Community" for the subject Tribal lands. The property falls within FEMA Flood Zone "X" where areas in which flood hazards are minimal (Panel No. 06093C1559D, January 19, 2011).

2.6.3 Endangered Species Act and Migratory Bird Treaty Act

As an Interior-related agency, the U.S. Fish and Wildlife Service has a trust responsibility to the Karuk Tribe. The foundation of this trust responsibility is expressed in two contemporary pronouncements; Secretarial Order # 3206 issued on June 5, 1997, and Executive Order of the President of November 6, 2000.

The U.S. Fish and Wildlife Service (USFWS), Yreka Field Office is responsible for implementation and enforcement of the Endangered Species Act. As a part of the EA, a habitat assessment was performed to evaluate whether any endangered, threatened or candidate species would be impacted by the Project and it was determined that no on or off impacts would result in an incidental taking of any listed species from the Project site. Based on the habitat assessment completed for the project at the site, impacts to sensitive, candidate, threatened or endangered species are not expected as the Project will be located in an urbanized area. Further, off-site impacts created by the Project are not expected to impact sensitive species.

The Karuk Tribe as the agency involved as a cooperating agency for the project, has engaged in a consultation process with the U.S. Fish and Wildlife Service (USFWS). During this consultation, the Tribe and the USFWS have worked together to avoid or minimize the impact on listed species and their habitat. The USFWS determined that the proposed project may affect but is not likely to adversely affect federally- listed species and the project is in compliance with Section 7 of the Endangered Species Act.

Biological and botanical resources are regulated by the USFWS, the National Marine Fisheries Service (NMFS), and the U.S. Army Corps of Engineers (ACOE). Both the USFWS and NMFS regulate federally-listed Threatened and Endangered species and those species proposed for listing, although NMFS jurisdiction is limited to living marine resources including anadromous fish. The ACOE regulates the fill of wetlands.

According to the USFWS, Yreka Field Office “there are no critical habitats within your project area under this office's jurisdiction”. See Appendix A for a copy of the USFWS consultation letter.

2.6.4 American Indian Religious Freedom Act

The Karuk Tribe based upon personal knowledge of the site, and elder recollections, confirmed that the proposed change in land title does not impact upon or interfere with any known sacred or religious sites or geographic sites, artifacts, burial grounds, or religious practices. Consequently, the proposed project will not violate the American Indian Religious Freedom Act of 1978.

2.6.5 National Historic Preservation Act

Pursuant to the National Historic Preservation Act (NHPA - 54 U.S.C. 300101 et seq.), Preservation of Historic and Archaeological Data Act (P.L. 93-291), Executive Order 11593, and Protection and Enhancement of the Cultural Environment (36 CFR Part 800 or 801 as amended), federal agencies and Indian tribes are to identify and take into account the adverse effect their proposed project may have on the historic and prehistoric resources in the Area of Potential Effect (APE). The Tribes Tribal Historic Preservation Officer (THPO) was consulted for the Project and confirmed that “No

historic properties affected”. Correspondence involving the THPO is provided in Appendix B.

2.6.6 State and Local Agencies

Since the project will be constructed wholly within trust lands, local zoning, land use and the California Environmental Quality Act (CEQA) do not apply.

2.7 Document Contact Information

The following contact information is provided to all interested agencies, groups, and persons:

Lead Agency: U.S. Department of Justice, Office of Justice Programs, Orbin L Terry, NEPA Project Manager, 810 Seventh Street, NW, Washington, DC 20531, (202) 307-3134.

Prepared By: Karuk Tribe, Tribal Council, Russell Attebery, Chairperson, 64236 Second Avenue, Happy Camp, California 96039, (530) 493-1600.

Consultant: LACO Associates, 21 W. 4th Street, Eureka, California 95501 L. Robert Ulibarri, AICP, Project Lead, (707) 443-5054.

3.0 PROPOSED ACTION AND ALTERNATIVES

The NEPA format, as prescribed by the Bureau of Justice Assistance, Office of Justice Programs and utilized herein, guides the Lead Agency to consider alternatives to the proposed action. For the proposed action, three alternatives are presented: (1) Proposed Action (Preferred Alternative), (2) Alternative Sites, and (3) the “No Action” alternative. The following issues and concerns are typically identified as criteria to evaluate an alternative action under the Program Guidance of the Department of Justice:

1. Topography, Soil Types, and Geological Setting.
2. Water Quality.
3. Air Quality.
4. Wildlife and Vegetation.
5. Historical, Cultural and Archaeological Resources.
6. Community Infrastructure.
7. Transportation Networks.
8. Land Use Plans.
9. Sound and Noise.
10. Aesthetic Values.
11. Employment and Income; and,
12. Attitudes, Expectations and Cultural Values.

Based on the application of the above, the proposed action and alternative actions are presented below:

3.1 Proposed Action (Preferred Alternative)

Proposed is the development of the Karuk Tribe’s Tribal Court Facility on Tribally-owned trust lands, in the City of Yreka, Siskiyou, California (See Figure 1 – Regional Site Location and Service Area). By being aligned with the other tribal and non-tribal social service, health, and legal entities, the Karuk Tribal Court Facility will provide probation services, substance abuse and mental health screening, assessment and treatment services, employment assistance, family reunification, and referrals.

The following safety net programs would be enhanced by constructing the Tribal Court’s facility, safety, and security to carry out the Tribal Court mission: a) The Youth Wellness Forum & Delinquency Program addresses many problems issues youth face, b), Indian Child Welfare Program Tribes Mediation Forums and Child and Family Services Department provide Substance Abuse, Behavioral Health Counseling, Court Advocacy, Foster Parent Services, Rehabilitation Referrals, and Indian Child Welfare (ICW) Programs, c) The Tribal Domestic Violence Program and reduction of crimes against Indian Women, and, d) The Yav Pa’Anav program provides culturally suitable behavioral health and social services for individuals and families within the community. Additional Tribal Court initiatives and partnerships include the Judicial Victim Assistance Program Initiative partnerships that increase communications between sovereign Tribal Governments, and the Karuk Judicial Victim Assistance Program with the Siskiyou County Office of the District Attorney and his underserved victim advocacy and outreach program.

The 25.59-acre parcel (APN# 062-061-030) with a 0.34-acre portion to be developed for the Karuk Tribal Court Facility is located in a portion of Section 26, Township 45 North, Range 7

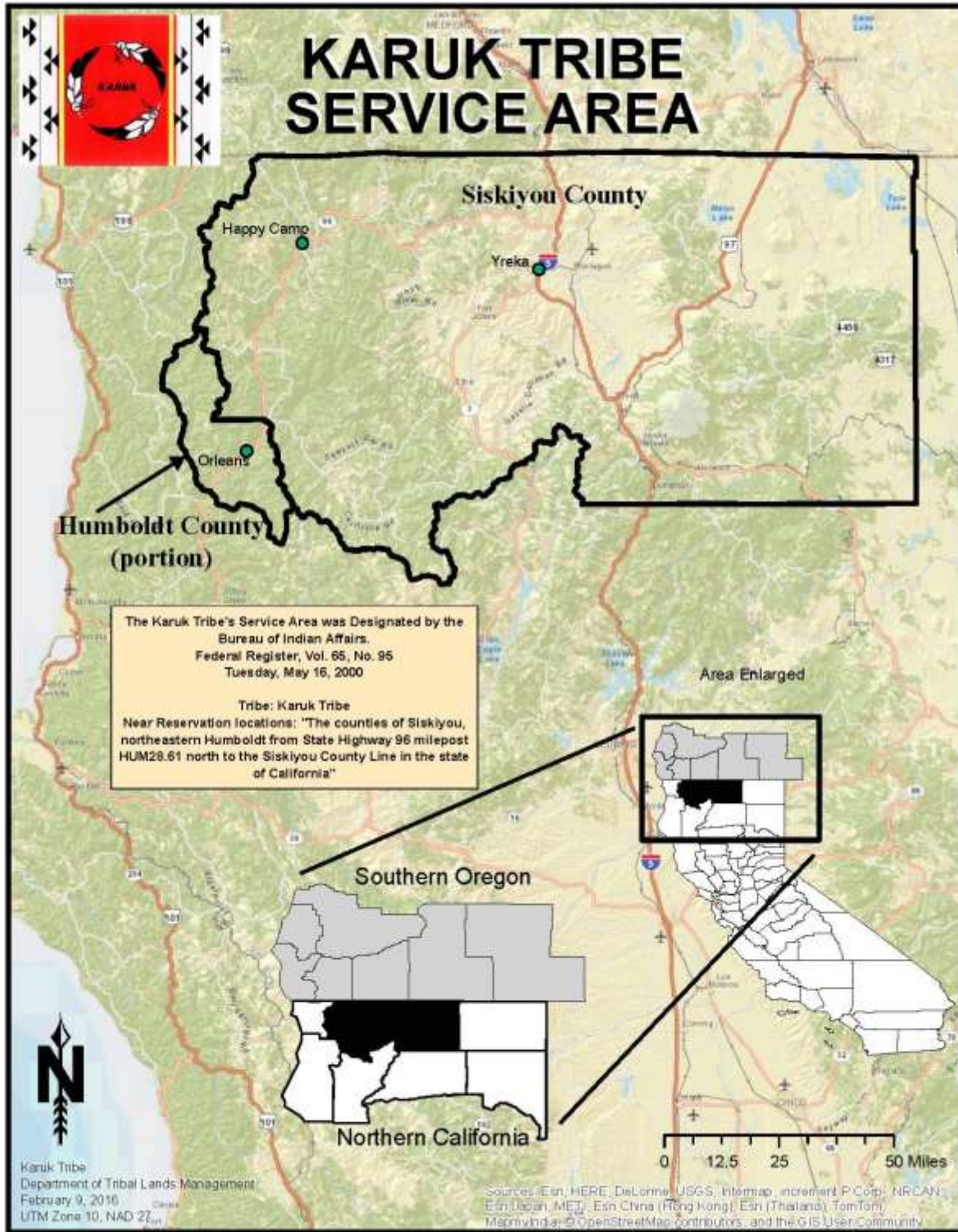
West of the Mount Diablo Meridian, Siskiyou County, California. The project site, which is largely vacant and undeveloped, is part of the Karuk Tribe's trust lands, located off of Thook Road. The area around the project site is primarily vacant and is a grassy flat. Surrounding land uses include multi-family housing to the east, undeveloped land to the north, mini-storage units to the west and open space to the south. The project site originally contained the Amkuuf Smoke Shop, a Tribal enterprise which has since been relocated near Rain Rock Casino. See Figure 2.

Preliminary construction plans for the facility have been completed and have been used to assess environmental impacts and to provide the scale and the cohesiveness of the proposed facility. Figure 3 is the preliminary floor plan of the proposed two-unit modular Karuk Tribal Court Facility.

As generally described in Section 2.1 Project Description, the proposed court facility consists of a factory built modular building and includes space for a Court Room, a Court Meeting Room, Judges Chambers, offices for a Court Clerk and a Legal Advocate, the Wellness Program, Administration, a Kitchen and Rest Rooms.

Parking for eight and an access driveway from Campbell Road is also planned

Figure 1 - Regional Site Location and Service Area



Source: Karuk Tribe

Figure 2- Aerial Map



3.2 Alternative Site Considered (But Eliminated from Further Study)

Several parcels of land were examined by Tribal staff during the effort to identify acceptable areas for the proposed construction of the Karuk Tribal Court Facility. Initially, a parcel located in the urban core of the City of Yreka located at 118 South Broadway was considered. The Tribe purchased the building known as the Log Cabin Tavern with the hopes of renovating the facility for use as a Judicial Center. Although the Tribe purchased the building in 2018, inspection of the facility by Tribal staff later deemed the building as not appropriate giving the amount of seismic, plumbing, electrical and mechanical work that would bring the building up to code as a Tribal Court Facility. Based on costs and infrastructure constraints of the Log Cabin Tavern considered, Alternative 2 is infeasible and is no longer considered as a viable alternative to the proposed project.

3.3 No Action Alternative

The “No Action” alternative would maintain the status of the proposed site as vacant and unutilized. The Karuk Tribal Court Facility would not be constructed, and the centralization and expansion of justice and Tribal programs would not be created.

The No Action Alternative is considered unacceptable by the Tribe since it fails to meet the goal of self-sufficiency of the Tribe. The Tribe’s primary focus is to improve the livelihood of its members. The development of the Karuk Tribal Court Facility would increase the number of Tribal based facilities, increasing jobs available to Tribal members and further accommodating the needs of the Tribal community. The No Action Alternative would prevent the Tribe from creating a Karuk Tribal Court Facility that would be able to meet all the demands of the Tribal population.

The No Action Alternative is considered unacceptable by the Tribe since it fails to meet the goal of self-sufficiency and self-determination of the Tribe and is inconsistent with two provisions of the Constitution and Bylaws of the Karuk Tribe which state:

(Section 9): To enact laws and codes governing conduct of individuals and prescribe disciplinary action for offenses against the Tribe; to maintain order; to protect the safety and welfare of all persons within Tribal jurisdiction, and to provide for the enforcement of the laws and codes of the Tribe.

(Section 10): To establish Tribal courts and administrative bodies, and to provide for the courts’ jurisdiction, procedures, separation of the judicial branch of government, and a method for selecting judges.

4.0 DESCRIPTION OF AFFECTED ENVIRONMENT

4.1 Land Resources

4.1.1 Topography

The Yreka quadrangle, Siskiyou County, California, for which the Project lies is largely in the Klamath Mountains and Cascade Range geologic/geomorphic provinces of California. Elevation on the property is approximately 2,600 feet, with slopes gently ranging to the south (United States Geologic Survey (USGS) topographic map of the area). Stormwater runoff from the site tends to drain to the south.

4.1.2 Soil Types and Characteristics

According to the Natural Resource Conservation Service (NRCS) two types of soil are present within the project site. This soil type is described in detail below and is of the following series: Duzel-Jilson-Facey complex, 15 to 50 percent slopes and Stoner gravelly sandy loam, 2 to 5 percent slopes.

The Duzel-Jilson-Facey series, 15 to 50 percent slopes covers 87 percent of the area within the project vicinity and is the predominate soil type present at the subject site. The Stoner series 2 to 5 percent slopes represents 13 percent of the site and is located near the northern portion of the parcel. According to the Soil Survey, these soil type consists of very deep, well-drained soils. These soils formed in mixed alluvium are well-drained, have low runoff, and moderately high permeability.

The Duzel-Jilson-Facey complex has a parent material of weathered metamorphic rock and is considered well-drained. Slopes on the Duzel-Jilson-Facey complex range from 15 to 50 percent. Erosion factors indicate a low to moderate risk of susceptibility (NRCS, 2020). Linear extensibility, which corresponds to a soil's shrink-swell potential, is rated low for the first 10 inches of soil depth, but the rating changes to moderate after 10 inches of depth in some areas. Plasticity Indices values ranging from approximately 3 to 13 are present within the soils on the project site; soils within that range have a very low expansion potential (Day, 1999).

The National Resource Conservation Service (NRCS) Web Soil Survey identified the area of the proposed construction as limited for using the natural surface of the soil for roads and building construction. Meaning, the soil has features that are limited but through cut and fill applications is moderately favorable for the specific kind of commercial buildings; one or more soil properties are less than desirable, and fair performance can be expected. Risk of corrosion for this soil type is moderate. The concrete installations that intersect soil boundaries or soil layers are more susceptible to corrosion than the concrete installations that are entirely within one kind of soil within one soil layer.

Surface runoff and soil erosion create issues in engineering and land use activities. The NRCS System uses four hydrologic groups, "A" through "D," for estimating the runoff potential of soils. Group A has the lowest runoff potential of soils. Group D has the highest. Groupings are based on soil properties that influence runoff, such as the water infiltration rate, texture, natural drainage or wetness, and the presence of a restrictive underlying layer of impermeable soil or parent rock material. The project site is classified as B which is well-drained with a lower runoff rate.

Soil analysis was conducted on the site by qualified field staff and the indicators are that the NCRS soil descriptions are consistent with the project site. The entire area is comprised of colluvium, older alluvium, and the Schulmeyer Gulch Formation.

4.1.3 Geologic Setting

The Yreka Quadrangle, Siskiyou County, California, is largely in the Klamath Mountains and Cascade Range geologic/geomorphic provinces of California. The Klamath Mountains province extends from the northern end of the California Coast Ranges north into Oregon. It is bounded to the east by the Cascade Range province, to the south by the Coast Ranges and Great Valley provinces, to the west by the Pacific Ocean, and to the north by the Coast Ranges of Oregon. It is estimated that the province encompasses approximately 11,800 square miles in area (Irwin, 1966). The Klamath Mountains province is predominately composed of pre-Paleozoic and Paleozoic sedimentary, volcanic, intrusive, and metamorphic rocks that have been locally intruded by Mesozoic-age rocks (Hinds, 1952). Rock materials within this province have been accreted during tectonic processes into four differing terrains or differing ages (Irwin, 1966). Those terrains range in age from Jurassic to Ordovician

The Cascade Range province extends from the northern end of the Sierra Nevada north to the Canadian border. In the project site vicinity, the Cascade Range province is bounded to the west by the Klamath Mountain province, to the east by the Modoc Plateau province, to the south by the Sierra Nevada province, and to the north by the Cascade Range extending through Oregon and Washington. The Cascade Range province consists of a north-northwest-trending, relatively linear belt of active and dormant strata and shield volcanoes. The regional geologic conditions are dominated by andesitic, rhyolitic, and basaltic volcanic rocks mantled with surficial deposits consisting of pyroclastic rocks, lahar deposits, alluvium, and local lacustrine sediments (Hinds, 1952).

According to the Redding Sheet of the Geologic Map of California (California Division of Mines, 1962), the geologic deposits underlying the site are mapped as recent alluvium from the Quaternary Period. These soils consist of stiffer clays, silt sands, and gravels.

The site is underlain by colluvium, older alluvium, and the Schulmeyer Gulch Formation (Hotz, 1977; Nilsen, 1993). Most of the proposed Project footprint has been mapped as being underlain by the member of the Schulmeyer Gulch Formation having predominately phyllitic siltstone, which is a metamorphosed siltstone.

California, as a whole, represents a geologic collage, an amalgam of pieces assembled through the convergence of plates along the west edge of North America over the past 500 million years. Northern California Coast Range is especially intriguing because here both a remnant of an ancient convergent boundary and the modern transform boundary to the south continue to shape the landscape.

4.1.4 Seismic Hazards

Several fault lines are present in the vicinity of the project site, including the Greenhorn Fault, located north of the City, and the Soap Creek Ridge Fault, located southwest of the City; however, none of these faults have shown any activity in the last 1.6 million years (CGS, 2010). No active faults are known to pass through the project site

(Jennings, 1994; Hart and Bryant, 1997). However, a number of potentially active and active faults are located in the region of the project site. The closest mapped potentially active fault is the Yellow Butte fault, located approximately 20 miles southeast of the project site. The closest active fault is the Cedar Mountain-Mahogany Mountain fault system located approximately 36 miles east of the site.

The California Geological Survey (CCG) includes the site as within a low severity zone. The zone corresponds to a probable maximum ground shaking intensity of VI to VII on the Modified Mercalli Scale. The project site is therefore located in Uniform Building Code Seismic Hazard Zone 3.

There are no Alquist-Priolo Earthquake Fault Zones located on or near the site (Fault-Rupture Hazard Zones in California, Earl W. Hart and William A. Bryant, 1997; CCG). The proposed project site does not contain steep slopes that would be subject to landslides. The site does not currently exhibit evidence of any landslides.

The Siskiyou County General Plan Seismic and Safety Element (1980) states that over a 120-year period, only 9 or 10 earthquakes capable of “considerable damage” have occurred. There have been no deaths connected to this earthquake activity and only minor building damage has occurred. In the City limits, there has been no earthquake damage reported. However, the Uniform Building Code designates the City in Seismic Zone 3, defined as an area of potentially major damage from earthquakes.

Soil liquefaction is a temporary condition wherein saturated granular soils near the ground surface experience a substantial loss of strength during a seismic event. Liquefaction transforms the soil condition to a liquefied state as a result of increased soil pore water pressure, which is the water pressure between soil particles. Liquefaction can occur if three factors are present: strong seismic shaking, loose sand or silty soils (especially fine-grained sands), and saturation from shallow or perched groundwater. Liquefaction potential has been found to be greatest where the groundwater is within a depth of 50 feet or less, and submerged loose, fine sands occur within that depth. Ground acceleration and duration of shaking increases liquefaction potential, whereas larger grain size, clay content, and gravel content decreases liquefaction potential.

The development footprint on the trust parcel for the proposed Project would be situated on rock materials of the Schulmeyer Gulch Formation. The development footprint on the parcel for the proposed Project is situated on relatively thin, fine-grained colluvial soils that, in turn, rest on the Schulmeyer Gulch Formation. While these soils have sufficient fines content, there is a general absence of shallow groundwater in the vicinity of the project site and therefore a low risk of liquefaction.

Landslides occur when the weight on a slope exceeds the static force that retains that slope. Over-steepened slopes are the primary cause for landslides, although the point at which a slope becomes too steep is based on a number of factors, including saturation by snowmelt or heavy rains; earthquakes of magnitude 4.0 and greater; volcanic eruptions; and excess weight from accumulation of rain or snow, stockpiling of rock or ore, waste piles, or man-made structures. Erosion is a major factor contributing to creation of over-steepened slopes. The project site is moderately inclined to gently sloping. Geologic mapping of the area has not noted any evidence of landsliding on the trust or fee parcels (Hotz, 1977; Nilsen, 1993). Observations made at the site and a

review of aerial photographs did not identify geomorphic features that would be indicative of past or incipient slope failures. Accordingly, natural landslides pose a low risk to the proposed Project.

4.1.5 Mineral Resources

Mineral resources present in Siskiyou County that are considered major producing areas include crushed stone and pumice (CGS/USGS, 2004). Numerous small aggregate production areas are present in Siskiyou County, but none are producing more than 0.5 million tons per year and all are located outside the proposed Project. The CGS has classified the regional significance of mineral resources in accordance with the California Surface Mining and Reclamation Act of 1975 (SMARA). Mineral Resource Zones (MRZs) delineated by CGS identify the presence and significance of mineral deposits within the project area. In general, areas subject to pressures of urbanization are zoned by the CGS, while those areas outside these areas are not. The CGS has not prepared any reports that designate Mineral Resource Zones to be protected in Siskiyou County (Kohler, 2002).

Historically, gold mining was responsible for the establishment of several communities within Siskiyou County. Although some mining still takes place, the resource is greatly diminished and no longer plays a significant role in the economy. Nevertheless, gold continues to draw interest in the region, especially when gold prices are high.

4.2 Water Resources

Within the County, there are 15 watersheds contained within 2 drainage basins, the Klamath River Basin and the Sacramento River Basin. The project site is situated at the border of the Upper and Middle Yreka Creek planning watersheds contained within the Shasta Valley hydrological subarea (HSA) of the Klamath River Basin Hydrologic Unit (HU).

The Klamath River Basin covers an area of approximately 10,830 square miles within northern California that covers all of Del Norte County, and major portions of Humboldt, Trinity, Siskiyou and Modoc counties. The Shasta Valley HSA is primarily within the Cascade Range province. The valley floor elevation is about 2,500 to 3,000 feet, and surrounding mountains range up to 14,162 feet (Mt. Shasta). Annual precipitation ranges from below 15 inches in the valley to over 60 inches in the mountains.

The City of Yreka (City) provides potable water service to a population of approximately 7,832 through approximately 3,016 connections for residential, commercial, industrial, institutional, and landscape demands and could provide domestic water to the Project. The water system consists of about 310,000 feet (59 miles) of 1-inch to 14-inch distribution piping; over 23 miles of 24-inch raw water transmission pipeline; a direct filtration treatment plant; and eight individual water storage tanks. The City's water treatment plant is located about seven miles from the city limits along the Fall Creek transmission line. Currently, the treatment plant has a capacity of 8.4 million gallons per day (MGD), with a net output of about 7.7 MGD, given down time for backwash periods.

Almost all water is treated at the City's water treatment plant, although there are a limited number of water deliveries to customers from the City's Fall Creek transmission line, upstream of the water treatment plant; the water is chlorinated before delivery to these customers.

The City's primary water supply is from Fall Creek, about 23 miles northeast of the City at the Fall Creek point of diversion near the Oregon border. Water from Fall Creek is chlorinated and filtered before it is delivered to the City's customers. The City also has an emergency backup water supply that is provided through the North Well, located adjacent to Yreka Creek near Montague Road, south of the City's wastewater treatment plant. The City recently completed improvements to the North Well facility that included installation of a disinfection system; however, the City must still issue a "Boil Water Notice" when water from the North Well is used because there are no filtration facilities at the North Well.

The City has the capability of diverting water from Yreka Creek using the North Well and can deliver water produced from the North Well throughout the water service area. The North Well is capable of providing about 1 million gallons of water per day, or 17 percent of the City's maximum daily demand (MDD).

4.2.1 Surface Water

The proposed project site is located within the Klamath-Northern Subbasin which covers approximately 31,232 acres. The proposed project is situated on a relatively flat-lying parcel. There are no surface water bodies crossing the subject parcel. The project site is within the Yreka Creek watershed and Yreka Creek is located approximately 0.64 miles west.

4.2.2 Groundwater

The project site is located within the Shasta Valley Groundwater Basin, which has been delineated by the contact of alluvial fill with the surrounding hard rock of the Cascade Mountains. Accordingly, some of the wells within the basin produce water from the alluvium, while many produce water from the fractured volcanic rock. The depth to groundwater beneath the project site is unknown.

A search of the California Department of Water Resources Water Library was performed and found no nearby wells that are being monitored by the State for groundwater levels.

In the north-central part of the North Coast Hydrologic Region (HR), the major groundwater basins include the Klamath River Valley, Shasta Valley, Scott River Valley, and Butte Valley. The Klamath River Valley is shared with Oregon. Of these groundwater basins, Butte Valley has the most stable water supply conditions. The historical annual agricultural surface water supply has been about 20,000 acre-feet. As farming in the valley expanded from the early 1950s to the early 1990s, bringing nearly all the arable land in the valley into production, groundwater was developed to farm the additional acres. It has been estimated that current, fully developed demands are only about 80 percent of the available groundwater supply.

From 1994 through 2000, 584 public supply water wells were sampled in 32 of the 63 basins and subbasins in the North Coast HR. Analyzed samples indicate that 553 wells, or 95%, met the state primary Maximum Contaminant Levels (MCL) for drinking water.

The City of Yreka is proposing the development of a new municipal well known as the Davis Well. Located at the intersection of Fairlane Road and Davis Road approximately 3.4 miles from the project site.

The Davis Well improvements include drilling a new water production well, approximately ten inches in diameter and 115 feet in depth; constructing an approximately 216 square foot (12 foot by 18 foot) well house, and installing appurtenant equipment (e.g., split-top well seal, submersible pump and motor, piping and mechanical equipment, electrical controls and facilities, floor drains, chlorine meter and tank, etc.).

As indicated above, the City's water supply is over 23 miles from the City, and there is a considerable amount of pipeline that must remain operable for the City to reliably deliver water to its customers. As the Fall Creek pipeline continues to age, the potential for a break in the line increases. Therefore, the City desires to develop a reliable emergency well water source to ensure that adequate water is available for the City's customers, and to maintain fire flows, in the event of an emergency.

An abandoned well is located within the subject parcel that was developed in 1971. According to well logs obtained for that well, the depth to groundwater was 30 feet and the casing was installed at 52 feet and the yield for the well is 5 gallons per minute. This well is likely unusable due to its age and condition as it is unknown when this well was abandoned. The well casing has been filled with concrete and it is unknown if the well was capped according to code. As an alternative to a municipal connection, the Tribe is considering the development of an onsite well to serve the Court Facility. Preliminary hydrogeological analysis indicates that a new well would produce similar or higher yields of groundwater depending on the depth of a new well.

4.2.3 Floodplains

Development in floodplains and floodways is administrated by the Federal Emergency Management Administration (FEMA). The proposed property is a "Mapped Community" for the subject Tribal lands. The property falls within FEMA Flood Zone "X" where areas in which flood hazards are minimal (Panel No. 06093C1559D, January 19, 2011). (See Appendix C for the FIRM Panel Map).

4.2.4 Wetlands

The proposed project site was examined for evidence of wetlands by a qualified wetlands delineator using criteria from the U.S. Army Corps of Engineers' *Wetlands Delineation Manual, Technical Report Y-87-1* (U.S. Army Corps of Engineers, Environmental Laboratory, January 1987).

Upon review of the National Wetlands Inventory (NWI), there are no wetlands within the subject property. The NWI mapping system indicates that a freshwater emergent wetland is possibly located across Oberlin Road and is not hydrologically connected to the project site. See Appendix D for a copy of the NWI.

The subject property was evaluated using the COE (2010) and COE (1987) (three-parameter) wetland delineation methodology. The determination was made with an emphasis on predominance of hydric vegetation, presence of hydric soils, and presence of wetland hydrology indicators (one primary or two secondary indicators). The entire area explored was determined to be uplands based on primarily the lack of hydric soils and is not considered wetlands pursuant to COE protocols.

4.2.5 Water Quality

In 1992, the Environmental Protection Agency added the Klamath River to California's Clean Water Act Section 303(d) impaired water list due to elevated sedimentation/siltation and turbidity. In January 2005, the Oregon Department of Environmental Quality, the NCRWQCB, and the USEPA, Regions IX and X, signed a Memorandum of Agreement (MOA) setting a deadline of March 2006 for public release of a complete Total Maximum Daily Loads (TMDL) package for the Klamath River. The TMDL for temperature, dissolved oxygen, nutrients, and microcystin impairments was adopted in September 2010. The Klamath River HU, Shasta Valley HSA is currently 303(d) listed for organic enrichment/low dissolved oxygen and water temperature (SWRCB, 2011); the project site is within this area.

The degraded water quality is the result of a combination of agricultural tailwater and stormwater runoff, dairy operations, hydromodifications, flow regulation and modification, habitat modification, dam construction, removal of riparian vegetation, drainage and filling of wetlands, and some municipal point source dry and/or wet weather discharge.

The Klamath River is located fourteen miles from the Project site.

4.3 Air Quality

The project site would be ordinarily located in the jurisdiction of The Siskiyou County Air Pollution Control District (SCAPCD) who is the responsible air district for regulating off-reservation air quality in the portion of the Northeast Plateau Air Basin (NEPAB) surrounding the project site. The District's responsibilities include the control of air pollution from stationary sources and fugitive emissions from construction activities. The project site is located in the City, which lies within the NEPAB. The NEPAB extends from Lassen County in the southeast to the Oregon border in the north and includes Siskiyou County and Modoc County. Two major topographic units influence the climate of the NEPAB: the Klamath/Cascade Mountains and the Modoc plateau. The project site is located on the boundary between the Klamath Mountains and the Modoc plateau.

The air quality in Siskiyou County is considered to be "in attainment" for state and federal ambient air quality standards except for California's 24-hour particulate matter (PM10) standard. Mobile sources such as trucks, automobiles and construction equipment, and their air pollutant emissions, are under the jurisdiction of the California Air Resources Board (CARB).

The two air pollutants of greatest concern in the District are ozone and particulate matter. Siskiyou County's sunny climate, pollution-trapping mountains and valleys, along with growing population, contribute to these pollutants' levels. Ozone is an invisible secondary pollutant created by a chemical reaction that involves two precursor air pollutants (nitrogen oxides and reactive hydrocarbons) and sunlight. Ozone is a powerful respiratory irritant that can cause coughing, shortness of breath, headaches, fatigue and lung damage, especially among children, the elderly, the ill and people who exercise outdoors. Particulate matter contains fine mineral, metal, soot, smoke, and/or dust particles suspended in the air. Sources of particulate matter in the project area include on-road and off-road vehicles (e.g., engine exhaust, dust from unpaved roads), open burning of vegetation, residential wood stoves, and stationary industrial sources (e.g., saw mills). For health reasons, the air agencies are most concerned with particulate matter less than 10 and 2.5 microns in diameter (PM10 and PM2.5, respectively). Particles of these sizes can permanently lodge in the deepest, most sensitive areas of the lungs and cause

respiratory and other health problems.

Neither states nor the local air agencies have authority to enforce the Clean Air Act (CAA) on Indian reservations. Tribes may work with the EPA to exercise authority for the management of air quality on their reservations through a variety of administrative processes; however, the EPA maintains primary authority over air quality standards on reservations unless the tribe has an approved Tribal Implementation Plan.

The Tribe has not applied for “Treatment as a State” (TAS) under the CAA to implement its own air quality protection program nor is it engaged in management of air quality through administrative measures. Thus, federal standards apply on reservations and the EPA has primary jurisdiction and responsibility for CAA compliance. See, e.g., 63 Fed. Reg. 7254, 7262-7265 (Feb. 12, 1998); U.S. v. Questar Gas Management Co. (D. Utah 2011) No. 2:08–CV–167 TS, p. 5 (“if the Tribe does not implement CAA programs on the reservation, the authority to do so reverts to the EPA”). This would be the case even if emissions originating on the Karuk trust lands impacted downwind air quality within the SCAPCD. EPA would address the emissions causing those downwind impacts, including perhaps under the 2011 Tribal Federal Implementation Plan, depending on the emission sources. The following are the National and State Ambient Air Quality Standards:

Table 1 - Ambient Air Quality Standards

National and State Ambient Air Quality Standards			
Pollutant	Averaging Time	California Standards a,c	National Standards b,c
		Concentration	
Ozone (O ₃)	1-Hour	0.09 ppm (180 µg/m ³)	—
	8-Hour	0.070 ppm (137 µg/m ³)	0.070 ppm (137 µg/m ³)
Respirable Particulate Matter (PM ₁₀)	24-Hour	50 µg/m ³	150 µg/m ³
	Annual Arithmetic Mean	20 µg/m ³	—
Fine Particulate Matter (PM _{2.5})	24-Hour	—	35 µg/m ³
	Annual Arithmetic Mean	12 µg/m ³	12.0 µg/m ³
Carbon Monoxide (CO)	1-Hour	20 ppm (23 mg/m ³)	35 ppm (40 mg/m ³)
	8-Hour	9.0 ppm (10 mg/m ³)	9 ppm (10 mg/m ³)
	8-Hour (Lake Tahoe)	6 ppm (7 mg/m ³)	—
Nitrogen Dioxide (NO ₂)	1-Hour	0.18 ppm (339 µg/m ³)	100 ppb (188 µg/m ³)
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)	0.053 ppm (100 µg/m ³)
Sulfur Dioxide (SO ₂)	1-Hour	0.25 ppm (655 µg/m ³)	75 ppb (196 µg/m ³)
	3-Hour	—	—
	24-Hour	0.04 ppm (105 µg/m ³)	0.14 ppm (for certain areas) ¹¹
	Annual Arithmetic Mean	—	0.030 ppm (for certain areas) ¹¹
	30-Day Average	1.5 µg/m ³	—

National and State Ambient Air Quality Standards			
Pollutant	Averaging Time	California Standards a,c	National Standards b,c
		Concentration	
Lead	Calendar Quarter	—	1.5 µg/m ³ (for certain areas) ¹²
	Rolling 3-Month Average	—	0.15 µg/m ³
Visibility Reducing Particles ¹⁴	8-Hour		No National Standards (NA)
Sulfates	24-Hour	25 µg/m ³	
Hydrogen Sulfide	1-Hour	0.03 ppm (42 µg/m ³)	
Vinyl Chloride ¹²	24-Hour	0.01 ppm (26 µg/m ³)	

a. California standards for ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter (PM-10) are values that are not to be exceeded. All other California standards shown are values not to be equaled or exceeded.

b. National standards, other than for ozone and particulate matter and those based on annual averages, are not to be exceeded more than once per year. For the one-hour ozone standard, the ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one. The eight-hour ozone standard is met at a monitoring site when the three-year average of the annual fourth-highest daily maximum eight-hour average ozone concentration is less than or equal to 0.08 ppm.

c. ppm = parts per million by volume; µg/m³ = micrograms per cubic meter.

d. New standards effective May 4, 2016⁷ (40 CFR 50.7 and 40 CFR 50.10).
 NA: Not Applicable.

On Karuk lands, neither the U.S. EPA nor the Tribe has performed air quality conformity determinations. The Karuk Tribal Council is a recipient of a General Assistance Program grant from the EPA and operates several environmental programs but has not assumed air quality jurisdiction. Therefore, EPA maintains air quality jurisdiction for the Tribe and not the State or the SCAPCD. Instead of State standards, the National Ambient Air Quality Standards (NAAQS) apply.

4.4 Living Resources

This section describes the biological resources that exist on the proposed project site. The USFWS Field Station in Yreka was contacted on September 21, 2019, and a Federal species list was obtained. A copy of correspondence with the USFWS is also contained in Appendix A. In addition, a site visit was made on February 8, 2020, and LACO Associates was able to make an evaluation of the proposed project site and adjacent habitats for expected species use and current presence. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). As the project involves the installation of a modular factory built facility, it is not considered a major Federal action. Instead a habitat analysis is presented here.

4.4.1 Habitat Types

Nonnative grassland occurs within the majority of the parcel of the project site. Dominant plant species associated with the nonnative grassland includes dyer's woad (*Isatis tinctorial*), bottlebrush squirreltail (*Elymus elymoides*), filigree (*Erodium botrys*), field

bindweed (*Convolvulus arvensis*), English plantain (*Plantago lanceolata*), perennial pepperweed (*Lepidium latifolium*), yarrow (*Achillea millefolium*), large-flowered agoseris (*Agoseris grandiflora*), vinegar weed (*Trichostema lanceolatum*), medusa head grass (*Taeniatherum caput-medusae*), moth mullein (*Verbascum blattaria*), and yellow star thistle (*Centaurea solstitialis*).

4.4.2 Wildlife

The urbanized habitat holds value for several bird species. Resident birds (i.e. birds of year-round occurrence) would include Anna's Hummingbird (*Calypte anna*), Magpie (*Pica pica*) and Western Scrub Jay (*Aphelocoma californica*). Resident birds observed on the project site during the site visit of February 8, 2020 included Northern Flicker (*Colaptes auratus*), California quail (*Callipepla californica*), and Common Raven (*Corvus corax*).

The site provides habitat for a number of native mammal species. Small herbivores such as California ground squirrels (*Otospermophilus beecheyi*) and Botta's pocket gophers (*Thomomys bottae*) are common to the project site. The chaparral habit provides summer range foraging habitat for resident black-tailed deer (*Odocoileus hemionus*). Other mammalian residents to the area that would likely utilize the site regularly or from time to time include coyote (*Canis latrans*), gray fox (*Urocyon cinereoargenteus*), striped skunk (*Mephitis mephitis*), bobcat (*Lynx rufus*), Jackrabbit (*Lepus californicus*) and raccoon (*Procyon lotor*).

4.4.3 Vegetation

The site, outside the areas of the disturbed areas of the parcel including the engineered fill, consists primarily of non-native grassland. Dominant plant species included annual grasses such as ripgut brome (*Bromus diandrus*), slender wild oats (*Avena barbata*), and rattail fescue (*Vulpia myuros*). Other forbs occur on this site include penny royal (*Mentha pulegium*), and perennial cat's-ear (*Hypochaeris radicata*). Native species observed on the site include Canadian horseweed (*Erigeron canadensis*), tall flat sedge (*Cyperis eragrostis*), and small scatters of oak woodland. Dominant vegetation associated with the oak woodland includes Oregon white oak (*Quercus garryana* var. *garryana*), western juniper (*Juniperus occidentalis* var. *occidentalis*) and buck brush (*Ceanothus cuneatus*).

4.4.4 Sensitive Species and Habitats

Several species of plants and animals within the state of California have low populations, limited distributions, or both. Such species may be considered "rare" and are vulnerable to extirpation as the state's human population grows and the habitats these species occupy are converted to agricultural and urban uses. Federal laws have provided the USFWS with a mechanism for conserving and protecting the diversity of native plants and animals. A sizable number of native plants and animals have been formally designated as threatened or endangered under federal endangered species legislation. Others have been designated as "candidates" for such listing. A number of special status plants and animals occur in the vicinity of the study area. The California Natural Diversity Database (CNDDDB) is often queried focusing on the USGS 7.5 minute quadrangle that surround the study area for special status plants and animals. According to the USFWS there are a total of 13 threatened, endangered, or candidate species on this species list depicted on the species list. For the purposes of the proposed action, species from the

USFWS, the California Endangered Species Act and the California Native Plant Society are presented here.

Table 2 - Special Status Species Occurring Within Vicinity

Plants (adapted from CDFG 2019)
State and Federal Threatened and Endangered Species

Species	Status	Habitat	*Occurrence in the Study Area
Gentner's Fritillary (<i>Fritillaria gentneri</i>)	FE, CE CNPS 1B.1	Occupies grassland and chaparral habitats within, or on the edges of, dry, open, mixed-species woodlands at elevations below 1,544 meters (5,064 feet).	Absent. Grassland and chaparral habitat are not present. Site has been extensively disturbed.
Yreka Phlox (<i>Phlox hirsute</i>)	FE, CE CNPS 1B.1	Yreka Phlox is a serpentine endemic (a species found only on soils derived from ultramafic parent rocks). These soils have high concentrations of magnesium and iron, and often have high concentrations of chromium and nickel, as well. Phlox hirsute occurs at Elevations ranging from 880 to 1,340 meters (2,800 to 4,400 feet).	Absent: Serpentine and ultramafic parent soils are not known at the project site. Site has been extensively disturbed.

ANIMALS (adapted from CDFG 2019)
State and Federal Threatened and Endangered Species

Species	Status	Habitat	*Occurrence in the Study Area
Northern Spotted Owl (<i>Strix occidentalis caurina</i>)	FT, CE	Mature coniferous forests.	Absent. Suitable habitat in the form of mature coniferous are not present within the project site.
Yellow-bellied Cuckoo (<i>Coccyzus americanus occidentalis</i>)	FT, CE	Mature, dense, expansive riparian forests.	Absent. Suitable riparian habitat is not present at the Project Site.
Fisher (<i>Pekania pennanti</i>)	CE, CT	The occurrence of fishers at regional scales is consistently associated with low- to mid-elevation environments of coniferous and mixed conifer and hardwood forests with abundant physical structure.	Absent. The project site does not include dense conifer habitat and has been urbanized. Fishers are not man-tolerated.
North American Wolverine (<i>Gulo gulo luscus</i>)	CE, PT	Wolverines occur within a wide variety of habitats, primarily boreal forests, tundra, and western mountains. Individual wolverines have also moved into historic range in the Sierra Nevada Mountains of California.	Absent. Wolverines tend to live in remote and inhospitable places away from human populations.
Gray Wolf (<i>Canis lupus</i>)	FE, CE	The wide range of habitats in which wolves can thrive reflects their adaptability as a species, and includes temperate forests, mountains, tundra, taiga, and grasslands. The gray wolf is a native species that was likely extirpated from California in the 1920s. The gray wolf is now returning to California on its own by dispersal of individuals from populations in other states.	Absent. The project site is urbanized and partially developed, and the closest observation of the gray wolf was in Lassen County in temperate forests. Gray wolves have been collared and are monitored via GPS. No sightings have been recorded in Yreka.
Oregon Spotted Frog (<i>Rana pretiosa</i>)	FT	Oregon spotted frogs are associated with freshwater marshes and lakes where they breed in early spring in warm emergent vegetated shallows. The Oregon spotted frog is highly aquatic and reliant on connected seasonal habitats for breeding, summer foraging, and overwintering.	Absent. Freshwater march habitat is not present in the project area.

foraging habitat for these two species as roosting areas such as tall trees are not present on the site and vicinity.

4.5 Cultural Resources

As a federal action, the proposed undertaking must comply with NEPA and Section 106 (Codified as 36 CFR Part 800) of the National Historic Preservation Act (NHPA) and must consider effects to historic properties.

In 1992, the NHPA was amended to allow Indian tribes treatment as a state statutes concerning cultural resources on tribal lands. The responsibilities can include identifying and maintaining inventories of culturally significant properties, nominating properties for inclusion on national and tribal registers of historic places and conducting Section 106 reviews of federal agency projects on tribal lands. This includes designating Tribal Historic Preservation Officers (THPO) with whom federal agencies are required to consult in lieu of the SHPO for undertakings occurring on or affecting historic properties on tribal lands. The Karuk Tribe has elected to assume these responsibilities and has elected to incorporate THPO into the Tribal government operations. Pursuant to Section 106 of the NHPA, Dr. Alex R. Watts-Tobin, the Karuk Tribe's THPO determined that the project is not likely to affect historic properties.

Prehistoric Context

Archaeologists have divided northernmost California into two regions for the purpose of archaeological description: the North Coastal Region and Northeastern California. The Yreka area, occupied during the historic period by Hokan-speaking peoples, is located west of the Cascades and within the Northeastern region. Historically, relations were primarily with groups in the North Coastal Region. Relatively little prehistoric archaeological work has been conducted in the Yreka area, and there is no published cultural chronology.

4.5.1 Ethnography and History

According to an 1851 unratified treaty between the United States and the Upper Klamath, Shasta, and Scott's River Tribes of Indians, the project area lies within the lands identified therein for the signatory tribes. Early twentieth century anthropologists described the treaty territory as spanning the California-Oregon border, with settlements loosely grouped into divisions. One of the divisions was in Shasta Valley.

The Karuk ancestral territory covers a vast area of northern California and Southern Oregon. The Karuk people occupy the middle course of the Klamath River channel in northern California, from a few miles above Seiad Valley in Siskiyou County, to a few miles above Weitchpec, in Humboldt County. The territory extends over 1.06 million acres, or just over 1,600 square miles. According to the Karuk, they have inhabited their ancestral lands since time immemorial. Archaeologists suggest that the Karuk have lived in the region surrounding the Klamath River for over 10,000 years (Salter 2003). By either measure, the Karuk have occupied the area for an immense span of time. Accordingly, they have developed a powerful attachment to their ancestral lands. They are well known in particular for their basketry work, for traditional dipnet fishing practices, and for their ceremonial practices, which have been passed down intact through countless generations, and are still practiced in the same places. In recent years the Tribe has made great efforts to restore ancestral land management practices including the reintroduction of fire as a land management tool.

The evidence shows that the Karuk people have led a settled and comfortable subsistence lifestyle for thousands of years at least, with all of the resources for survival within easy reach. These include deer, elk, salmon, lamprey eels, acorns, berries, as well as basket weaving and regalia materials. Members of the Tribe still practice cultural activities that have been passed down through the generations since the beginning of time: gathering and basket weaving, dip-net fishing in the river, land management by traditional methods, and participation in spiritual ceremonies. The high level of artistry seen in the historic baskets, spoons, and flanged pestles, demonstrate a certain level of leisure, time, and comfort.

Tribal members in pre-contact times evidently did not live a hand-to-mouth existence. Stories were told during the winter months while repairs were made to nets and hunting equipment, and people lived on the stored foods that had been gathered and processed in accordance with established and trusted routines. The abundance of available resources in the area combined with remarkably efficient lifestyles based upon a deep knowledge of place meant that the Karuk experienced an exceptional degree of ceremonial and cultural wealth. This wealth was reflected in the richness of their spiritual relationships with the landscape, the intricacy of their ceremonies, and the quality of craftsmanship in their tools and basketry products.

The Karuk are known among Indian tribes of the western United States as “the Fix-the-World People.” This term is derived from the annual Pikiavish Ceremonies, commonly referred to as the World Renewal Ceremonies. This sequence of ceremonies is shared by the Karuk with the downriver Yurok and Hupa Tribes. The timing of the Pikiavish was related to the fall salmon run and at the time approaching the acorn harvest. The dance cycle is determined each year by the lunar cycle and a ceremonial leader or headman who also appoints the Fatawanun or Medicine Man for that year. This appointment is at the same time a source of honor and a great labor as the Fatawanun or medicine man in Karuk language is required to undergo a lengthy ordeal which includes fasting, praying, and walking the Medicine Trails.

Traditionally the Pikiavish was preceded by the Jump Dance held at the Dance Village of Amekiarum a short distance downriver from Katamin, site of the White Deerskin Dance. The Jump Dance was held at the time when the spring salmon began their run and was initiated by the First Salmon Ceremony.

Powers gives the following account of the First Salmon Ceremony:

“...They celebrate it to insure a good catch of salmon. The Kareya Indian [priest] retires into the mountains and fasts the same length of time as in autumn. On his return the people flee, while he repairs to the river, takes the first salmon of the catch, eats a portion of the same, and with the residue kindles the sacred smoke in the sudatory. No Indian may take a salmon before this dance [used in the sense of a ceremony] is held, nor for ten days after it, even if his family is starving” (Powers p. 31).

Although the Pikiavish is an annual ceremony whose conclusion marks the Karuk New Year and is celebrated with great joy and feasting, the Deerskin Dance is held on years alternating with the Medicine Dance during which other decorated skins including martin and otter are displayed rather than the famous white deerskins.

The Karuk place name for Yreka is kahtíšraam. The Karuk have had a significant historical relationship to the Yreka area since before federal record keeping for the area began. Historian Stephen Dow Beckham has compiled documentation demonstrating that a sizeable population of Tribal members have lived and worked in the Yreka area during the historic era. Historically, the Karuk Tribe has consisted of the communities at Happy Camp, Orleans, and Siskiyou (Yreka). Of particular relevance to the Yreka connection, the Bureau of Indian Affairs made payments to schools throughout Siskiyou County for the enrollment of Karuk children during the 1920s. Karuk tribal members recall attending Tribal council meetings in Yreka at least as far back as the early 1950s, and interviews conducted by Beckham documented current Tribal members who were born in Yreka as far back as 1932, attended schools there, and took local jobs after returning from World War II or the Korean War. The Karuk Tribal Housing Development was constructed with Department of Housing and Urban Development assistance approximately 20 years ago on the parcel adjacent to the east of the proposed project.

4.5.2 Historic, Cultural, and Religious Properties

LACO environmental scientists walked the project area in a series of north-south oriented transects spaced at approximately 15 meter intervals. The project area is generally level and has been subjected to grading impacts throughout. At the time of the survey, concrete remnants of the Yreka Amkuuf Smoke Shop which formerly occupied the site were present. Ground visibility was excellent. No cultural resources were noted during the course of the survey as the site has been extensively disturbed.

During the ground survey no cultural resources were identified. No isolated artifacts were found. If, however, any undetected (e.g., buried) cultural resources are encountered during future development, a qualified archaeologist should be consulted for further evaluation. The THPO has been consulted Tribe pursuant to 36 CFR Part 800. Appendix B is the correspondence to the THPO.

4.6 Wilderness

The proposed project site is not located in a designated wilderness area. Properties immediately adjacent to the site are developed with the Oberlin Storage, Karuk Indian Housing Authority multi-family homes, and open space towards the south.

4.7 Sound and Noise

According to the Siskiyou County General Plan Noise Element, there are no prominent sources of stationary noise affecting the project area. In review of sensitive noise receptors, there are no schools, hospitals, churches or other sensitive noise receptors within ½ mile of the project site.

4.8 Public Health and Safety

The proposed site does not include any known neither hazardous material nor have any sites within 2 miles have been identified according to Geotracker, a database of hazardous waste sites. During a site review conducted on February 8, 2020 by a recognized environmental professional, no leaking transformers, stained vegetation, or any evidence of hazardous material were observed. A Phase 1 Environmental Site Assessment is not necessary for the site.

4.9 Aesthetics

Visual or aesthetic resources are generally defined as both the natural and built features of the landscape that contribute to the public’s experience and appreciation of the environment. Depending on the extent to which a project’s presence would alter the visual character and quality of the environment, a visual or aesthetic impact may occur.

The California Department of Transportation (Caltrans) manages the California Scenic Highway Program to preserve and protect scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. Caltrans designates roadways within each county as “officially designated” scenic highways or “eligible” scenic highway. No “officially” designated state scenic highways are located near the project site.

Under current conditions, the project area includes lighting typical of residential, commercial, and industrial areas including street lighting and lighting of buildings and parking lots. The addition of the Karuk Tribal Court Facility will add additional ambient lighting to the area and surrounding areas however, this lighting will not significantly affect the visual character of the area.

4.10 Socioeconomic Conditions

4.10.1 Population, Employment and Income

Table 4 identifies population estimates for the City, the County, and the State in 2000 and 2010. The City had a population of 7,765 in April of 2010, and the County population was 44,900 (Department of Finance, 2010). Over the 10-year period from 2000 to 2010, the population of the City grew at an approximate rate of 0.7 percent per year, and the population of the County increased at a rate of 0.1 percent per year. These rates are both less than the State average.

Table 3 - Regional Population

Location	2000 ¹	2010 ¹	Trend (% change per year)	Current Unemployment ²
Yreka	7,290	7,765	+0.7	10.2%
Siskiyou County	44,301	44,900	+0.1	11.5%
California	33,871,648	37,253,956	+1.0	9.3%

SOURCE: ¹Department of Finance, 2010.
²EDD, 2013. Percentages represent July 2013 data.

According to Tribal data there were 3,754 enrolled Tribal members and 4,404 descendants that comprise the Karuk Tribe’s population as of February 2020. However, these members reside through-out the Country and are not totally within in the Tribe’s service area. According to the U.S. Census Bureau, there were 513 Tribal members residing within the Karuk Reservation and off-Reservation trust lands which are within the Tribe’s service area. Of these, 239 were male and 274 females. The median household income was \$21,250 as compared to \$44,200 for Siskiyou County and \$71,805 for the State of California in 2017, the latest figures available. According to the Census Bureau 46.2 percent of all Karuk families were below the Federal poverty level.

Siskiyou County demographics include a total population of 44,301 of which 5.4 percent are Native American. The median household income was \$44,200 and 17.1 percent of

the population were below the Federal poverty level in 2017.

4.11 Attitudes, Expectations, Lifestyle, and Cultural Values

In so far as Tribal expectations are concerned, Tribal Members are very supportive of the proposed project. The purpose of this action is to continue to expand the Karuk Tribe's social justice and judicial programs within the service area of the Karuk Tribe in order to satisfy Tribal needs in the areas of Tribal self-determination and economic self-sufficiency. The proposed program is designed to create a Karuk Tribal Court Facility within the Tribe's service area that will provide a single central facility that will accommodate the social and civil justice needs of the Tribe now and well into the future. The positive expectations of the project were supported by the community through charettes, public meetings, and acceptance by the government of the Karuk Tribe.

4.12 Community Infrastructure

4.12.1 Fire Protection and Emergency Services

The Yreka Volunteer Fire Department (YVFD) began as the Siskiyou Hook and Ladder Company Number 1 in 1856. At that time, all of the engines and equipment were privately owned by the 30 volunteer members of the company. In 1924, the Siskiyou Hook and Ladder Company were officially reorganized as the Yreka Volunteer Fire Department. Today, the Department is authorized to have 50 volunteers and equipment includes three Type 1 engines, one Type 3 engine, one Truck Company with a 75 foot aerial ladder, one Rescue Company, and one additional engine.

Response time to the project site is estimated to be 10 minutes. The department responds to upwards of 1,500 calls per year and is located at 401 Miner Street in Yreka 2.2 mile to the project site. The estimated response time is 10 minutes. The Yreka FD responded to 1,392 calls in 2012 and, as of the end of July 2013, has responded to approximately 900 calls during 2013; in general, approximately 80 percent are medical emergencies and 20 percent are fires.

The project site is located in an area that receives automatic mutual assistance from the California Department of Forestry and Fire Protection (CAL FIRE) station located at 1809 Fairlane Road in the City, which is less than a mile from the project site. Response time from this station to the project site is estimated to be four minutes. However, the CAL FIRE station is only staffed five to six months out of the year during the spring, summer, and fall months. When staffed, there is a 17-member crew, which includes 1 Battalion Chief, 3 captains, 3 engineers, and 10 fire fighters. During peak season, which runs from July until the end of fire season, at least six staff are in the station at all times. The station has two Type 3 engines and one fire dozer (Tidwell, 2013). During months when the CAL FIRE Yreka station is not staffed, the Yreka FD would receive assistance from the CAL FIRE Hornbrook station, located approximately 15 miles north of the City, or the CAL FIRE Weed station located approximately 30 miles south of the City.

4.12.2 Law Enforcement

The Yreka Police Department (Yreka PD) provides police protection and law enforcement services to the project site. The Yreka PD station is located approximately 1.5 miles from the project site on 412 West Miner Street. The Yreka PD is comprised of 14 sworn employees, which includes 1 Chief of Police, 1 Lieutenant, 3 sergeants, and 9 officers. Of the nine officers, one serves as a detective and one is assigned to the

Narcotics Task Force. Fifteen additional, non-sworn employees work at the police department, including one animal control officer, two administrative and records assistants, eight dispatchers (four full time and four part time), and four volunteers.

The Siskiyou County Sheriff's Department is available under cross jurisdictional agreements with the City and operates the Siskiyou County Jail. The current jail includes 104 beds with a daily average population of approximately 101 inmates. The Siskiyou County Sheriff is also the County Coroner.

The California Highway Patrol is available under mutual aid agreements with the City and is located at 1739 S. Main Street in Yreka.

4.12.3 Emergency Medical Services

The Fairchild Medical Center, located approximately 0.75 mile northwest of the project site, provides primary and emergency care services for the City. Mount Shasta Ambulance Service, a private company, is the primary emergency medical transport provider in the area. As discussed above, the Yreka FD staff also responds to medical emergencies.

4.12.4 Schools

Several schools are within a mile of the project site. The closest schools are the Karuk Tribal Head Start, located approximately 800 feet east of the project site within the Tribe's off-reservation Yreka Housing Development, and the J. Everett Bar Court School, which provides education to juveniles within the correctional system and is located approximately 1,700 feet south of the project site. On the opposite (west) side of Interstate 5 (I-5), the Shasta Head Start Child Development, the Mattole Valley Charter School, the Yreka Adventists Christian School the College of the Siskiyou's, Yreka High School, Union Elementary School, and Jackson Street Elementary School are all located within 1.0 mile of the project site.

4.12.5 Solid Waste Disposal

The City co-owns and operates the Yreka Transfer Station, which is a solid waste landfill and transfer station located southeast of the City off of Oberlin Road, approximately 1.7 miles east of the project site. The landfill currently has a remaining capacity of 3,924,000 cubic yards. It is permitted for a maximum capacity of 5,854,000 cubic yards, and its estimated closure date is January 1, 2065. Some of the solid waste from the Yreka Transfer Station is transferred to the Anderson Landfill, Inc. in Shasta County, which reported in 2008 a remaining capacity of 11,914,025 cubic yards of its maximum permitted capacity of 16,840,000 cubic yards. Solid waste collection in the City is provided by the Yreka Transfer Company. The Tribe participates in a recycling program for each of their offices. It is a voluntary program which distributes recyclable waste curbside to the Yreka Transfer Company.

4.12.6 Gas and Electric Services

Pacific Power and Light (PP&L) located in Yreka provides electricity to the area in which the proposed project site is located. Underground electric lines currently exist along Campbell Avenue and Thook Road adjacent to the subject property. Natural gas service is also available from PP&L with capacity adequate to provide service to the surrounding community.

4.12.7 Communications Service

AT&T provides landline telephone services in Yreka as well as DSL service. Northland provides high speed internet for the project area. Cellular service is provided by a wide array of companies including Cal North Cellular, US Cellular, NorCal Wireless, Verizon and AT&T.

4.12.8 Water Service

The City of Yreka (City) provides potable water service to a population of approximately 7,832 through approximately 3,016 connections for residential, commercial, industrial, institutional, and landscape demands and will provide domestic water to the Project. Currently, the treatment plant has a capacity of 8.4 million gallons per day (MGD), with a net output of about 7.7 MGD, given down time for backwash periods. This community system has enough capacity to serve the proposed facility. Alternatively, the Tribe may develop an onsite well and distribution system. The parcel includes an abandoned well that could be redeveloped with a storage water tank and distribution system. A new well could be developed near the abandoned well according to hydrogeological analysis conducted by LACO's Engineering Geologist. The area of impact would be minimal, approximately 12'X12' or 144 square feet. A water distribution line of approximately 270 feet and trench installed composing a minimal disturbance area of 810 square feet. Finally, a water storage tank would be placed on a concrete slab of 250 square feet. If considered by the Tribe, a new well, distribution line and a water storage tank would impact 1,200 square feet of disturbance.

4.12.9 Sanitary Sewer Services

The City wastewater treatment plant (WWTP) treats and disposes of domestic and industrial wastewater within the City; there are no current violations against the City's facility. The facility is designed to accommodate up to 1.3 mgd. The City WWTP consists of secondary treatment by activated sludge, clarification, aerobic sludge digestion, and chlorine disinfection. Treated water is disposed of via subsurface drip irrigation to a 31-acre field; during high inflow (storm) events, four percolation ponds are available for excess volume. The ponds and leach field are located adjacent to Yreka Creek, within a few feet of the creek elevation. The City's WWTP has capacity to serve the Karuk Tribal Court Facility. Alternatively, the Tribe could install a commercial septic tank and leach field. According to LACO's Engineering Geologist, an existing septic tank could be expanded with minimal effect.

4.13 Resource Use Patterns

4.13.1 Hunting, Fishing, Gathering

The proposed project site is not currently utilized for hunting, fishing, or gathering.

4.13.2 Timber

The proposed project site does not include merchantable timber stands.

4.13.3 Agriculture

Siskiyou County has a rich farming and ranching heritage with many fourth and fifth generation operators. Livestock and field crops are the most common agricultural type of production in the county.

Farmlands include dryland or sub-irrigated hay and grain and improved pasture forage species. These dry farmed lands commonly have inclusions of uncultivated shallow, rocky, or steep soils and farmlands presently irrigated but which do not meet the soil characteristics of Prime Farmland or Farmland of Statewide Importance

The project area is not considered prime, unique, or regionally important farm land due to its soil characteristics, as determined by the National Conservation Service Web Soil Survey.

4.13.4 Mineral Resources

Siskiyou County, California has 12,075 records of mining claims on public land managed by the Bureau of Land Management and 1,770 records of mines listed by the United States Geological Survey (USGS). These mining claims primarily involve gold, silver, copper, chromium and manganese.

Mineral resources present in Siskiyou County that are considered major producing areas include crushed stone and pumice (CGS/USGS, 2004). Numerous small aggregate production areas are present in Siskiyou County, but none are producing more than 0.5 million tons per year and all are located outside the proposed Project area.

4.13.5 Recreation

Recreation and tourism are among the largest industries in the City and County. With the presence of unique, natural landscapes, various federal, State, and County parks and recreational facilities are located throughout the region. Within the Klamath National Forest and the Shasta-Trinity National Forest are Mount Shasta, Modoc Lava Beds National Monuments, Tulelake and Lower Klamath Wildlife refuges, and the Marble Mountain and Salmon Trinity Alps wilderness areas—all of which are popular recreational areas. The City itself has many recreational parks including Greenhorn Park, Miner Street Park, Native American Heritage Park, Newton Sports Park, Ringe Park & Pool, Shasta Avenue Park, and the Yreka Creek Greenway. The closest facility is the Yreka Creek Greenway located approximately 1.8 miles northwest of the project site.

4.13.6 Transportation Network

The project site is accessed via Oberlin Road. Oberlin Road is an arterial road that traverses in the east-west direction, providing connection between Interstate 5 in the west and Montague Grenada Road to the east. Oberlin Road has two 12-foot travel lanes with 8-foot paved shoulders in the vicinity of the project site. The speed limit along Oberlin Road is posted at 45 mph in the vicinity of the project site.

Campbell Avenue is the main access road to the site and is assessed through Oberlin Road. This road is an arterial/local roadway that serves the Karuk Indian Housing Authority multi-family housing through Thook Street, a local road with access to the subject property.

According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook, the closest land use classification for the Karuk Tribal Court Facility is a social service/general government facility and was used to project traffic trips. This land use classification will result in the generation of 11.03 additional trips per day per 1,000

square feet of gross floor area within the facility. Therefore, traffic is expected to increase by 27.7 ADT (assuming a 2,500 square foot building). According to the BIA Indian Reservation Roads Inventory, Campbell Avenue has an ADT of 2,650 and a capacity of 5,000. The proposed project will not significantly impact circulation on access roads to the project site.

Bicycle facilities include bike paths, bike lanes, and bike routes. Bike paths are dedicated paved trails separated from roadways, while bike lanes are lanes on roadways designated by striping, pavement legends, and signs. Bicycle routes are roadways that are designated for bicycle use, but do not provide dedicated or demarcated lanes for use. All of the roads serviced by the proposed project fall within the latter as demarcation is not evident.

Siskiyou Transit and General Express (STAGE) provides local transit services with a bus stop stationed on Campbell Avenue 850 feet from the project site with service to the City of Yreka and destinations including Happy Camp.

Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals. The area generally lacks curbs, gutters, and sidewalks with the exception of the Campbell Avenue section that serves the Karuk Indian Housing Authority which includes sidewalks on both sides of the road.

Siskiyou County Airport located approximately three miles northeast of the City of Montague and approximately eleven miles east of the City of Yreka provides air service to the County. Siskiyou County Airport is used primarily for general aviation without passenger services. The closest passenger service airports are in Medford, Oregon or Redding, California

4.13.7 Land Use Plans

The proposed project site is located within the trust lands of the Karuk Tribe and the Tribal Council regulates land management activities. This site has been approved by the Tribal Council for the proposed use as a Karuk Tribal Court Facility.

5.0 ENVIRONMENTAL CONSEQUENCES

For the purposes of this analysis, both direct and indirect impacts were reviewed. Direct effects are those caused by the proposed action and occur at the same time and place (i.e. the construction and operation of the Karuk Tribal Court Facility). Indirect effects are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other related induced changes in the pattern of land use, population density or growth rate, effects and related effects on air and water and other natural systems, including ecosystems (40 CFR 1508.8). For the purposes of analyzing environmental consequences, the Preferred Action (construction of the Karuk Tribal Court Facility) is considered along with the No Action Alternative.

Proposed is the development of the Karuk Tribal Court Facility on a 25.59-acre parcel (APN# 062-061-030) with a 0.34-acre portion to be developed for the Karuk Tribal Court Facility located in a portion of Section 26, Township 45 North, Range 7 West of the Mount Diablo Meridian, Siskiyou County, California. Development of the Karuk Tribal Court Facility is expected to create temporary short-term direct impacts due to construction activities. Direct and Indirect Impacts from the Karuk Tribal Court Facility and mitigation measures or Best Management Practices (BMPs) to address those impacts are described below. Cumulative Impacts are described in Section 6.

The following summary reflects the implementation of mitigation measures or best management practices to reduce impacts to a Less Than Significant level:

Table 1 - Summary of Mitigation or Best Management Practices

Environmental or Social Effect	Level Of Significance Before Mitigation	Mitigation Measures or Best Management Practices	Level Of Significance After Mitigation
Less than Significant = LTS; Significant = S; No Effect = NE; Beneficial Effect = BE			
4.1 Land Resources	LTS	<p>4.2.1 Soil Types and Characteristics Earth moving activities would increase the potential for erosion impacts. Therefore, implementation of mitigation measures as best management practices (BMP) would be required:</p> <p><i>BMP 1: An erosion and sedimentation control plan for the proposed project shall be prepared by a qualified civil or geotechnical engineer and implemented during the design phase of the proposed project. The erosion and sedimentation control plan shall include best management practices to reduce potential erosion and sedimentation impacts.</i></p> <p>4.2.3 Seismic Hazards The proposed area would be subject to ground shaking if a seismic hazard were to occur. Compliance with the International Building Code (IBC) and standard engineering design techniques would help to reduce potential impacts related to ground shaking. These site conditions would increase the potential for geotechnical hazards. Therefore, the following BMP would be implemented:</p> <p><i>BMP 2: A geotechnical report should be prepared for</i></p>	LTS

Environmental or Social Effect	Level Of Significance Before Mitigation	Mitigation Measures or Best Management Practices	Level Of Significance After Mitigation
Less than Significant = LTS; Significant = S; No Effect = NE; Beneficial Effect = BE			
		<p><i>the proposed project incorporated engineering recommendations for strapping of the foundation. Recommendations might include the export of unstable soils, the use of engineering fill, foundation and footing design requirements, and other related engineering design measures to lessen potential geotechnical hazards at the site.</i></p>	
4.3 Water Resources	LTS	<p>4.3.5 Water Quality The construction of the proposed Karuk Tribal Court Facility would involve the removal of native vegetation, grading, and earth moving activities. This would expose native soils and increase the potential for erosion and sedimentation, which could have a negative impact on stormwater runoff and off-site water bodies. All construction projects encompassing one acre or more on federal land, including Indian lands/reservations, are covered by the EPA’s NPDES General Storm Water Discharge Permit for Construction Activities (Permit Number CAR120001). Commercial projects in rural areas do not require the EPA’s NPDES Storm Water Permit in order to operate; however, the permit is required for construction activities, mainly governing the use of sediment and erosion control measures.</p> <p><i>BMP 3: The following best management practices may be implemented during the construction of the proposed project site to reduce potential water quality impacts:</i></p> <ul style="list-style-type: none"> ▪ <i>Phase grading operations to reduce disturbed areas and time of exposure. Avoid grading and excavation during wet weather.</i> ▪ <i>Construct diversion dikes and drainage swales to channel runoff around the construction site.</i> ▪ <i>Delineate clearing limits, easements, setbacks, sensitive or critical areas, trees, drainage courses, and buffer zones to prevent excessive of unnecessary disturbances and exposure.</i> ▪ <i>Plant vegetation on exposed slopes or use erosion control blankets (e.g., jute matting, glass fiber or excelsior matting, mulch netting) to reduce the potential for erosion.</i> ▪ <i>Once grading is complete, stabilize the disturbed areas with permanent vegetation as soon as possible.</i> ▪ <i>Cover stockpiled soil and landscaping materials with secured plastic sheeting and divert runoff around them.</i> ▪ <i>Protect drainage courses, creeks, or catch basins with straw bales, silt fences, and/or temporary drainage swales.</i> ▪ <i>Protect storm drain inlets from sediment-laden runoff with sand bags barriers, filter fabric fences, block and gravel filters, and excavated drop inlet sediment traps.</i> ▪ <i>Prevent construction vehicles from tracking soil onto adjacent streets by constructing a temporary stone pad with a filter fabric underliner near the exit where dirt and mud can be washed from vehicles.</i> 	LTS

Environmental or Social Effect	Level Of Significance Before Mitigation	Mitigation Measures or Best Management Practices	Level Of Significance After Mitigation
Less than Significant = LTS; Significant = S; No Effect = NE; Beneficial Effect = BE			
		<ul style="list-style-type: none"> ▪ <i>Use dry-sweep methods to clean sediments from streets, driveways, and paved areas of the construction site.</i> ▪ <i>Maintain all construction vehicles & equipment. Inspect frequently for and repair leaks.</i> ▪ <i>Designate specific areas of the construction site, located well away from creeks or storm drain inlets, for auto and equipment parking and routine vehicle maintenance.</i> ▪ <i>Perform major maintenance, repair, and vehicle and equipment washing off site or in designated and controlled area. Clean up spills immediately.</i> ▪ <i>When vehicle fluids or materials such as paints, solvents, fertilizers, and other materials are spilled, cleanup immediately. Use dry cleanup techniques whenever possible.</i> ▪ <i>Store wet and dry building materials that have the potential to pollute runoff under cover and/or surrounded by berms when rain is forecast or during wet weather months.</i> ▪ <i>Cover and maintain dumpsters.</i> ▪ <i>Collect and properly dispose of construction debris, plant and organic material, trash, and hazardous materials as soon as possible.</i> ▪ <i>Plan roadwork and pavement construction to avoid stormwater pollution during wet weather months.</i> <p>After construction of the proposed project, the site would include a tribal justice facility and paved surfaces and will be landscaped with vegetation and ground cover. The preliminary floor plan for the Karuk Tribal Court Facility indicates the development would introduce minor impervious surfaces to the proposed project site. These impervious surfaces would increase the amount and rate of stormwater runoff on the site:</p> <p><i>BMP 4: A drainage plan for the proposed project shall include feasible post construction stormwater quality control measures. Such measures shall include any combination of the following techniques:</i></p> <ul style="list-style-type: none"> • <i>Design the proposed project to locate impervious surfaces as far away from natural drainage channels as possible and utilize vegetation and grass swales to decrease runoff velocity and filter stormwater pollutants.</i> 	
4.4 Air Quality and Green House Gas Emissions	LTS	<p>The major impacts to air quality involve the construction of the facility however, BMP's are an acceptable form of mitigation according to the California Air Resources Board (CARB). Those BMP's include:</p> <p><i>BMP 5: The following control measures shall be implemented during the construction of the proposed project to reduce construction emissions of PM₁₀ and 2.5:</i></p> <ul style="list-style-type: none"> • <i>All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively</i> 	LTS

Environmental or Social Effect	Level Of Significance Before Mitigation	Mitigation Measures or Best Management Practices	Level Of Significance After Mitigation
Less than Significant = LTS; Significant = S; No Effect = NE; Beneficial Effect = BE			
		<p><i>stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover, or vegetative ground cover.</i></p> <ul style="list-style-type: none"> ▪ <i>All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</i> ▪ <i>When materials are transported off-site, all materials shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of container shall be maintained</i> ▪ <i>All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. Following the addition of materials to, or the removal of materials from, the surface or outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer or suppressant. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each work day.</i> ▪ <i>Any site with 150 or more vehicle trips per day shall prevent carryout and track out.</i> ▪ <i>Limit traffic speeds on unpaved roads to 15 mph.</i> ▪ <i>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.</i> ▪ <i>Suspend excavation and grading activities when winds exceed 20 mph.</i> ▪ <i>Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site.</i> 	
4.5 Living Resource	NE	Based on the habitat analysis conducted, there are no expected impacts to sensitive species. No mitigation or best management practices are needed. Two migratory birds have a probability of presence at the project site according to the USFWS. They include: Bald Eagle (<i>Haliaeetus leucocephalus</i>), and Golden Eagle. Both species have been observed along Greenhorn Park, approximately 2 miles from the project site. However, the site is not suitable for nesting or foraging.	NE
4.6 Cultural Resources	LTS	<p>Since there is a possibility of unknown cultural resources, the Tribe will include the following requirement in the contract specifications for the construction of the proposed project to mitigate impacts:</p> <p><i>BMP 6: Ground-disturbing activities shall be immediately stopped if potentially significant historic or archaeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone</i></p>	LTS

Environmental or Social Effect	Level Of Significance Before Mitigation	Mitigation Measures or Best Management Practices	Level Of Significance After Mitigation
Less than Significant = LTS; Significant = S; No Effect = NE; Beneficial Effect = BE			
		<p><i>mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.</i></p>	
4.8 Sound and Noise	LTS	<p>For the indirect effects associated with the development of the proposed project, some minor post-operational noise from the Karuk Tribal Court Facility and the traffic to the facility will be generated; however, no new significant sensitive receptors will be created or impacted. For temporary noise impacts, the following BMP is required:</p> <p><i>BMP 7: Construction noise will be mitigated by limiting construction to daylight hours so as not to impact the quiet enjoyment of local residents.</i></p>	LTS
4.13.1 Fire Protection and Emergency Services	LTS	<p><i>The proposed project would increase the demand for fire protection and emergency medical services in the area. Therefore, protective measures would be required:</i></p> <p><i>BMP 8: The proposed development shall be designed in compliance with the following fire safety standards:</i></p> <ul style="list-style-type: none"> • <i>All structures shall be designed in compliance with the Uniform Fire Code. Compliance with the Uniform Fire Code may require the use of fire-safe building materials.</i> • <i>Emergency access shall be ensured by a minimum 18-foot road or driveway width with surfaces accommodating conventional vehicles and 40,000 pound loads, grades not exceeding 16 percent, curve radii of at least 50 feet, dead ends meeting maximum length requirements with turnouts and turnarounds, and roadway structures and gate entrances that do not obstruct clear passage of authorized vehicles.</i> • <i>Signing and building numbering shall facilitate locating a fire and avoiding delays in response times by being sufficiently visible, non-duplicative, and indicative of location and any traffic access limitations.</i> • <i>Emergency water sources shall be available and accessible in adequate quantities to combat wildfire with labeled hydrants meeting uniform specifications.</i> • <i>The proposed development shall be landscaped and maintained to reduce the risk of wildland fire hazards. Flammable</i> 	LTS

Environmental or Social Effect	Level Of Significance Before Mitigation	Mitigation Measures or Best Management Practices	Level Of Significance After Mitigation
Less than Significant = LTS; Significant = S; No Effect = NE; Beneficial Effect = BE			
		<i>vegetation shall not be planted adjacent to structures and in the general vicinity of the development. Fuel modification practices shall be practiced reducing the volume and density of flammable vegetation on the proposed project site.</i>	
4.13.2 Law Enforcement	LTS	The proposed project will not increase the demand for law enforcement services in the area. Any increase in demand would not have an impact on law enforcement agencies ability to provide adequate services in the surrounding area.	LTS

5.1 Land Resources

The direct effects of the proposed development of the Judicial will not involve a significant impact to topography, soil types and characteristics, geologic setting and mineral resources. The direct effect of construction of a modular building would impact the amount of land resources available as the building footprint for footings, water and sewer service and parking areas are constructed. However, these areas have minimal impact to land resources. The proposed Project involves minimal grading within the 0.34 acre portion of the 25.59-acre parcel as the site was previously developed.

No Action Alternative

Under the No Action Alternative, the proposed project site would remain vacant and unutilized. Existing environmental conditions on the site would remain unchanged. No impacts related to land resources would occur with the No Action Alternative

5.2 Topography

Direct impacts during construction include clearing the removal of some native vegetation and grasses, and earth moving activities, which include excavation and backfill for building footings, water and sewer service and parking lot grading. The project site is a vacant lot that has been graded and gravel exported. As the project site has been extensively developed from previous land-uses the amount of non-native vegetation is minimal as evidenced in Figure 2. Preliminary calculations indicate that vegetation removal would include two juniper trees and three cubic yards of vegetation would be removed. The impacts to vegetation are insignificant.

5.2.1 Soil Types and Characteristics

Earth moving activities would increase the potential for erosion impacts. Therefore, implementation of mitigation measures as best management practices (BMP) would be required.

BMP 1: An erosion and sedimentation control plan for the proposed project shall be prepared by a qualified civil or geotechnical engineer and implemented during the design and construction phase of the proposed project. The erosion and sedimentation control plan shall include best management practices to reduce

potential erosion and sedimentation impacts.

With the implementation of the above BMP, impacts related to erosion would be reduced to less than significant levels during the construction of the project. After construction of the proposed Karuk Tribal Court Facility, native soils would be covered by landscaping and vegetation or by impervious surfaces, such as buildings, concrete or asphalt. This would stabilize soils and reduce the potential for erosion.

5.2.2 Geologic Setting

No significant impacts to the geologic setting would occur for the implementation of the proposed action.

5.2.3 Seismic Hazards

The proposed area would be subject to ground shaking if a seismic hazard were to occur. Compliance with the International Building Code (IBC) and standard engineering design techniques would help to reduce potential impacts related to ground shaking. These site conditions would increase the potential for geotechnical hazards. Therefore, BMPs would be required.

BMP 2: A geotechnical report should be prepared for the proposed project incorporated engineering recommendations for strapping of the foundation. Recommendations might include the export of unstable soils, the use of engineering fill, foundation and footing design requirements, and other related engineering design measures to lessen potential geotechnical hazards at the site.

With the implementation of the above BMP, impacts would be considered less than significant.

5.2.4 Mineral Resources

There are no known mineral or energy resources of local, regional, or national importance on the proposed project site. Therefore, no impacts to mineral or energy resources would occur as a result of the proposed project.

No Action Alternative

Under the No Action Alternative, the proposed project site would remain vacant and unutilized. Existing environmental conditions on the site would remain unchanged. No impacts related to land use would occur with the No Action Alternative.

5.3 Water Resources

5.3.1 Surface Water

Direct and Indirect impacts on surface waters will be minimized with the implementation of BMPs 3 and 4 as described in Subsection 4.3.5 (Water Quality).

5.3.2 Groundwater

The implementation of BMPs 3 and 4 will protect groundwater water quality. Therefore, no significant impacts to groundwater would occur for the implementation of the proposed action.

5.3.3 Floodplains

No significant impacts to the floodplain would occur from the implementation of the proposed action.

5.3.4 Wetlands

The proposed action will not impact wetlands as jurisdictional wetlands are not within the project site.

5.3.5 Water Quality

The construction of the proposed Karuk Tribal Court Facility would involve the removal of native vegetation, grading, and earth moving activities. This would expose native soils and increase the potential for erosion and sedimentation, which could have a negative impact on stormwater runoff and off-site water bodies. All construction projects encompassing one acre or more on federal land, including Indian lands/reservations, are covered by the EPA's NPDES General Storm Water Discharge Permit for Construction Activities (Permit Number CAR12000I). As the Project will impact 0.34 acres, an NPDES permit is not required but the following BMP's will be initiated.

BMP 3: The following best management practices may be implemented during the construction of the proposed project site to reduce potential water quality impacts:

- *Phase grading operations to reduce disturbed areas and time of exposure. Avoid grading and excavation during wet weather.*
- *Construct diversion dikes and drainage swales to channel runoff around the construction site.*
- *Delineate clearing limits, easements, setbacks, sensitive or critical areas, trees, drainage courses, and buffer zones to prevent excessive of unnecessary disturbances and exposure.*
- *Plant vegetation on exposed slopes or use erosion control blankets (e.g., jute matting, glass fiber or excelsior matting, mulch netting) to reduce the potential for erosion.*
- *Once grading is complete, stabilize the disturbed areas with permanent vegetation as soon as possible.*
- *Cover stockpiled soil and landscaping materials with secured plastic sheeting and divert runoff around them.*
- *Protect drainage courses, creeks, or catch basins with straw bales, silt fences, and/or temporary drainage swales.*
- *Protect storm drain inlets from sediment-laden runoff with sand bags barriers, filter fabric fences, block and gravel filters, and excavated drop inlet sediment traps.*
- *Prevent construction vehicles from tracking soil onto adjacent streets by constructing a temporary stone pad with a filter fabric underliner near the exit where dirt and mud can be washed from vehicles.*
- *Use dry-sweep methods to clean sediments from streets, driveways, and paved areas of the construction site.*
- *Maintain all construction vehicles and equipment. Inspect frequently for and repair leaks.*
- *Designate specific areas of the construction site, located well away from creeks or storm drain inlets, for auto and equipment parking and routine vehicle maintenance.*

- *Perform major maintenance, repair, and vehicle and equipment washing off site or in designated and controlled area. Clean up spills immediately.*
- *When vehicle fluids or materials such as paints, solvents, fertilizers, and other materials are spilled, cleanup immediately. Use dry cleanup techniques whenever possible.*
- *Store wet and dry building materials that have the potential to pollute runoff under cover and/or surrounded by berms when rain is forecast or during wet weather months.*
- *Cover and maintain dumpsters.*
- *Collect and properly dispose of construction debris, plant and organic material, trash, and hazardous materials as soon as possible.*
- *Plan roadwork and pavement construction to avoid stormwater pollution during wet weather months.*

With the implementation of the above BMP measures, water quality impacts during construction would be reduced to a less than significant level.

The indirect effects on water quality due to urbanization are typical of those for building construction. In general, urbanization has a direct impact on water resources and water quality. Urbanization introduces impervious surfaces to the landscape, including concrete, asphalt, and other building materials. This reduces the amount of pervious surfaces, which are vital for groundwater percolation and the recharge of water aquifers. In addition, urbanization reduces natural vegetation, which plays an important role in reducing erosion and sedimentation, and filtering pollutants from water as it percolates the soil. Urbanization also decreases water quality by increasing the amount of pollutants that enter waterways. Pollutants, including silt, herbicides, pesticides, fertilizers, trash, grease, oil, hydrocarbons, and heavy metals are constantly introduced to the built environment. Stormwater often carries these pollutants from streets, parking lots, and landscaped areas to urban drainage systems that flow to natural streams, rivers, and lakes. These pollutants can pose a serious threat to the water quality of the streams, rivers, and lakes, and can have a negative impact on the ecology.

After construction of the proposed project, the site would include a tribal justice facility and paved surfaces and will be landscaped with vegetation and ground cover. The preliminary floor plan for the Karuk Tribal Court Facility indicates the development would introduce minor impervious surfaces to the proposed project site. These impervious surfaces would increase the amount and rate of stormwater runoff on the site. This could result in potentially significant impacts to the existing storm drain system along Campbell Road. In addition, the introduction of a paved parking lot on the proposed project site would also increase the potential for stormwater quality impacts. Parking lots often collect oil, grease, transmission and brake fluid, solvents, heavy metals, and other pollutants. Preliminary estimates of impervious surfaces are 2,800 square feet for the building, 640 square feet for parking and 2,000 square feet for circulation. All total 5,440 square feet of impervious area will be introduced. According to the US Soil Conservation Service Method of determining runoff, the proposed project could generate 652.8 gallons of runoff per second during a major flood event. In contrast, Campbell Avenue and Thook Road would generate 52,800 gallons of runoff per second. As the estimated runoff of the proposed project is 0.012 percent of the roads within the project area, it is insignificant. However, because these pollutants are typically washed directly from impervious surface areas and are transported to storm drains, the increase of

impervious surfaces on the site would result in potentially adverse water quality impacts. Therefore, the BMP specified below would be required.

BMP 4: A drainage plan for the proposed project shall include feasible post construction stormwater quality control measures. Such measures shall include any combination of the following techniques:

- *Design the proposed project to locate impervious surfaces as far away from natural drainage channels as possible and utilize vegetation and grass swales to decrease runoff velocity and filter stormwater pollutants.*

With the implementation of the above BMP, stormwater quality impacts would be considered less than significant.

No Action Alternative

Under the No Action Alternative, the proposed project site would remain vacant and unutilized. The existing water resource and water quality conditions would remain unchanged. No impacts related to water resources would occur with the No Action Alternative.

5.4 Air Quality and Greenhouse Gas Emissions

The Preferred Alternative would result in the emission of additional pollutants largely due to increased traffic and would, therefore, contribute cumulatively to the regional and local pollutant concentrations. However, for a cumulative impact to be significant, the contribution must be substantial or considerable. If the action is too minor to merit consideration, it’s considered de minimis or less than significant. It has been determined that anticipated emissions related to the proposed project would be less than significant as the cumulative emissions are less than 0.000002 percent or well below the 10 percent budget of the area’s emissions inventory.

Using the State of California’s **California Emissions Estimator Model (CalEEMod)** Software for screening potential impacts to air quality, the applicability analysis shows that the total direct and indirect emissions from construction would be less than the applicable de minimis thresholds and would not be regionally significant. Based on the CalEEMod analysis, emissions estimated for the construction of the Karuk Tribal Court Facility will not contribute significantly to air quality factors in the Yreka area. The following table includes the projected pollutants for unmitigated construction emissions, mitigated construction emissions, unmitigated operational emissions, and mitigated operational emissions:

Table 2 - CalEEMod Results for Construction & Operation of Project

Pollutant	Emissions (tons/year)			
	Modeled Unmitigated Construction Emissions	Modeled Mitigated Construction Emissions (including % reduction)	Modeled Unmitigated Operational Emissions	Modeled Mitigated Operational Emissions (including % reduction)
Carbon monoxide (CO)	0.0374	0.0374 (no change)	0.6107	0.6107 (no change)
Nitrogen oxides (NOx)	0.0388	0.0388 (no change)	0.5620	0.5620 (no change)
Particulate matter (PM ₁₀) (total)	0.0034	0.0028 (-16.62%)	0.0903	0.0903 (no change)

Particulate matter (PM _{2.5}) (total)	0.0025	0.0022 (-9.72%)	0.0259	0.0259 (no change)
Reactive organic gases (ROG)	0.0385	0.0385 (-1.03%)	0.0800	0.0792 (-1.03%)
Sulfur oxides (SO ₂)	0.00006	0.00006 (no change)	0.0019	0.0019 (no change)

Source: CalEEMod Model Results, February 3, 2020, Appendix E.

The detailed CalEEMod analysis is contained in Appendix E. The major impacts to air quality involve the construction of the facility however, BMP's are an acceptable form of mitigation. Those BMP's include:

BMP 5: The following control measures shall be implemented during the construction of the proposed project to reduce construction emissions of PM₁₀ and _{2.5}:

- *All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover, or vegetative ground cover.*
- *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.*
- *When materials are transported off-site, all materials shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of container shall be maintained*
- *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. Following the addition of materials to, or the removal of materials from, the surface or outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer or suppressant. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each work day.*
- *Any site with 150 or more vehicle trips per day shall prevent carryout and track out.*
- *Limit traffic speeds on unpaved roads to 15 mph.*
- *Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.*
- *Suspend excavation and grading activities when winds exceed 20 mph.*
- *Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site.*

With the implementation of the above measures, construction emission impacts would be considered less than significant.

Operational emissions will not require any significant mitigation as they are well below the Level SCAPCD Thresholds.

For the indirect effect of the project, air quality impacts were evaluated. The 1990 amendments to Federal Clean Air Act Section 176 required the EPA to promulgate rules to ensure that federal actions conform to the appropriate State Implementation Plan (SIP). These rules, known together as the *General Conformity Rule* (40 CFR §§ 51.850-.860 and 40 CFR §§ 93.150-160),

require any federal agency responsible for an action in a nonattainment or maintenance area to determine that the action is either exempt from the General Conformity Rule's requirements or positively determine that the action conforms to the applicable SIP. In addition to the roughly 30 presumptive exemptions established and available in the General Conformity Rule, an agency may establish that forecast emission rates would be less than the specified emission rate thresholds, known as *de minimis* limits. An action is exempt from a conformity determination if an applicability analysis shows that the total direct and indirect emissions from the project would be less than the applicable *de minimis* thresholds and would not be regionally significant, which are defined as representing 10 percent or more of an area's emissions inventory or budget.

The proposed project would result in the emission of pollutants and would therefore contribute cumulatively to the regional and local pollutant concentrations. However, for a cumulative impact to be significant, the contribution must be substantial or considerable (*de minimis*). It has been determined that anticipated emissions related to the proposed project would be less than significant as the cumulative emissions are less than 0.000005 percent or well below the 10 percent budget of the area's emissions inventory.

No Action Alternative

Under the No Action Alternative, the proposed project site would remain vacant and unutilized. The existing air quality would remain unaffected. No impacts related to air quality would occur with the No Action Alternative.

5.5 Living Resources

Based on a habitat analysis and a site survey conducted by LACO Associates, the proposed Project is not expected to impact sensitive species either on or off of the parcel. Since the proposed Project is a federal agency action, it does require a lead Federal agency to consult pursuant to Section 7 of the Endangered Species Act. Two migratory birds protected by the Migratory Bird Treaty Act, the Bald Eagle and the Golden Eagle are known in the area. They would likely forage near the site from time to time but would not be likely to nest here due to a lack of suitable nesting habitat. Therefore, the impact to the breeding season of these species will not be impacted.

The development is within Karuk trust lands and it would not require a Habitat Conservation Plan. Per Secretarial Order 3206, as the proposed Project is within the Karuk trust lands, the Project is not subject to federal public land laws.

"Indian lands are not federal public lands or part of the public domain and are not subject to federal public land laws. They were retained by tribes or were set aside for tribal use pursuant to treaties, statutes, judicial decisions, executive orders or agreements. These lands are managed by Indian tribes in accordance with tribal goals and objectives, within the framework of applicable laws" (Secretarial Order 3206).

The Tribe, as the cooperating agency involved in the approval of the proposed Project, will engage in a consultation process with the U.S. Fish and Wildlife Service. Under Secretarial Order 3206, the U.S. Fish and Wildlife Service must concur with the findings set forth by the Tribe or offer practical alternatives for Endangered Species Act compliance. The Department of Justice as Lead Agency has consulted with the U.S. Fish and Wildlife Service, Yreka Field Office to determine if Section 7 consultation is appropriate. Copies of this environmental assessment have been provided to the U.S. Fish and Wildlife Service.

No Action Alternative

Under the No Action Alternative, the proposed property would not be developed and would remain in fee status. Existing environmental conditions on the site would remain unchanged.

5.6 Cultural Resources

It is possible that unrecorded prehistoric and historic cultural resources exist in parts of the parcel that include the planned development based upon historic and ethnographic information, and consideration of settlement patterns.

In the event of any inadvertent discovery of cultural resources during development of access roads, parking areas and the project, all such finds shall be subject to the implementing regulations under Section 106 of the NHPA (36 CFR Part 800) and the Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470 aa-mm) and its implementing regulations on Indian Trust lands (25 CFR 262).

Mitigation Measures

Since there is a possibility of unknown cultural resources, the Tribe will include the following requirement in the contract specifications for the construction of the proposed project to mitigate impacts to a less than significant level:

BMP 6: Ground-disturbing activities shall be immediately stopped if potentially significant historic or archaeological materials are discovered. Examples include, but are not limited to, concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire-altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Ground-disturbing project activities may continue in other areas that are outside the discovery locale.

No Action Alternative

Under the No Action Alternative, the proposed property would not be developed. Existing environmental conditions on the site would remain unchanged.

5.7 Wilderness

No impacts are expected.

No Action Alternative

Under the No Action Alternative, the proposed property would not be developed. Existing environmental conditions on the site would remain unchanged.

5.8 Sound and Noise

As a direct impact associated with the development of the Karuk Tribal Court Facility minor construction phase noise will be generated at the site. This additional noise source is temporary and will cease with completion of the construction of the facility.

For the indirect effects associated with the development of the proposed project, some minor post-operational noise from the Karuk Tribal Court Facility and the traffic to the facility will be

generated; however, no new significant sensitive receptors will be created or impacted.

Mitigation Measures

BMP 7: Construction noise will be mitigated by limiting construction to daylight hours so as not to impact the quiet enjoyment of local residents.

No Action Alternative

Under the No Action Alternative, the proposed project site would remain vacant and unutilized. Existing noise levels in the area would remain unchanged.

5.9 Public Health and Safety

No impacts are expected.

No Action Alternative

Under the No Action Alternative, the proposed property would not be developed. Existing environmental conditions on the site would remain unchanged.

5.10 Aesthetics

Depending on the location of key observation points, the ridgelines, hillsides, and other prominent visual features on the project site might be impacted depending on the observer. Views from the arterial (Oberlin Road) would not be impacted but the traveler along Campbell Avenue would easily see the proposed facility. As a result, less than significant impacts to the existing aesthetic value of the subject parcels would occur as a result of the proposed project.

The surrounding terrain is characterized by mountainous terrain. Views in the immediate vicinity are limited in scope due to elevation of the site, topography, and vegetation adjacent to the roadway. Motorists on Oberlin Road are afforded limited long-distance views, where the views are obstructed in places by the Karuk Indian Housing complex and vegetation barriers. There are no vantage points within the project vicinity that offer clear unobstructed views of the area of indirect effect except very short-range views from locations immediately adjacent to the site and those adjacent sites are located totally within the Karuk trust lands. No mitigation measures or BMP's are required.

No Action Alternative

Under the No Action Alternative, the proposed property would remain undeveloped. Existing environmental conditions on the site would remain unchanged.

5.11 Socioeconomic Conditions

The proposed Karuk Tribal Court Facility is expected to benefit the social and economic character of the Karuk Tribe.

5.11.1 Employment and Income

The proposed construction of a centralized justice facility has the potential to create new employment opportunities. With the recent passage of the Tribal Law and Order Act, the Tribe will have the space capacity to house new justice programs that might create new jobs.

Mitigation Measures

No mitigation measures are required.

No Action Alternative

Under the No Action Alternative, the proposed property would remain undeveloped. Existing socioeconomic conditions on the site would remain unchanged.

5.12 Attitudes, Expectations, Lifestyle, and Cultural Values

There would be no measurable impacts upon the attitudes, expectations, and cultural values of local community members as a result of the proposed project. The project however will have beneficial effects upon the socioeconomic conditions of the community.

Mitigation Measures

The proposed Karuk Tribal Court Facility would not have a negative impact on the attitudes, expectations, lifestyles, and cultural values of the Karuk Tribe. No mitigation measures are required.

No Action Alternative

Under the No Action Alternative, the proposed property would remain undeveloped. Existing environmental conditions on the site would remain unchanged.

5.13 Community Infrastructure

The development of the proposed Karuk Tribal Court Facility would have an impact on the community infrastructure of the Karuk Tribe and the City. Completion of the Karuk Tribal Court Facility would add needed judicial services granting a means to expand the Tribe's sovereignty.

The indirect effect of development of the Karuk Tribal Court Facility could have an impact as the demand for judicial services will slightly increase.

5.13.1 Fire Protection and Emergency Services

The proposed project would increase the demand for fire protection and emergency medical services in the area. Therefore, protective measures would be required:

BMP 8: The proposed development shall be designed in compliance with the following fire safety standards:

- *All structures shall be designed in compliance with the Uniform Fire Code. Compliance with the Uniform Fire Code may require the use of fire-safe building materials.*
- *Emergency access shall be ensured by a minimum 18-foot road or driveway width with surfaces accommodating conventional vehicles and 40,000 pound loads, grades not exceeding 16 percent, curve radii of at least 50 feet, dead ends meeting maximum length requirements with turnouts and turnarounds, and roadway structures and gate entrances that do not obstruct clear passage of authorized vehicles.*
- *Signing and building numbering shall facilitate locating a fire and avoiding delays in response times by being sufficiently visible, non-duplicative, and indicative of location and any traffic access limitations.*
- *Emergency water sources will be available and accessible in adequate*

quantities from the City to combat wildfire with labeled hydrants meeting uniform specifications.

- *The proposed development shall be landscaped and maintained to reduce the risk of wildland fire hazards. Flammable vegetation shall not be planted adjacent to structures and in the general vicinity of the development. Fuel modification practices shall be practiced reducing the volume and density of flammable vegetation on the proposed project site.*

5.13.2 Law Enforcement

The proposed project will not increase the demand for law enforcement services in the area. Any increase in demand would not have an impact on the City of Yreka Police Department ability to provide adequate services in the surrounding area.

5.13.3 Schools

No impacts to schools would likely occur as a result of the proposed project.

5.13.4 Solid Waste Disposal

The proposed project would increase the amount of solid waste generated at the proposed project site most of which will be recycled under the Yreka Transfer Company recycling program which serves the offices of the Tribe. Therefore, no significant impacts to the capacity of the Oberlin Landfill would likely occur as a result of the proposed project. Solid waste generated for an office complex is minimal and consists primarily of paper and cardboard. Legal documents are routinely shredded by an outside contractor. Hazardous waste will not be generated or stored for this office facility

5.13.5 Gas & Electric Services

No impacts to gas and electrical services would likely occur as a result of the proposed project.

5.13.6 Communications Service

Adequate capacity to serve the proposed project is in place. Therefore, no impacts to the communication service would occur as a result of the proposed project.

5.13.7 Water Service

The City of Yreka (City) provides potable water service to a population of approximately 7,832 through approximately 3,016 connections for residential, commercial, industrial, institutional, and landscape demands and will provide domestic water to the Project. The water system consists of about 310,000 feet (59 miles) of 1-inch to 14-inch distribution piping; over 23 miles of 24-inch raw water transmission pipeline; a direct filtration treatment plant; and eight individual water storage tanks. The City also has four existing old, undersized steel storage tanks with failing interior coatings and extensive corrosion. The City's water treatment plant is located about seven miles from the city limits along the Fall Creek transmission line. Currently, the treatment plant has a capacity of 8.4 million gallons per day (MGD), with a net output of about 7.7 MGD, given down time for backwash periods. Domestic water is available for the project. Alternatively, the Tribe may develop an onsite well and distribution system to serve the facility. As a small office complex, water consumption is estimated as 1,600 gallons per day. The abandoned well

was rated at 5 gallons per minute or 7,200 gallons per day. If a new well is developed, water capacity of 7,200 gallons per day is also expected providing more than enough capacity for the Project.

5.13.8 Sanitary Sewer Services

The City of Yreka (City) provides potable water service to a population of approximately 7,832 through approximately 3,016 connections for residential, commercial, industrial, institutional, and landscape demands and will provide domestic water to the Project. Currently, the treatment plant has a capacity of 8.4 million gallons per day (MGD), with a net output of about 7.7 MGD, given down time for backwash periods. This community system has enough capacity to serve the proposed facility. Alternatively, the Tribe may develop an onsite septic system to provide wastewater services to the Karuk Tribal Court Facility. A commercial septic system is already available at the site and could be expanded or improved to meet the sanitation needs of the Project.

No Action Alternative

Under the No Action Alternative, the proposed project site would remain vacant and unutilized. The existing community infrastructure would remain unchanged.

5.14 Resource Use Patterns

5.14.1 Hunting, Fishing, Gathering

No impacts to hunting, fishing, and gathering will occur as a result of the proposed project.

5.14.2 Timber

No impacts to the limited timber resources will occur as a result of the proposed project.

5.14.3 Agriculture

No impacts to agricultural will occur as result of the proposed project.

5.14.4 Mining

No impacts to mining will occur as a result of the proposed project.

5.14.5 Recreation

No impacts to recreation and recreation-related resources will occur as a result of the proposed project.

5.14.6 Transportation Network

Direct effects associated with the proposed project include the increase of traffic impacts to E. Oberlin Road and Campbell Avenue. According to the Institute of Transportation Engineers (ITE) Trip Generation Handbook, the closest land use classification for the Karuk Tribal Court Facility is a social service/general government facility and was used to project traffic trips. This land use classification will result in the generation of 11.03 additional trips per day per 1,000 square feet of gross floor area within the facility. Therefore, traffic is expected to increase by 27.5 ADT (assuming a 2,500 ft² building). According to the BIA Indian Reservation Roads Inventory, Campbell Avenue has an

ADT of 2,650 and a capacity of 5,000. The proposed project will not significantly impact circulation on access roads to the project site.

The roadway infrastructure which will be used to access the project site is already in place. Eight parking spaces are planned. These eight parking spacing will not affect the circulation patterns of the area. The expansion of the transportation network is not required as part of the proposed project.

Mitigation Measures

The Tribe is currently managing BIA and FHWA funding for roads that are on the national Indian Reservation Roads inventory and are part of the Tribal Transportation Plan. The proposed project will not require improvements both Oberlin Road and Campbell Avenue. No additional mitigation measures would be required.

5.14.7 Land Use Plans

As an approved project under the jurisdiction of the Karuk Tribe, the Project will not impact land use patterns under Tribal jurisdiction.

No Action Alternative

Under the No Action Alternative, the proposed project site would remain vacant and unutilized. Existing land use conditions would remain unchanged.

5.15 Environmental Justice

Environmental justice issues encompass a broad range of impacts usually covered by NEPA, including impacts on the natural and physical environment and related social, cultural, and economic effects. Environmental justice concerns may arise from impacts to such things as human health on minority populations, low- income populations, and Indian Tribes.

Based on the demographics of the area the implementation/development of the proposed Project would not cause a disproportionately high or adverse impact on human health or environmental effects on minority populations, low-income populations, or the Karuk Tribe. There is no indication that either the construction or operation of the proposed Project would impact a higher minority population component or low-income population component than the general population of the surrounding area in an adverse manner. The proposed Project would create a net gain in temporary employment, and there is evidence to indicate that the jobs created would be made available to Karuk tribal members and descendants, other Native Americans, and residents of surrounding communities - a significant portion of which could be considered minority and low-income populations and could impact Karuk communities beneficially.

There is no indication that either the construction or operation of the Karuk Tribal Court Facility would impact a higher minority population component or low-income population component than the general population of the surrounding area.

No Action Alternative

Under the no action alternative, the proposed project would not be developed further, and existing conditions would not change resulting in several members of the Tribe and community continuing to remain without gainful employment opportunities and conditions would remain

unchanged. The No Action Alternative would not result in beneficial impacts as the result of the proposed Project, which include potential for additional jobs and judicial services for the Karuk Tribe.

6.0 CUMULATIVE IMPACTS

NEPA guidance documents require the evaluation of environmental consequences including cumulative impacts. Cumulative impacts are broadly defined as those that “result from the incremental impacts of an action when added to other past and reasonably foreseeable future actions” (40 CFR 1508.7). Cumulative impacts by their nature can be difficult to identify and quantify. This section accounts for past actions within the Karuk Tribe, and factors in the foreseeable future as well as the direct consequences of a proposed action. The construction of the proposed Project on the subject parcel is contemplated as a future action.

Growth-inducing effects are defined as effects that foster economic or population growth, either directly or indirectly. Direct growth inducement could result, for example, if a project included the construction of a new residential development. Indirect growth inducement could result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises) or if it removed obstacles to population growth (e.g., expansion of the Davis well to increase the service availability).

The County is expected to grow at a moderate pace averaging 2.5 percent per every 5 years over the next 30 years (Department of Finance, 2013), whereas the City anticipates a 1 to 2 percent average annual growth in population per year through 2023 (Yreka, 2003). The City plans to provide adequate space for housing, jobs, and recreation to support the new residents (Yreka, 2003). Ongoing projects include the City’s Wastewater System Improvements Project, which is nearing completion. Several projects along Yreka Creek and within the Yreka Creek Greenway, which primarily entail developing new and upgrading existing trails, recreational areas, and parking lots as well as increasing floodplain areas and habitat enhancement projects, are also ongoing. The City is considering constructing stormwater detention facilities within the Humbug Gulch watershed, which is located in the northwestern corner of the City limits.

The following cumulative impacts and the associated mitigation measures are projected to occur because of the proposed undertaking and those in the immediate vicinity. In all cases, no significant impacts to the environment expected.

6.1.1 Land Resources

Topography

The proposed Project will be developed on a vacant parcel that previously was a smoke shop. Re-grading and earthmoving activities will be limited, concluding that no mitigation is necessary for the Proposed Action. Therefore, the proposed behavior will not have cumulative impacts on the site’s topography.

Soils Types

The soil structure at the proposed Project site has stable soil particles that decrease susceptibility to detachment and transport by water. The soils hydrological group rating of B has a slow rate of water transmission and moderate erosion factors. Therefore, the implementation of best management practices for the proposed Project will reduce the occurrence of cumulative impacts to the soil type and characteristics.

There are currently no other foreseeable on or off-reservation projects in the immediate vicinity that would cause impacts that would combine with the impacts of the proposed

Project to create cumulatively considerable off-reservation impacts related to geology and soils. Therefore, the Proposed Project would not have a cumulatively considerable impact with respect to geology or soils.

Geology and Mineral Resources

The project site features flat topography and soil type that is generally suited for urban development. There are no mineral resources on or near the project site. No mitigation is necessary for the proposed Project as the employment of best management practices will reduce impacts to a less than significant level. Therefore, there will be no cumulative impacts to the geological settings and mineral resources.

Seismic Hazards

There will be no cumulative impacts that will create seismic hazards.

6.1.2 Water Resources

In general, urbanization has a direct impact on water resources and water quality. To prevent and control waste discharge that could affect waters of the state, the proposed Project will use EPA's NPDES General Storm Water Discharge Permit for Construction Activities (Permit Number CAR12000I). FR. Vol. 82, 12, January 19, 2017, as applicable to mitigate for any potential impacts to the water quality and stormwater drainage, the implementation of best management practices will reduce the impacts to less than significant. BMP's will be implemented in the design and implementation of the project's drainage plan. Therefore, there will be no cumulative impacts to the water quality.

6.1.3 Air Quality

As demonstrated in the Environmental Consequences section of this document, this action is exempt from a conformity determination because the applicability analysis shows that the total direct and indirect emissions from the project would be less than the applicable de minimis thresholds and would not be regionally significant, which is defined as representing 10 percent or more of an area's emissions inventory or budget. Therefore, no mitigation is necessary for the proposed project as the employment of best management practices will reduce impacts to a less than significant level and no cumulative impacts will affect the air quality at the Project site.

6.1.4 Living Resources

Impacts to the biological environment occur incrementally through destruction of habitat. Since the region is either developed or at least disturbed from previous urban uses such as the former Amkuuf Smoke Shop, the potential for major impacts is limited. The surrounding industrial land uses represent physical barriers to most wildlife movement, and no wildlife corridors were identified through the project site. Impacts to migratory birds, native plants and other species for past or future projects have not been an issue as the area including the City of Yreka have surrounding habitat for protected species. The Proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. No cumulative impacts would result.

6.1.5 Cultural Resources

With incorporation of best management practices, the Proposed Project would not have a cumulatively considerable impact on any known or unknown off-reservation cultural resources. Other regional development projects would implement site-specific mitigation measures in accordance with the requirements of NEPA or CEQA to address cultural resources, thereby reducing the potential for cumulatively significant impacts. The proposed Project is not anticipated to impact eligible or listed historic properties off or on the project site and thus the cumulative impacts to this impact category are not significant.

6.1.6 Wilderness

Wilderness areas will not be impacted by the project cumulatively.

6.1.7 Sound and Noise

Operation of the proposed project will generate noise mainly in the form of vehicles traveling to the Karuk Tribal Court Facility. As compared to existing noise levels due to surrounding uses such as the low-income housing operated by the Karuk Indian Housing Authority any increase in noise due to additional vehicles traveling to the site will be minimal. Thus, cumulative impacts to noise will be less than significant. For other projects that may be developed in the future, the City's General Plan places the responsibility for noise mitigation on the new noise generating uses (Noise Policy 7). Therefore, operation of the Proposed Project would not result in cumulatively considerable impacts to the off reservation noise environment.

6.1.8 Public Health and Safety

The Tribe has adopted the International Building Code including electrical, fire and safety standards for all facilities. All potential development in Karuk properties will be subject to these regulations and codes. Therefore, there will be no cumulative impact on health and safety.

There are no hazardous materials on the project site, and it is not anticipated that hazardous materials will be used or stored on site. The proposed action will not contribute cumulatively to the demand for hazardous material handling capacity. The proposed Project's incremental contribution to create a risk to human health and the environment would not be cumulatively considerable.

6.1.9 Aesthetics

The proposed Project would not contribute to a cumulative impact associated with an off-reservation scenic vista or damage to off-reservation scenic resources. Off-reservation properties in the vicinity of the project site consist of light industrial building and storage facilities along with multi-family housing.

The proposed Project would contribute to a slight increase in nighttime illumination in the area. However, that lighting will be limited to the building as an existing street light is on the site. The existing facilities in the vicinity of the project site (Campbell Avenue streetlights) and off-reservation neighboring properties currently have nighttime lighting.

No mitigation for cumulative impacts is necessary for the proposed action, as the use of best management practices will reduce impacts to a less than significant level.

6.1.10 Socioeconomic Conditions

In addition to the social benefits of a centralized Karuk Tribal Court Facility, there may be cumulative environmental impacts associated with development spurred by the preferred alternative and the infrastructure created by the proposed project. There may also be some cumulative impacts associated with additional Tribal economic development endeavors.

The proposed action will solve the Tribe's need for housing key justice-related programs, which in turn will create a demand for public health, social services, and infrastructure. However, Tribal programs are readily available by the Tribe and can accommodate the projected demand. The proposed action will foster the Tribe's goal of self-determination involving justice programs.

6.1.11 Attitudes, Expectations & Cultural Values

Changes in attitudes, expectations, and cultural values will not occur on a cumulative basis as a result of the project.

6.1.12 Community Infrastructure

Fire Protection and EMS

There will be no cumulative impacts on fire protection and emergency medical services. The incremental demand of the proposed action on the demand for public services will not cause the existing capacity to become inadequate.

Law Enforcement

There will be no cumulative impacts involving law enforcement services. The incremental demand of the proposed action on the demand for public services will not cause the existing capacity to become inadequate.

Schools

Local schools will not be affected by the project cumulatively.

Solid Waste Disposal

Solid waste management and disposal activities are not expected to be affected from a cumulative standpoint.

Gas & Electric Services

The project will not contribute to any cumulative demand for gas and electric services.

Communications Service

Telephone and other communication services will not be affected cumulatively by the project.

Water Service

Domestic drinking water services will not be affected cumulatively by the proposed action.

Sanitary Sewer Services

The City of Yreka has adequate capacity to serve the proposed project as well as future contemplated actions.

6.1.13 Resource Use Patterns

Hunting, Fishing & Gathering

The proposed project is not expected to result in cumulative changes related to resource use patterns.

Timber

The proposed project is not expected to result in cumulative changes related to the timber resources of the Tribe.

Agriculture

The proposed project is not expected to result in cumulative changes related to agriculture on or near Karuk trust lands.

Mining

The proposed project is not expected to result in cumulative changes related to mining.

Recreation

The proposed project is not expected to result in cumulative changes related to recreational uses.

Transportation Network

The proposed project is not expected to result in cumulative changes related to circulation and traffic.

Land Use

The proposed project is not expected to result in changes related to land-use.

7.0 CONSULTATION AND COORDINATION

The following agencies have been contacted and/or provided a copy of the Environmental Assessment:

Lead Agency:

U.S. Department of Justice
Orbin L. Terry, NEPA Coordinator
810 Seventh Street, NW
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United States Department of the Interior
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State Agency:
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State Clearinghouse
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Sacramento, California 95814

¹ The State Clearinghouse will make distribution of the Environmental Assessment to all major state agencies.

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Appendices

Appendix A - USFWS consultation letter

Appendix B - Correspondence involving the THPO

Appendix C - FIRM Panel Map

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Appendix E - CalEEMod Model Results

Appendix F – Finding of No Significant Impact (To be Developed)

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USFWS Correspondence

APPENDIX B
THPO Correspondence

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FIRM Panel Map

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APPENDIX F
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