MITIGATED FINDING OF NO SIGNIFICANT IMPACT FOR THE TULE RIVER INDIAN TRIBE OF THE TULE RIVER RESERVATION SHAN KING-HWY 190-HARTSELL ECONOMIC DEVELOPMENT FEE-TO-TRUST PROJECT

AGENCY: Bureau of Indian Affairs, Pacific Region

ACTION: Mitigated Finding of No Significant Impact

SUMMARY

The Tule River Indian Tribe of the Tule River Reservation (Tribe) submitted a fee-to-trust application to the Bureau of Indian Affairs (BIA), Pacific Region, for the acquisition of an approximately 109.57-acre property located in Tulare County, California, consisting of APNs 284-760-001, 284-760-003, 284-760-006, 284-770-005, 284-770-006, and 284-770-007 (Project Site) into federal trust for the benefit of the Tribe (Proposed Action). Following acquisition of the Project Site into trust, the Tribe proposes to develop a small commercial area, with the existing uses—including citrus grove operations, grazing land, and open space—continuing on the remainder of the property (Proposed Project). The Proposed Action was analyzed in an Environmental Assessment (EA) dated August 2026 that was released to the public for a 30-day public comment period that ended on September 21, 2026. The August 2026 EA is hereby incorporated by reference and can be viewed at this location: https://nepa-review.org/tuleriversshanking/ Based upon the entire administrative record, including analysis in the EA, mitigation imposed, and public comments received, the BIA makes a finding of no significant impact (FONSI) for the Proposed Action. This finding constitutes a determination that the Proposed Action would not have a significant effect on the quality of the human environment. Therefore, in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C § 4321 et seq., an Environmental Impact Statement is not required.

PURPOSE AND NEED

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

ALTERNATIVES CONSIDERED

Two alternatives are analyzed in the EA: the Proposed Project and the No Action Alternative. The Proposed Project consists of the acquisition of the 109.57-acre Project Site in trust for the Tribe pursuant to the Secretary's authority under the Indian Reorganization Act, 25 USC § 5108, and the subsequent development of economic development with continued operation of the existing 20-acre citrus grove, grazing, and open space. Under the No Action Alternative, no federal actions would occur, and the Tribe would not construct the economic development, but would continue operation of the existing 20-acre citrus grove, grazing, and open space. Additional details regarding the Proposed Action and No Action Alternative can be found in EA Section 2.

ENVIRONMENTAL IMPACTS

Potential impacts to land resources, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions, transportation and circulation, land use, public services, noise, hazardous materials, and visual resources were evaluated in the EA. A summary of the conclusions for the Proposed Action for each of the issue areas is provided below (see EA Section 2 for

Protective Measures and Best Management Practices [BMPs], EA Section 3 for detailed analysis, and EA Section 4 for mitigation measures). Consistent with requirements set forth in Section 1.6 of the DOI NEPA Handbook (516 DM 1) a Mitigation Monitoring and Compliance Plan (MMCP) has been prepared that identifies the mitigation measures that will be undertaken to avoid significant effects and the mechanisms to ensure their implementation and is included in **Attachment 1**.

Land Resources

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

Water Resources

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

Air Quality

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

Biological Resources

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

Cultural Resources

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

Socioeconomics

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

Transportation and Circulation

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

Land Use

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

Public Services

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

Noise

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

Hazardous Materials

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

Visual Resources

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

PUBLIC AVAILABILITY

A Notice of Availability for the August 2026 EA was published in the Porterville Recorder and provided to agencies, organizations, and interested parties announcing a comment period of 30 days starting August 21, 2026 and ending September 21, 2026. The BIA received one comment letter during the public comment period for the EA. Responses to public comments received are contained in **Attachment 2**.

DETERMINATION

The BIA Pacific Region has determined that the Proposed Action to approve acquisition of 109.57-acres (APNs 284-760-001, 284-760-003, 284-760-006, 284-770-005, 284-770-006, and 284-770-007) into federal trust for the Tribe for the purposes of tribal self-sufficiency, self-determination, and economic development would not have a significant effect on the quality of the human environment. Therefore, in accordance with NEPA, 42 USC § 4321 et seq., an Environmental Impact Statement is not required. This determination is supported by the findings described in this FONSI and the entire administrative record, including analysis in the EA, mitigation imposed, and public comments received. This fulfills the requirements of NEPA as set forth in NEPA (42 USC § 4321 et seq.); the DOI's Procedures for the Implementation of NEPA (43 CFR Part 46); and the U.S. Department of the Interior Handbook of National Environmental Policy Act Implementing Procedures (516 DM 1).

Approved:

RYAN HUNTER

Acting Regional Director
Bureau of Indian Affairs, Pacific Region

Date:

Digitally signed by RYAN HUNTER
Date: 2026.10.14 16:53:13 -07'00'

Attachments:

Attachment 1 – Mitigation Monitoring and Compliance Plan
Attachment 2 – Responses to Comments

Attachment 1

Mitigation Monitoring and Compliance Plan

Attachment 1:

Mitigation Monitoring and Compliance Plan

Tule River Indian Tribe of the Tule River Reservation Shan King-Hwy 190-Hartsell Economic Development Fee-to-Trust Project

The purpose of this Mitigation Monitoring and Compliance Plan (MMCP) is to guide compliance and implementation of mitigation measures associated with the Tule River Indian Tribe of the Tule River Reservation Shan King-Hwy 190-Hartsell Economic Development Fee-to-Trust Project (Project). The mitigation measures listed in **Table 1** were identified within the Environmental Assessment (EA) dated August 2026 and the Mitigated Finding of No Significant Impact (FONSI). This MMCP includes descriptions of the following:

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

Mitigation measures detailed in **Table 1** were included in Section 4 of the EA and shall be implemented to reduce potentially significant impacts associated with cultural resources. The Tribe will be the primary agency responsible for funding, monitoring, and/or implementing the mitigation measures. Implementation of the mitigation measures will occur prior to beginning construction-related activities (pre-construction) or during construction. The Tribe will exercise governmental jurisdiction over the Project Site once acquired into trust and will have the authority to enforce the mitigation measures. Per Section 4 of the EA, mitigation is enforceable because it is (1) inherent to the project design; and/or (2) required by federal or tribal regulations.

Table 1: Mitigation Monitoring and Compliance

Mitigation Measure	Party Responsible for Monitoring and/or Implementation	Timing of Implementation	Compliance Standards and Enforcement
Cultural Resources			
▪ In the event that a cultural resource is inadvertently discovered during Project activities, work must be halted within 30 feet of the find and a qualified archaeologist (36 CFR Part 61) notified immediately so that an assessment of its potential significance can be undertaken. Construction activities may continue in other areas but may not resume in the area of the find until the BIA provides written permission. If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and would be discussed in consultation with the BIA, affiliated tribal organizations, and any other relevant regulatory agencies or invested parties, as appropriate. ▪ Although unlikely, the discovery of human remains is always a possibility. State of California Health and Safety Code Section 7050.5 covers these discoveries, except on federal lands. This code section states that no further disturbance may occur until the County Coroner has made a determination of origin and disposition of the remains pursuant to PRC Section 5097.98. The County Coroner must be notified of the find immediately upon discovery. If the human remains are determined to be of Native American origin, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD must complete an inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.	Tribe	Construction Phase	**Compliance Standards:** National Historic Preservation Act, Archaeological Resources Protection Act, Native American Graves Protection and Repatriation Act **Enforcement Entity:** BIA, Tribe, NAHC, and Most Likely Descendant.

Attachment 2

Responses to Comments

Attachment 2:
Responses to Comments on the August 2026 Environmental Assessment
Shan King-Hwy 190-Hartsell Economic Development Fee-to-Trust Project

1.0 INTRODUCTION AND COMMENT LETTERS

The Bureau of Indian Affairs, as federal lead agency, directed the preparation of an Environmental Assessment (EA) to assess the potential environmental impacts associated with the proposed trust acquisition (Proposed Action) of approximately 109.57 acres of fee land owned by the Tule River Indian Tribe of the Tule River Reservation (Tribe) within unincorporated Tulare County, California (Project Site) and the subsequent development of a small commercial area (Proposed Project). The Proposed Action consists of the transfer of the Project Site into federal trust status for the benefit of the Tribe under Section 5 of the Indian Reorganization Act (25 USC § 5108), with regulations codified at 25 Code of Federal Regulations (CFR) Part 151. The EA was completed in accordance with requirements set forth in the National Environmental Policy Act (NEPA) (42 USC § 4321 et seq.); the Department of the Interior's (DOI) Procedures for the Implementation of NEPA (43 CFR Part 46 [2008]); and the DOI NEPA Handbook (516DM1).

A Notice of Availability for the August 2026 EA was published in the Porterville Recorder and provided to agencies, organizations, and interested parties announcing a comment period of 30 days starting August 21, 2026 and ending September 21, 2026. The BIA received one comment letter during the public comment period for the EA from the California Highway Patrol (see below). Responses to substantive comments received are provided in Section 2.0.

2.0 RESPONSES TO COMMENTS

Response to Comment Letter: California Highway Patrol

The commenter states that new commercial developments will increase traffic necessitating the need for additional traffic control measures to reduce congestion. As noted in EA **Section 2.1.1**, the Tribe is not currently proposing specific commercial development on the Subject Property. Nonetheless, for the purposes of environmental review, a reasonably foreseeable future development scenario has been estimated that includes a small commercial development on a portion of the Property. Detailed analysis of traffic impacts can be found in EA **Appendix C-7**. As noted therein, best management practices (see EA Table 2-1) will be attached to any future commercial development that include the development of a construction management plan that identifies traffic control measures during construction and ensuring traffic is controlled in accordance with the Caltrans Traffic Manual and County standards. Furthermore, as explained in EA **Appendix C-7**, vehicle trips potentially generated by future commercial development would be minimal in comparison to highway capacity and would not be expected to create congestion,

with the current level of service maintained even after the addition of project traffic. Thus, traffic and any congestion related public services impacts would be less than significant and no mitigation is warranted based on the analysis detailed in EA **Appendix C-7**.

CALIFORNIA HIGHWAY PATROL
601 North 7th Street, Sacramento, CA 95811 | 559-784-7444
800-735-2929 (TT/TDD)
800-735-2922 (Voice)
CALIFORNIA STATE TRANSPORTATION AGENCY
GAVIN NEWSOM, GOVERNOR

September 3, 2026

File No.: 481.17241.18830

Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Suite W-2820
Sacramento, CA 95825

Re: SCH# 2026080702

Dear Ms. Hayden,

The Porterville Area of the California Highway Patrol (CHP) received the "Notice of Completion & Environmental Document Transmittal," State Clearinghouse (SCH) number 2026080702. The CHP's interest in commenting surrounds our concern for public safety, specifically the traffic in the Porterville Area.

The Department's concerns with the potential impacts of this project include the following: increased traffic, changes in traffic congestion patterns, additional enforcement demands, and increased incidents requiring emergency response.

New commercial developments will increase traffic in the area and create an additive effect on congestion. Increased traffic results in an increase in crashes and slower emergency response times which would necessitate the need for additional traffic control measures.

If you have any questions regarding these concerns, please contact me at (559) 784-7444

Sincerely,

T. L. Christolear, Lieutenant
Commander
Porterville Area