

MITIGATED FINDING OF NO SIGNIFICANT IMPACT
California Area Indian Health Service
Tule River Indian Tribe Wastewater Effluent Disposal Improvement Project
Tulare County, California

The California Area Office (CAO) of the Indian Health Service (IHS), an agency within the U.S. Department of Health and Human Services (DHHS) proposes to provide financial assistance to the Tule River Indian Tribe of California (Tribe), under the Sanitation Facilities Construction (SFC) program to improve the Tribe's wastewater effluent disposal system (Proposed Action) located on Tribal trust land adjacent to the Tule River Indian Reservation in Tulare County, California. The Proposed Action will expand the effluent disposal capacity and increase treated effluent storage capacity at the Tribe's wastewater treatment plant (WWTP). The proposed improvements, including 23 new 1-acre spray fields, water lines to connect the spray fields to the WWTP, and an approximately 900,000-gallon storage tank, will augment the current effluent disposal system that is inadequate and failing, allowing the Tribe to properly dispose of treated effluent and prevent off-site discharge. Approximately 1.7 acres would be disturbed during construction. While the overall project area would be 24.7 acres (23 new 1-acre spray fields and installation of the storage tank and water lines), ground disturbance would only occur on the 1.7 acres needed to install the storage tank and water lines.

The purpose of the Proposed Action is to expand the Tribe's wastewater effluent disposal system in order to provide sufficient disposal capacity for existing and planned uses on the Reservation. The proposed improvements would provide for safe and reliable disposal of existing wastewater flows, reducing potential environmental problems associated with the failure of the existing spray fields.

In March 2023, the IHS prepared an Environmental Assessment (EA) dated May 2023 for the proposed improvements. Construction and operation of the spray fields, water lines, and treated effluent storage tank and an evaluation of the requirements for applying for a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit for emergency use through the U.S. Environmental Protection Agency (EPA) constitute the Proposed Action.

The EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321 et seq.; Public Law 91-90), the Council on Environmental Quality regulations [40 Code of Federal Regulations (CFR) 1500-1508] for implementing NEPA, the DHHS General Administrative Manual, Part 30, and the current IHS Environmental Review Manual.

The affected environment, a description of the Proposed Action and analyses of potential impacts are included in the EA, which is incorporated herein by reference. The EA also includes a "No Action Alternative." IHS examined potential impacts to the following environmental resources: air quality, water resources, soils and geologic resources, biological resources, recreation resources, noise, visual resources, historic properties, socioeconomic issues, environmental justice, land use, public services and infrastructure, and hazardous materials. Considering the findings in the EA and lack of comments received from agencies and the public, the IHS has made a determination that the action will not have a significant

impact on the quality of the human environment through implementation of the project's environmental commitments.

The following supports the Mitigated Finding of No Significant Impact:

Air Quality

The Proposed Action was reviewed and analyzed for potential impacts to air quality. During construction, the project's emissions of criteria pollutants would not exceed the National Ambient Air Quality Standards (NAAQS) with the implementation of standard conditions to control fugitive dust and ozone (O₃) emissions. Long term operational emissions would be minor and would not exceed NAAQS standards.

A Conformity Determination is not required under 40 CFR Part 51, Subpart W because emissions will be below federal *de minimis* thresholds.

Water Resources

The Proposed Action was reviewed and analyzed for potential impacts to water resources. During construction, stormwater runoff could affect water resources due to the potential for erosion and sedimentation of runoff. The project will obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities of the U.S. Environmental Protection Agency (EPA), which will require the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and implementation of standard construction Best Management Practices (BMPs). Compliance with the SWPPP will ensure adverse impacts will be temporary and minor. Additionally, the Proposed Action will provide the Tribe with an understanding of the requirements for obtaining an NPDES wastewater discharge permit for emergency use. The Proposed Action will result in a beneficial impact to water resources in the project area, as treated effluent will be properly managed.

Soils and Geologic Resources

The Proposed Action was reviewed and analyzed for potential impacts to soils and geologic resources. Installation of the effluent storage tank could have an adverse impact due to earthwork and blasting required for construction, which could result in a degradation of the character, quality, or stability of soils at the project area. A geotechnical investigation will be conducted prior to construction, and any recommended measures will be implemented during construction to avoid adverse impacts to soils and geologic resources.

Operationally, the Proposed Action will facilitate adequate effluent disposal capacity for the WWTP such that more water will infiltrate rather than run-off, decreasing the potential for erosion and resulting in a beneficial impact on soils in the project area.

Biological Resources

The Proposed Action was reviewed and analyzed for potential impacts to biological resources. No federally threatened and/or endangered listed species and no potentially suitable habitat for listed species were identified within or adjacent to the project area. No designated critical habitat for currently federally listed

threatened or endangered species exists on or near the project area. Therefore, the project construction will have no effect on current federally-listed species.

Minor, adverse and temporary impacts to migratory birds and/or raptors protected under the federal Migratory Bird Treaty Act (MBTA) may occur if construction occurs during the nesting season (generally February 1 to August 31). Pre-construction surveys will be conducted by a qualified biologist if construction activities are to occur during the nesting season to identify and avoid active nests protected under the MBTA.

Historic Properties

The project's Area of Potential Effects (APE) was reviewed and analyzed for potential impacts to historic properties. Based on records searches and a field survey conducted during preparation of a Cultural Resources Survey by ASM Affiliates, Inc., no historic properties were found within the APE. However, based upon past survey reports, historic and ethnographic information, consideration of settlement patterns, and the presence of known historic properties in the vicinity of the APE, there is a potential for discovery of unrecorded or unknown subsurface resources during construction and grading activities. Therefore, to avoid potential adverse effects to historic properties during construction, at the discretion of the Tribe's Department of Environmental Protection, a tribal monitor may be retained to be on-site to flag avoidance areas and monitor the project-related ground-disturbing construction activities within previously undisturbed soils. Additionally, construction documents are required to include a measure for the actions to take should a resource be discovered during construction activities.

IHS sent a letter to the State Historic Preservation Office (SHPO) on April 19, 2023, to request concurrence with IHS's finding that the proposed improvements will result in a "No Historic Properties Affected" determination at the Site. A letter response from the SHPO was received on May 19, 2023, concluding that pursuant to 36 CFR §800.4(d), the SHPO agrees with IHS's finding of "No Historic Properties Affected."

Socioeconomic Issues and Environmental Justice

The Proposed Action was reviewed and analyzed for potential social, economic, and environmental justice impacts. The Reservation is considered an environmental justice community. Overall, the project's impact on the residents of the Reservation would be positive, as the project would improve overall health conditions, accommodate the needs of current and future planned housing units, and improve the physical environment near the WWTP. No sensitive receptors or environmental justice communities are located near the Site that would be impacted by construction activities.

Other Resources

The project was found to have insignificant or beneficial impacts on the following resources and/or issues due to the nature and/or location of the Proposed Action: Recreation Resources, Noise, Visual Resources, Land Use, Public Services and Infrastructure, and Hazardous Materials. Additionally, no significant adverse cumulative impacts would result from the Proposed Action.

Public Review

The EA, Notice of Availability, and Mitigated Finding of No Significant Impact (FONSI) were posted on the IHS website. The IHS/CAO made these documents available for a 30-day review period, June 26, 2023 to July 26, 2023. Copies of the documents were also available at the locations listed below.

Tule River Department of Environmental Protection 32657 Reservation Road Porterville, CA 93257	Indian Health Service Clovis Field Office 613 Harvard Avenue, Suite 101 Clovis, CA 93612
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Tule River Tribal Administration Office 340 Reservation Road Porterville, CA 93257	Tule River Tribal Justice Center 129 S. Reservation Road Porterville, CA 93257
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The IHS took no administrative action on the above-described project, prior to expiration of the comment period and review of all comments received.

Finding

After review of the EA, and due to the lack agency and public comments received, the IHS/CAO has determined the proposed project will have no significant impact on the quality of the human environment through the implementation of the project's mitigation commitments; therefore, requiring the preparation of an Environmental Impact Statement is not warranted.

The Mitigated FONSI is hereby approved and will be available to any agency or individual upon request at Donna M. Meyer, CEM, HPS, Environmental Protection Specialist, 650 Capitol Mall, Suite 7-100, Sacramento, CA 95814, 916-930-3981 x 342, donna.meyer@ihs.gov.

Approved:

Date:

Beverly Miller
Director
California Area Indian Health Service