

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

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**Draft Environmental Impact Statement and Draft Conformity Determination for the Tejon Indian Tribe's Proposed Fee-to-Trust Acquisition and Casino Resort Project, Kern County, California**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Tejon Indian Tribe (Tribe), Kern County (County), National Indian Gaming Commission (NIGC), and the U.S. Environmental Protection Agency (EPA) serving as cooperating agencies, intends to file a Draft Environmental Impact Statement (DEIS) with the EPA in connection with the Tribe's application for acquisition in trust by the United States of approximately 306 acres for gaming and other purposes to be located west of the Town of Mettler, Kern County, California. This notice also announces that the DEIS is now available for public review and that a public hearing will be held to receive comments on the DEIS.

**DATES:** Comments on the DEIS must arrive no later than 45 days after publication of this notice in the **Federal Register**. The date and time of the public hearing will be announced at least 15 days in advance through a notice to be published in a local newspaper (the *Bakersfield Californian*) and online at <http://www.tejoneis.com>.

**ADDRESSES:** You may submit written comments:

- *By mail or hand-delivery to:* Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, CA 95825. Please include your name, return address, and "DEIS Comments, Tejon Indian Tribe Casino Project" on the first page of your written comments.

- *By email to:* Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov), using "DEIS Comments, Tejon Indian Tribe Casino Project" as the subject of your email.

The DEIS will be available for public review at:

- BIA Pacific Region, 2800 Cottage Way, Sacramento, CA 95825
- Kern County Public Library, Lamont Branch, 8304 Segreue Road, Lamont, CA 93241
- <http://www.tejoneis.com>.

The location of the public hearing will be announced at least 15 days in advance through a notice to be published in a local newspaper (the *Bakersfield Californian*) and online at <http://www.tejoneis.com>.

**FOR FURTHER INFORMATION CONTACT:**

Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, telephone: (916) 978-6165; email: [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov).

**SUPPLEMENTARY INFORMATION:** Public review of the DEIS is part of the administrative process for the evaluation of the Tribe's application to the BIA for the placement of approximately 306 acres of fee land in trust in Kern County, California. The Tribe proposes to construct a casino resort on the trust property. A Notice of Intent (NOI) to prepare an EIS was published in the *Bakersfield Californian* and **Federal Register** on August 13, 2015. The BIA held a public scoping meeting for the project on September 1, 2015, at the East Bakersfield Veteran's Building, in Bakersfield, California.

**Background**

The Tribe's proposed project consists of the following components: (1) The Department's transfer of the approximately 306-acre fee property into trust status; (2) issuance of a determination by the Secretary of the Interior pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.*; (3) the approval of a management contract by the Chairman of the National Indian Gaming Commission under 25 U.S.C. 2711; and (4) the Tribe's proposed development of the trust parcel and the off-site improvement areas. The proposed casino resort would include a hotel, convention center, multipurpose event space, several restaurant facilities, parking facilities, a recreational vehicle (RV) park, fire, and sheriff stations and associated facilities.

The following alternatives are considered in the DEIS: (1) Proposed Project; (2) Reduced Intensity Hotel and Casino; (3) Organic Farm; (4) Alternate Site for the Proposed Project; and (5) No Action Alternative. Environmental issues addressed in the DEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice), transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects. In accordance with Section 176 of the

Clean Air Act, 42 U.S.C. 7506, and the EPA general conformity regulations 40 CFR part 93, subpart B, a Draft Conformity Determination (DCD) has been prepared for the proposed project. The Clean Air Act requires Federal agencies to ensure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards for criteria air pollutants. The BIA has prepared a DCD for the proposed action/project described above. The DCD is included in Appendix N of the DEIS.

*Locations Where the DEIS Is Available for Review:* The DEIS is available for review during regular business hours at the BIA Pacific Regional Office at the address noted above in the **ADDRESSES** section of this notice. To obtain a compact disc copy of the DEIS, please provide your name and address in writing or by phone to Chad Broussard, Bureau of Indian Affairs, Pacific Regional Office. Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Individual paper copies of the DEIS will be provided upon payment of applicable printing expenses by the requestor for the number of copies requested.

*Public Comment Availability:* Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

*Authority:* This notice is published pursuant to Sec. 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and Sec. 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting

requirements for conformity determinations.

**Tara Sweeney,**

*Assistant Secretary—Indian Affairs.*

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

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#### Notice of Availability of the Final Environmental Impact Statement for the Proposed Competitive Mineral Materials Sale (COC–078119) at Parkdale, Fremont County, CO

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, the Bureau of Land Management (BLM) Royal Gorge Field Office, Canon City, Colorado, has prepared a Final Environmental Impact Statement (EIS) for a proposed competitive mineral materials sale at Parkdale, Fremont County, Colorado, and by this notice is announcing its availability.

**DATES:** The BLM will not issue a final decision until July 13, 2020.

**ADDRESSES:** Copies of the Final EIS for the Proposed Competitive Mineral Materials Sale (COC–078119) at Parkdale, Fremont County, Colorado are available for review by appointment at the BLM Royal Gorge Field Office, 3028 East Main Street, Canon City, CO 81212. Please call (719) 269–8500 to request an appointment. The Final EIS is also available online at <https://go.usa.gov/xy6tn>. Click the “Documents” link on the left side of the screen to find the electronic version of the document.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Carter, Geologist; telephone: (719) 269–8551; address: 3028 East Main Street, Canon City, CO 81212; email: [sscarter@blm.gov](mailto:sscarter@blm.gov). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact Ms. Carter during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The BLM has prepared a Final EIS to evaluate an

application from Martin Marietta Materials, Inc. for a contract to mine 400-million net tons of aggregate reserves located on BLM managed lands, adjacent to their existing hard rock quarry northwest of Canon City, Colorado. The aggregate reserves consist of a granodiorite bedrock that will be mined utilizing blasting, crushing, and screening methods. The mining activity would be conducted on up to approximately 700 acres of BLM lands for up to 100 years, at a production of 4-million tons annually. The aggregate would be used in the production of asphalt and concrete, as well as a source of railroad ballast.

On July 31, 2019, the BLM published a Notice of Intent to prepare an EIS, initiating public scoping to identify issues through public participation and collaboration with partners (84 FR 37334). Initial scoping with internal staff, cooperating agencies and the public identified concerns related to air quality, inventoried lands with wilderness characteristics, wildlife and plant habitat, visual resources, as well as local and regional economies.

The purpose of this action is to respond to the applicant’s request to obtain a renewable competitive contract to sell mineral materials located immediately adjacent to the existing Parkdale Quarry in Fremont County, Colorado. The need for the action is based on the BLM’s multiple-use mission as set forth in FLPMA, which mandates that the public land resources be managed for a variety of uses, including mining. Pursuant to 30 U.S.C. 1602, the project would assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy and national security, and facilitate development of domestic resources to meet critical materials needs.

The BLM published a Notice of Availability on February 7, 2020, announcing the public comment period for the Draft EIS (85 FR 7329). The Draft EIS included alternatives that responded to the purpose and need, quantified the impacts to visual resources and air quality, and addressed strategies to minimize impacts to bighorn sheep populations. The Draft EIS was available for a 45-day public comment period. The BLM hosted a public meeting on February 26, in Canon City, Colorado, and received 145 comment submissions.

The Draft EIS evaluated in detail the Proposed Action (Alternative A), the No Action Alternative (Alternative B) and one action alternative (Alternative C). After the public comment period closed, the BLM prepared a Final EIS, which

reflects changes and adjustments based on information received during both internal and public comment on the Draft EIS. These changes specifically target surface and groundwater monitoring, design features, the mitigation framework, a more detailed performance-based reclamation protocol and revocation of two federal water reserve withdrawals.

In all alternatives, reclamation would be ongoing, following mining activity in an area, as soon as conditions would be feasible. Details of Alternative A include: Mined material would be used for concrete, asphalt, and railroad ballast products and would take place on approximately 700 acres of BLM-administered public lands for up to 100 years; the southwestern boundary of the proposed mining area would border the Arkansas River Canyonlands Area of Critical Environmental Concern (ACEC); surface mining would progress in five phases; mining direction for each phase would be from northwest to southeast, creating a “mine from behind” visual scenario from the Highway 50 corridor. Alternative B (no action) does not include any Federal interests and involves the continuation of surface mining on the existing private aggregate reserves, anticipated to last 15–30 years, with aggregate produced only for concrete and asphalt products. Alternative B consists of three phases, with the mining direction for phases 1 and 2 being west to east and phase 3 being north to south. Details on Alternative C include: Mined material would be used for concrete, asphalt, and railroad ballast products and would take place on approximately 633 acres of BLM-administered public lands for up to 100 years; the boundary of this footprint would not border the Arkansas River Canyonlands ACEC; surface mining would progress in six phases; mining direction for each phase would vary, so a “mine from behind” visual scenario from the Highway 50 corridor may not always be achieved.

The BLM did not identify a preferred alternative in the Draft EIS, but has identified a preferred alternative (Alternative A) in the Final EIS, as required by the Council on Environmental Quality regulations. Alternative A includes the footprint that appears to minimize the effects to visual resources from key observation points, and groundwater in areas to the south, as it relates to the proposed mining. The BLM considered comments on the Draft EIS received from the public, cooperating agencies and internal BLM review, and made changes in the Final EIS as appropriate. Public comments resulted in adding clarifying text and