



# United States Department of the Interior

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HOPI AGENCY  
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IN REPLY REFER TO:  
Office of the Superintendent

## FINDING OF NO SIGNIFICANT IMPACT

### **Tawa'ovi Community Development Project Hopi Tribe Bureau of Indian Affairs, Hopi Agency**

The attached Final Programmatic Environmental Assessment (PEA) analyzes the approval of a Master Lease Agreement for the proposed 463.75-acre Tawa'ovi Community Development project (Tawa'ovi Community) on Hopi Partitioned Lands. The Proposed Action requires Bureau of Indian Affairs (BIA) approval of a long-term master lease involving subleases for commercial, institutional, and residential property, to allow both Hopi and non-Hopi tenants to lease space in the new facilities.

The PEA analyzed the typical effects anticipated as a result of the individual actions that make up a program, as well as the total effects of the overall program (master lease approval). The project description (see Proposed Action in Chapter 2 of the PEA) of the proposed master plan is conceptual. The conceptual nature of the Project is the reason a PEA was prepared. Separate environmental documents can and will need to be prepared in support of an individual action and can be tiered to this PEA.

Based on the "Tawa'ovi Community Development Project Programmatic Environmental Assessment" (September 2013), I have determined that by implementation of the Proposed Action and best management practices specified in the PEA, the proposed Project will have no significant impact on the quality of the human environment. In accordance with Section 102(2) (c) of the National Environmental Policy Act of 1969, as amended, an Environmental Impact Statement is not required.

This determination is supported by the following:

1. The PEA discloses the environmental consequences of the Proposed Action and the "no action" alternatives. The Proposed Action does not constitute a major federal action significantly affecting the quality of the human environment.
2. Agency and public involvement was conducted during the development of the Draft PEA.
  - a. A scoping notice was mailed to federal, state, local, and Tribal agencies on October 9, 2012. The public scoping notice was also posted at the local U.S. Post Offices, Hopi Village Community Service Centers, and the BIA Hopi Agency headquarters in Keams Canyon,

Arizona. In addition, the scoping notice was published in the October 2, 2012 edition of the tribal newspaper, *Hopi Tutuveni*, and the October 10 and 17, 2012 newsprint editions of the *Navajo-Hopi Observer*. The project was also announced in the community calendar segment of the local 88.1 FM KUYI radio station from October 15 to November 1, 2012. Mailing, publication, and posting of the scoping notice initiated a 30-day public and agency scoping period, during which the public had the opportunity to provide input on potential issues to be addressed in the PEA.

- b. The BIA and Hopi Tribe hosted six public scoping meetings between October 23 and November 1, 2012. The meetings were held in Polacca, (First Mesa), Second Mesa, Hotevilla, (Third Mesa), Kykotsmovi, Flagstaff, and Phoenix, Arizona. These meetings served to provide information on project planning activities to date and to give members of the public the opportunity to ask questions or make comments.
  - c. The Hard Rock Chapter in Hard Rock, Arizona of the Navajo Nation requested a separate meeting for their chapter. Members of the BIA and Tawa'ovi Community Development Team (TCDT) presented information to the Hard Rock Chapter on November 5, 2012.
  - d. Eight written comments were received during the scoping period; oral comments made at each scoping meeting were noted by TCDT's consultants from Thompson Pollari Studio and SWCA Environmental Consultants. Those comments are considered in the scoping summary (see Appendix B of the PEA).
3. The Project area was reviewed and analyzed for Land Resources (topography, soils, and geology, minerals and paleontological resources), Water Resources (surface and groundwater and water quality), Living Resources (vegetation, wildlife, and agriculture), Cultural Resources (cultural setting, historical and archaeological resources, cultural and religious traditional cultural properties), Socioeconomic Conditions (demographic trends, employment and income, housing, community infrastructure, lifestyle and cultural values, tourism and environmental justice), Resource Use Patterns (transportation networks and current land uses/land use plans), and Other Values (public health and safety, visual, noise and light, and climate change).
- a. The Proposed Action would result in negligible impacts to land resources, and public health and safety, minor impacts to water resources, and negligible to moderate impacts to living resources. See Table 4-1 of the final PEA.
4. Implementation of the Proposed Action would result in a change in land use of the area from livestock grazing to residential housing, commercial businesses, institutional offices, and recreational use; this would be a loss of acres available for livestock grazing within Range Unit 351. The project area would impact one of the six pastures within Range Unit 351. It is expected that up to 12 animal units per year long will be displaced by the development. In addition, the Proposed Action could have indirect impacts to a nearby corral used by Harry Nutumya who ranches the area; the lands are permitted for grazing by Garland Nuvakuku. The corral lies within close proximity to the project area, and would most likely become unsuitable for cattle due to the increased development.
5. The Project area was reviewed and analyzed for living resources impacts. No designated critical habitat for any threatened or endangered species exists on or near the proposed project area. Suitable habitat for all threatened and endangered species with the potential to occur within Navajo County

does not exist within the proposed project area; therefore the Proposed Action alternative will not impact, and will have no effect on, any federally listed species. Best management practices for living resources, specifically condors, will be implemented as described in Chapter 2 of the PEA and below and will be implemented for the Project.

6. The Project area was reviewed and analyzed for cultural resource impacts. Although eight archaeological sites have been identified in the project footprint, consultation with the Arizona State Historic Preservation Office (SHPO) concluded that no historic properties would be affected by the Proposed Action if the sites are avoided during development (SHPO 2012). Best management practices for cultural resources, will be implemented as described in Chapter 2 of the PEA and below and will be implemented for the Project.
7. The Project area was reviewed and analyzed for environmental justice, social and economic impacts. The Hopi Reservation is considered an environmental justice community (minority and low-income). Implementation of the Proposed Action would result in short- and long-term employment opportunities, potentially leading to an increase in local resident income. Development of housing and associated facilities at Tawa'ovi would raise the availability of housing on the Reservation that includes full plumbing and other utility access. No disproportionately high or adverse impacts to environmental justice communities are anticipated.
8. No impacts to public health and safety are anticipated to occur as a result of the Proposed Action. The Proposed Action would result in generation of domestic trash, which would be accommodated by the Office of Solid Waste Management. The project is not expected to generate or utilize hazardous chemicals during construction.
9. The PEA discusses cumulative effects in Chapter 4. No detrimental or significant cumulative effects were identified. Approval BIA of the Master Lease would enable the Hopi Tribe to generate new revenues, both directly through leasing of facilities and indirectly by attracting customers to other cultural and recreational amenities in the immediate area. This would have the potential cumulative effect of contributing to greater employment opportunities, delivery of quality services and improved quality of life for Tribal members.
10. Best management practices will be implemented to minimize impacts to Land Resources Water Resources, Living Resources, Cultural Resources, Socioeconomic Conditions, Resource Use Patterns, and Other Values. All best management practices are described in Chapter 2 of the PEA and below and will be implemented for the Project.

### **Best Management Practices LIVING RESOURCES**

- Construction activities would be conducted in a manner that would minimize disturbance to existing vegetation by limiting vegetation thinning and restricting construction activities to the extent possible.
- If any Migratory Bird Treaty Act-protected bird with an active nest is observed before or during construction, measures would be taken to protect the nest (USFWS 2012a)

- An on-site staging area for heavy equipment would be identified to protect existing vegetation surrounding the project area from damage during construction.
- A noxious weed management plan would be developed and implemented. The plan could include elements such as plan implementation responsibility, monitoring and inventory, if needed, etc.
- All re-seeded sites would be monitored. Preference would be given to perennial native bunchgrasses for seeding (low nutrient-demanding) and preferred grasses for grazing in applicable adjacent grazing areas.
- If a condor occurs at the project, cease construction activities until the condor leaves on its own or techniques are employed by permitted personnel that result in it leaving the area.
- Instruct construction workers and supervisors to avoid interaction with condors and to immediately contact the Hopi Tribe Wildlife and Ecosystem Management Program, or Peregrine Fund personnel (928-355-2270) if a condor occurs at a project site.
- Clean up the project site at the end of each day work is being conducted (e.g., remove trash and scrap materials) to minimize the likelihood of condors visiting the site. Monitor the area to ensure adequate clean-up measures are taken.
- To prevent water contamination and potential poisoning of condors, develop a vehicle fluid-leakage and spill plan. The plan would include provisions for immediate clean-up of any hazardous substance and define how each hazardous substance will be treated in case of leakage or spill.

#### **LAND RESOURCES**

- Drainage structures would be installed and maintained in roads to reduce concentration of water runoff. Road drainages would direct flow into stable areas of vegetation and cover and could potentially feed agricultural fields located adjacent the housing villages.
- New culvert outfalls would be installed with either riprap or another form of energy dissipater, if applicable.
- Roads would be graveled or have erosion structures installed where activities cross a drainage, if needed.

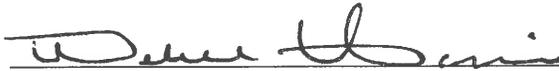
#### **WATER RESOURCES**

- Roads would be maintained in a manner that provides for water quality protection.
- Regulations and procedures outlined in the Hopi Water Code (Daniel B. Stephens and Associates, Inc. [Stephens] 1997) would be implemented and integrated into surface water use and groundwater use plans.
- As there are no tribal drainage standards, Navajo County drainage criteria will be followed for best engineering practices and post-development peak stormwater discharge rates will not exceed existing discharge rates.
- Steps to protect the proposed development from the 100-year flood event will include an earthen berm on the southeast side to protect the septic lagoon and finished floor elevations of structures to be constructed at least one-foot above the 100-year, 6-hour high water surface elevation.

- If effluent water is discharged into Oraibi Wash, a National Pollutant Elimination Discharge Elimination System (NPDES) permit would be required. The NPDES permit is required by the Clean Water Act for any discharge of wastewater or stormwater into a water of the United States. Environmental Protection Agency (EPA) Region 9 issues NPDES permits for wastewater and stormwater discharges on Tribal lands in Arizona, in compliance with Section 402 of the Clean Water Act.
- Future projects with proposed ground disturbance would need to evaluate the potential for waters of the U.S. on-site and coordinate with the Hopi Water Resources Program and U.S. Army Corps of Engineers regarding Clean Water Act Section 401 and Section 404 compliance and permitting. The Hopi Tribe administers Section 401 of the Clean Water Act, as delegated by EPA Region 9.

### CULTURAL RESOURCES

- A Historic Properties Treatment Plan (HPTP) will be developed in consultation with the Hopi Cultural Preservation Office, BIA, and SHPO. At a minimum, the HPTP will indicate that all National Register of Historic Properties -eligible sites would be avoided, and that no ground-disturbing activities will take place within cultural site boundaries.



3/19/2014

Wendell Honanie  
Agency Superintendent  
Hopi Agency  
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U.S. Department of the Interior

Date