



## Paiute Indian Tribe of Utah Springdale Fee to Trust Land Acquisition Project



### NEPA PROCESS

#### What is NEPA?

The National Environmental Policy Act (NEPA) is an environmental law passed by Congress that established a national policy promoting the enhancement of the environment. The law set up procedural requirements for federal agencies to prepare environmental documents that examine the environmental effects of their proposed federal actions.

The NEPA process consists of an evaluation of relevant environmental effects of a proposed federal action and includes a series of pertinent alternatives. The NEPA process starts when a federal agency develops a proposal to address a need to take an action. Once the determination has been made that the proposed action is covered under NEPA, there are three levels of analysis that the federal agency may undertake to comply with the law. These levels include:

- The preparation of a **Categorical Exclusion (CE)**, which is a category of actions that the Agency has determined do not individually or cumulatively have a significant effect on the quality of the human environment;
- The preparation of an **Environmental Assessment (EA)** to determine the significance of the environmental effects and to look at alternative means to achieve the Agency's objectives. The EA is intended to be concise. It should briefly provide sufficient information and analysis for determining whether to prepare an EIS. It should aid an Agency's compliance with NEPA when no environmental impact statement is required. If, after the drafting of the EA, no significant effects on the environment are found the Agency will draft a Finding of No Significant Impact (FONSI);
- The preparation of an **Environmental Impact Statement (EIS)** is prepared when preliminary investigation has determined that there are significant effects to the human environment. The EIS is a more detailed evaluation of the potential environmental impacts when compared to the contents of the EA.

Public involvement activities for an EA range from notifying those directly affected by the proposed action to providing review drafts for public comment and conducting workshops and meetings.

#### NEPA Process Steps for the PITU Fee to Trust Land Acquisition Project

- PITU submitted an application for Fee to Trust Land Acquisition to the BIA Southern Paiute Agency in spring 2014 at which time the project commenced.
- The Bureau determined that an EA level analysis of the fee to trust application would be necessary.
- Scoping letters were sent out on July 8, 2014 to adjacent landowners, local and state agencies, and other interested parties.
- A public scoping meeting will occur on July 22, 2014 at the Hampton Inn & Suites in Springdale, Utah to present the public with project information and solicit comments and concerns. The 30-day public scoping period will end on August 22, 2014.

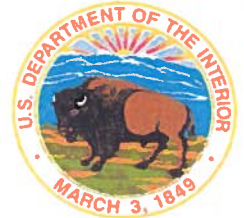
## **AGENDA ITEM # II. (Continued)**

- Issues identified in the scoping process will be used in developing a range of alternatives to be analyzed in the Draft EA.
- The Draft EA will identify potential impacts of the Proposed Action and alternatives on environmental, cultural, and social resources. The cumulative effects of the Project, when combined with past, present, and reasonably foreseeable actions, will also be evaluated.
- The Draft EA will be made available for public review through direct mailings and via posting on the Internet. A 30-day public availability period will follow.
- The BIA will review public comments received on the Draft EA and prepare the Final EA, incorporating substantive comments, changes, corrections, and revisions. The Final EA is scheduled to be completed by winter 2014.
- Concurrently, the BIA will prepare a FONSI or, if significant impacts are anticipated, determine that an Environmental Impact Statement is required. The Final EA and FONSI will be made available through direct mailings and via posting on the Internet. A 30-day appeal period will follow.

## **AGENDA ITEM # II. (Continued)**



### **Paiute Indian Tribe of Utah Springdale Fee to Trust Land Acquisition Project**



The Paiute Indian Tribe of Utah (PITU) has submitted a Fee to Trust Land Acquisition Application to the Bureau of Indian Affairs (BIA) for transfer of private lands (i.e., fee lands) into federal trust. The land transfer would be in accordance with procedures set forth in 25 Code of Federal Regulations (CFR) Part 151 (Land Acquisitions). This trust action would shift civil regulatory jurisdiction over the parcels from the State of Utah (State), Washington County (County), and the town of Springdale, to the Tribe and the federal government. The State and County would continue to exercise criminal jurisdiction under 18 U.S.C. § 1162 (Public Law 280) and other federal laws pertaining to jurisdiction in Indian country.

#### BIA Fee to Trust Process

The Indian Reorganization Act (IRA) [48 Stat. 984, 25 U.S.C. § 461 *et seq.* (June 18, 1934)] provides the Secretary of the Interior (Secretary) with the discretion to acquire trust title to land or interests in land. Once an application is received by the BIA, a Notice of Application is prepared to inform state and local governments, including tribal governments, having regulatory jurisdiction over the proposed acquisition property and/or any person or entity submitting a written request for notice, that they have 30 days to submit comments. Among other documentation, an Environmental Compliance Review is conducted that includes NEPA compliance, a pre-acquisition Environmental Site Assessment (602 DM 2), and National Historic Preservation Act Section 106 compliance. An analysis and Notice of Decision must be prepared that present statutory authority for the acquisition and any limitations contained in such authority, the need of the tribe for additional land, the purposes for which the land will be used, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls, jurisdictional problems and potential conflicts of land use which may arise, NEPA compliance, 602 DM 2 (Land Acquisitions: Hazardous Substances Determinations) compliance, and analysis of comments and concerns by state and local governments and other interested parties. The process concludes with the acceptance of conveyance, the final title opinion and recordation, and recording at the Land Titles and Records office.

#### NEPA Process

The National Environmental Policy Act (NEPA) was passed by Congress in 1969 and signed into law on January 1, 1970. This legislation encourages environmental protection and informed decision-making by Federal Agencies. An Environmental Assessment (EA) will be prepared to analyze the effects of the Fee to Trust Land Acquisition and to determine if an Environmental Impact Statement is required. The applicant has arranged with a third party for the preparation of the technical documents, resources inventories, assessments, and the EA preparation for the review and consideration of the BIA as part of its decision-making process.

## ***AGENDA ITEM # II. (Continued)***

### Purpose and Need for the Project

According to the implementing regulations of the IRA, the Secretary is required to review all requests to take land into trust (25 CFR 151.12). The Secretary is also required to consider several criteria in evaluating requests for the acquisition of land in trust status, including the need of the tribe for additional land, the purposes for which the land would be used, jurisdictional problems and potential conflicts of land use which may arise, whether the BIA is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status, and whether the departmental policy to minimize the potential liability of the Department by acquiring real property that is not contaminated is met (25 CFR 151.10).

The fee land is located near Zion National Park in Springdale in Township 42 South, Range 10 West, Section 31 in Washington County, Utah. The site is currently accessed via dirt road off of State Route 9. The PITU proposes to take the 174 acres of private land into trust (Proposed Action) to ensure the continued social and economic independence and well-being of its members. The proposed trust acquisition would allow the Tribe to meet the following goals:

- Allow the Tribal Government to exercise its sovereign authority over its trust lands, and protect and enhance the wellbeing of Tribal members.
- Provide additional infrastructure for Tribal members.
- Expand and diversify economic development activities compatible with the existing setting and land uses along SR-9 in Washington County, Utah.
- Increase the acreage of land within the PITU reservation as provided for in 25 U.S.C. 766(c).

Acquisition of the parcel by the United States would help the Tribe meet its long-term goals of preservation of the history and culture of the Paiute People through development of a cultural center and museum. These facilities would provide a place for the PITU to display their history and culture for future generations. It would also provide increased tribal revenues, employment and managerial experience for Tribal members, diversify tribal economic development, and continued/enhanced economic self-sufficiency. In addition to the cultural center and museum, development of the parcel would include small retail shops and gradually add new facilities and services. The development may eventually include such things as craft shops, food service facilities, lodging facilities, primitive cultural sites, hiking trails, tribal housing, and educational facilities. The trust acquisition of the land would allow Tribal governance over the property, thereby enhancing the Tribes' ability to continue to build economic self-sufficiency through diversified tribally-governed commercial enterprises. The Tribal government would be able to fully exercise its sovereignty over the future growth of this property.



**Paiute Indian Tribe of Utah  
Springdale Fee to Trust Land Acquisition  
Scoping Meeting  
Comments**



**Name:** \_\_\_\_\_ **County:** \_\_\_\_\_

**Title:** \_\_\_\_\_ **Organization:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State and Zip:** \_\_\_\_\_

**Email:** \_\_\_\_\_

Please check box if you want to receive the notice of availability of the Environmental Assessment.

**Comments:**

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Please return this completed comment sheet by either depositing it in the Comment Box tonight or via mail to: BIA Southern Paiute Agency Office, P.O. Box 720, St. George, UT 84770. If you have questions contact Paul Schlafly, Project Lead at (435) 674-9720 or e-mail: paul.schlafly@bia.gov.