

APPENDIX N

*COASTAL ZONE MANAGEMENT ACT FEDERAL
CONSISTENCY DETERMINATION*



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

MAR 3 2005

Mr. Mark Delaplaine, Federal Consistency Supervisor
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94106-2219

Dear Mr. Delaplaine:

The Bureau of Indian Affairs has reached a Coastal Consistency Negative Determination, in compliance with 15 CFR, Section 930.35 (a) of the National Oceanic and Atmospheric Administration, Federal Consistency Regulations regarding the potential federal action of acquiring the Martin Ranch, consisting of approximately 203.5 acres in Del Norte County, into Federal trust for the Elk Valley Rancheria. It is the Bureau's determination that the proposed development, subsequent to the potential acquisition, will be undertaken in a manner consistent to the maximum extent practicable, with enforceable policies of the Coastal Zone Management Program.

Approximately one half of the property proposed for trust acquisition is within the Coastal Zone. Elk Valley proposes to develop a destination resort including a hotel, conference center, casino and parking facility on portions of the property located adjacent to, but completely outside the Coastal Zone.

The site layout was designed to preserve considerable open space. Based on the initial environmental evaluation of the proposal, numerous changes have been made to avoid sensitive habitats and surface waters. Multiple mitigation measures and Best Management Practices will be implemented to address potential adverse impacts to water quality, drainage facilities, wetlands and special status species.

In summary, activities within the Coastal Zone will be confined to the proposed trust acquisition of the property and the improvement of an existing access road. Utility access will not be through the Coastal Zone portions of the property. Additionally, activities proposed on adjacent lands to the Coastal Zone will be consistent with the enforceable policies of the Local Coastal Plan; which currently allow for the creation of single-family dwellings on five-acre parcels, dairies, orchards, multi-unit greenhouses, row crops and agricultural structures. In terms of potential impacts to coastal resources, the proposed use within the Coastal Zone is considered comparable with the current allowable uses.

We believe the primary development constraints of the Coastal Zone portions of the property are the wetlands present on the property. These wetlands are suitably designated as the Resource Conservation Area (RCA). Allowable uses for the wetland areas designated RCA are wetland restoration, recreational trails, hunting and fishing, wells, agriculture and maintenance. Enforceable provisions of the Clean Water Act will remain in effect post-acquisition, assuring that the RCA remains undeveloped.

In conclusion, enclosed for your review is a copy of the Draft Environmental Impact Statement, which provides a detailed description of the proposed activities and their coastal effects, as well as, comprehensive data and information sufficient to support the Bureau's consistency determination. We would appreciate the California Coastal Commission's concurrence with our determination as soon as possible within the 90 day consistency period as suggested at 15 CFR 930.36.

If you have any questions, please contact John Rydzik, Chief, Division of Environmental, Cultural Resource Management and Safety (DECRMS) at (916) 978-6042.

Sincerely,



Director, Pacific Region
Bureau of Indian Affairs

Enclosure

cc: Dale Miller, Chairman, Elk Valley Rancheria
David Zweig, Analytical Environmental Services