

BUREAU OF INDIAN AFFAIRS

FINAL CONFORMITY DETERMINATION for the Wilton Rancheria Fee-to-Trust and Casino Project, City of Elk Grove, Sacramento County, California.

AGENCY: Bureau of Indian Affairs, Department of the Interior

ACTION: Notice of Availability of Final Conformity Determination

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), in accordance with Section 176 of the Clean Air Act 42 U.S.C. 7506, and the EPA general conformity regulations 40 Code of Federal Regulations (CFR) Part 93, Subpart B, has prepared a Final Conformity Determination (FCD) for the Wilton Rancheria Fee-to-Trust and Casino Project, located in the City of Elk Grove, Sacramento County, California (Preferred Alternative).

SUPPLEMENTARY INFORMATION: The FCD was prepared for the proposed fee-to-trust acquisition of approximately 36 acres of land on which the Tribe proposes to construct a casino, hotel, parking areas, and other facilities. The approximately 36-acre project site is located within the incorporated boundaries of the City of Elk Grove, Sacramento County, California, just west of State Route (SR) 99.

Alternative F, the Preferred Alternative, consists of a casino-hotel resort, totaling approximately 608,756 square feet in area. The casino-hotel resort would include restaurants, a 302-room hotel, convention center, retail space, fitness center, and pool and spa.

The Clean Air Act requires federal agencies to assure that their actions conform to applicable state implementation plans for achieving and maintaining the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants. Conformity regulations apply to Federal actions that would result in emissions of criteria air pollutants above applicable *de minimis* levels in locations designated as non-attainment or maintenance areas for the emitted pollutants. The project site is located in within the Sacramento Valley Air Basin (SVAB), which has been designated as nonattainment for particulate matter 2.5 microns in size and severe nonattainment for 8-hour ozone (VOCs and NO_x).

A March 2015 Draft General Conformity Determination was prepared for Alternative A (the alternative with the highest potential to emit criteria air pollutants) and circulated for public review and comment in accordance with 40 (CFR) Part 93, Sections 93.150 through 93.165. The 2015 Draft General Conformity Determination focused on the conformity issues related to Alternative A at the Twin Cities site located in Sacramento County just north of the City of Galt, California. The 45-day public comment

period on the 2015 Draft General Conformity Determination began on December 29, 2015 and ended February 11, 2016. The BIA received two written comment letters during that time, which were considered when preparing the Revised General Draft Conformity Determination.

Since the release of the Draft EIS and 2015 Draft General Conformity Determination, Alternative F has been selected by the BIA as the Preferred Alternative. Accordingly, in December 2016, the BIA prepared a Revised Draft General Conformity Determination for Alternative F (as described above) and circulated it for public review and comment in accordance with 40 CFR Part 93, Sections 93.150 through 93.165. The Notice of Availability of the Revised General Draft Conformity Determination was published in the *Federal Register* on December 14, 2016 (Volume 81, pages 90379-90380), and was also published in local and regional newspapers, including *The Sacramento Bee* on December 9, 2016, *The Elk Grove Citizen* on December 14, 2016, and *The Galt Herald* on December 14, 2016. The 2016 Revised Draft General Conformity Determination was also mailed to the appropriate federal agencies, federal land managers, Native American tribes, state agencies, counties, and air districts on December 9, 2016. The public comment period on the Revised Draft General Conformity Determination ended January 17, 2017. The BIA received three written comment letters during this comment period and made appropriate revisions that are reflected in the FCD, which is dated January 2017. The FCD also includes an attachment with BIA responses to all comment letters received during the comment periods for the 2015 Draft General Conformity Determination and 2016 Revised Draft General Conformity Determination. The FCD has now been issued by the BIA.

FOR FURTHER INFORMATION: The FCD is available on the following website:

<http://www.wiltoneis.com>. If you have a question, or to obtain a copy of the FCD, please provide your name and address in writing or by voicemail to John Rydzik, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, California 95825, (916) 978-6051, john.rydzik@bia.gov.