

## 4.17 INDIAN TRUST ASSETS

### 4.17.1 Summary of Environmental Consequences

Significant but potentially mitigable impacts may occur to Indian Trust Assets (ITAs) with the No Action Alternative and Alternatives 1, 2, 3, 4, and 5.

### 4.17.2 Significance Criteria

Potential impacts to ITAs primarily stem from any actions that affect Indian lands or real properties in the project area. The measure of impact significance on ITAs can be determined based on the monetary value of the assets to the Indian tribe (Reclamation 1994). While this value is best determined after discussion with the applicable tribal group, the final determination of ITA status is a legal issue that can be resolved in consultation with the solicitor.

### 4.17.3 Assessment Methods

Impact assessments for ITAs are based on the type of asset, the monetary value of the asset, and the type and extent of disturbance to the asset or its value from the proposed project. Assessment of the significance of impacts is best determined by consulting with the appropriate Indian tribe or individual.

### 4.17.4 No Action Alternative

#### *Effect of No Action with Continuation of Current Inflow Conditions*

The No Action Alternative may produce significant but potentially mitigable impacts to ITAs if current inflow conditions of the Sea are maintained which cause the Sea's elevation and salinity level to rise. Examples of these impacts may include inundation of tribal lands as a result of rising water levels and stresses to environmental and cultural resources that are considered ITAs. Additional loss of Torres Martinez tribal land by inundation of the Salton Sea may result in further litigation efforts by the tribe for compensation of lost property. Torres Martinez has also expressed concern that changes in elevation and salinity may hinder their efforts to maintain existing north shoreline wetland habitat for establishment of a bird refuge (Cox 1999; Torres Martinez Tribal Council 1999b). Protection of this natural resource and its potential economic value are considered by the tribe to be an ITA issue.

#### *Effect of No Action with Reduced Inflow Conditions (1.06 maf/yr)*

If the elevation decreases substantially, as is projected for reduced inflow conditions, then exposure of land containing cultural and natural resources considered by Torres Martinez to be ITAs could have both adverse and beneficial impacts. Exposure of resources may be beneficial to Torres Martinez by opening these resources up for environmental investigations including archaeological data collection and natural resource exploitation. However, exposure also opens these resources to destructive forces such as vandalism and erosion. Additionally, Torres Martinez has expressed concern that exposed lands might be spoiled by salts, DDT, or other contaminants they believe may be contained in the soils. If this is true, Torres Martinez may seek provisions to reclaim exposed lands so that the lands may be used for purposes that suit

the needs of Torres Martinez (Torres Martinez Tribal Council 1999b). The soils have not been tested for contamination. If this land were found suitable for agriculture or other purposes, exposure of the land would be a beneficial impact to the Torres Martinez. The Torres Martinez also have expressed that possible benefits could result if lower water levels prevent use of existing boat launching facilities that are not tribally owned. If public boat ramp access is lost and access is moved onto tribal lands, Torres Martinez would be able to charge boaters to launch their boats from reservation lands (Torres Martinez Tribal Council 1999a, b).

#### 4.17.5 Alternative 1

##### *Effect of Alternative 1 with Current Inflow Conditions*

Significant but potentially mitigable impacts could occur to ITAs during the initial part of Phase 1, Alternative 1 due to gradual increases in the Sea's elevation. Any increase in elevation has the potential to inundate more tribal lands belonging to the Torres Martinez and in doing so may inundate cultural and natural resources considered by the tribe to be ITAs. A decrease in elevation, as is expected in the later part of Phase 1, may have the opposite effect by exposing currently inundated tribal lands. Such impacts would be the same as those described above for the No Action Alternative.

Both adverse and beneficial impacts to ITAs also could result from use of borrow pits or other construction activities within the boundaries of the Torres Martinez Reservation. The use of borrow pits on the Reservation would convey economic benefit to the Torres Martinez. However, these borrow pits could affect cultural resources, gold deposits, or other mineral resources on the reservation. Impacts can be mitigated by placing roads and borrow areas away from known resources and monitoring borrow pit excavation to ensure that buried resources are not inadvertently affected.

In the long run, increased water quality could increase the value of the land creating an additional positive impact on ITAs.

##### *Effect of Alternative 1 with Reduced Inflow Conditions (1.06 maf/yr)*

Impacts to ITAs for Alternative 1 with reduced inflow conditions of 1.06 maf per year are the same as those described for Alternative 1 under current inflow conditions.

#### 4.17.6 Alternative 2

##### *Effect of Alternative 2 with Current Inflow Conditions*

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

##### *Effect of Alternative 2 with Reduced Inflow Conditions (1.06 maf/yr)*

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

#### 4.17.7 Alternative 3

***Effect of Alternative 3 with Current Inflow Conditions***

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

***Effect of Alternative 3 with Reduced Inflow Conditions (1.06 maf/yr)***

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

#### 4.17.8 Alternative 4

***Effect of Alternative 4 with Current Inflow Conditions***

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

***Effect of Alternative 4 with Reduced Inflow Conditions (1.06 maf/yr)***

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

#### 4.17.9 Alternative 5

***Effect of Alternative 5 with Current Inflow Conditions***

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

***Effect of Alternative 5 with Reduced Inflow Conditions (1.06 maf/yr)***

Impacts to ITAs from this alternative would be the same as those described for Alternative 1 under current inflow conditions.

#### 4.17.10 Cumulative Effects of Restoration with Reduced Inflows

Several of the projects identified for the cumulative effects analysis in the Salton Sea watershed are near the Torres Martinez Indian Reservation and may have significant impacts on the ITAs of this group. These projects include the Coachella Valley/Salton Sea Nonpoint Source Project, the Caltrans Route 86 Expressway Mitigation, and the Whitewater River Flood Control Project. Because not all project areas have been defined for the cumulative projects, the extent of affected ITAs is unknown. However, the cumulative effects of these projects are expected to be the same as those resulting in the implementation of Alternative 1 of the Salton Sea Restoration Project. Avoiding impacts to ITAs for all projects would eliminate cumulative effects or would reduce them to a level that is less than significant. If avoidance is not possible, mitigation measures determined in consultation with the appropriate Native American group(s) could reduce cumulative effects to a level that is less than significant.

#### **4.17.11 Mitigation Measures**

Appropriate measures to mitigate impacts to ITAs by Reclamation are currently developed by consulting with the affected Native American group(s) and state and federal agencies, as per Bureau of Reclamation Instruction 376.13. In some cases, compensation with money or real property can be negotiated. Reclamation policy suggests that measures must be undertaken to assure that there is no net loss to the Indian owners of an affected asset. When a specific restoration alternative has been selected, additional consultation will be conducted with the Torres Martinez and any other applicable Native American groups to identify specific Indian Trust Assets that will be affected and to develop appropriate mitigation measures. Separate mitigation measures may be required for different types of trust assets, including water quality, minerals, and cultural resources.

#### **4.17.12 Potentially Significant Unavoidable Impacts**

Potentially significant unavoidable impacts are not expected to occur. Prior to the implementation of any of the restoration alternatives, Reclamation will consult with the Torres Martinez and any other applicable Native American groups to identify trust assets that may be affected and to develop measures to avoid or mitigate adverse impacts to those assets.