

Response to Comments

Wortham Property Fee-to-Trust Acquisition Environmental Assessment

Prepared for
Colusa Indian Community Council
3730 State Route 45
Colusa, CA 95932

Prepared for
Bureau of Indian Affairs
2800 Cottage Way, Suite W-2820
Sacramento, CA 95825

Prepared by
Terraphase Engineering Inc.
1415 L Street, Suite 100
Sacramento, CA 95814

June 26, 2026



Contents

Introduction.....	1
Response to Comments	1
Scope of Responses and Public-Record Clarifications	1
Response to Comment Letter F1 - Beck Miguel Saunders-Shultz, Environmental Review Program, U.S. Environmental Protection Agency Region 9.....	2
Response to Comment Letter S1 - Tamara Purvis, Associate Environmental Planner, Department of Toxic Substances Control.....	4
Response to Comment Letter S2 - David Smith, Branch Chief, Local Development Review and Complete Streets, California Department of Transportation, District 3	6
Attachments - Bracketed Comment Letters	11



Introduction

This response-to-comments technical report provides responses to the written comments received on the Environmental Assessment (EA) for the Colusa Indian Community Council's Wortham Property Fee-to-Trust Acquisition. The Bureau of Indian Affairs (BIA), Pacific Region, circulated the EA for public review through State Clearinghouse Number 2026050747. BIA released the EA and draft, unsigned Finding of No Significant Impact (FONSI) for public review through a Notice of Availability and State Clearinghouse distribution. The public review period extended from May 20, 2026, through June 22, 2026. During that period, the EA and draft, unsigned FONSI were made available for public review online through the Tribe's website and in person at the Colusa County Free Library in Colusa, California. Written comments were requested to be submitted to BIA Pacific Region for consideration as part of BIA's decision whether to issue a signed FONSI, direct further work on the EA, or initiate preparation of an Environmental Impact Statement.

Three agency comment letters were received: one from the U.S. Environmental Protection Agency (EPA) Region 9 via email, one from the California Department of Toxic Substances Control (DTSC), dated May 29, 2026, and one from the California Department of Transportation (Caltrans) District 3, dated June 19, 2026. EPA stated that it did not have formal comments but offered informal feedback regarding floodplain clarification, water-demand accounting, wastewater service assumptions, and Safe Drinking Water Act coordination. DTSC provided recommendations regarding residual agricultural chemicals and imported soil/fill material. Caltrans requested additional transportation information and future coordination regarding State Route (SR) 45 operations, access control, pedestrian and bicycle improvements, Vehicle Miles Traveled (VMT), right-of-way (ROW), and encroachment permits.

Based on the individual responses below, the comments do not identify new substantive environmental issues, disclose deficiencies requiring substantive revision of the EA analysis, or require preparation of an Environmental Impact Statement. Rather, most comments concern clarifications or future design, engineering, permitting, and implementation considerations that would be addressed if and when the proposed uses advance after trust acquisition. This response-to-comments technical report will be included in BIA's administrative record/public record and provides public-record clarifications where expressly noted.

Response to Comments

Scope of Responses and Public-Record Clarifications

The responses below distinguish between environmental effects of the Proposed Action and recommendations related to later project design, engineering, permitting, funding, or implementation. The EA evaluates the trust acquisition and the reasonably foreseeable proposed uses at a planning level based on the information currently available, including the maximum development potential described in the EA. Future design refinements, permits, funding applications, and construction-level decisions will be considered in accordance with NEPA and other applicable requirements at the time those actions are proposed, if additional federal review is required. Consistent with DOI NEPA guidance, a “but for” causal



relationship alone is not sufficient to make an agency responsible for every potential future effect; effects generally should not be considered where they are remote in time, geographically remote, the product of a lengthy causal chain, outside the agency's ability to prevent due to regulatory limits, would occur regardless of the proposed action, or would require initiation by a third party.

Response to Comment Letter F1 - Beck Miguel Saunders-Shultz, Environmental Review Program, U.S. Environmental Protection Agency Region 9

F1-01

Comment Summary: EPA Region 9 states that it reviewed the EA and does not have formal comments. EPA offers informal feedback for consideration in the water resources section of the EA, final EA preparation, or future final design phase plans.

Response: Comment noted. EPA Region 9's statement that it does not have formal comments on the EA is acknowledged. The informal feedback provided by EPA is addressed in the responses below and will be included in BIA's administrative record. EPA's feedback identifies useful clarifications and future design considerations but does not identify a significant environmental impact not evaluated in the EA or require preparation of an Environmental Impact Statement.

F1-02

Comment Summary: EPA states that the EA indicates portions of the land to be converted are in an area with a 1-percent annual chance of flooding, while a later section states that the project site is outside of the 100-year floodplain. EPA recommends that future documents provide more clarity regarding the development location relative to the floodplain. EPA also notes that if construction occurs within the floodplain, a severe flood event could negatively affect proposed development and recommends more robust flood-resistant and anti-flooding construction techniques, such as designing infrastructure and development to withstand a 500-year flood.

Response: Comment noted. EPA's request for clarification is acknowledged. EA Section 3.2.2 presents the FEMA floodplain mapping for the Wortham property and identifies the eastern portion of the property as Zone X and the western portion as Zone AE. EA Figure 4 shows that the proposed development areas are concentrated in the eastern and central-eastern portions of the property, while the western portion of the parcel is identified for continued agricultural use. To avoid ambiguity, this response-to-comments technical memorandum will be included in BIA's administrative record and clarifies that the statement in EA Section 3.2.3 that the project site is outside of the 100-year floodplain refers to the proposed development footprint analyzed in the EA, not to every acre of the 519.31-acre property.

Final grading, drainage, and floodplain mapping review would occur during project-level design and engineering. If final design places structures or other flood-sensitive improvements within a mapped 1-percent annual chance flood hazard area, the Tribe would incorporate appropriate flood-resistant design, drainage, finished-floor elevation, or other anti-flooding measures, and BIA and the Tribe would determine whether additional site-specific environmental review or design conditions are required. EA



Table 6 includes Mitigation Measure WATER-1, which requires flexible design of detention, bioswales, and surface-water conveyance, and Mitigation Measure WATER-2, which requires SWPPP implementation. EPA's recommendation regarding enhanced flood-resistant construction will be provided to the Tribe for consideration during future design. No substantive revision to the EA's impact conclusions is required.

F1-03

Comment Summary: EPA notes that the EA estimates potable water demand for the Proposed Action and compares that demand to existing agricultural water demand. EPA recommends that future plans include an updated water table identifying actual expected agricultural and project-related water demands after both commercial development and continued agricultural use, to ensure that the Tribe's current water capacity would not be exceeded by the Proposed Action.

Response: Comment noted. EPA's recommendation is acknowledged. EA Section 2.1.2 and Table 2 estimate potable water demand for the commercial center, RV park, and 40 single-family residences at 44,695 gallons per day. EA Section 2.1.2 also explains, based on information provided by the Tribal Public Works Director, that the Tribe's existing water treatment and storage system has adequate capacity to meet the needs of the proposed uses. The EA further discloses that approximately 330.42 acres of the Wortham property would continue to be used for agriculture.

For clarification, the EA's comparison between proposed development demand and agricultural water demand is a planning-level comparison for the acreage converted from agricultural use to developed use, not a statement that the entire 519.31-acre parcel would cease agricultural irrigation. This response-to-comments technical memorandum will be included in BIA's administrative record and clarifies that future water supply planning should account for both the proposed developed uses and the continued agricultural use areas. During future design, engineering, and funding applications, the Tribe can prepare a refined water balance identifying project potable demand, continued agricultural irrigation demand, source-specific supply assumptions, treatment capacity, storage capacity, and peak demand conditions. EPA's recommendation is a future design and utility planning consideration and does not require a substantive revision to the EA.

F1-04

Comment Summary: EPA states that the EA notes that wastewater treatment and disposal for the proposed homes could be provided by individual septic systems and that residential homes would rely on pre-existing groundwater wells and individual septic systems. EPA states that this could increase the potential for adverse impacts to groundwater and drinking water resources without protective measures in place. EPA recommends that refined project design plans maximize initial development near existing wastewater service areas, if possible, to reduce potential adverse impacts from septic systems, and states that EPA is available to coordinate regarding the Safe Drinking Water Act.

Response: Comment noted. EPA's comment is acknowledged. EA Section 2.1.2 states that the proposed trust parcel would connect to existing Tribal utilities, that potable water would be supplied from the Tribe's existing production wells and treated at the Tribe's Water Treatment Plant, and that wastewater generated by the proposed uses would be collected and treated at the Tribe's existing community Wastewater Treatment Plant. EA Section 2.1.2 also states that the existing wastewater facility has

adequate capacity to collect and treat wastewater generated by the proposed uses without the need for upgrades.

EA Section 3.9.2 notes that septic tanks could be used for individual residences. For purposes of the EA analysis, however, the Proposed Action assumes connection of the Wortham uses, including the proposed residential uses, to existing Tribal water and wastewater facilities. This response-to-comments technical memorandum will be included in BIA's administrative record and clarifies that if later project-level design proposes individual septic systems, new wells, or a materially different wastewater approach, the Tribe would evaluate site-specific groundwater and drinking water protection requirements and coordinate with EPA, BIA, and other appropriate agencies as required. EPA's recommendation to maximize development near existing wastewater service areas and to coordinate regarding Safe Drinking Water Act issues will be provided to the Tribe for consideration during future design. No substantive revision to the EA's impact conclusions is required.

EA Revisions and Public-Record Clarifications

No substantive revisions to the EA are required in response to EPA Region 9's informal feedback. This response-to-comments technical memorandum will be included in BIA's administrative record and provides public-record clarifications regarding the EA's floodplain discussion, water-demand comparison, and wastewater service assumptions as described in Responses F1-02 through F1-04. These clarifications do not change the EA's impact determinations or mitigation requirements.

Response to Comment Letter S1 - Tamara Purvis, Associate Environmental Planner, Department of Toxic Substances Control

S1-01

Comment Summary: DTSC states that when agricultural crops and/or agricultural land uses are proposed for residential use, several contaminants of concern may be present. DTSC recommends identifying historical pesticide and organochlorine pesticide use; further analyzing dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin if present; evaluating arsenic against approved local baselines or thresholds; sampling additional contaminants of concern in mixing, loading, storage, drainage, farmhouse, or outbuilding areas; and sampling for polycyclic aromatic hydrocarbons and/or total petroleum hydrocarbons if smudge pots were routinely used. DTSC recommends that these items be incorporated into the environmental document and refers to the DTSC Human and Ecological Risk Office guidance and screening levels.

Response: Comment noted. DTSC's recommendation is acknowledged. EA Section 3.11.2 summarizes the hazardous materials setting for the Wortham property and relies on the 2023 Phase I Environmental Site Assessment (Phase I ESA), which was prepared in conformance with ASTM E1527-21 and BIA Guidelines 602 DM Chapter 2. The Phase I ESA included review of historical aerial photographs and topographic maps, regulatory database records, interviews, and site reconnaissance. The Phase I ESA documented the agricultural history of the Wortham property and evaluated whether that history, together with observed site conditions and available records, indicated the presence or likely presence of hazardous substances or petroleum products under conditions constituting a Recognized Environmental Condition (REC).



The Phase I ESA did not identify any RECs or Controlled RECs in connection with the Wortham property. It identified one Historical REC associated with former waste-oil storage near the vehicle repair facility; that condition was addressed through removal of the oil, containers, and affected soil, and confirmation sampling indicated that acceptable cleanup had been completed. Although the Phase I ESA noted ordinary farm-related materials and containers associated with the property's agricultural and vehicle repair uses, it did not identify site-specific evidence of a pesticide release, pesticide disposal area, smudge-pot disposal area, or agricultural chemical condition constituting a REC or requiring additional subsurface investigation before the federal trust acquisition decision.

DTSC's comment recommends additional analysis based on the general possibility that residual agricultural chemicals may be present on agricultural lands. The comment does not identify site-specific evidence of a release, a known pesticide or organochlorine pesticide disposal area, a documented arsenic exceedance, a documented smudge-pot use or disposal area, or other information contradicting the Phase I ESA findings. Historical agricultural use alone does not establish that hazardous substances are present at levels requiring remediation, nor does it demonstrate that the EA is deficient. Future ground-disturbing work and residential construction would be conducted in accordance with applicable federal and Tribal requirements. If previously unknown contamination is discovered during future planning or construction, the Tribe would address those conditions in accordance with applicable requirements before use of affected areas. Accordingly, no revision to the EA is required.

S1-02

Comment Summary: DTSC recommends that all imported soil or fill material be tested to ensure that contaminants of concern meet screening levels identified in DTSC's Preliminary Endangerment Assessment Guidance Manual. DTSC also recommends referencing DTSC's Clean Imported Fill Material Fact Sheet, documenting the origin of imported soil or fill, and conducting source-appropriate sampling based on the prior land use of the source area.

Response: Comment noted. DTSC's recommendation is acknowledged. The EA does not rely on importation of soil or fill from a known off-site source, and DTSC's comment does not identify any existing contaminated fill source, undocumented fill area, or site-specific condition requiring additional analysis for purposes of the federal fee-to-trust decision.

As documented in the Phase I ESA site reconnaissance findings, no undocumented fill was observed on the Wortham property, and no RECs or Controlled RECs were identified. Future construction activities, including the import, handling, or placement of construction materials, would be conducted in accordance with applicable federal and Tribal environmental, health, and safety requirements. To the extent imported soil or fill material is used during future construction, the Tribe can require documentation of material sources and appropriate testing or verification to confirm suitability for the intended land use. DTSC's recommendation is therefore a future construction-stage materials management consideration; it does not identify a deficiency in the EA and does not require revision of the EA.

EA Revisions and Public-Record Clarifications

No revisions to the EA are required in response to DTSC's May 29, 2026 comment letter. DTSC's recommendations concern potential future construction-stage due diligence and materials management



and do not identify site-specific evidence requiring additional analysis for the federal fee-to-trust decision. This response-to-comments technical memorandum will be included in BIA's administrative record and provides the clarifications described in Responses S1-01 and S1-02.

Response to Comment Letter S2 - David Smith, Branch Chief, Local Development Review and Complete Streets, California Department of Transportation, District 3

S2-01

Comment Summary: Caltrans states that it reviewed the Wortham Fee-to-Trust application for impacts to the State Highway System. Caltrans summarizes the Proposed Action, states that no development is included in the fee-to-trust approval, and notes that proposed future development includes up to 40 single-family residences, a 215-space RV park, and 100,000 square feet of retail and commercial space, with the remaining acreage continuing in agricultural use.

Response: Comment noted. Caltrans' review and summary of the Proposed Action are acknowledged. The EA identifies the current federal action as acquisition of the Wortham property into trust for the benefit of the Tribe and evaluates reasonably foreseeable future uses under a maximum-development-potential approach. The EA also acknowledges that future development would occur only after trust acquisition, funding, final design, engineering, and any required permitting or additional review. Caltrans' specific comments regarding transportation, ROW, and encroachment permits are addressed below. No revision to the EA is required.

S2-02

Comment Summary: Caltrans states that Section 2.1.4 of the EA mentions installation of a traffic signal, but that other intersection controls, such as a roundabout, will also need to be evaluated. Caltrans states that an Intersection Safety and Operational Assessment Process (ISOAP) will be required for the three new intersections/driveways.

Response: Comment noted. The EA and TIA identify a traffic signal at the SR 45/Main Project Access/Wintun Road intersection as the improvement evaluated in the TIA that would allow the intersection to meet the applicable level-of-service standard and address forecast pedestrian crossing safety concerns. That conclusion does not preclude Caltrans from requiring ISOAP or evaluation of other intersection controls, including a roundabout, during final design and encroachment permit review.

The current federal action is trust acquisition, and final project-level driveway design, internal circulation plans, frontage improvements, and engineering plans have not yet been prepared. Accordingly, ISOAP and final intersection-control selection are appropriately addressed during subsequent project-level design and Caltrans encroachment permit coordination. The Tribe would coordinate with Caltrans before implementing any work within the SR 45 ROW. No revision to the EA is required.

S2-03

Comment Summary: Caltrans requests signal warrant analysis and Synchro analysis for the intersections studied.

Response: Comment noted. The TIA evaluated the study intersections using the Highway Capacity Manual 6th Edition methodology with Synchro software, and the TIA states that the corresponding level-of-service calculation sheets are included in the TIA appendix. The Tribe or its transportation consultant can provide available Synchro outputs or model files to Caltrans during follow-up coordination if requested.

A signal warrant analysis is an appropriate project-level design and permitting item if signalization remains the preferred intersection control during final design. Because Caltrans retains approval authority over improvements within the SR 45 ROW, any signal warrant analysis, updated Synchro modeling, and related traffic operations documentation can be prepared or updated as part of ISOAP and the encroachment permit process. The comment does not require revision of the EA.

S2-04

Comment Summary: Caltrans states that the TIA traffic analysis scenarios identify Scenarios 5 and 6 as cumulative conditions, but Scenario 5 references 2045 and Scenario 6 references 2040, and asks why the cumulative years are not the same.

Response: Comment noted. The TIA identifies Scenario 5 as the cumulative no-project condition and Scenario 6 as the cumulative plus project condition. The TIA text refers to Scenario 5 as 2045 and Scenario 6 as 2040, creating an apparent scenario-year inconsistency. The intent of the cumulative plus project scenario is to add the proposed project traffic to the same cumulative background conditions used for the cumulative no-project scenario. The cumulative and cumulative-plus-project tables present the same comparative cumulative framework, and the scenario-year wording discrepancy does not affect the traffic volumes, level-of-service calculations, mitigation conclusions, or EA impact determinations.

This response-to-comments technical memorandum will be included in BIA's administrative record and provides clarification for purposes of the NEPA record. Scenario 6 should be understood as the cumulative plus project analysis using the same cumulative horizon as Scenario 5. This clarification does not change the traffic volumes, level-of-service calculations, mitigation conclusions, or EA impact determinations; therefore, no substantive revision to the EA is required.

S2-05

Comment Summary: Caltrans states that, based on the volumes in the report, there is no increase in the volumes going in and out of the proposed development from existing to baseline to cumulative years, and asks for an explanation.

Response: Comment noted. The project driveway volumes remain the same across existing plus project, baseline plus project, and cumulative plus project scenarios because the same maximum-development program and the same project trip generation assumptions are added to each background condition. The baseline and cumulative scenarios increase background traffic volumes on SR 45 and the

surrounding study intersections; they do not assume that the project itself grows beyond the analyzed buildout program of 40 residences, 215 RV spaces, and 100,000 square feet of commercial space.

This is a standard traffic-analysis approach: background traffic is varied by scenario, while project-generated traffic remains constant unless the project land use program, intensity, or phasing changes. Therefore, the lack of increased project driveway volumes across scenarios does not indicate an analytical deficiency, and no revision to the EA is required.

S2-06

Comment Summary: Caltrans asks whether the access road shown on the north side of the development is an emergency access road that will be gated to restrict use, and whether it will be an access point for the RV park.

Response: Comment noted. Northern access was evaluated in the TIA as one of the proposed project access points and was not assumed to be emergency-only. Based on the conceptual site plan, the northern access would serve the northern portion of the project site, including the RV park area and continued agricultural or service access. Because the EA evaluates a planning-level concept rather than final engineering plans, the final operating condition of the northern access, including whether any portion would be gated, restricted, or designed for emergency access, would be determined during subsequent site design and Caltrans coordination.

The TIA conservatively analyzed the northern access as operational project access. If later design restricts or gates the access, operational turning movements and conflict points would not exceed the analyzed condition. No revision to the EA is required.

S2-07

Comment Summary: Caltrans states that the development includes many driveways and recommends eliminating the southern driveway because doing so would reduce conflict points and improve corridor access management.

Response: Comment noted. Caltrans' access-management recommendation is acknowledged. The TIA identifies the southern driveway as a low-volume access point and recommends prohibiting left turns from northbound SR 45 into the project site at that driveway, with motorists instead directed to use the main entrance for left-turn access. The EA incorporates this recommendation through TRAFFIC-2.

Eliminating the southern driveway entirely is a design refinement that can be evaluated during final site planning, ISOAP, and encroachment permit coordination with Caltrans. The EA and TIA do not preclude removal of that driveway. If the southern driveway is eliminated, the number of conflict points would be reduced, and access-management conditions would be equal to or better than the condition analyzed in the EA. No revision to the EA is required.

S2-08

Comment Summary: Caltrans states that the commercial property will attract nearby pedestrians and bicyclists and requests installation of a sidewalk or multi-use path in front of the proposed development to define driveway locations and improve safe multimodal access.

Response: Comment noted. Caltrans' multimodal recommendation is acknowledged. The EA and TIA recognize that bicycle and pedestrian facilities in the vicinity of the project site are currently limited, and the TIA recommends intersection improvements at SR 45/Main Project Access/Wintun Road in part because of forecast pedestrian crossing activity between the proposed development and existing casino/hotel facilities east of SR 45.

Final sidewalk, multi-use path, frontage, and pedestrian-crossing improvements are project-level design matters that depend on final site layout, driveway configuration, ROW limits, drainage design, and Caltrans requirements. The Tribe can evaluate frontage sidewalk or multi-use path improvements during final engineering and Caltrans encroachment permit coordination. Because final design is not yet available and the current federal action is trust acquisition, this comment does not require revision of the EA.

S2-09

Comment Summary: Caltrans states that any work done on State ROW will require an encroachment permit.

Response: Comment noted. The EA already identifies Caltrans encroachment permits as a regulatory requirement or approval that may be required as a result of the Proposed Action. Any future access modification, frontage improvement, intersection improvement, utility crossing, drainage work, or other activity within SR 45 ROW would be coordinated with Caltrans and would require an encroachment permit before construction. No revision to the EA is required.

S2-10

Comment Summary: Caltrans states that the TIA does not address Vehicle Miles Traveled and requests that the TIA be amended to include a detailed VMT analysis pursuant to Senate Bill 743 implementation plans, with VMT mitigation if a significant transportation impact is identified.

Response: Comment noted. The EA is a federal NEPA document prepared to support BIA's fee-to-trust decision; it is not a CEQA document, and Senate Bill 743 does not establish the mandatory transportation significance threshold for BIA's federal NEPA determination. The TIA was prepared to evaluate off-reservation transportation operations and safety effects associated with reasonably foreseeable future development and identifies operations-based mitigation for the affected SR 45 access locations.

Caltrans' VMT recommendation will be included in BIA's administrative record and provided to the Tribe for consideration during future project-level design and permitting. A project-level VMT analysis may be prepared in the future if required by Caltrans, a future funding agency, or another applicable approval process when final land uses, phasing, access locations, frontage improvements, and circulation design have been developed. At this stage, the absence of a CEQA SB 743 VMT analysis does not identify a deficiency in the federal EA and does not require revision of the EA.

S2-11

Comment Summary: Caltrans requests that ROW access control, centerline, and width be labeled on the plans, along with bearings and distances. Caltrans notes that its ROW mapping shows an approximate



ROW of 60 feet, states that the project might need dedication to Caltrans for the proposed developments and provides contact information for the District 3 ROW Front Map Counter.

Response: Comment noted. Caltrans' ROW engineering comment is acknowledged. The plans included in the EA are conceptual site-planning exhibits prepared for environmental review of the trust acquisition and do not constitute final engineering or ROW plans. Detailed ROW access control, highway centerline, ROW widths, bearings, distances, dedication needs, and related plan annotations would be addressed during final design and Caltrans encroachment permit coordination.

The Tribe and its design team can coordinate with the Caltrans District 3 ROW Front Map Counter when project-level plans are prepared. Because this comment concerns future engineering plan content and potential ROW dedication, it does not identify a deficiency in the EA and no revision is required.

S2-12

Comment Summary: Caltrans states that any project or work, including access modification and drainage work, that takes place along or within State ROW requires an encroachment permit issued by Caltrans. Caltrans identifies application materials, provides District 3 Office of Permits contact information, and requests copies of further actions regarding the proposal.

Response: Comment noted. Future work within or along SR 45 ROW, including access modifications, intersection improvements, frontage improvements, utility crossings, or drainage work, would require a Caltrans encroachment permit. The Tribe would coordinate with Caltrans and provide required application materials, including environmental documentation and project plans clearly showing State ROW, when project-level design is available and before any work occurs within the ROW.

Caltrans' request to receive copies of further actions regarding the proposal is acknowledged. Caltrans contact information will be retained in the administrative record and used for future coordination, as appropriate. No revision to the EA is required.

EA Revisions and Public-Record Clarifications

No substantive revisions to the EA are required in response to Caltrans District 3's June 19, 2026 comment letter beyond the public-record clarification provided in this response-to-comments technical memorandum. Caltrans' comments provide useful direction for future project-level design, ISOAP, signal warrant analysis, updated Synchro analysis, access management, multimodal frontage improvements, ROW engineering, VMT evaluation if required by a future approval process, and encroachment permit coordination. These items are appropriately addressed during future design, engineering, and Caltrans permitting after trust acquisition, when final site plans and ROW improvement plans are available. This response-to-comments technical memorandum will be included in BIA's administrative record and clarifies that the TIA Scenario 6 cumulative plus project analysis should be understood to use the same cumulative horizon as Scenario 5. This clarification does not change the EA's traffic analysis, mitigation, or impact conclusions.

Attachments - Bracketed Comment Letters

Attachment A - EPA Region 9 Comment Letter (Bracketed)



Dear Jacilyn,

F1-01

My name is Beck I am a relatively new NEPA reviewer here at EPA region 9. I was assigned the above referenced EA, and I just finished my review. Thank you for the opportunity to review the EA for the Wortham property fee to trust acquisition. The EPA does not have any formal comments to provide. However, we can offer the following informal feedback for the water resources section of the EA. We hope you find it useful as you prepare the final EA, or as final design phase plans are created.

F1-02

1. The EA indicates that portions of the land to be converted are in an area with a 1% chance of flooding. In a later section the EA states that the project site is outside of the 100-year floodplain. Future documents could provide more clarity regarding development location with regards to the flood plain. If construction of the proposed project occurs within the floodplain, there is a possibility that a severe flood event could negatively affect the proposed development. I appreciate the consideration given to increased impervious surfaces from the development and the Tribe's intention to mitigate off-site flood effects through swales, basins, and surface-water conveyance, but if portions of the development lie within the 100-year floodplain there is still flood damage risk. Inclusion of more robust flood-resistant and anti-flooding construction techniques for commercial, residential, and RV development would be beneficial. For example, designing infrastructure, and development to withstand a 500-year flood.

F1-03

2. The document includes a table estimating the potable water demands of the Proposed Action at 44,569 gallons per day. It states that these demands are substantially less than existing agricultural water demand based on typical estimates for the area. The EA predicts that there would be a net reduction if the entire parcel is currently used for agricultural. To ensure that the Tribe's current water capacity would not be exceeded by the Proposed Action, an updated water table that includes the actual expected agricultural and project-related water demands after both commercial development and continued agricultural use would be helpful in future plans.

F1-04

3. Finally, the EA notes that wastewater treatment and disposal for the proposed homes could be provided by individual septic systems. The residential homes would rely on pre-existing groundwater wells and develop individual septic systems for their water and wastewater needs. This could increase the potential for adverse impacts to groundwater and drinking water resources without protective measures in place. We recommend the refined project design plans maximize initial development near the existing wastewater service areas, if possible, to reduce potential adverse impacts from septic systems. We're available to further coordinate regarding the Safe Drinking Water Act, if needed.

Thank you, and please let me know if you have any questions or want to discuss any of these further.

Thanks again,

Beck

Beck Miguel Saunders-Shultz

U.S. EPA R9 | Southern California Field Office, Los Angeles

Environmental Review Program

SaundersShultz.BeckMiguel@epa.gov | 213-244-1825



Attachment B - DTSC Comment Letter (Bracketed)



SENT VIA ELECTRONIC MAIL

May 29, 2026

Jacilyn Snyder
Regional Environmental Protection Specialist
Bureau of Indian Affairs
2800 Cottage Way Suite W-2820
Sacramento, CA 95825
Jacilyn.Snyder@BIA.gov

RE: ENVIRONMENTAL ASSESSMENT FOR WORTHAM PROPERTY FEE-TO-TRUST
ACQUISITION DATED MAY 19, 2026, STATE CLEARINGHOUSE NUMBER
[2026050747](#)

Dear Jacilyn Snyder,

The Department of Toxic Substances Control (DTSC) reviewed the Environmental Assessment (EA) for Wortham Property Fee-To-Trust Acquisition (Project). The Bureau of Indian Affairs (BIA) is the lead federal agency, and an Environmental Assessment (EA) has been prepared to support the Colusa Indian Community Council's (CCIC or Tribe) application for acquiring a parcel of land into federal trust status in Colusa County (County). This parcel is contiguous to existing Tribal trust lands and is referred to as the Proposed Action. The Project site is known as Wortham property. It consists of approximately 519.31 acres, which the Tribe currently owns in fee simple status and is intended for future economic development. The Proposed Action includes up to 40 single-family residences, a 215-space recreational vehicle (RV) park, a 100,000 square foot commercial center facing State Route 45, continuing agricultural use through cultivation of row crops and nut tree orchards, and a vehicle repair facility for Tribal use. Approximately 56.6 acres would be allotted for the housing development. The RV Park

Jacilyn Snyder
May 29, 2026
Page 2

would use about 69.69 acres, and 62.6 acres would be set aside for commercial development. The remaining 330.42 acres would continue to be used for agriculture.

DTSC recommends and requests consideration of the following comments:

S1-01

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#) for the most recent guidance and screening levels.

S1-02

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment Guidance Manual](#). Furthermore, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil/fill material there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.



Jacilyn Snyder
May 29, 2026
Page 3

DTSC would like to thank you for the opportunity to comment on the EA for Wortham Property Fee-To-Trust Acquisition. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov



Jacilyn Snyder
May 29, 2026
Page 4

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
state.clearinghouse@lci.ca.gov

Ryan Hunter
Acting Regional Director
Bureau of Indian Affairs
Ryan.Hunter@bia.gov

Trent Wilson
Director of Sacramento Operations
Terraphase Engineering / Consulting Firm
trent.wilson@terrphase.com

Fernanda Vanetta
Tribal Administrator
Colusa Indian Community Council / Project Applicant
fvanetta@colusa-nsn.gov

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Analyst II
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov



Attachment C - Caltrans Comment Letter (Bracketed)

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

OFFICE OF THE DISTRICT 3 DIRECTOR
703 B STREET | MARYSVILLE, CA 95901-5556
www.dot.ca.gov



June 19, 2026

GTS # 03-COL-2025-00092
SCH# 2026050747

Ryan Hunter, Acting Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Suite W-2820
Sacramento, CA 95825

Colusa Indian Community Council Wortham Property Fee-to-Trust Acquisition

Dear Ryan Hunter,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. We reviewed this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision, and goals, some of which include addressing equity, climate change, and safety, as outlined in our statewide plans such as the California Transportation Plan, Caltrans Strategic Plan, and Climate Action Plan for Transportation Infrastructure.

The Wortham Fee-to-Trust application (Project) submitted by the Colusa Indian Community Council (CICC) seeks to place approximately 519.31 acres of land currently held in fee ownership into federal trust to support future economic and Tribal housing development. No development is included in this approval, but proposed future development includes up to 40 single-family residences on one-acre plots, a 215-space recreational vehicle (RV) park, and 100,000 sqft. of retail and commercial space. The estimated remaining 330.42 acres would continue to be used for agriculture. This parcel, known as the Wortham property, is located on State Route 45 (SR 45) west of the Colusa Casino Resort in Colusa County. Based on the Environmental Assessment (EA) and application received, we provide the following comments.

Highway Operations

Section 2.1.4 – Traffic of the EA mentions installation of a traffic signal. Other intersection controls, like a roundabout, will also need to be evaluated. An Intersection Safety and Operational Assessment Process (ISOAP) will be required for the three new intersections/driveways. Information regarding ISOAP can be found here: <https://dot.ca.gov/programs/traffic-operations/isoap>

"Improving lives and communities through transportation."

Ryan Hunter, Acting Regional Director
June 19, 2026
Page 2

- S2-03 [Please provide signal warrant analysis and Synchro analysis for the intersections studied.
- S2-04 [Section 3.2 Traffic Analysis Scenarios of the EA – Scenarios 5 and 6 are under cumulative conditions, however the dates are 2045 and 2040. Please explain why the cumulative years are not the same.
- S2-05 [Based on the volumes given in the report, there are no increase in the volumes going in and out of the proposed development from existing to baseline to cumulative years. Please explain.
- S2-06 [The north side of the development shows an access road. Please identify if this is an emergency access road and will be gated to restrict use, and if it will be an access point for the RV Park.
- S2-07 [There are many driveways to this development. One of Federal Highway Administration (FHWA) safety measures is corridor access management. By eliminating the most southern driveway to the proposed development which has low volumes, conflict points are reduced and access management is improved.
- S2-08 [The commercial property will attract nearby pedestrians and bicyclists to the facilities. Please install a sidewalk or multi-use path in front of the proposed development, as this will define driveway locations and improve safe multimodal access.
- S2-09 [Any work done on the State Right of Way (ROW) will require an encroachment permit.
- S2-10 [**Forecasting & Modeling**

The Transportation Impact Analysis (TIA) does not address Vehicle Miles Travelled (VMT). Please amend the TIA to incorporate a detailed VMT analysis as per Senate Bill (SB) 743 implementation plans. If the analysis indicates a significant transportation impact, appropriate VMT mitigation measures must also be proposed.
- S2-11 [**Right of Way Engineering**

Caltrans ROW Access Control, Centerline and width should be labeled on the plans, along with bearings and distances. Caltrans ROW mapping shows an approximate ROW of 60 ft. The ROW Map has been provided as an attachment. This project might need dedication to Caltrans for the proposed developments. For further inquiries,

"Improving lives and communities through transportation."



Ryan Hunter, Acting Regional Director
June 19, 2026
Page 3

S2-11 cont

please contact the District 3 ROW Front Map Counter by contacting:
d3rwmaprequest@dot.ca.gov.

Encroachment Permit

Any project or work, including access modification and drainage work, that takes place along or within the State's ROW requires an encroachment permit issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to Encroachment Permits Offices as indicated below:

S2-12

California Department of Transportation
District 3, Office of Permits
703 B Street
Marysville, CA 95901
D3encpermit@dot.ca.gov

Please provide our office with copies of any further actions regarding this proposal. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any question regarding these comments or require additional information, please contact Angelina Healy, Local Development Review Coordinator, by phone (530) 790-8138 or via email at D3.Local.Development@dot.ca.gov.

Sincerely,

David J. Smith

David Smith, Branch Chief
Local Development Review and Complete Streets
Division of Planning, Local Assistance, and Sustainability
California Department of Transportation, District 3

"Improving lives and communities through transportation."



Caltrans District 3 LDR Response-CICC Wortham Property Fee-to-Trust Acquisition - 06.19.26

Final Audit Report

2026-06-19

Created:	2026-06-19
By:	Angelina Healy (s139748@dot.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAE9e-FbY3x4Gf-C8T5lsWsAWkLeVqJLlp

"Caltrans District 3 LDR Response-CICC Wortham Property Fee -to-Trust Acquisition - 06.19.26" History



Document created by Angelina Healy (s139748@dot.ca.gov)
2026-06-19 - 10:03:17 PM GMT - IP address: 149.136.17.246



Document emailed to David Smith (david.j.smith@dot.ca.gov) for signature
2026-06-19 - 10:03:42 PM GMT



Email viewed by David Smith (david.j.smith@dot.ca.gov)
2026-06-19 - 10:03:58 PM GMT - IP address: 149.136.17.246



Document e-signed by David Smith (david.j.smith@dot.ca.gov)
Signature Date: 2026-06-19 - 10:04:19 PM GMT - Time Source: server- IP address: 149.136.17.246 - Signature Appearance Selected:
IMAGE



Agreement completed.
2026-06-19 - 10:04:19 PM GMT



Powered by
Adobe
Acrobat Sign