

COASTAL ZONE CONSISTENCY DETERMINATION

Confederated Tribes of Siletz Indians – BIA Trust Acquisition

[Title 15 United States Code Part 930 et seq.]

The federal Coastal Zone Management Act of 1972, Title 16 U.S.C. § 1451 (as amended) requires that: "Each federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved state management programs." The State of Oregon has an approved Oregon Coastal Management Program (OMCP), which has three major components: 1) the planning authorities which the Land Conservation and Development Commission (LCDC) administers under ORS 197; the planning authorities of cities and counties under ORS 215, 221, 227 and 197, and; 3) several statewide statutes for management of particular coastal resources.

The United States Bureau of Indian Affairs, Siletz Agency, (BIA) is considering a fee-to-trust application by the Confederated Tribes of Siletz Indians of Oregon, (Tribe) for conversion of a 5.22 acre parcel of land in Siletz, Lincoln County, Oregon. The property is outside the exterior boundaries of the Siletz Reservation and thus within the Coastal Zone. The property is located between Swan Avenue and Buford Streets, within the populated residential area of Siletz, identified as Lincoln County Tax Lot # 1605; 10-10-09 BA; Parcel #2 - Partition Plat 1990-05. The proposed use for the property is development of twenty two (22) tribal-housing units. Notifications concerning the proposed in-trust acquisition and development have been sent to the Governor of Oregon, the City of Siletz, and the Lincoln County Board of Commissioners, as well as to interested citizens. Notifications have occurred during three separate notice periods, by certified U.S. postage. The State of Oregon and Lincoln County do not object to the acquisition.

The BIA has determined that the acquisition of the property by the United States Government for the Tribe, as authorized by the Indian Reorganization Act of 1934, 25 U.S.C. § 465, to be carried out in conformance with the provisions of Title 27 C.F.R. PART 151 – "Acquisition," is consistent to the maximum extent practicable, with the enforceable policies of Oregon's Coastal Management Program.

The property is presently undeveloped. It is zoned as residential, having been converted from farmland in the recent past. Objections to federal trust acquisition by the City of Siletz and the local volunteer fire district focus on the impact caused by removal of the property from county tax rolls and concern over prospective financial contribution by the Tribe to city and local services and infrastructure. The Agency has considered the overall beneficial impact on the community and area from the Tribe's many financial contributions to services and infrastructure in Siletz and the surrounding area and has determined that these far outweigh the relatively negligible impact of removal of this parcel from the tax rolls. Comments and objections from citizens of the area likewise focus mainly on the project's impacts to facilities, services and infrastructure and perceptions that removal from tax rolls will negatively impact these. This is addressed by the finding just reflected above. These perceptions are also separately addressed, at length and in financial detail, within the application for trust conversion.

The proposed housing development will be coordinated through the Tribe's Planning Department and the Siletz Tribal Housing Authority, in a manner consistent with uses in the immediate area and with the Tribe's Comprehensive Plan. The Miller parcel has been determined by the BIA to be "contiguous or adjacent" to the Tribe's Reservation, as defined by applicable regulations under Title 25 CFR Part 151. Proposed use by the Tribe is consistent with existing zoning and regulations, including the Uniform Building Code. Architectural and engineering standards applied to the development will be according to prevailing standards, consistent with uniform building codes and in compliance with discharge, disturbance and impact regulations. For example, requirements have been stated in advance for acquisition of a NPDES wastewater discharge permit during the construction, to protect discharge water quality by use of catchments, filters and screening to prevent release of silt-bearing water to local streams and the Siletz River. The project's final plans, likewise, will contain wastewater discharge planning elements to appropriately channel and direct the property's surface runoff.

The property has been the subject of environmental review and the preparation of an Environmental Assessment and Finding of No Significant Impact (FONSI), a copy of which is supplied to DLCDC. Environmental reviews and findings are consistent with The BIA's determination that this project is, with regard to any reasonably foreseeable coastal effects, consistent with approved management plans for the coastal zone and the region.

The EA analyzes the issues identified in the scoping process as they related to the project. Related to floodplain concerns expressed in public comments, the project's plans will contain extensive provisions for surface water routing and processing which should effectively mitigate those concerns and conform the project to existing impact standards. The EA and the FONSI address required issues such as sewage, wastewater routing, traffic, density, archaeological and cultural resources, threatened and endangered species, environmental justice and construction-related impacts. If the BIA were to deny the Tribe's request to acquire and develop the property, the Confederated Tribes or another owner would be able to carry out the proposed/intended use under current local regulations.

By certified delivery of this Consistency Determination the State of Oregon is notified that it has 45 days (plus any appropriate extension under 15 C.F.R. § 930.41 (b)) from receipt in which to agree or disagree with the BIA's determination. The agreement or disagreement with this determination of consistency shall be sent to:

Superintendent, Bureau of Indian Affairs, Siletz Agency P.O. Box 569 Siletz, OR 97380


Arthur E. Fisher, Acting Superintendent
BIA, Siletz Agency

Dated: April 26, 2011