

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
PROPOSED BLUE LAKE RANCHERIA GAMING FACILITY**

AGENCY: National Indian Gaming Commission (NIGC)

ACTION: Finding of No Significant Impact (FONSI)

SUMMARY:

The Blue Lake Rancheria of California (Tribe) has submitted a request to the NIGC for the approval of a management agreement between the Tribe and Excelsior Blue Lake, LLC (Excelsior) to construct and operate a Class II and III gaming facility on existing tribal trust land.

The proposed 44,500 square foot gaming and entertainment facility is to be developed on a 12.4 acre site within the 32-acre Blue Lake Rancheria. The proposed federal action is the approval of the management agreement by the NIGC. Approval of this document will allow the Tribe to construct and operate the proposed gaming facility as planned, subject to the conditions of the existing Tribe/State Gaming Compact.

FOR FURTHER INFORMATION CONTACT:

Jim Harriman, Technical Reviewer
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005
(703) 625-9164

PUBLIC AVAILABILITY:

This FONSI, and the Final Environmental Assessment (EA) upon which it is based, including comments received during the public comment period and responses to those comments, will be distributed to all persons and agencies known to be interested in the proposed action as indicated by their comments on the Draft EA. Additionally, all persons and agencies on the initial Draft EA mailing list will receive a copy. Copies of the Final EA are available upon request at the following address.

Blue Lake Rancheria
Post Office Box 428
Blue Lake, CA 95525

BACKGROUND:

Gaming is a unique opportunity for the Tribe to develop an economic base. This opportunity is afforded the Tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 *et seq.*) and was sanctioned by the State of California through a State/Tribe Gaming Compact approved by the Governor and the Secretary of the Interior.

DESCRIPTION OF THE PROPOSED PROJECT:

The Blue Lake Casino and Entertainment center will be a 44,500 square foot facility on a 12.4 acre site located in Humboldt County, on Chartin Road near California State Route 299 and adjacent to the City of Blue Lake. The structure has been designed in a lodge-like presence with large open spaces, open beams, and a glass entry. The entry and main floor of the facility will cover an area of 44,500 square feet and contain the casino, bingo/public function area, buffet area, coffee shop, bar/lounge area, administration, surveillance, an employee cafeteria, and other support services.

Primary access to the site is from State Route 299 by way of Blue Lake Boulevard and Chartin Road. Secondary access is from the City's internal street system, especially Chartin Road. It is anticipated that an average of between 500 and 1000 patrons will use these roads to visit the facility on a daily basis.

The remainder of the 12.4 acre site will contain entrance features, accesses to Chartin Road, and 491 parking spaces. This will include 380 standard spaces, 101 valet spaces, and 10 RV spaces. The delivery and employee entrance is on the west side of the facility. A bus loading/drop area will be located just north of the main entrance valet/drop area.

ENVIRONMENTAL IMPACTS:

An EA documenting the planning process and analyzing implementation impacts of the proposed project has been completed. No significant unmitigated adverse environmental impacts are indicated by the EA.

The impact on the quality of the human environment is judged to be of minor adverse impact and significant beneficial economic impact to both the Blue Lake Rancheria and the surrounding communities. There are no significant unmitigated impacts on public health and safety. The site contains no eligible or listed National Register of Historic Places sites or any known significant archeological resources. No endangered species or their critical habitat are present on the development site. The proposed land use will not significantly impact declared wetlands. The proposed land use will not significantly impact water quality, air quality or traffic flow.

REQUIRED MITIGATION

All mitigation measures described in the Final EA as being implemented to reduce potentially significant adverse impacts of the project to a point of insignificance are conditions of the approval of this project. NIGC's approval of the Management Agreement and the signing of this FONSI makes construction and operation of the gaming facility contingent upon implementation of these mitigation measures. The principal measures that will be implemented to reduce impacts to less than significant levels include:

Soils:

- Construction activities that expose soils shall incorporate Best Management Practices (BMPs) to prevent erosion and soil losses as detailed in Section 5.3.1 of the EA.

Aesthetics:

- Lighting shall be shielded to direct light and glare towards the ground or upright building surfaces.
- Landscaping shall be designed to provide a barrier to prevent headlights from shining directly onto adjacent parcels.

Surface Water:

- Existing vegetation shall be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Temporary erosion control measures shall be employed for disturbed areas.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- A spill prevention and countermeasure plan shall be developed which will identify proper storage, collection, and disposal measures for potential pollutants used onsite.
- The project infiltration basins shall be designed to capture runoff from all paved areas.
- The infiltration basins will have annual maintenance at a minimum for removal of sedimentation, excess vegetation, and debris.

Flooding and Drainage:

- The project shall incorporate infiltration basins with a minimum storage capacity of 1.44 acre-feet, retaining all project site runoff from up to the 100 year storm event.

Water and Sewer:

- An MOU is in place between the Tribe and the City of Blue Lake for the provision of adequate potable water and sewer treatment needs.

Biological Resources:

- A Department of the Army permit will be obtained which will prescribe all mitigation required to protect wetlands.
- All construction activities across drainages shall be conducted during low-flow or dry periods. No construction debris shall be left in drainage or wetland areas.
- To avoid contamination of wetland areas from fuel spills during construction, all construction vehicles shall be fueled in a designated area of the project site located away from wetland areas and drainages.

Cultural Resources:

- The Nuchols barn on Chartin Road shall be relocated to a location on the Nuchols parcel approximately 40-feet from its current location. In the course of its relocation, the historic and architectural integrity of the barn shall be preserved.

Traffic and Transportation:

- Chartin Road from the Rancheria to Railroad Avenue shall be widened to two 12-foot wide driving lanes, two 5-foot wide bike lanes, and an 8-foot wide parking lane.
- Chartin Road from Railroad Avenue north to Blue Lake Boulevard shall be widened to two 12-foot wide driving lanes and two 5-foot wide bike lanes.
- The east side of Chartin Road from the Rancheria to Blue Lake Boulevard shall receive a curb and gutter and 5-foot wide sidewalk. A curb shall be constructed along the west side of Chartin Road.

- Existing fences along Chartin Road that might need to be demolished will be rebuilt.
- A traffic roundabout shall be constructed at the intersection of Blue Lake Boulevard and Chartin Road. The roundabout shall have lighting and signage consistent with County requirements, and is designed to accommodate both car and truck traffic.

Air Quality:

- Water all active construction areas as needed to reduce dust.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Sweep daily or as needed all paved access roads, parking areas and streets.
- Stabilize the soils on graded areas inactive for more than ten days.
- Limit traffic speeds on unpaved roads to 15 miles per hour.

Noise:

- Three homes located along the proposed improved section of Chartin Road will be subjected to increased traffic noise levels. These homes will be provided with noise mitigation to include, at the owners discretion, double paned window installation, fencing, sound walls, and landscaping or property purchase by the Tribe.
- Noisy construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays. These hours will also be the timing limits for truck unloading/loading during the operation phase.

Law Enforcement:

- Impacts are mitigated under conditions prescribed by a signed MOU between the Tribe and the City of Blue Lake.

DETERMINATION:

In accordance with the National Environmental Policy Act and implementing regulations of the Council on Environmental Quality (40 CFR 1500-1508), I find that the proposed federal action, to approve the management agreement between Blue Lake Rancheria and Excelsior Blue Lake LLC, when the mitigation measures are followed, does not constitute a major federal action that would significantly affect the quality of the human environment within the meaning of NEPA. Therefore, an Environmental Impact Statement is not required for this proposal.



Montie R. Deer, Chairman
National Indian Gaming Commission

JUN - 1 2001

Date