

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
PROPOSED HARRAH'S CHEROKEE HOTEL**

AGENCY: National Indian Gaming Commission (NIGC)

ACTION: Finding of no Significant Impact (FONSI)

SUMMARY: The Eastern Band of Cherokee Indians (Tribe) has submitted a request to the NIGC for the approval of an agreement between the Tribe and Harrah's NC Casino Company, LLC (Harrah's) to amend the existing Class III Management Agreement to include Class II gaming and to develop and operate a hotel in conjunction with the existing gaming operation.

The Tribe's Casino Gaming Enterprise, in association with Harrah's, proposes to construct a 15-story, 252 room hotel and parking garage on tribal trust land adjacent to the existing gaming facility.

The proposed federal action is the approval of the amended Class III Management Agreement by the NIGC. This approval will allow the Tribe to construct and operate the proposed hotel facility as planned, subject to any applicable conditions of the existing Tribe/State Gaming Compact.

FOR FURTHER INFORMATION CONTACT:

Christine Nagle
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

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 North Carolina through a State/Tribe Gaming Compact approved by the Governor and the Secretary of the Interior. The success of this tribal operation has provided additional opportunities for the Tribe to expand its operations in the form of a hotel business which will provide an expanded Tribal Government revenue base and additional career opportunities for tribal members and members of the surrounding communities.

DESCRIPTION OF THE PROPOSED PROJECT:

The proposed 252 room, 15-story hotel is to be developed on a 5.72 acre site on tribal trust land within the Qualla Boundary portion of the Cherokee Reservation. The proposed site is approximately one mile east of the town of Cherokee and immediately adjacent to Soco Creek and US Highway 19.

The hotel structure will occupy a footprint of approximately 1.2 acres. The remainder of the 5.72 acre site will contain entrance features, access to Highway 19, a parking structure, limited surface parking, and extensive landscaping. The parking structure will be five stories in height, 270 feet in length, and 180 feet in width. The structure will contain 700 parking places. Two paved driveways will be constructed to provide access from Highway 19.

ENVIRONMENTAL IMPACTS:

An Environmental Assessment (EA) documenting the planning process and analyzing implementation impacts of the proposed project has been completed. With mitigation there are no adverse environmental impacts 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 Tribe 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. The proposed land use will not impact declared wetlands. The proposed land use will not significantly impact water quality, air quality or traffic flow. The proposed land use will not adversely affect any threatened or endangered species or their habitat.

SUMMARY OF MITIGATION MEASURES:

All mitigation measures identified in the EA shall be implemented. These mitigation measures are summarized as follows:

Soils

- All applicable BMPs will be implemented during construction activities to minimize erosion.

Drainage

- Development of the project site will include stormwater detention structures to capture and control runoff, vegetated buffer strips, erosion and sedimentation controls and full compliance with all relevant FEMA regulations.

Water Quality

- A surface and groundwater quality monitoring program will be implemented to assure compliance with existing standards.
- A biofiltration system will be installed to treat stormwater runoff after completion of the hotel/parking garage construction.
- Detained stormwater will not be allowed to adversely affect groundwater.

Traffic Circulation

- The hotel access driveway from US 19 will be signalized.
- The eastbound lane of US 19 will be restriped to provide a left-turn pocket.

Noise

- Exterior and interior noise levels will be maintained below acceptable noise/land use compatibility standards.
- Construction will not occur during nighttime hours.

Air Quality

- Active grading areas and stockpiles will be watered when dust emissions are observed beyond the project property lines.
- If soil or sand is tracked onto US 19, US 441, or the casino roadways, the roadways will be swept and material removed at least once a day.

Biological Resources

- Previous mitigation plus prohibition of the dumping of harmful wastes will minimize effects to off-site wetlands and Soco Creek.

Public Health and Safety

- Increased fire protection needs will be assessed and any needed equipment or personnel will be obtained.
- All necessary health/safety permits will be obtained prior to operation of the hotel.

Aesthetics

- The site will be landscaped and utilize existing trees and other native vegetation.
- Mature trees will be left in place except where access is needed.
- Exterior lighting will be screened and directed downwards to limit glare and reduce off-site visibility of the project.

Hazardous Waste

- All conditions and stipulations of the pending Phase II Report with regard to the contamination present at the Cherokee Texaco site will be followed.

All mitigation measures described in the Final EA as being implemented or planned to ensure that adverse impacts of the project remain below the level of significance are conditions that support approval of this project and have been incorporated into the project proposal. NIGC approval of the Amended Management Agreement and the signing of this FONSI make construction and operation of the hotel contingent upon implementation of these mitigation measures.

PUBLIC AVAILABILITY:


This FONSI, and the Final EA upon which it is based, will be distributed to all persons and agencies known to be interested in the proposed action. Copies of the Final EA are available upon request at the following address.

Tribal Environmental Planning Office
Eastern Band of Cherokee Indians
Highway 19
Cherokee, NC 28719

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 when the mitigation measures are followed, the proposed federal action, to approve the Eastern Band of Cherokee Indians' requests related to the construction and operation of a hotel and parking facility in connection with its gaming facility, does not constitute a major federal action that would significantly affect the quality of the human environment within the meaning of NEPA. Therefore, no Environmental Impact Statement will be prepared.

Signed



Montie R. Deer
Chairman
National Indian Gaming Commission

Date

