

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT  
PROPOSED LUMMI NATION CASINO PROJECT**

AGENCY: National Indian Gaming Commission (NIGC)

ACTION: Finding of no Significant Impact (FONSI)

SUMMARY:

The Lummi Indian Nation of Washington (Tribe) has submitted a request to the NIGC for the approval of a management agreement between the Tribe and Merit Washington LLC to construct and operate a Class II and III gaming facility on existing tribal trust land.

The proposed 27,883 square foot gaming and entertainment facility is to be developed on a 15.422 acre site within the Lummi Indian Reservation. 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:

As there were no comments received during the 30 day public comment period for the project Draft Environmental Assessment (EA), the Final EA for the project is unchanged from the Draft EA. This FONSI will be distributed to all persons and agencies on the initial Draft EA mailing list. Copies of the Final EA are available upon request at the following address.

Lummi Indian Business Council  
2616 Kwina Road,  
Bellingham, WA 98225

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 Washington through a State/Tribe Gaming Compact approved by the Governor and the Secretary of the Interior.

DESCRIPTION OF THE PROPOSED PROJECT:

The Lummi Nation Casino and Entertainment center will be a 27,883 square foot facility on a 15.422 acre site located in Whatcom County at the southeast corner of the Slater Road and Haxton Way intersection. The facility will contain a 9,713 square-foot gaming area, a 2, 451 square-foot 24-hour restaurant, a 422 square-foot bakery/deli, a 1,829 square-foot bar/entertainment lounge and 13,468 square-feet of support and administrative facilities. Adjacent parking areas will provide 551 spaces.

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.

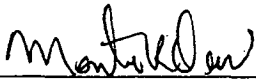
The impact on the quality of the human environment is judged to be of minor adverse impact and significant beneficial economic impact to both the Tribe and the surrounding communities. There are no significant unmitigated impacts on public health and safety. The site contains no eligible or listed National Register of Historic Places sites or any known significant archeological resources. There are no significant unmitigated adverse impacts on endangered species or their critical habitat. The proposed land use will impact declared wetlands but these impacts will be properly mitigated according to the terms of an Army Corp of Engineers Permit for construction of the project. The proposed land use will not significantly impact water quality or air quality. There are no significant unmitigated impacts on traffic flow.

REQUIRED MITIGATION:

All mitigation measures described in the Final EA ( Table 6.7 Summary of Mitigation Measures) 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 signing of this FONSI makes construction and operation of the gaming facility contingent upon implementation of these mitigation measures.

DETERMINATION:

In accordance with the National Environmental Policy Act (NEPA) 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 the Lummi Indian Business Council and Merit Washington 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.



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Montie R. Deer, Chairman  
National Indian Gaming Commission

12/11/01

Date