

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
PROPOSED PALA GAMING FACILITY**

AGENCY: National Indian Gaming Commission

ACTION: Finding of No Significant Impact

SUMMARY:

The Pala Mission Band of Indians (Tribe) has submitted a request to the National Indian Gaming Commission (NIGC) for the approval of a management agreement between the Tribe and Anchor Pala Management, LLC to manage a gaming facility on existing tribal trust land. Related to this agreement is an agreement with Anchor Pala Development, LLC for development and construction of the gaming facility.

The proposed 187,300 square foot Class II and Class III gaming and entertainment facility is to be developed on a 24 acre site near the western edge of the existing 18 square-mile Pala Indian Reservation, along State Route 76 in northern San Diego County, California. A waste treatment facility and a new well will be located northeast of the facility.

An Environmental Assessment (EA) was prepared for the project to meet the requirements of the National Environmental Policy Act of 1969, as amended (NEPA). The proposed federal action is the approval of the management agreement by the NIGC. Approval of this agreement 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:

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

PUBLIC AVAILABILITY:

This Finding of No Significant Impact (FONSI) and the EA on which it is based, will be available to all interested persons and agencies at the following locations:

Tierra Environmental Services
9903 Businesspark Avenue, Suite E
San Diego, California 92131
Michael Baksh, Project Manager
Phone: (858) 578-9064

Pala Band of Mission Indians
Administrative Office
12 Pala Temecula Road
Pala, California 92059

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.

ALTERNATIVES CONSIDERED:

Four alternatives for the proposed action were identified and analyzed. They are:

- 1) Preferred Alternative- described in detail below in the description of the proposed project section.
- 2) Reduced Project Alternative-which would result in construction of a smaller 65,000 square foot gaming and entertainment facility, including a 900 seat bingo hall.
- 3) Expanded Site Alternative-which would result in the project boundaries being expanded on the west, south and east to encompass approximately 45 acres.
- 4) No Action-which would result in no gaming facility being constructed by the Pala Band of Mission Indians.

DESCRIPTION OF THE PROPOSED PROJECT:

The proposed project, the Pala Casino and Entertainment center, will result in a 187,300 square foot facility on a 24 acre site located in northern San Diego County, on California State Route 76, five miles east of Interstate 15. The facility's design is patterned as a California contemporary lodge. The entry and main floor of the facility will cover an area of 136,000 square feet and contain the casino, numerous restaurants and the entertainment facilities. A lower level, which will cover 41,800 square feet, will contain administration, surveillance, an employee cafeteria, other support services, the Tribal Gaming Authority as well as an 8,800 square foot storage area. It is anticipated that an average of approximately 5,000 patrons will visit the facility on a daily basis.

The remainder of the 24 acre site, about 21 acres, will contain entrance features, accesses to SR-76, and 1,400 parking spaces. A porte cochere, together with a fountain, will characterize the front entrance of the facility, with major entrances from the west and east parking areas as well. Parking for busses will be provided at the northeast of the facility. Three two-way driveways will be constructed to provide access to SR-76. Improvements to the existing roadway will include dedicated turn lanes as well as rebuilding the SR-76 and Pala Mission Road interchange.

ENVIRONMENTAL IMPACTS:

An EA documenting the planning process and analyzing implementation impacts of the proposed project has been completed. With mitigation there are no 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. With mitigation there are no significant 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. One endangered species, the arroyo toad and its habitat are present on the fringe of the development. Consultation with the U.S. Fish and

Wildlife Service has resulted in the development of mitigation measures, which, when implemented, will protect the toad and the habitat. 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 project will have a beneficial economic impact for the Pala Mission Band of Indians. Benefits to the Tribe and its individual members would result from employment opportunities at the proposed facility. Additionally, Tribal use of gaming profits will result in an improved quantity and quality of social services for Tribal members.

SUMMARY OF MITIGATION MEASURES:

All mitigation measures identified in the EA (Section 6.0, pages 87-93) shall be implemented. These mitigation measures are summarized as follows:

Traffic Circulation: Fair share costs towards signalization of the I-15/SR-76 shall be contributed in accordance with an enforceable agreement with Caltrans that shall be fully executed prior to operation of the gaming facility. If required by Caltrans, improvements at PM 22 shall include installation of delineators on the inside and a guard rail on the outside of the subject curve if Caltrans warrants are met; installation of 29 striping (double yellow centerline with reflective pavement markers) along the subject curve and 27B (right edge line) striping 12 feet on either side of the centerline; widening the shoulder on both sides of the roadway about two feet beyond the right edge line in the area around the curve; and contribution of a fair share towards the realignment of the curve to be paid when Caltrans defines and implements the ultimate improvements at this location. A traffic signal warrant study shall be conducted annually to determine if and when a traffic signal should be installed at one of the project driveways. An Encroachment Permit shall also be obtained from Caltrans.

Noise: The hours of construction shall be limited to 7 a.m. to 7 p.m. if neighbors justifiably complain about nighttime construction noise. In addition, construction equipment shall be equipped with standard mufflers that are maintained in good condition, staging areas shall be located at least 280 feet from residential property, and equipment operation and maintenance within the staging areas shall be limited to the hours of construction.

Air Quality: The site design shall include an area for public or private buses to stop at the gaming facility. To minimize fugitive dust impacts, construction specifications shall require that all active graded sites be watered at least twice daily or as necessary; excavating and grading operations shall be suspended when wind speeds, averaged over one hour, exceed 25 mph; all exposed piles of sand, gravel, dirt, etc. shall be enclosed, covered, watered twice daily or as necessary, or treated with approved soil binders; and all trucks hauling dirt, sand, soil, or other loose materials shall be covered and maintain at least two feet of freeboard. Trucks to be used on public roads shall be operated so that they do not drop or leak any of the load on the road.

Hydrology/Water Quality: To protect the project site against flood-related damages and risks, the following drainage facilities and methods of flood mitigation will be

implemented: a storm drain will be constructed to convey local offsite runoff impacting the site from north of SR-76 through the site to the historic discharge point; the finished floor elevation of the proposed gaming building shall be elevated above the predicted flood elevations of the San Luis Rey River; basement level finished floors shall be protected by a series of floodwalls and berms to an elevation equal to, or above, the calculated floodway elevation; and a buffer zone shall be provided to protect the site from flows in Pala Creek. Onsite stormwater drainage shall be conveyed to the southwest corner of the site and then into Pala Lake which will serve as the detention pond for the gaming facility. In addition, the specific erosion and sediment control practices or Best Management Practices (BPMs) described in Section 6 of the Stormwater Pollution Prevention Plan (SWPPP) shall be implemented.

Visual Aesthetics: Unless required by Caltrans, all vegetation located along the northern project boundary adjacent to SR-76 shall be avoided except where driveway access is required; the project site shall be landscaped to include oak trees and other native vegetation if possible; and the planting and irrigation plans shall be prepared by a Registered Landscape Architect. All outdoor lighting shall consist of LPS lamps and be fully downshielded, with the intensity and number of the lights kept to a minimum, all of which will be adequate for public safety and security.

Public Services: The water produced from the new primary and any backup wells shall be tested to ensure that it meets USEPA and CDHS drinking water standards prior to operation of the gaming and entertainment facility. If the standards are not met, the water shall be appropriately treated until the standards are met before operation of the facility commences. Water quality shall also be regularly monitored over the life of the facility's operation. The new wastewater treatment system shall be completed and operational prior to operation of the gaming and entertainment facility.

Public Safety (Law Enforcement): Security personnel shall be employed by the facility to adequately meet law enforcement needs posed by the gaming facility.

Cultural Resources: For sites CA-SDI-6/H, CA-SDI-741 and PA-S-2, construction activities shall avoid use of the existing road and be monitored. In addition, site PA-S-1 shall be avoided and site PA-S-6 shall be flagged and avoided during construction. If potentially significant cultural resources are identified during construction monitoring, evaluation and treatment of these resources may be necessary.

Biological Resources: Potential impacts to the arroyo toad shall be minimized by avoiding nighttime construction activities during the breeding season (March through early June); incorporating noise abatement measures to the satisfaction of the USFWS; developing a plan for outdoor that shields the Pala Creek area from any direct lighting, especially during the spawning season, and not utilizing tall banks of lights that illuminate in all directions; and placing drop shafts for the boring activities associated with water and wastewater pipelines under Magee Creek above the creek and excavating during the toads non-breeding season. Additional minimization and avoidance measures developed as a result

of a formal agreement between the Tribe and the U.S. Fish and Wildlife Service, have been incorporated into a Memorandum of Agreement.

Geology/Soils: All grading and foundations plans shall be reviewed, and all actual earthwork shall be performed, to the satisfaction of a Geotechnical Engineer or Engineering Geologist. The proposed structures are designed and shall be constructed according to Seismic Zone 4 and the Base Shear Formula in Section 23 of the 1991 Uniform Building code (UBC). Although structural damage could occur, structures designed according to the provisions of the UBC should resist major earthquakes of the severity anticipated at the site without collapse.

Socioeconomic: To help educate patrons about gambling addiction, a public information program consisting of written material warning about the dangers of gaming addiction and listing organizations that provide help (such as Gamblers Anonymous and the National Council on Problem Gambling, Inc.) will be made available to patrons.

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 Management Agreement and the signing of this FONSI make construction and operation of the gaming facility contingent upon implementation of these mitigation measures.


PUBLIC REVIEW AND COMMENT:

The draft Environmental Assessment was circulated for public comment from April 21, 2000 through May 20, 2000. The NIGC received twelve comment letters. None of the responses substantially affected the outcome of the environmental analysis, prescribed mitigation measures or the alternatives developed.

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 Pala Mission Band of Indian's requests related to the construction and operation of a Class II and Class III gaming facility, 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, no Environmental Impact Statement will be prepared.

This conclusion is based on the analysis contained in the Final EA. Therefore, an Environmental Impact Statement is not required and the NIGC is issuing this FONSI.



Montie R. Deer
Chairman
National Indian Gaming Commission

6-15-2000
Date