

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
PROPOSED HOTEL EXPANSION RINCON GAMING FACILITY**

AGENCY: National Indian Gaming Commission (NIGC)

ACTION: Finding of no Significant Impact (FONSI)

SUMMARY:

The Rincon San Luiseño Band of Mission Indians of California (Tribe) has submitted a request to the NIGC for the approval of an amendment to the management agreement between the Tribe and HCAL Corporation (Harrah's) to expand the Tribe's Class III gaming facilities on existing tribal trust land.

The proposed hotel expansion, parking structure, low-rise area and wastewater treatment plant expansion will occur within the 65-acre site that was analyzed in the May 2001 Environmental Assessment. The proposed federal action is the approval of the amendment 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 Tribal/State Gaming Compact.

FOR FURTHER INFORMATION CONTACT:

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National Indian Gaming Commission
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202-632-7003

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.

Rincon San Luiseño Band of Mission Indians
Rincon Reservation PO Box 68
Valley Center, CA 92082

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.

A public hearing and comment period were held by the Tribe in accordance with the requirements of the Tribe's Compact with the State of California. Comments received

from the public and, responses to comments prepared by the Tribe, as well as a transcript of the public hearing were incorporated into the NIGC's review.

DESCRIPTION OF THE PROPOSED PROJECT:

The Rincon Hotel Expansion project will include a 22-story, 499 room hotel, a 1,200 space parking structure, 38,555 square feet of low rise public area and expansion of the on-site wastewater treatment facility. The project is located within the 65-acre site covered in May 2001 Environmental Assessment for construction of the gaming facility. The project is located in San Diego County, with frontage on Valley Center Road, approximately nine miles northeast of the City of Escondido. Currently the facility contains 180,00 square feet including 52,515 square-foot of gaming area, a 125,000 square-foot, 201 room hotel, 2400 parking spaces and an on-site wastewater disposal system. It is anticipated that an average of 2,784 additional vehicle trips per day will occur as a result of this project. This will bring the daily vehicle trip rate up to just under the 8,270 per day rate analyzed in the May 2001 Final EA.

ENVIRONMENTAL IMPACTS:

An Supplemental EA documenting 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 not significantly impact declared wetlands. 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 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 make 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:

Traffic Circulation:

- The Tribe and the County of San Diego have signed a Cooperative Agreement providing for roadway mitigation designed to reduce project impacts below significant levels.

Air Quality:

- Grading activities shall incorporate dust control measures that will include, but are not limited to, watering active grading areas as needed, preventing the deposit of soil and sand on public roadways, and revegetating all unpaved disturbed areas as soon as feasible.
- The tribe shall encourage employees to use car pool or rideshare.
- The Tribe shall actively obtain and review data relative to the geographical origin of patrons, and aggressively market the use of buses.

Biological Resources:

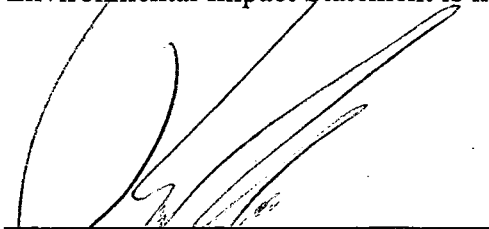
- Appropriate mitigation, as agreed to by the Tribe and prescribed by the US Fish & Wildlife Service in Biological Opinion 1-6-01F-1060 will result in less than significant impacts to the arroyo toad.
- A final Tribal Resource Management and Conservation Plan will be developed and implemented by the Tribe in coordination with the US Fish & Wildlife Service.

Aesthetics:

- Design of lighting for the hotel expansion will comply with the County of San Diego's Light Pollution Ordinance.

DETERMINATION:

In accordance with the National Environmental Policy Act (NEPA) and implementing regulations of the Council on Environmental Quality (40 C.F.R. 1500-1508), I find that the proposed federal action, to approve the management agreement between Rincon San Luiseño Band of Mission Indians and HCAL Corporation, 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.



Philip N. Hogen, Chairman
National Indian Gaming Commission

11/14/03
Date