

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
PROPOSED 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 a management agreement between the Tribe and HCAL Corporation (Harrah's) to construct and operate a Class III gaming facility on existing tribal trust land.

The proposed 184,000 square foot gaming and entertainment facility is to be developed on a 65 acre site within the 4000 acre Rincon 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 Tribal/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 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.

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.

DESCRIPTION OF THE PROPOSED PROJECT:

The Rincon Casino and Entertainment center will be a 184,000 square foot facility on a 65 acre site located in San Diego County, fronting on Valley Center Road, approximately eight miles northeast of the City of Escondido. The facility will contain a 59,900 square-foot gaming area and a 125,000 square-foot hotel. Adjacent parking areas will provide 2400 spaces. A wastewater treatment facility will also be constructed as part of the project.

Access to the site is from Valley Center Road (Highway S-6). It is anticipated that an average of 8,270 patron vehicles will use this road to visit the facility on a daily basis.

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 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 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 to prevent erosion and soil losses.

Drainage:

- The developed site configuration will ensure that there will be no rise in the Base Flood Elevation.

Water Quality:

- A biofiltration system and detention pond will be constructed in the northwest corner of the project site to attenuate all stormwater runoff from the site.

Traffic Circulation:

- The Tribe and the County of San Diego have signed a Cooperative Agreement (Appendix C) providing for roadway mitigation designed to reduce project impacts below significant levels.
- Provision of a right-of-way and improvements including southbound deceleration lanes and two-way left turn for access to the project driveway.
- Installation of a traffic signal at the main driveway.
- Provision of right-of-way and construction of walkway along frontage of the planned new bridge over the San Luis Rey River.
- Addition of two lanes to Valley Center Road between the Escondido city limits and Cole Grade Road.
- Signalization of the Woods Valley Road/Valley Center Road intersection.
- Intersection improvements at the Cole Grade Road/Valley Center Road intersection.
- Signalization of the North Lake Wohlford Road/Valley Center Road intersection.
- Add one lane to Valley Center Road between the casino entrance and Cole Grade Road.

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.
- Construction crews will be encouraged to carpool to and from the site.
- 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 (Appendix D) will result in less than significant impacts to the arroyo toad.
- A final Tribal Resource Management and Conservation Plan will be developed by the Tribe in coordination with the US Fish & Wildlife Service. A Draft Plan will be submitted not later than October 30, 2001.

Cultural Resources:

- During ground disturbing construction activities the site will be monitored for the discovery of cultural resources and appropriate action taken if resources are discovered.

Police Protection:

- Project security will be provided using measures developed in cooperation with the San Diego County Sheriff's Department.

Fire Protection:

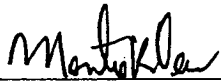
- Prior to opening of the proposed project, the tribe will negotiate a services agreement with one or more of the fire service agencies in the project vicinity.

Aesthetics:

- All outdoor lighting for the proposed project will adhere to the County of San Diego's Light Pollution Code.

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 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.



Montie R. Deer, Chairman
National Indian Gaming Commission

JUN - 4 2001

Date