

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
FOR
OJIBWA II CASINO
KEWEENAW BAY INDIAN COMMUNITY**

AGENCY: Bureau of Indian Affairs (BIA)

ACTION: Finding of No Significant Impact (FONSI)

SUMMARY: The Keweenaw Bay Indian Community (Tribe) of Michigan submitted an application to the U.S. Department of the Interior, BIA requesting the Secretary of the Interior (Secretary) to review its application to conduct Class III gaming activities on a 22.28 acre parcel of land located in Chocoley Township, Marquette County, Michigan, that was placed in trust status after October 17, 1988. The proposed Federal Action is a two-part Secretarial determination pursuant to Section 20(b)(1)(A) of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2719(b)(1)(A). Based on a thorough review and analysis of the Final Amended Supplemental Environmental Assessment (EA) submitted by the Tribe, the DOI/BIA has determined that the proposed Federal Action is not a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969.

Based on the Amended Supplemental EA, dated April 3, 2000, for the proposed continued operation of the Ojibwa II Casino by the KBIC in Marquette County, Michigan, I have determined that by implementation of the agency proposed action and environmental mitigation measures as specified in the Amended Supplemental EA, the proposed continued operation of the Ojibwa II Casino will have no significant impact on the quality of the human environment. In accordance with Section 102 (2) of NEPA, as amended, an environmental impact statement will not be required.

FOR FURTHER INFORMATION PLEASE CONTACT:

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BACKGROUND, LAWS, AND AGREEMENTS: Gaming is a unique opportunity for Indian tribes to improve the socio-economic conditions on Indian reservations and to enhance the living

standards and quality of life for tribes and their members through increased employment and other related business opportunities for the tribe. This opportunity is afforded to the Tribe under IGRA (25 U.S.C. 2701 et seq.) And was sanctioned by the State of Michigan through a Tribal-State Gaming Compact approved by the Secretary on November 19, 1993, with notice of its approval published in the *Federal Register* on November 30, 1993. The compact will expire in 2013.

DESCRIPTION OF THE PROPOSED PROJECT: The proposed Ojibway II Casino of the Keweenaw Bay Indian Community is a Class III gaming complex on a trust parcel (consisting of 22.28 acres). The casino consists of approximately 17,000 square feet of gaming area. The gaming complex offers 16 blackjack tables and 350 slot machines.

ENVIRONMENTAL IMPACTS: Agency and public involvement was conducted and environmental issues related to continued operation of the Ojibwa II Casino were identified. See Chapter 5 on pages 27 and 29 for a list of agencies of individuals contacted. Copies of documents and comment letters from agencies and individuals that identify issues are attached to the EA in Appendices D, E, G, H, J, and K.

The Amended Supplemental EA discloses the environmental consequences of the proposed action and the "No Action" alternative. Furthermore, mitigation measures were developed in response to environmental concerns and issues. See Chapter 4 on page 18. Specifically, the project incorporates mitigation measures, such as, a water filtration system to ensure the drinking water supply meets Safe Drinking Water Act standards. The EA states that water samples were analyzed by an independent laboratory to test and confirm the effectiveness of the filtration system.

The sewage generated by the Ojibwa II casino is disposed of through a septic system composed of four septic tanks and trench system drain fields. This system complies with tribal and federal standards, and has received the approval of the Indian Health Service. The EA indicates that the waste water treatment and disposal system is functioning properly. See Chapter 4 on page 25. Water quality testing of the drinking water wells indicate that bacterial is not impacting the groundwater supply. The Tribe and Sands and Chocolay Townships have formed an ad hoc water committee to explore the possibility of forming a sanitary district for the purpose of improving the sewer and water service to the entire area.

A new access road and privacy fence reduce noise impacts to residential areas from vehicular traffic. See Chapter 4 on pages 20, 23 and 24.

The proposed action will not jeopardize threatened and endangered species, since there are no listed species in the project area, as confirmed by the U.S. fish and Wildlife Service in letter dated January 13, 1999. See Paragraph 4.6 on page 21 and Appendix D.

There are no adverse effects on historic properties for the purpose of 36 CFR 800.9 (b) as concurred with by the State Historic Preservation Officer (SHPO) in a letter dated July 21, 1995. Should undiscovered archeological remains be encountered during project ground disturbing activities, work will stop in the area of discovery and the stipulations of 36 CFR 800.11 be followed. See EA paragraph 3.10 on page 12, EA paragraph 4.10 on page 22, and correspondence from the SHPO in Appendix E.

Impacts to flood plains affected by the proposed alternative have been evaluated in accordance with E.O. 11988. Impacts to wetlands have been evaluated in accordance with E.O. 11990. There are no surface waters located on or adjacent to the property, including wetlands. See EA paragraphs 3.3.1 and 3.3.2 on page 8.

The cumulative effects to the environment are evaluated in EA section 4.18 on pages 26 and 27.

The proposed action would improve the economic and social conditions of the Keweenaw Bay Indian Community and non-tribal community members. See EA section 3.12 on page 13 and EA section 4.12 on pages 22 and 23.

ALTERNATIVES CONSIDERED: The preferred alternative proposes to continue operation and maintenance of the casino, associated parking lot, approach roads, housing units, and water supply and sewage systems at the current location in Chocolay Township, Marquette County, Michigan (Figure 1).

The no action alternative would involve closure of the current Class III gaming establishment. If continued operation of the Ojibwa II Casino is determined to be illegal by a court, the building housing the casino would need to be used as an alternate type of facility involving non-gaming activities.

The facility could be utilized as a community center for KBIC members in the adjacent housing units and Marquette area. Tribal administrative offices could also operate within the facility. Alternate uses of the existing facility would involve modifications to the interior of the building, along with slight modifications to the exterior of the building (e.g. dismantling of current casino signage).

PUBLIC AVAILABILITY: This FONSI and the Final EA on which it is based, will be available to all interested persons and agencies at the following locations:

Larry Morrin, Regional Director
BIA Midwest Region
Whipple Federal Building
One Federal Drive, Room 550
Fort Snelling, MN 55111-4007

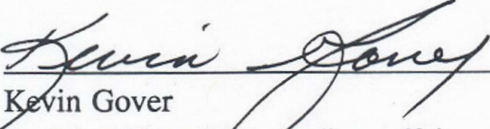
Anne Bolton, Superintendent
BIA Michigan Agency
2901.5 1-75 Business Spur
Sault Ste. Marie, Michigan 49783

Richard Shalifoe, President
Keweenaw Bay Tribal Center
107 Beartown Road
Baraga, MI 49908

Michael Donofrio
Keweenaw Bay NRD Director
P.O. Box 10
L'Anse, MI 49908

DETERMINATION: The proposed Federal Action, to issue a two-part Secretarial determination pursuant to 25 U.S.C. 2719(b)(1)(A), does not constitute a major Federal Action that would significantly affect the quality of human environmental as defined in NEPA. This conclusion is based on the analysis contained in the EA. Therefore, an EIS is not required and the BIA is issuing this FONSI.

ISSUED BY THE DEPARTMENT OF THE INTERIOR



Kevin Gover
Assistant Secretary - Indian Affairs

MAY 9 2000

Date