

Finding of No Significant Impact

Proposed Pokagon Band of Potawatomi Indians of Michigan Gaming Facility New Buffalo, Michigan

Based on the January 2001 Environmental Assessment (EA) for the Proposed Pokagon Band of Potawatomi Indians of Michigan Gaming Facility at New Buffalo, Michigan, and corresponding mitigation measures, I have determined that implementation of the proposed federal actions, a fee-to-trust acquisition by the Bureau of Indian Affairs, will have no significant impact on the quality of the human environment. In accordance with Section 102 (2) of the National Environmental Policy Act of 1969, as amended, an environmental impact statement will not be required.

This determination is supported by the following findings:

1. Agency and public involvement was conducted and environmental issues were identified related to the contemplated fee-to-trust acquisition. See EA section 6.2 Consultation for a list of agencies and individuals contacted. Copies of documents and comment letters from agencies and individuals that identified issues are attached to the EA in Appendices D, E, F, I, J, L, P, Q, and U. A 30-day public comment period ended on December 22, 2000. Written comments received during that period and responses to them are included in Appendix U. Where appropriate, the EA was modified in response to these comments. Consultation occurred with two tribal governments and correspondence in regard to the American Indian Religious Freedom Act is contained in Appendix F.
2. Alternative courses of action and mitigation measures were developed in response to environmental concerns and issues related to the proposed project. The EA discloses the environmental consequences of the proposed action and the "No Action" alternative. See EA Chapter 2 for a discussion of the alternatives and EA Chapter 4 for a discussion of the environmental consequences of each alternative.
3. Protective measures have been agreed to by the Pokagon Band to minimize the socioeconomic impacts to the surrounding community. See EA Chapter 5 Mitigation Measures.
4. Pursuant to recommendations provided by the U.S. Fish and Wildlife Service in their January 11, 2001, letter to the Bureau of Indian Affairs, development of the proposed project, will leave as many potential roost trees as possible to minimize impacts to potential Indiana bat habitat. Thus, the proposed action will not jeopardize threatened and endangered species. See EA section 4.8 Threatened and Endangered Species and Appendix D.
5. The undertaking does not have the potential to cause effects on historic properties (36 CFR 800.3(a)(1)). In a consultation letter dated July 14, 2000, the State Historic Preservation Officer (SHPO) stated that there are no sites eligible for inclusion on the National Register of Historic Places are affected. The Nottawaseppi Huron Band of Potawatomi and Pokagon Band of Potawatomi have indicated in letters dated October 20, 2000 and October 18, 2000 that the Preferred Alternative would not impact traditional religious freedom. Nevertheless, should undiscovered archeological remains be encountered during construction of the project, work will stop in the area of discovery and the stipulations of 36 CFR 800.13(b),(c) and (d) will be followed. See EA section 4.11 Cultural Resources and correspondence from the Michigan SHPO in Appendix P, and letters from two tribal governments in Appendix F.
6. Impacts to public health and safety are mitigated through implementation of safety measures described in section 4.19 Health and Safety. The Traffic Impact Analysis (Appendix H) finds that

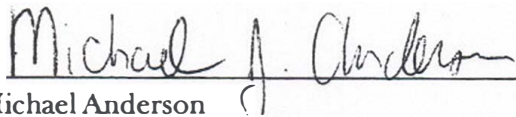
specific improvements will be required to maintain level of service. The Pokagon Band has agreed in the Local Agreement (Appendix S) to fund the cost of the recommended road improvements. The City of New Buffalo indicates that it has adequate capacity to provide law enforcement, fire protection, and water supply service for phase one development and that the water plant will need to be expanded for phase two of the Preferred Alternative. New Buffalo Township finds that it has adequate wastewater service for the Preferred Alternative. The Pokagon Band has agreed in the Local Agreement (Appendix S) to provide funding to address compulsive gambling.

7. In compliance with E.O. 11988, the proposed project will not impact any floodplains. In compliance with E.O. 11990, the proposed project will minimize impacts to nearby wetlands. The proposed project will not impact prime farmlands. See EA sections 4.18 Land Use, 4.5 Wetlands, and 4.4 Floodplains.

8. The cumulative effects of the proposed action combined with past and reasonably foreseeable future actions are not significant. These cumulative effects on the quality of the human environment are evaluated in EA Chapter 4 Environmental Consequences using a resource-by-resource presentation and summarized in the EA in section 4.22 Cumulative Impacts.

9. The Preferred Alternative is in compliance with the Clean Air Act 42 U.S.C. 7401-7671q. Since the proposed project would be located in an attainment area for all six of USEPA's priority pollutants, a general conformity determination is not required.

10. The proposed action would improve the economic and social conditions of the Pokagon Band of Potawatomi and some non-tribal residents and businesses in the project vicinity. The proposed action may have detrimental socioeconomic impacts on residents and businesses of the New Buffalo area due to cumulative development, changed character of the area, and competition for employees. See EA section 4.12 Socioeconomics.



Michael Anderson
Acting Assistant Secretary - Indian Affairs

1/19/01

Date