

Finding of No Significant Impact
Trust Acquisition of Four Parcels in Sequoyah County for Gaming for the Cherokee Nation

On July 21, 2014, the Cherokee Nation (Nation) submitted to the Bureau of Indian Affairs (BIA) an application to acquire in trust approximately 51.35 acres located in Sequoyah, Oklahoma, near the City of Roland, for gaming and other purposes. The Nation's application includes four parcels (collectively, the Parcels), with only one parcel proposed for gaming:

- Parcel 1 - The Travel Plaza is located on an 8.2-acre fee tract lying adjacent to, and immediately west, of the Roland Casino which has been in operation since 1990 when the land was acquired in trust. The Travel Plaza provides services for local residents and travelers on Interstate Highway 40. The Nation proposes to install 50-75 gaming machines in the existing Travel Plaza facility on Parcel 1. No change in land use would occur as a result of acquisition.
- Parcel 2 - The Hotel Tract is a 3.4-acre fee tract located adjacent to, and immediately east of, the Roland Casino. The small hotel was removed and will be used as a parking lot. No change in land use would occur as a result of acquisition.
- Parcel 3 - A vacant 3.36-acre fee tract is located adjacent to, and immediately east of, the Roland Casino. This tract of land is serving the Roland Casino as a multi-story parking garage. No change in land use would occur as a result of acquisition.
- Parcel 4 - The 36.39-acre fee tract located east of the two smaller 3.4 acre vacant tract and Hotel Tract. The majority of this tract is undeveloped open grassland with woodland forested areas. A one-acre non-regulated agricultural surface water impoundment is located near the center of the property. There is a maintenance building that serves the existing casino property, located in the northwest corner of this tract. There are two residential structures located along the southern boundary. No change in land use would occur as a result of acquisition.¹

Based on the Environmental Assessment (EA) for the trust acquisition of four parcels in Sequoyah County, Oklahoma, it is my determination that acquiring the four parcels in trust and the subsequent installation of 50-75 gaming machines in the Travel Plaza will have no significant impact on the quality of the human environment with implementation of the mitigation measures and best management practices specified in the EA. In accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C § 4321 *et seq.*, as amended, an Environmental Impact Statement will not be required.

¹ See Environmental Assessment for Fee-to-Trust Acquisition – Roland Travel Plaza (Dec. 2016) [hereinafter EA] at §§ 2.0; 3.0.

An Environmental Assessment (EA) for the Parcels was completed in December 2016. The EA was made available for public comment from December 16, 2016, to January 17, 2017, by notice in the *Sequoyah County Times*. No comments were received.

The EA analyzed three alternatives:

No Action Alternative: Under the No Action Alternative, the United States would not acquire the Parcels in trust, and the Nation would not install gaming machines in the Travel Plaza.

Land in Trust without Gaming - Alternative 1: Under Alternative 1, the United States would acquire the Parcels in trust, but the Nation would not install gaming machines in the Travel Plaza.

Proposed Action - Alternative 2: Under Alternative 2, the United States would acquire the proposed Parcels in trust, and the Nation would install 50-75 gaming machines in the Travel Plaza.

Potential impacts to land resources, water resources, air quality, biological resources, cultural resources, socioeconomic resources and environmental justice, transportation and circulation, land use, public services and utilities, visual resources, noise, and hazardous materials are each evaluated in the EA. The EA concludes impacts to these resources would be less than significant.

Based on a review of the EA and its analysis of potentially affected resources, we have determined that Alternative 2 would best meet the purpose and need for acquiring the Parcels in trust. We have further determined that a Finding of No Significant Impact (FONSI) is appropriate, and that an environmental impact statement is not required. The FONSI is enclosed as Enclosure II.

Land Resources - Acquisition of the Parcels will not result in changes to the existing topography. Because the Travel Plaza on Parcel 1 is a pre-existing structure and no changes will be made to the land or land use, installing gaming machines inside the Travel Plaza will not have a significant impact to the land resources. Development of the Alternative 2 would result in less-than-significant impacts to land resources. *See* EA § 3.1.

Water Resources - Acquisition of the Parcels does not require any construction activities or alteration of water resources, and there will be no impacts commonly associated with these activities. There is an agricultural pond located northeast of the Travel Plaza tract, and an intermittent stream/drainage ditch on the southwest corner of the Travel Plaza tract. There will be no impacts to either water resource because there will be no changes in land use. Development of Alternative 2 would result in less-than-significant impacts to water resources. *See* EA § 3.5.

Air Quality - Acquisition of the Parcels does not require any construction activities, and there will be no impacts to air quality that are commonly associated with these activities. There will not be any impacts due to the operation of the new gaming machines on Parcel 1 or of the increased traffic. The entire State of Oklahoma is an attainment area under the Clean Air Act's National Ambient Air Quality Standards. Development of Alternative 2 would result in less-than-significant impacts to air quality. *See* EA at § 3.6.

Biological Resources - Acquisition of the Parcels will not result in changes to land use. The Parcels contain an existing building and parking lots in a developed area. There will be no changes to potential habitats, or impacts to listed threatened and endangered species. There are no unique or sensitive ecosystems or biological communities on the Parcels. There are no natural communities that may be adversely affected during site development. Development of Alternative 2 would result in less-than-significant impacts to biological resources. *See* EA § 3.7.

Cultural Resources - There are no known historic properties or known archeological sites or cultural materials within the Travel Plaza's area of potential effect. No known historic, cultural, archaeological, or religious resources would be affected by the development of the Parcels. Development of Alternative 2 would result in less-than-significant impacts to cultural resources. *See* EA § 3.8.

Socioeconomic Conditions - The installation of gaming machines at the Travel Plaza will create eight new jobs from which the local economy would likely benefit. Increased revenue from the additional machines will allow the Nation to provide tribal benefits to its citizens and continue to make charitable contributions to the surrounding community. Development of Alternative 2 would result in less-than-significant impacts to socioeconomic conditions. *See* EA § 3.2.

Transportation Networks - The installation of gaming machines inside the Travel Plaza would not alter the existing environmental conditions. The Cherokee Roland Casino is located on land adjacent to the Travel Plaza tract, so there is already a high volume of traffic from visitors to the casino. The addition of gaming machines in the Travel Plaza will not increase the traffic in a significant way. Development of Alternative 2 would result in less-than-significant impacts to transportation networks. *See* EA § 4.7.1.

Public Services - Gas service is provided by Arkansas Oklahoma Gas, and electric service is provided by Oklahoma Gas and Electric. Water and sewer services are already provided by the City of Roland. Law Enforcement services for the Travel Plaza are provided by the Cherokee Nation Marshal Service, the Sequoyah County Sheriff's Office, and the Roland Police Department. Fire and emergency services are provided by the Roland Fire Department. Development of Alternative 2 would result in less-than-significant impacts to public services. *See* EA § 3.2.

Visual and Noise Resources - There will be no construction or change in land use as a result of acquisition of the Parcels in trust. Development of Alternative 2 would result in less-than-significant impacts to visual or noise resources. *See* EA § 3.1.

Cumulative and Indirect Effects - There will be no construction or change in land use as a result of acquisition of the Parcels in trust, and, thus, no direct or cumulatively considerable adverse impacts to land resources, water resources, air quality, biological resources, cultural resources, transportation, water supply, or other resources. Development of Alternative 2 would result in less-than-significant cumulative and indirect effects.



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