

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT  
PROPOSED TWENTY-NINE PALMS GAMING FACILITY**

AGENCY: National Indian Gaming Commission (NIGC)

ACTION: Finding of No Significant Impact (FONSI)

SUMMARY:

The Twenty-Nine Palms Band of Mission Indians of California (Tribe) has submitted a request to the NIGC for the approval of a management agreement to construct an expanded class III gaming facility on existing tribal trust land.

The proposed 130,000 square foot gaming and entertainment facility is to be developed on a 55-acre site within the Twenty-Nine Palms 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 expanded gaming facility as planned, subject to the conditions of the existing Tribe/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 Environmental Assessment (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.

Twenty-Nine Palms Band of Mission Indians  
46-200 Harrison Street  
Coachella, California 92236

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 Twenty-Nine Palms Casino and Entertainment center will be a 296,500 square foot facility on a 55-acre site located in Riverside County, between the cities of Indio and Coachella, California. The facility will contain a 50,000 square-foot gaming area; a 200-room hotel; 70,000 square-foot food and beverage service area; 36,000 square-foot administrative area; 36,400 square-foot public circulation area; 8,500 square feet of tribal office space; and an additional 1,439 parking spaces.

Access to the site is from Harrison Road and Dillon Road. It is estimated that 10,959 average daily trips by patron vehicles will be made to access and depart the facility.

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 archaeological 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:

**WATER QUALITY**

- WQ-1:** The project shall include two onsite detention/retention basins and appurtenant storm drain facilities to control runoff and protect surface/groundwater quality. The basins shall be installed at the beginning of construction activities in order to capture construction site run-off. The basin size will be approximately 3.89 acre-feet (2.21 acre-feet required).
- WQ-2:** Possible BMPs during construction shall include the use of culverts, berms, sandbags, and other acceptable containment procedures for the prevention of stormwater pollution and runoff from onsite materials.

## **TRAFFIC**

**TRA-1:** The applicant shall contribute funds towards widening Dillon Road from two lanes to four lanes from north of Harrison Place to Indio Boulevard-Grapefruit Boulevard. The maximum amount of the contribution shall be equal to the TUMF fee estimate provided by CVAG. Funds shall be contributed by one of the following two methods: 1) The applicant shall pay a fee into the TUMF commensurate with its development as if it were a private developer subject to State law; or 2) the applicant shall make an equivalent payment to the City of Coachella in lieu of the TUMF payment, at the time requested by the City in their funding request to CVAG.

**TRA-2:** The applicant shall widen Harrison Place from two lanes to four lanes from Dillon Road to the project site, prior to the completion of project construction. Payment for these improvements shall be funded by the applicant.

**TRA-3:** The applicant shall contribute funds to signalize the Dillon Road/Harrison Place intersection. Funds shall be contributed to the City of Coachella at the time such improvements are committed to by the City.

## **AIR QUALITY**

**AQ-1:** The following mitigation measures shall be used during construction of the proposed project:

- During site cleaning, grading, earth moving, or excavation:
  - a) Control fugitive dust by regular watering of construction roads;
  - b) Suspend site grading and earth moving activities when wind speeds exceed 25 miles per hour (mph);
  - c) Reduce on-site vehicle speed to less than 15 mph;
  - d) Maintain equipment engines in proper tune;
  - e) Encourage construction contractors to apply 2-degree injection timing retard to diesel IC engines, when feasible;
  - f) Encourage construction contractors to use low-NOx engines, alternative fuels, and electrification, when feasible;
  - g) Turn off engines when not in use.
- After site cleaning, grading, earth moving, or excavation:
  - a) Seed and water until grass cover is grown;
  - b) Spread soil binders, when necessary;

activity shall comply with local noise control regulations affecting construction activity or obtain exemptions therefrom.

- The use of noise-producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only.
- No project-related public address or music system shall be audible at any adjacent receptor.
- The on-site construction supervisor shall have the responsibility and authority to receive and resolve noise complaints. A clear appeal process shall be established prior to construction commencement that will allow for resolution of noise problems that cannot be immediately solved by the site supervisor.
- The contractor shall develop a project noise control plan, which shall have been approved and implemented prior to commencement of any construction activity.
- Noise control features and plans shall be reviewed and approved by a noise control engineering professional.
- Contract incentives may be offered to the construction contractor to minimize or eliminate noise complaints resulting from project activities where project construction would result in significant noise impacts.
- Berms or erection of temporary sound wall barriers will be used to control noise where project construction activity is unavoidably close to noise-sensitive receptors.

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 for the Twenty-Nine Palms Band of Mission Indians, 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

Date: 