



To: File

Through: Elaine Trimble-Saiz, Director of Contracts

A handwritten signature in black ink, appearing to be "ETS", written over the name Elaine Trimble-Saiz.

From: Brad Mehaffy, NEPA Compliance Officer *BAM*

Date: December 11, 2009

RE: Mescalero Apache Tribe Categorical Exclusion (CATEX)

The above mention tribe submitted a management contract to the NIGC for approval. Based on my review of the management contract, business plan and in accordance with CEQ regulation (40 CFR 1508.4), it has been determined that actions that would occur should the management contract be approved will "not individually or cumulatively have a significantly effect on the human environment..." It is important to note that the scope of development in the management contract and your request for a CATEX must be reasonably consistent. Should you later decide to expand the scope of development in your management contract, you must contact this office for guidance regarding the level of environmental review for the additional actions. *BAM*