



SCOPING REPORT
SAMISH INDIAN NATION
FEE-TO-TRUST ACQUISITION AND CASINO EIS

OCTOBER 2011

Lead Agency:

U.S. Department of the Interior
Bureau of Indian Affairs
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232
Phone: (503) 231-6702
Fax: (503) 231-2201
www.doi.gov/bia



SCOPING REPORT
SAMISH INDIAN NATION
FEE-TO-TRUST ACQUISITION AND CASINO EIS

OCTOBER 2011

LEAD AGENCY:

U.S. Department of the Interior
Bureau of Indian Affairs
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232
Phone: (503) 231-6702
Fax: (503) 231-2201
www.doi.gov/bia



PREPARED BY:

Analytical Environmental Services
1801 7th Street, Suite 100
Sacramento, CA 95811
(916) 447-3479
www.analyticalcorp.com



TABLE OF CONTENTS

SAMISH INDIAN NATION FEE-TO-TRUST PROJECT– EIS SCOPING REPORT

1.0	INTRODUCTION	1-1
1.1	Cooperating Agencies.....	1-1
1.2	EIS Schedule and Public Review	1-2
1.3	EIS Scoping Process.....	1-3
2.0	PROPOSED ACTION AND ALTERNATIVES.....	2-1
2.1	Purpose and Need	2-1
2.1.1	Project Location.....	2-2
2.2	Alternatives to be Analyzed within the EIS	2-2
2.2.1	Alternative A – Proposed Project	2-2
2.2.2	Alternative B – Reduced Intensity Project	2-6
2.2.3	Alternative C – Non-Gaming Alternative.....	2-8
2.2.4	Alternative D – Weaverling Spit Site	2-8
2.2.5	Alternative E – No Federal Action	2-8
3.0	ISSUES IDENTIFIED DURING SCOPING.....	3-1
3.1	Introduction	3-1
3.2	Issues Identified During Scoping	3-1

TABLES

Table 2-1	Alternative A – Proposed Project Fee-to-Trust Components	2-6
Table 2-2	Alternative B – Reduced Intensity Components	2-6
Table 2-3	Alternative C – Non-Gaming Components	2-8
Table 2-4	Alternative D – Weaverling Spit Site Componenets	2-8
Table 3-1	Comment List	3-1

FIGURES

Figure 1	Regional Location Map	2-3
Figure 2	Site and Vicinity Map.....	2-4
Figure 3	Proposed Project Site Map	2-5
Figure 4	Reduced Intensity Site Plan.....	2-7
Figure 5	Non-Gaming Alternative Site Plan.....	2-9
Figure 6	Weaverling Spit Site Plan.....	2-10

APPENDICES

Appendix A	Notice Of Intent (NOI)
Appendix B	Public Meeting Transcript
Appendix C	Comment Cards and Letters

SECTION 1.0

Introduction

SECTION 1.0

INTRODUCTION

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS) for a proposed fee-to-trust transfer of 11.4± acres and subsequent development of a gaming facility by the Samish Indian Nation (Tribe) in the City of Anacortes, Skagit County, Washington. This scoping report describes the EIS scoping process, explains the purpose and need for the Proposed Action, describes the proposed project and alternatives, and summarizes the issues identified during the scoping process.

1.0 INTRODUCTION

The National Environmental Policy Act (NEPA) provides a national policy to integrate environmental considerations into the planning process and decisions of federal agencies. NEPA provides an interdisciplinary framework to ensure that federal agency decision-makers consider environmental factors. A key procedure required by NEPA is the preparation of an EIS for any major federal action that may significantly affect the quality of the environment. BIA has a discretionary federal action when taking land into federal trust status pursuant to 25 C.F.R. Part 151. Public involvement, which is an important aspect of the NEPA procedures, is provided for at various steps in the development of an EIS. The first opportunity for public involvement is the EIS scoping process.

1.1 Cooperating Agencies

Under NEPA, the BIA is the lead agency for the evaluation of the Proposed Action consistent with the Council on Environmental Quality (CEQ) regulations (40 CFR 1500-1508). The BIA may request that another agency having jurisdiction by law or having special expertise with respect to anticipated environmental issues be a “cooperating agency.” Cooperating agencies participate in the scoping process and, on the lead agency’s request, may develop information to be included in the EIS.

Cooperating Agency is defined in The Bureau of National Affairs, Inc. publication *The Environmental Impact Statement Process* (Corporate Practice Series Portfolio Number 27-2nd) as follows:

The NEPA regulations define a cooperating agency as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal” that requires an environmental impact statement (40 C.F.R. § 1508.5). “Jurisdiction by law” refers to “agency authority to approve, veto, or finance all or part of a proposal.” “Special expertise” means statutory responsibility, agency mission, or related program expertise. A similarly qualified state or local agency or an affected Indian tribe may become a cooperating agency.

An agency that has “jurisdiction by law” shall be a cooperating agency upon the lead agency’s request. Any other federal agency with “special expertise” relating to pertinent environmental issues may be a cooperating agency at the lead agency’s request. An agency may also request that the lead agency designate it as a cooperating agency.

The lead agency must request the participation of each cooperating agency at the earliest possible time. Further, it must use the cooperating agencies’ environmental analyses and proposals “to the maximum extent possible consistent with its responsibility as lead agency.”

The BIA has formally requested that the Samish Tribe, U.S. Environmental Protection Agency (USEPA), Washington State Department of Transportation (WSDOT), Skagit County, and the City of Anacortes to serve as Cooperating agencies.

1.2 EIS Schedule and Public Review

After publication of the Scoping Report, a Draft EIS will be prepared. The Draft EIS will be made available for a public review period of no less than 45 days. A public hearing on the Draft EIS will be held during the review period to obtain public comments. A Final EIS will then be prepared. The Final EIS will include responses to all substantive public comments received during the public comment period and will also be available to the public. A decision on the project may be made no sooner than 30 days after the Final EIS is released. The sections currently anticipated to be included in the Draft EIS are listed below.

DRAFT EIS TABLE OF CONTENTS

Section #	Title of Section
EX.	Executive Summary
1.0	Purpose and Need
2.0	Alternatives
3.0	Description of Affected Environment
3.1	Land Resources <ul style="list-style-type: none"> - Topography - Geologic Setting - Soils - Agriculture - Mineral Resources
3.2	Water Resources <ul style="list-style-type: none"> - Watershed - Drainage - Floodplain - Groundwater - Water Quality
3.3	Air Quality <ul style="list-style-type: none"> - Climate - Pollutants of Concern - Existing Air Quality - Climate Change

- 3.4 Biological Resources
 - *Habitat Types*
 - *Waters of the U.S.*
 - *Wildlife*
- 3.5 Cultural and Paleontological Resources
 - *Cultural Resources*
 - *Paleontological Resources*
- 3.6 Socioeconomic Conditions and Environmental Justice
 - *Characteristics of the Samish Indian Nation*
 - *Characteristics of the Region*
 - *Environmental Justice*
- 3.7 Resource Use Patterns
 - *Transportation*
 - *Land Use*
- 3.8 Public Services and Utilities
 - *Water Supply*
 - *Wastewater Service*
 - *Solid Waste Service*
 - *Electrical, Natural Gas and Telecommunications*
 - *Public Health and Safety*
 - *Law Enforcement*
 - *Fire Protection*
 - *Schools*
- 3.9 Visual Resources
- 3.10 Other Values
 - *Noise*
 - *Hazardous Materials*
- 4.0 Environmental Consequences (with subsections 1 through 10, as provided above)
- 4.11 Indirect and Growth Inducing
- 4.12 Cumulative Effects
- 5.0 Mitigation (with subsections 1 through 10, as provided above)

1.3 EIS Scoping Process

The “scope” of an EIS means the range of environmental issues to be addressed, the types of project effects to be considered, and the range of project alternatives to be analyzed. The EIS scoping process is designed to afford an opportunity for the public and other federal and state agencies to provide input that will help determine the scope of the EIS.

The first formal step in the preparation of an EIS and the beginning of the scoping process is publication of a Notice of Intent (NOI) to prepare an EIS. The NOI describes the Proposed Action and alerts the public that the BIA intends to prepare an EIS. The BIA published the NOI in the *Federal Register* on August 11, 2011 with the comment period ending on September 16, 2011 (**Appendix A**). The NOI was additionally published in the Skagit Valley Herald and Anacortes American newspapers on August 12, 2011.

The NOI also served to announce the public scoping meeting. The BIA held a public scoping meeting on September 14, 2011 at the Fidalgo Bay Resort, Anacortes, Washington. The scoping meeting provided a

forum for the public to address the BIA regarding the scope of the EIS. Transcripts of the public meeting are provided in **Appendix B**. A list of speakers at the public scoping meeting has been incorporated into **Table 3-1** (see **Section 3.1**). The issues that were raised during the public scoping meeting are included in the summary of issues identified during scoping (**Section 3.2**).

SECTION 2.0

Proposed Action and Alternatives

SECTION 2.0

PROPOSED ACTION AND ALTERNATIVES

2.1 PURPOSE AND NEED

Implementation of the Proposed Action would assist the Samish Indian Nation (Tribe) meet the following objectives:

- Provide the Tribe lands over which to exercise governmental powers and jurisdiction;
- Promote a strong Tribal government;
- Improve the socioeconomic status of the Tribe by providing an augmented revenue source that would be used to: strengthen the Tribal government, fund a variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members, and provide capital for other economic development and investment opportunities;
- Allow the Tribe to establish economic self-sufficiency;
- Provide employment opportunities to the Tribal and non-Tribal community;
- Fund local governmental agencies, programs, and services; and
- Make contributions to charitable organizations and governmental operations, including local educational institutions.

The trust acquisition would strengthen the Tribal government by providing land over which the Tribe may exercise governmental powers and enhance the Tribal government through providing a secure economic base. Strengthening Tribal governments and supporting Tribal self-determination is an essential role of the BIA.

The unmet economic needs for the Tribe and Tribal members are evident when comparing the Tribe's socioeconomic conditions with those of the surrounding communities. The economy of the Tribe lags behind the economy of the local community in terms of the employment rate, median household income, and percentage with home ownership. The Tribe also experiences high unemployment rates and a lack of local economic development opportunities.

A lack of economic development opportunities exists for the Tribe primarily due to a lack of land and funds for development. Among the Tribe's general membership there is presently a high reliance upon the federal and State governments for social services.

2.1.1 Project Location

The approximately 11.4-acre fee-to-trust property is located on the southeastern corner of the State Route 20 (SR-20) and Thompson Road intersection, within the City of Anacortes (City), Skagit County (County), Washington (**Figure 1** and **Figure 2**). The project site consists of lands presently owned by the Tribe. The project site includes Skagit County Assessor's Parcel Numbers (APNs) P19917, P19919, and P19920.

2.2 ALTERNATIVES TO BE ANALYZED WITHIN THE EIS

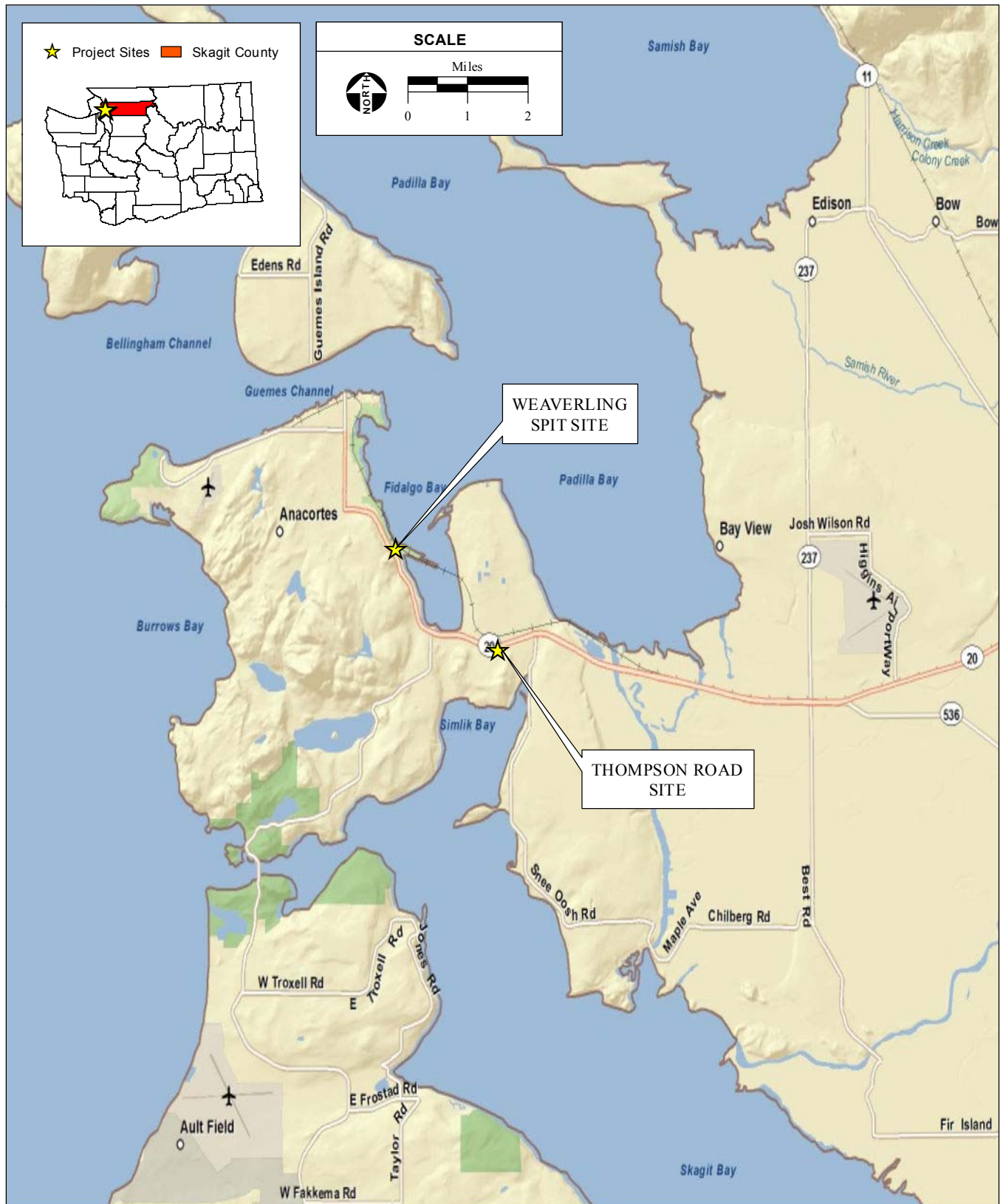
It is currently expected that four development alternatives will be analyzed in the EIS, including a development alternative that does not constitute a federal action, as development would occur without the land being taken into federal trust. These alternatives include:

- Alternative A – Proposed Project
- Alternative B – Reduced Intensity Project
- Alternative C – Non-Gaming Alternative
- Alternative D – Weaverling Spit Alternative Site
- Alternative E – No Federal Action

Additional information on each alternative is presented below.

2.2.1 Alternative A – Proposed Project

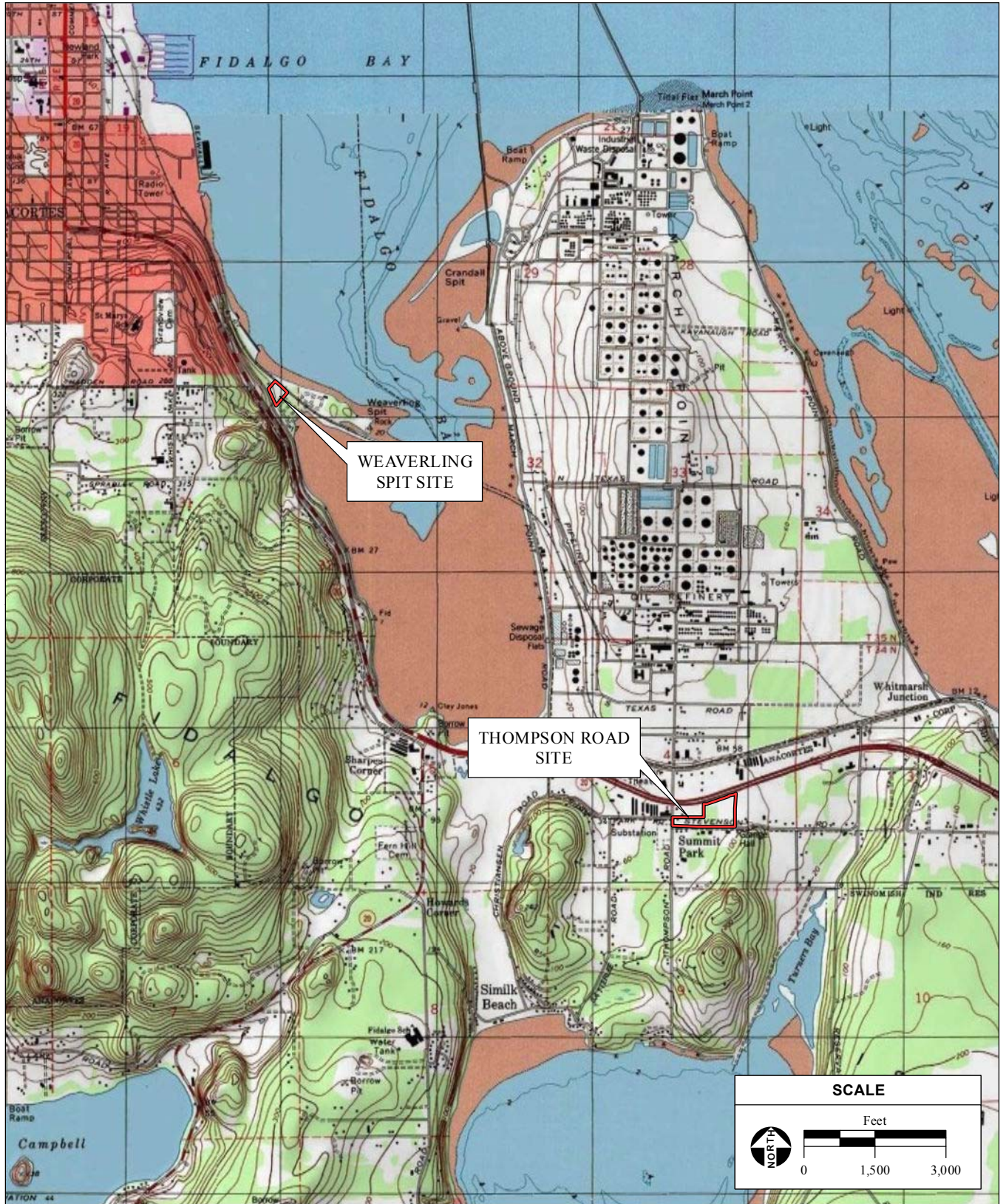
Alternative A is the fee-to-trust acquisition of the 11.4± acre project site described above in **Section 2.1.1**. The foreseeable consequence of the Proposed Action will be the development of a casino. **Figure 3** shows the proposed Alternative A site plan, including supporting facilities. **Table 2-1** provides the breakdown of proposed uses and associated square footages under Alternative A.



SOURCE: ESRI Server Data, 2009; AES, 2011

Samish Casino Project Scoping Report / 209532 ■

Figure 1
Regional Location



SOURCE: "Anacortes North, WA" T34N R2E, Section 4, Willamette Baseline & Meridian; Group West, 2009; AES, 2011

Samish Casino Project Scoping Report / 209532 ■

Figure 2
Site and Vicinity

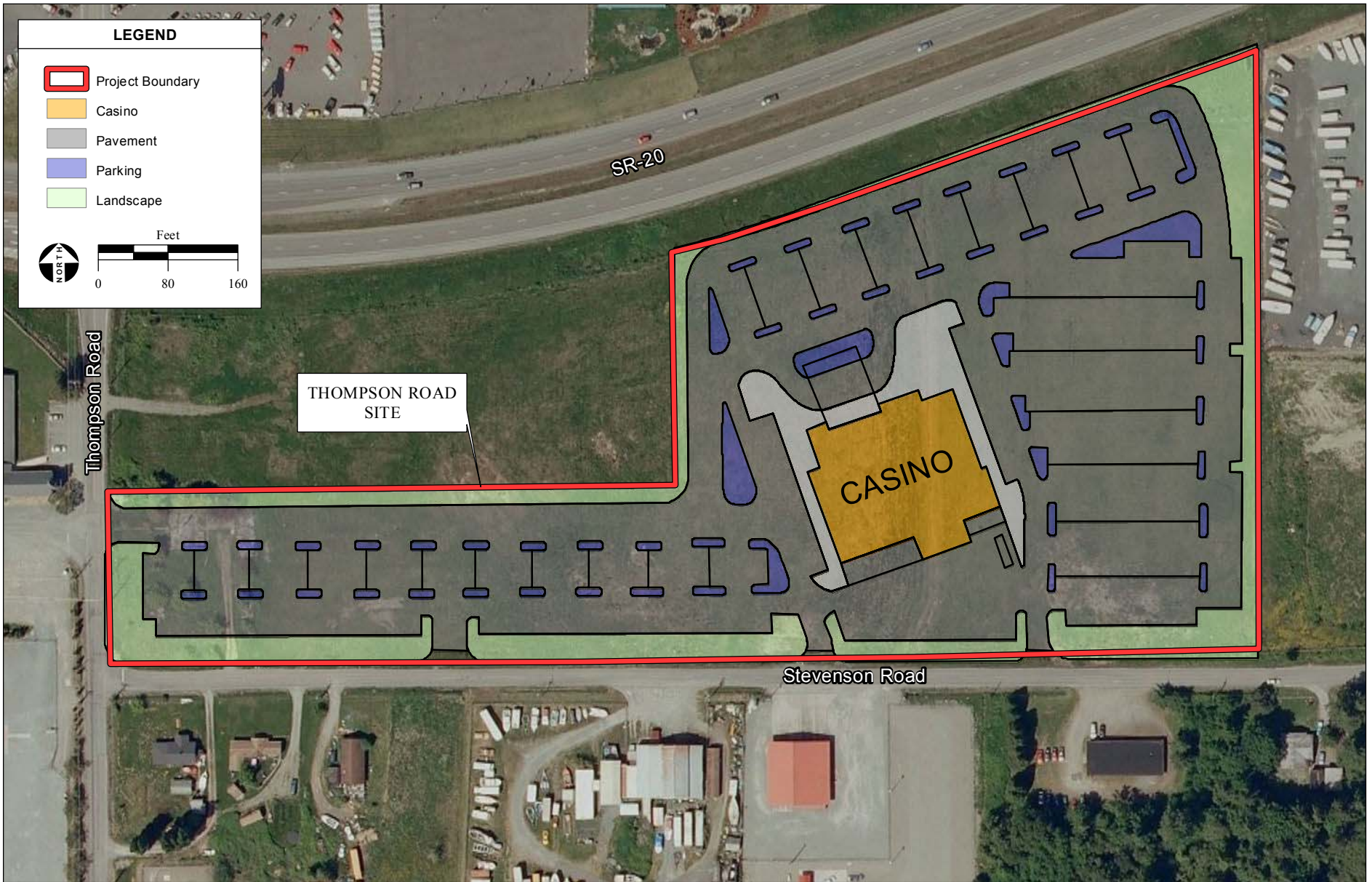


Figure 3
Proposed Project Site Plan

TABLE 2-1
ALTERNATIVE A – PROPOSED PROJECT COMPONENTS

Project Component	Area (sf)
Gaming Floor	13,200
Gaming Support	4,620
Food / Beverage	8,720
Back of House	9,445
Circulation	5,705
Administration / Accounting	5,270
Human Resources	<u>1,140</u>
TOTAL	48,100

Source: Group West, 2011.

Driveways would be built to allow for improved access from Thompson Road. Public services and utilities for Alternative A would be provided through an intergovernmental agreement between the City of Anacortes and the Tribe. These services include water service and sewer connections, as well as law enforcement and fire protection services.

2.2.2 Alternative B – Reduced Intensity Project

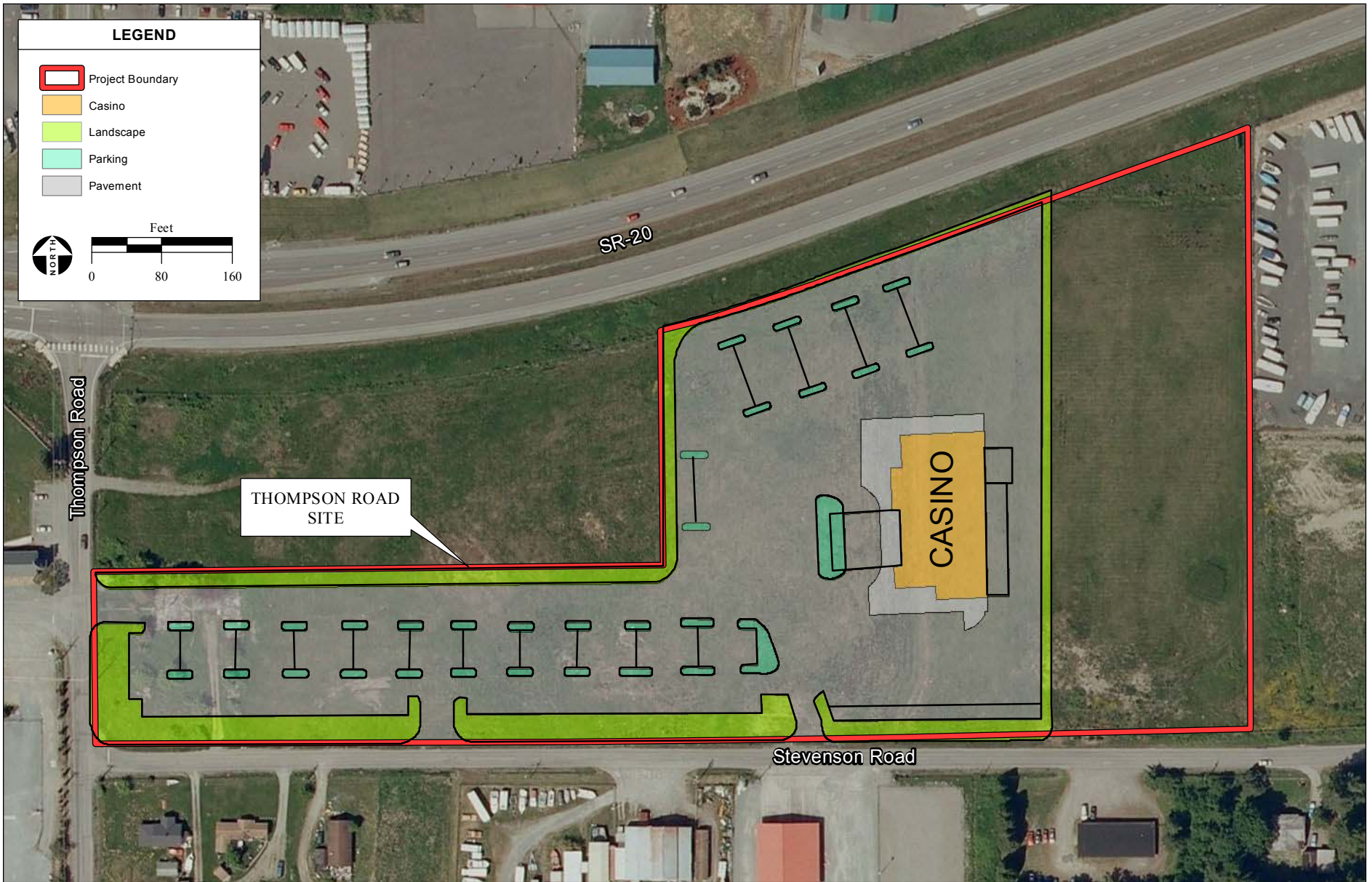
Alternative B proposes a smaller casino development, consisting of a 32,130 square foot casino. Operation of the casino, project construction, and public services would be similar to Alternative A. **Figure 4** shows the proposed Alternative B site plan.

Alternative B would occupy the central and western portion of the project site, and calls for 9,000 square feet of gaming floor and 5,520 square feet of restaurant and lounge areas. **Table 2-2** details the uses and square footages for the components of Alternative B.

TABLE 2-2
ALTERNATIVE B – REDUCED INTENSITY COMPONENTS

Project Component	Area (sf)
Gaming Floor	9,000
Gaming Support	3,870
Food / Beverage	5,520
Back of House	5,925
Circulation	3,550
Administration / Accounting	3,775
Human Resources	<u>490</u>
TOTAL	32,130

Source: Group West, 2011.



2.2.3 Alternative C – Non-Gaming Alternative

Alternative C is a non-gaming alternative located on the Thompson Road Site described under Alternative A consisting of retail and commercial uses as described in **Table 2-3** and **Figure 2-5**.

TABLE 2-3
ALTERNATIVE C – NON-GAMING COMPONENTS

Project Component	Area (sf)
Large Anchor Retail Development	120,000
Small Stand-Alone Retail Development	<u>17,000</u>
TOTAL	137,000

Source: Group West, 2011.

2.2.4 Alternative D – Weaverling Spit Site

Alternative D consists of the development of a casino on the Weaverling Spit Site, 2.6 miles northwest of the Thompson Road site. **Figure 2-6** shows the proposed location of Alternative D, and components of Alternative D are described in **Table 2-4**. This alternative would require that the property available for development be brought into trust by the BIA through the CFR 25 Part 151 (Fee-to-Trust) process.

TABLE 2-4
ALTERNATIVE D – WEAVERLING SPIT COMPONENTS

Project Component	Area (sf)
Gaming Floor	13,200
Gaming Support	4,620
Food / Beverage	8,720
Back of House	9,445
Circulation	5,705
Administration / Accounting	5,270
Human Resources	<u>1,140</u>
TOTAL	48,100

Source: Group West, 2011.

2.2.5 Alternative E – No Federal Action

Under the No Federal Action Alternative no land would be placed into federal trust. Land use jurisdiction of the project site would remain with the City of Anacortes. Under the No Action Alternative no development would occur on Tribal owned fee parcels and the sites would remain undeveloped.



SOURCE: AEX Aerial Photograph, 5/15/2009; AES, 2011

Samish Casino Project Scoping Report / 209532 ■

Figure 5
Non-Gaming Alternative Site Plan



SOURCE: AEX Aerial Photograph, 5/15/2009; AES, 2011

Samish Casino Project Scoping Report / 209532 ■

Figure 6
Weaverling Spit Site Plan

SECTION 3.0

Issues Identified During Scoping

SECTION 3.0

ISSUES IDENTIFIED DURING SCOPING

3.1 INTRODUCTION

A list of individuals who provided comment letters during the comment period and speakers at the scoping meeting is provided in **Table 3-1**. The section of the EIS where these comments will be addressed is shown in the far right column of the table. The issues that were raised during the scoping comment period have been summarized in **Section 3.2** below.

TABLE 3-1
COMMENT LIST

Letter Number	Name	Affiliation	Date	EIS Section Issue
COMMENT LETTERS				
1	Libby Grage, Senior Planner	City of Anacortes	9/16/2011	4.1 Land Resources 4.2 Water Resources 4.4 Biological Resources 4.6 Socioeconomic 4.7 Resource Use Patterns 4.10 Other Values 4.12 Cumulative
2	Debbie Amos		9/14/2011	4.6 Socioeconomic 4.7 Resource Use Patterns 4.8 Public Services/Utilities 4.10 Other Values
3	Lynne McWhorter	Environmental Review and Sediment Management Unit, USEPA	9/16/2011	4.2 Water Resources 4.3 Air Quality 4.4 Biological Resources 4.10 Other Values
4	Shirely Olsen		9/16/2011	4.6 Socioeconomic
SCOPING MEETING SPEAKERS				
SS-1	Jeanne McDermott		9/14/2011	2.0 Alternatives 4.10 Other Values
SS-2	Gary McKinney		9/14/2011	4.2 Water Resources 4.3 Air Quality 4.6 Socioeconomic 4.7 Resource Use Patterns 4.8 Public Services/Utilities 4.10 Other Values
SS-3	Joy Kim		9/14/2011	3.0 Alternatives 4.7 Resource Use Patterns 4.12 Cumulative Effects

3.2 ISSUES IDENTIFIED DURING SCOPING

This section contains a summary of public comments received during the Environmental Impact Statement (EIS) scoping process. These comment summaries are categorized by issue area. A general summary of the expected scope of the EIS for each issue area category is also provided.

Purpose and Need

Comments

No specific Purpose and Need questions were raised during scoping period.

Scope of Analysis

Section 1.0 of the EIS will provide a complete statement of the purpose and need for Tribe's fee-to-trust land acquisition. Issues related to the Department of the Interior's potential decision to take land into trust, except for the issues related to the potential environmental impacts of this decision, will not be analyzed in the EIS.

Alternatives

Comments

No specific project alternative issues or questions were raised during scoping period.

Scope of Analysis

The reasonable range of alternatives expected to be included within the EIS are identified and described in **Section 2.0** of this Scoping Report. These alternatives include the Proposed Project, the Reduced Intensity Project, the Non-Gaming Alternative, the Weaverling Spit Alternative Site, and the No Federal Action Alternative.

Section 2.0 of the EIS will provide a complete description of all alternatives, with environmental and regulatory setting for each provided in **Section 3.0** and analysis of environmental consequences in **Section 4.0** of the EIS.

Land Resources

Comments

Specific issues and questions raised during scoping include:

- The EIS should address and analyze potential impacts related to geology, topography, resources and soils.

Scope of Analysis

Section 3.1 of the EIS will include a description of the geological, topography, and soil conditions on the project site. **Section 4.1** of the EIS will address the potential impacts resulting from all alternatives on these resources. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Water Resources

Comments

Specific water quality issues and questions raised during scoping include:

- Would runoff from the project have an adverse impact on the water quality of surrounding waterways?
- The EIS should discuss wastewater management and how the Tribe will meet water quality standards.
- The EIS should disclose the proposed casino's stormwater management during construction and operation.
- The EIS should discuss water drainage methods and the potential increase in stormwater runoff.

Scope of Analysis

Section 3.2 of the EIS will include a description of the watersheds, drainage patterns, floodplains, groundwater conditions, and water quality on the project site and the surrounding vicinity. **Section 4.2** of the EIS will address the potential impacts resulting from all alternatives on these resources (including impacts during 100-year flood events). Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Air Quality

Comments

No specific air quality issues or questions were raised during scoping period.

Scope of Analysis

Section 3.3 of the EIS will include a description of the regional climate, existing air quality, pollutants of concern, indoor air pollution, and climate change on the project site and the surrounding vicinity. **Section 4.3** of the EIS will address the potential impacts resulting from all alternatives on these resources. Potential project impacts to climate change are analyzed within the cumulative analysis in **Section 4.12** of the EIS. Analysis of Climate Change and Greenhouse Gas Emissions will be provided in the EIS. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Biological Resources

Comments

Specific biological resource issues and questions raised during scoping include:

- The EIS should address the potential impact to any on-site wetlands.
- The EIS should disclose information on vegetation type, terrestrial and aquatic species, and habitat values in the project area that may be affected by the project.
- The EIS should also assess impacts to the heron habitat.

Scope of Analysis

Section 3.4 of the EIS will include a description of the habitat, waters of the U.S., and wildlife (including listed species) on the project site. **Section 4.4** of the EIS will assess reasonably foreseeable impacts of the

alternatives on habitat, waters of the U.S., wildlife, and threatened/endangered species listed by the USFWS. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Cultural and Paleontological Resources

Comments

No specific cultural resource issues or questions were raised during scoping period.

Scope of Analysis

Section 3.5 of the EIS will contain a cultural resources analysis that identifies paleontological, historical, and archaeological resources located within and near the project site, if any. Any reasonably foreseeable impacts to these resources will be analyzed within **Section 4.5** of the EIS. The EIS process will include a cultural records search and consultation with the State Historic Preservation Office (SHPO), Native American Heritage Commission, and consultation under Section 106 of the National Historic Preservation Act (NHPA). Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Socioeconomic and Environmental Justice

Comments

Specific socioeconomic issues and questions raised during scoping include:

- The EIS should discuss projected benefits and negative impacts to the local economy from the development of the Proposed Action.
- The EIS should address the impacts from the loss of tax revenue from trust acquisition.
- The EIS should address potential crimes associated with the Proposed Project.
- The EIS should describe the socio-economic condition of the proposed site and adjacent jurisdictions.
- The EIS should discuss the impact to property values within the vicinity of the project site.
- Would the development of the proposed casino change the character of the area?

Scope of Analysis

Section 3.6 of the EIS will include a description of the community character and socioeconomic conditions of the Tribe and surrounding communities including the City of Anacortes. **Section 4.6** of the EIS will analyze reasonably foreseeable and disproportionate impacts of the alternatives on minority and low-income populations, and analyze socioeconomic issues such as employment, housing, local business revenue, property value, problem gambling, crime rates, and potential impacts to the area's community character and existing gaming facilities. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Resource Use Patterns

Comments

Specific traffic issues and questions raised during scoping include:

- The EIS should provide a traffic analysis which includes mitigation measures to address impacts to existing roadway infrastructure.
- Concern regarding the capability of existing roadway and pedestrian infrastructure of handling project traffic.
- Increased traffic associated with the Proposed Project would result in increased automobile accidents, automobile/pedestrian accidents, and confused/lost drivers.
- The EIS should discuss impacts to the circulation system and transportation in the region.
- The EIS should identify applicable jurisdictions and land use policies.

Scope of Analysis

Section 3.7 of the EIS will include a description of the local traffic conditions, including an analysis of existing study area roadways and intersections with the potential to be significantly impacted by project traffic. In addition, pedestrian and transit conditions in the vicinity of the project site will be described. The EIS will identify jurisdictions to which the properties are subject, and will identify existing public policies, including zoning and land use regulations, applicable to these properties. **Section 4.7** of the EIS will provide an estimate of the total daily trips and peak hour trips generated by the alternatives, and include an analysis of any reasonably foreseeable impacts to study area roadways and intersections. The potential for land use conflicts caused by the alternatives will also be included within the analysis within **Section 4.7** of the EIS. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Public Services

Comments

Specific public services issues and questions raised during scoping include:

- The EIS should analyze impacts from increased solid waste generation, including waste transportation and disposal.
- The EIS should address project solid waste recycling.
- The EIS should address potential impacts to the local volunteer fire department
- The EIS should analyze impacts from increased consumption of fresh water resources
- Increased traffic from the Proposed Project could increase automobile related accidents.
- The EIS should address increased calls for service to the City of Anacortes Police Department due to increases in crime and traffic.
- The EIS should evaluate public safety impacts including law enforcement and fire fighting agencies to Skagit County and the City of Anacortes.

- Would the EIS include appropriate measures to mitigate impacts on law enforcement and fire departments?
- Would development of the Proposed Action result in an increased fire hazard potential?
- The EIS should discuss the wastewater treatment and disposal methods that would be utilized by the Proposed Action.

Scope of Analysis

Section 3.8 of the EIS will include a description of the municipal services provided to the project site, either on-site or within the affected municipalities, including water supply, wastewater treatment, utilities, solid waste collection and disposal, schools, fire protection, law enforcement, and emergency medical services. **Section 4.8** of the EIS will provide an analysis of any reasonably foreseeable impacts to these services within the study area. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Visual Resources

Comments

Specific visual resource issues and questions raised during scoping include:

- The EIS should address potential impacts to neighbors from off-site light pollution.
- The EIS should address the visual impacts of the signage along State Route 20.

Scope of Analysis

Section 3.9 of the EIS will include a description of the existing visual resources of the subject area, including a description of existing roadways, structures, and natural resources. **Section 4.9** of the EIS will provide an analysis of any reasonably foreseeable impacts and changes to these resources from project implementation. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

Other Values

Comments

Specific issues and questions raised during scoping regarding hazardous materials and potential noise impacts include:

- The EIS should address noise impacts from increase in traffic along surrounding roadways and the impact to sensitive land uses.

Scope of Analysis

Section 3.10 of the EIS will include a description of the surrounding ambient noise. **Section 4.10** of the EIS will provide an analysis of any reasonably foreseeable impacts and changes to sensitive noise

receptors in the vicinity of the project site. Mitigation measures, if warranted, will be specified in **Section 5.0** of the EIS.

Indirect Effects

Comments

Specific issues raised during scoping include:

- The EIS should analyze indirect and growth inducing impacts to the surrounding jurisdictions from project implementation, including changes in patterns of land use, population density, growth rate, and the effects to the environment from these changes.

Scope of Analysis

Section 4.11 of the EIS will provide an analysis of any reasonably foreseeable indirect and growth inducing effects from project implementation. Mitigation measures, if warranted, will be specified in **Section 5.0** of the EIS.

Cumulative Impacts

Comments

No specific cumulative issues or questions were raised during scoping period.

Scope of Analysis

Section 4.12 of the EIS will provide an analysis of any reasonably foreseeable impacts to the issue areas, listed above, in correlation to cumulative development in the vicinity of the project site. Mitigation measures, if warranted, will be discussed in **Section 5.0** of the EIS.

APPENDICES

APPENDIX A

Notice Of Intent (NOI)

projector, such as maximum image size, color characteristics, factory pre-set timings, and frequency range limits. We find that the assembly and programming operations performed in Taiwan are sufficiently complex and meaningful so as to create a new article with a new character, name and use. See, for e.g., HQ H034843 and H100055. Moreover, we note that some of the Chinese modules were made using Taiwanese parts. Through the operations undertaken in Taiwan, the individual parts lose their identities and become integral to the new and different article, i.e., the projector. See *Belcrest Linens*. Accordingly, we find that the country of origin of the projector is Taiwan.

HOLDING:

Based on the facts in this case, we find that the assembly and programming operations performed in Taiwan substantially transform the non-TAA country components of the projector. Therefore, the country of origin of the Model A and Model B projectors is Taiwan for purposes of U.S. government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Sandra L. Bell, *Executive Director,
Regulations and Rulings
Office of International Trade.*

[FR Doc. 2011-20452 Filed 8-10-11; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Samish Indian Nation Fee-to-Trust Acquisition and Casino Project, Skagit County, WA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) as lead agency is gathering information necessary for preparing an Environmental Impact Statement (EIS) in connection with the Samish Indian Nation's (Tribe's) application for a proposed 11.41-acre fee-to-trust transfer and casino project to be located in Anacortes, Washington. The purpose of the proposed action is to improve the economic status of the tribal government so it can better provide housing, health care, education, cultural

programs, and other services to its members. This notice also announces a public scoping meeting to identify potential issues and content for inclusion in the EIS.

DATES: Written comments on the scope of the EIS will be accepted until September 16, 2011. The public scoping meeting will be held on September 14, 2011, from 6 p.m. to 9 p.m. PDT, or until the last comment is heard.

ADDRESSES: You may mail or hand carry written comments to Mr. Stanley Speaks, Northwest Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return caption, address and "DEIS Scoping Comments, Samish Indian Nation Casino Project" on the first page of your written comments. The public scoping meeting will be held at Fidalgo Bay Resort Community Center, 4701 Fidalgo Bay Road, Anacortes, WA 98221.

FOR FURTHER INFORMATION CONTACT: Dr. B.J. Howerton, Environmental Protection Specialist, BIA Northwest Region, (503) 231-6749.

SUPPLEMENTARY INFORMATION: The proposed action would transfer approximately 11.41 acres of land from fee to trust status. After the transfer, the Tribe would develop a casino, parking, and other supporting facilities. The property is located within the incorporated boundaries of the City of Anacortes, Washington, southeast of the intersection of Thompson Road and State Route 20. Areas of environmental concern identified for analysis in the EIS include land resources, water resources, air quality, noise, biological resources, cultural resources, resource use patterns, traffic and transportation, public health/environmental hazards, public services and utilities, socioeconomic, environmental justice, and visual resources/aesthetics. Alternatives identified for analysis include the proposed action, a no-action alternative, a reduced-intensity development alternative, a non-gaming alternative, and an alternate site location alternative. The range of issues and alternatives is open to revision based on comments received in response to this notice. Additional information, including a map of the project site, is available by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Other related approvals may be required to implement the project, including approval of the Tribe's fee-to-trust application, determination of the site's eligibility for gaming, compliance with the Clean Water Act, and local

service agreements. To the extent applicable, the EIS will identify and evaluate issues related to these approvals.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, we cannot guarantee that this will occur.

Authority

This notice is published in accordance with sections 1503.1 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of NEPA, as amended (42 U.S.C. 4321 *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs, by part 209 of the Departmental Manual.

Dated: July 29, 2011.

Larry Echo Hawk,

Assistant Secretary—Indian Affairs.

[FR Doc. 2011-20476 Filed 8-10-11; 8:45 am]

BILLING CODE 4310-W7-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCA 942000 L57000000 BX0000]

Filing of Plats of Survey: California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey and supplemental plats of lands described below are scheduled to be officially filed in the Bureau of Land Management California State Office, Sacramento, California, thirty (30) calendar days from the date of this publication.

ADDRESSES: A copy of the plats may be obtained from the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento,

APPENDIX B

Public Meeting Transcript

BUREAU OF INDIAN AFFAIRS SCOPING MEETING

VERBATIM REPORT OF PROCEEDINGS

BE IT REMEMBERED that on September 14, 2011 the above-entitled matter was held at the Fidalgo Bay Resort Community Center, at 4701 Fidalgo Bay Road, Anacortes, Washington.

Taken By: Lynn M. Webber, CCR
CCR No. 2763

CORPOLONGO & ASSOCIATES, INC.
114 West Magnolia Street, Suite 108
Bellingham, WA 98225
360-671-6298

A P P E A R A N C E S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

DR. BJ HOWERTON, MBA
Environmental Services Manager
US Department of the Interior
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, Oregon 97232

DAVID ZWEIG, President
Analytical Environmental Services
1801 7th Street
Suite 100
Sacramento, California 95811

1

2

P R O C E E D I N G S

3

MR. Zweig: Could I have your attention.

4

We're going to start the public hearing. Good

5

evening. Welcome to the public scoping hearing for

6

the proposed Samish Indian Nation fee-to trust

7

project. My name is David Zweig. I'm with Analytical

8

Environmental Services. We are the BIA's

9

environmental impact statement consultant for the

10

project. At the table with me is Dr. BJ Howerton,

11

the environmental protection specialist for the Bureau

12

of Indian Affairs. Beside him is John Meerscheidt

13

also with AES.

14

At this time to start off the meeting I would

15

like to ask Dave Blackinton from the Samish Indian

16

Nation to step forward. He will be starting us off

17

with a brief invocation.

18

(Invocation.)

19

MR. ZWEIG: Thank you.

20

And now I would like to ask Tim King,

21

vice-chairman of the Samish Indian Nation, to

22

introduce the Samish Tribal Council.

23

Good evening. I'm Tim King. I'm the vice

24

chairman of the Samish Council. I want to thank

25

everybody for coming. I'll introduce our council.

1 microphone over to John who will go through a brief
2 power point presentation on the project and the EIS
3 process.

4 MR. MEERSCHIEDT: Thank you, David. Good
5 evening to everyone. I will give a brief power point
6 presentation on the proposed action in the EIS
7 process.

8 The National Environmental Policy Act or NEPA
9 for short is a procedural statute that requires the
10 analysis of environmental impacts of major
11 environmental actions. In this case the proposed
12 major action is that the Samish Indian Nation has
13 requested that approximately 11.4 acres of tribally
14 owned land be taken into federal trust.

15 Prior to deciding whether to approve or deny
16 that request the Bureau of Indian Affairs must conduct
17 a NEPA environmental review to determine the potential
18 environmental impacts of that action. The first step
19 in the NEPA process is to see whether a categorical
20 exclusion or an exemption applies. Categorical
21 exclusions are appropriate if the action is minor or
22 would not normally result in a significant impact.
23 This does not apply in this case.

24 If it is not appropriate to issue a
25 categorical exclusion the lead agency will consider

1 preparing an environmental assessment to determine
2 whether significant environmental impacts may occur.
3 If no potentially significant impacts are identified
4 the lead agency will prepare a finding of no
5 significant impact and conclude the NEPA process. If
6 there is more than a moderate likelihood that a
7 significant adverse impact may occur as a result of
8 the project the lead agency will prepare an EIS.

9 This is the NEPA path that we are on for the
10 Samish Indian Nation fee-to trust acquisition and
11 casino project. We will address each of these steps
12 in the EIS process in detail in later slides.

13 The proposed action as I stated earlier is
14 that the Bureau of Indian affairs would acquire
15 11.4 acres of land currently owned by the Samish
16 Indian Nation into trust, and that the Samish nation
17 would subsequently construct a 50,000 square foot
18 developmental property. The proposed project would
19 include gaming, surface parking, and restaurants,
20 clubs and lounges.

21 As most of you are probably aware, the
22 proposed project site is located northeast of the
23 intersection of Thompson Road and Stevenson Road just
24 south of SR 20. Here is a preliminary draft site plan
25 for the project that shows the location of the casino

1 building, parking and vehicle access points. The
2 restaurants, clubs and lounges would be located within
3 the casino building.

4 Turning back to the EIS process, the BIA
5 published a notice of intent called an NOI to prepare
6 an Environmental Impact Statement on August 11, 2011.
7 If you would like to read it the NOI is posted at
8 WWW.samisheis.com. We also have hard copies of the
9 NOI available at the sign-in tables. We will post all
10 future environmental documents online at this site for
11 public review.

12 Scoping is the process by which the lead
13 agency solicits input from the public and interested
14 agencies on the nature and extent of issues and
15 effects to be addressed in the EIS. The scope of the
16 project includes the extent of the action, the range
17 of alternatives and types of impacts to be evaluated.

18 Here is a list of issues that we are
19 currently -- that we currently expect to study in the
20 EIS. Based on the comments we receive during the
21 scoping process additional issues may be added to the
22 list. The comment period ends this Friday, September
23 16, 2011. Please hand in your written comments
24 tonight or mail them to the BIA before Friday.

25 After the close of the scoping period the BIA

1 will prepare a scoping report that includes all public
2 comments, including everything that is said this
3 evening. The BIA will use the scoping report as a
4 guide during preparation of the EIS.

5 The BIA will draft the EIS that analyzes the
6 potential environmental impacts of the proposed action
7 along with a reasonable range of alternatives. The
8 draft EIS will be available for public review for at
9 least 45 days. The BIA will hold another public
10 meeting during the 45-day comment period where the
11 public can provide comments on the documents. After
12 the public review and comment period closes on the
13 draft EIS the BIA will prepare a final EIS that
14 includes responses to all substantive comments and
15 will make this document available to the public for
16 review for at least 30 days.

17 After the close of this review period the BIA
18 will then issue a Record Of Decision or ROD that
19 includes BIA's decision on the proposed action.
20 Issuance of the ROD marks the end of the NEPA process.

21 Scoping comments can be sent to Mr. Stanley
22 Speaks the regional director of the BIA at the address
23 provided on the slide. Dr. Howerton is also available
24 if you would like to request additional information.
25 You can also mail a request to have it added to the

1 mailing list. However, as I said earlier, all of the
2 environmental documents prepared for this project will
3 be posted on the website as well.

4 And let me turn it back over to Dave. And --

5 MR. ZWEIG: Before we begin to accept public
6 comments let me take a few minutes to just go over
7 some logistics. If you haven't signed in already
8 there is a sign-in sheet in the lobby. Please sign
9 in. Both written and spoken comments will be accepted
10 tonight. If you have a written comment or a letter
11 that you would like to submit, please hand it in to
12 one of us here at the front table or one of our
13 representatives out front. You can also write a
14 comment on one of these cards, or you can fill out a
15 speaker card, the smaller yellow cards, if you would
16 like to speak. If you fill out a speaker card leave
17 it right there with David who is waving his hand.
18 He'll bring it up and we'll call your name and call
19 you up to speak.

20 To keep the meeting moving and give everyone
21 a chance we are going to limit comments to three
22 minutes. We have a little system with lights where a
23 red light will go off when your time is up.

24 Whether you speak tonight or mail in a
25 comment, your comment has the same weight. Either way

1 it will be considered in the EIS process. We have a
2 court reporter here tonight who is taking down word
3 for word everything that is said. So we'll have --
4 we'll be able to record your comments.

5 When you step up please state your name for
6 the record, and also state your comment and the court
7 reporter will record that.

8 With that I will turn it back to John to
9 start with the public comments.

10 MR. MEERSCHIEDT: Our first speaker for the
11 tonight is Jeanne McDermott.

12 MS. McDERMOTT: Am I the only speaker?

13 MR. MEERSCHIEDT: I wasn't going to say that.
14 Yes, you are. I was hoping that you would motivate
15 other people.

16 MS. McDERMOTT: This is where I wish I had
17 taken public speaking. Jeanne McDermott, J E A N N E,
18 M C D E R M O T T.

19 MR. Zweig: Can everyone hear back there?

20 MS. McDERMOTT: Do I have to speak right into
21 it?

22 For the record, I'm Jeanne McDermott. I'm a
23 local resident. I've been a property owner here in
24 Fidalgo for 20 years. I support the project because I
25 have found that they've been a very good neighbor to

1 Fidalgo Island for as long as I've been here. I've
2 seen development coming from Edmonds. I came up here
3 with my child thinking, oh, I found someplace that
4 will not be developed, but I've seen development
5 coming. But I think the option of sponsoring a casino
6 run by the tribe is as excellent idea. We don't need
7 any more storage facilities or car lots.

8 Most of the tribal casinos I've seen
9 throughout the state -- I'm thinking in particular
10 outside of Skagit County -- they're wonderful. They
11 bring in people. They bring in arts. They bring in
12 money to the community in addition to employment. The
13 Samish Tribe is very generous with offering public
14 services, social services to non tribal members. I
15 work for a local government and I have to refer a lot
16 of people to services in Anacortes because they can't
17 travel to and from Mount Vernon, and the Samish Tribe
18 has been more than generous in offering chemical
19 dependency counseling, family counseling, mental
20 health counseling, and that can't be funded forever
21 without some kind of underlying income.

22 That's all. Thank you.

23 MR. Zweig: Thank you.

24 MR. MEERSCHIEDT: Thank you very much. If we
25 have anyone else who would like to speak please come

1 up and identify yourself.

2 MR. MCKINNEY: My name is Gary McKinney. I
3 have lived in the county for going on 12 years now.
4 We just live up off of Thompson. The map wasn't up
5 long enough for me to see exactly where the facility
6 was going to be. Is it going to be south of Highway
7 20 or north of Highway 20?

8 MR. MEERSCHIEDT: It will be south.

9 Okay. That's where I thought it was going to
10 be.

11 I have concerns about the sewage and about
12 the traffic that it will generate, and concerns that
13 we're going to have two casinos that are less than
14 three miles from each other. That there will be
15 traffic in between. Somebody gets bad luck at the
16 casino by the twin bridges and then decides to go over
17 to this one or vice versa. Now, that also could bring
18 an impact to Padilla Heights, because they can get
19 there without going on Highway 20.

20 And I've also heard that the fire station has
21 a lot of calls to go over to the casino that exists
22 now. This would tend -- and it is a volunteer fire
23 department that go over for accidents, illness or
24 whatever, and that could also impact their workload.
25 And I don't know if they'll pay taxes or not. That's

1 a question that I have. Are they going to be exempt
2 from -- is their revenue exempt from paying business
3 and B&O tax, or will they be exempt from real estate
4 tax or both? They are all questions that I have,
5 because I'm concerned that they'll put an additional
6 load on the taxpayer if they don't pay any taxes.

7 So that about covers it. I'll think of
8 something when I sit down, but that's it for now.

9 MR. MEERSCHIEDT: If you do think of
10 additional comments please feel free to fill out a
11 comment card.

12 MR. MCKINNEY: I'll raise my hand.

13 MR. MEERSCHIEDT: Do we have anyone else
14 interested in speaking tonight providing verbal
15 comments?

16 MR. HOWERTON: Good evening. BJ Howerton. I
17 work for the Bureau of Indian Affairs. The regional
18 director Stanley Speaks welcomes you also, and we're
19 pleased that you're here tonight. We appreciate you
20 taking time to make comments and bring information to
21 us so we can consider it in the environmental impact
22 statement. So, again, thank you for coming.

23 MR. MEERSCHIEDT: Unless someone else has
24 additional comments we will call the meeting
25 concluded.

1 One second. I'm sorry. I didn't see you.

2 MS. KIM: I would like to have a few
3 comments. I didn't really prepare, but --

4 MR. MEERSCHIEDT: For the record, we haven't
5 concluded the meeting.

6 Please identify yourself.

7 MS. KIM: My name is Joy Kim. I own right by
8 the March Point gas station. I heard that you guys
9 are trying to put in a gas station and store, right?

10 MR. Zweig: The hearing tonight is only on
11 the casino. The subjective hearing is on the tribe's
12 proposed casino. The tribe -- the casino doesn't
13 include a gas station, but as a separate project --
14 it's not the subject of tonight's meeting, but yes,
15 there is a separate process for a proposed gas station
16 near the casino.

17 MS. KIM: So can I make --

18 MR. Zweig: But it is not the subject of
19 today's meeting. It is just the casino.

20 MR. KIM: I see. Okay.

21 MR. HOWERTON: BJ Howerton, BIA. On the gas
22 station, we would want your comments on that project
23 when we do the environmental study there. So if you
24 do have comments we'll have -- if you'll leave us your
25 address we'll make sure that you get that information

1 related to that project.

2 MS. KIM: Okay.

3 MR. HOWERTON: But tonight we're only dealing
4 with the casino part of this issue.

5 MS. KIM: Okay. Thank you.

6 MR. Zweig: And any other comments? Last
7 chance. If none, the meeting is adjourned. Thank you
8 all for attending.

9 (Meeting adjourned.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF WASHINGTON)

2) SS: C E R T I F I C A T E

3 COUNTY OF SNOHOMISH)

4

5

6 I, LYNN WEBBER, Notary Public in and for the
7 State of Washington do hereby certify;

8 That the foregoing is a true and correct
9 transcription, to the best of my skill, ability and
10 knowledge, of proceedings taken on the date and at the
11 time and place as shown on Page One hereto;

12 That I am not related to any of the parties to
13 this litigation and have no interest in the outcome of
14 said litigation;

15 Witness my hand and seal this 10th day
16 of October, 2011

17

18

19 _____
20 LYNN M. WEBBER, NOTARY PUBLIC IN AND
21 FOR THE STATE OF WASHINGTON, RESIDING
22 AT GRANITE FALLS. NOTARY EXPIRES
23 JANUARY 5, 2013

24

25

APPENDIX C

Comment Letters

11RD-1145



Anacortes Planning, Community & Economic Development Dept.

Permit Center
P.O. Box 547, Anacortes, WA 98221-0547
Ryan Larsen, *Planning, Community and Economic Development Director*
Don Measamer, *Assistant Director, Building Official*

PH (360) 293-1901
FAX (360) 293-1938

September 16, 2011

Bureau of Indian Affairs
Attn.: Stanley Speaks, Regional Director, NW Regional Office
911 NE 11th Avenue
Portland, OR 97232

RECEIVED

SEP 20 2011

BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

Re: DEIS Scoping Comments, Samish Indian Nation Casino Project

Dear Mr. Speaks,

The City of Anacortes respectfully offers the following comments related to preparation of the Draft EIS for the above-referenced proposal:

1. Short term-construction noise and long-term traffic generation and operations-related noise impacts should be considered.
2. Issues related to site drainage and stormwater runoff, including impacts to surrounding properties and to the city's existing wastewater treatment facilities should be considered.
3. City critical areas maps indicate the possible presence of wetlands on or near the site. The EIS should identify critical areas or any other designated resource protection areas on or near the site and consider the development's potential impacts on such.
4. The subject site and surrounding area have a Light Manufacturing 1 (LM1) zoning and comprehensive plan designation according to the City's planning documents. The LM1 zone is intended primarily to accommodate industrial type uses that do not need water access or proximity to the central business district or to the Commercial Avenue corridor. The EIS should consider the proposal's relationship to existing land use plans and impacts on the surrounding area, including potential conflicts with surrounding land uses.
5. Impacts from external lighting and signage on adjacent properties and streets, as well as potential impacts on migratory bird routes and the heron rookery located approximately one mile to the northeast, should be considered.
6. Impacts on local employment, property values, taxation and the local economy should be considered.
7. Impacts on fire, rescue, emergency medical and all related services and facilities should be considered.

8. Impacts on local law enforcement should be considered.
9. Impacts on City water and sewer service and infrastructure should be considered.
10. Impacts on other city services, such as solid waste/sanitation, etc should be considered.
11. Please consider the attached comments regarding transportation impacts provided to Mr. Michael Read, Transportation Engineering Northwest, from Mr. Eric Shjarback, Anacortes Assistant City Engineer.

Thank you for the opportunity to comment on the proposal. Please contact me at 360-299-1986 or libbyb@cityofanacortes.org if there is any additional information the City can provide to assist in your efforts.

Sincerely,



Libby Grage
Senior Planner

cc: Ryan Larsen, Director of Planning, Community and Economic Development
Don Measamer, Assistant Director/Building Official
Fred Buckenmeyer, Public Works Director
Eric Shjarback, Assistant City Engineer

Shjarback, Eric wrote:

Mr. Read, thank you for the opportunity to comment early on in your study. Here are some items the City of Anacortes would like to point out at this point in time with the caveat that we could very well have more comments in the future. These comments are in no discernable order:

1. The Thompson Road Gas Station driveway location will probably not be acceptable due to proximity to the SR 20 intersection. Egress to Stevenson Rd. would be more desirable.
2. The offset intersection of Summit Park Road / Stevenson/ Thompson could pose a problem we concur with the County's suggestion of realignment to one intersection.
3. Currently Summit Park and Stevenson Roads are quiet two-lane roads with no shoulder. The City will want to make sure that the safety of pedestrians and bicyclists will not be adversely impacted by added traffic.
4. We suggest that you show us how the residents of Thompson Road to the south will be affected by the project.
5. WSDOT will comment on this but the south leg of the Thompson/SR 20 intersection may need to be improved/widened for concurrency.
6. The SR 20/Christianson Road, Christianson/Summit Park, and the Summit Park/Satterlee intersections will also be affected by this project; we suggest you add these intersections to the study.
7. As for the Weaverling Site you may or may not know that the crossing of Fidalgo Bay Road across SR 20 Spur is going to be closed as some point in the future, probably as part of the WSDOT Sharpes Corner Roundabout Project, but maybe sooner. Therefore all of the traffic leaving this site will need to be routed north of Fidalgo Bay Road to V Ave to 34th and on to R Avenue.
8. Fidalgo Bay Road may become a one-way road northbound from the SR 20 Spur to Weaverling Road.
9. 34th and R Avenue will be a very important intersection to analyze for current and future delay.
10. 30th and R Avenue may prove to be a better exit onto R Avenue; the City has plans to improve this intersection as a main egress from the Commercial Marine and Industrial Zones instead of 34th Street.

Eric Shjarback
Asst. City Engineer
City of Anacortes
W: 360.299.1980
C: 360.661.0716

From: Michael Read [<mailto:mikeread@tenw.com>]
Sent: Tuesday, August 09, 2011 10:52 AM
To: Buckenmeyer, Fred; stormer@wsdot.wa.gov; pw@co.skagit.wa.us
Cc: John Meerscheidt; Jennifer Ting (TENW Seattle)
Subject: Traffic Study Scoping Request - Samish Tribe Casino, Anacortes - WA

To:

Fred Buckenmeyer, Public Works Director, City of Anacortes
Roland Storme, WSDOT Mount Baker Area, Development Services Manager
Henry Hash/Paul A. Randall-Grutter, Skagit County Public Works

On behalf of the Samish Indian Nation and Analytical Environmental Services, please find enclosed a Traffic Study Scoping Request for the proposed Samish Tribe Casino in Anacortes, WA. The purpose of this request is to introduce the proposed project to respective local agencies that are responsible for traffic impact review of new development, overview project trip generation and distribution of peak traffic levels from potential project sites being considered by the Samish Tribe, identify proposed study intersections to be included in the analysis, and to request for confirmation of these assumptions and request information to be used in the Traffic Impact Study.

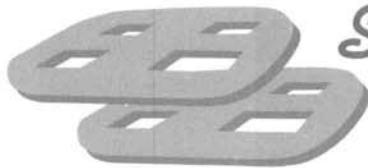
Analytical Environmental Services will be preparing a NEPA EIS on behalf of the Samish Tribe for this project. The EIS will begin shortly, and this study will form the basis of the Traffic and Transportation elements within that EIS process and document. We would appreciate your prompt review and feedback on our Traffic Study Scoping Request no later than August 19, 2011 so that we may begin data collection and conduct our traffic analysis as soon as possible.

If you have any questions during your review, please feel free to email them to me and cc: the project manager for Analytical Environmental Services, John Meerscheidt. We look forward to working with you all on this project during the coming months and appreciate your timely review and input on our study scoping.

--

Michael Read, PE
Principal
Transportation Engineering Northwest
PO Box 65254
Seattle, WA 98155

Office - 206.361.7333 ext. 101
Mobile - 206.999.4145
Fax - 206.361.7333



Samish Indian Nation

OF WASHINGTON

September 16, 2011

U.S. Department of the Interior
Bureau of Indian Affairs
Dr. B.J. Howerton
911 NE 11th Ave
Portland, OR 97232-4128

Dear Dr. Howerton,

This letter was hand delivered to our office on September 16, 2011. It was submitted on time and should be considered as part of the record.

Thank You,

Denise Gaggens
Samish Indian Nation
Administrative Assistant

11RD-1141

RECEIVED

SEP 19 2011

BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

Debbie Amos
8650 Turners Bay Pl
Anacortes, WA 98221
September 14, 2011

Mr. Stanley Speaks
Northwest Regional Director
Bureau of Indian Affairs
Northwest Region 911 NE 11th Ave
Portland, OR 97232

Re: DEIS Scoping Comments, Samish Indian Nation Casino Project

Dear Mr. Speaks,

I am writing on the proposed Samish Indian Nation casino project proposed at or near the intersection of Highway 20 and Thompson Road in Anacortes, WA. I went to the public comment meeting tonight about 7pm, but the doors were locked, the lights were off, and no one was there to take my comments at the Fidalgo Bay Resort community center, despite the published time for comments of 6-9pm. Thus I am writing to you instead. Please accept my comments into the record even if you receive them after Sept 16, 2011, the published deadline, as I intended to speak them, not write them.

I drive by the proposed casino site daily, as I live about a mile from it. I have several concerns.

One concern is the significant increase in traffic that would be generated by the casino. The roads around the immediate casino boundaries would need to be improved and widened including bike lanes to accommodate this. My road (Thompson Road) is a dead-end county road, which would not be improved, but I am concerned with casino patrons turning down this road by mistake, generating more traffic. Children and elderly people live on this road. Their safety is at increased risk with the probable increase in traffic. Dogs sometimes lounge in the road, as it currently does not have much traffic. They are at risk of getting hit. My family and I ride bikes down this road often, and I am very concerned with our safety if the casino were to be built there. Our neighbors walk down this road daily, and their safety is also in danger.

The casino will presumably have a liquor license. The patrons will drink alcohol, then drive. So, not only will the increased traffic be a risk for me, my family, and our neighbors, but the drivers under the influence of alcohol increase even more our risk of getting hit, injured, or killed. This is a significant concern.

With the increase in traffic can come an increase in crime. This is also a concern to me. We are just outside the Anacortes city limits, (some of Thompson Road may be in the city limits) and so need to rely on the sheriff, not the Anacortes police, for protection.

What would the casino do to increase our law enforcement protection? Would an extra sheriff or State patrol be employed to stay close to our area?

As you presumably know, another casino is already well established a short distance away, about a mile. They have a gas station and are building onto their casino. My daughter's comment on hearing that yet another casino may be built so close to the other, was "Anacortes will start to look like Las Vegas with all the gambling and casinos!". This is not my vision for Anacortes. This brings up a concern on how successful a second casino so close to the first would be. If it is not successful, then what happens to the unsuccessful casino? Large, vacant buildings do not enhance a city or neighborhood.

Many fireworks stands line the road to the current casino (a couple miles from my home) at various times of the year, and we hear their fireworks going off. I do not want fireworks allowed at the proposed casino. Homes, a church, and power substation are across the street, and are at risk of fire if fireworks are shot off into them. Fields that dry in summer, and wooded areas are also nearby, likely within fireworks range, adding concern of fire. About the only fortunate thing with this is that the Summit Park volunteer fire station is also across the street. But will the casino traffic interfere with their ability to swiftly get their large trucks in and out?

Safety on the roads would be mildly improved with wide walking and bicycle lanes as would a crosswalk across Highway 20. A turn lane would need to be added to Highway 20 eastbound for safety also.

I do not see how a casino could improve my property value, and may drive it down, which is also a concern. What would the Samish Indian Nation do to compensate us?

My trust in this project and those associated with it is diminished given that my first interaction with those in charge was unfavorable. They were not available for public comment when it was published they would be available. This does not give me faith in the consideration of the general public with this project now or in the future. While I wish the Samish Nation the best with their money making ideas to improve their lives, I only see many prolonged problems affecting myself, my family, and our neighbors, all adversely and negatively impacted by this proposed project.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Amos". The signature is written in black ink and is positioned below the word "Sincerely,".

Debbie Amos

Cc: Dean Maxwell, Mayor City of Anacortes

11RD-1155



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

September 16, 2011

RECEIVED

SEP 22 2011

BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

Stanley Speaks
Northwest Regional Director
Bureau of Indian Affairs Northwest Region
911 NE 11th Avenue
Portland, OR 97232

Re: EPA Region 10 Scoping Comments on the Proposed Samish Indian Nation Fee-to-Trust Acquisition and Casino Project.
EPA R10 Project Number 11-4121-BIA

Dear Mr. Speaks:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Samish Indian Nation's proposal for a fee-to-trust acquisition and casino project in Anacortes, WA. Our review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). Section 309 specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions.

The Tribe's proposal includes an 11.41 acre fee-to-trust land transfer and plan to develop a casino and other supporting facilities in Anacortes, WA. The NOI identified alternatives for analysis that include the proposed action, reduced intensity alternative, a non-gaming alternative, and an alternate site location. EPA's preliminary comments focus on water resources, habitat, pollution prevention, and support for green building practices.

Water Resources

One of EPA's primary concerns is the protection of water quality. The health of the watershed is critical for species in the project area. Section 303(d) of the Clean Water Act (CWA) requires identification of those waterbodies which are not meeting or not likely to meet State water quality standards. The proposal is within the Samish Bay watershed, which does not meet State water quality standards for fecal coliform bacteria. This bacteria pollutant degrades marine waters of the bay and limits the area open for shellfish harvest and recreational uses because of potential health risks. The EPA approved WA State's TMDL and Water Quality Implementation Effort¹ in 2009. This framework for improving water quality sets limits on how much fecal coliform can be accepted by freshwater that discharge into Samish Bay and identified onsite sewage treatment as one of the significant contributors to fecal coliform. The WA Department of Ecology (WADOE) also launched a large-scale watershed improvement effort to coordinate relevant stakeholders to expedite clean up and includes the Samish Tribe, Skagit County,

¹ WA Department of Ecology. 2009. <http://www.ecy.wa.gov/programs/wq/tmdl/samish/>

Puget Sound Partnership, WA State, businesses, and local organizations.² The TMDL and associated coordinated efforts are relevant to the proposal and therefore, we recommend that the EIS include information on these and how the project would comply with TMDL allocations. Specifically, the EIS should discuss the operational wastewater management and how the Tribe will meet water quality standards.

The EIS should disclose the proposed casino's stormwater management during construction and operation. The analysis should include whether or not a permit under the National Pollutant Discharge Elimination System (NPDES) would be required, the quality of the effluent, and which waste streams would be discharged. The EPA is the authorizing agency for NPDES on Tribal lands in Washington. Applicants for the CGP should coordinate with EPA and submit a Notice of Intent for Discharges Associated with Construction Activity. Information on the NPDES construction general permit (CGP) can be found at http://www.epa.gov/npdes/pubs/cgp2008_finalpermita.pdf.

The EIS should also report whether or not placement of fill is proposed under any of the alternatives and whether or not a Corps' of Engineers Section 404 permit is required. If a permit is required the EIS should demonstrate how the three tiered approach to first avoid impacts, second minimize, and last mitigate impacts.

Habitat

The EIS should disclose information on vegetation type, terrestrial and aquatic species, and habitat values in the project area that may be affected by the project. The analysis should include state sensitive and listed species under the Endangered Species Act and summarize key findings of the biological evaluation/assessment. The EIS should discuss the coordination with NMFS and USFWS and if there are any terms and conditions associated with the project. We recommend that the EIS include a map of the project area that includes identification of terrestrial, freshwater, marine/near shore habitat and sensitive areas. The EIS should also include mitigation to offset any habitat impacts. It may be helpful to coordinate with local efforts such as the Skagit Fisheries Enhancement Group to engage with local stakeholders who also enhance habitat restoration and promote watershed stewardship to help identify mitigation opportunities if needed.

Pollution Prevention/Green Building

The Samish casino would involve construction of a new facility, which can provide an opportunity to design a building that utilizes green building techniques, reduces waste generation, and minimizes energy consumption. The EPA defines Green building as "the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction³." We recommend that the EIS consider discussing a strategy to support low impact building and operation. EPA has issued a strategic plan on how to reduce pollution for various sectors and includes information on building/construction and can be found at: <http://www.epa.gov/p2/pubs/docs/P2StrategicPlan2010-14.pdf> (Page 28). Also, EPA's green building website can be found at: http://yosemite.epa.gov/R10/TRIBAL.NSF/programs/tswm_buildingresources. EPA Region 10's contact for Green Building is Melissa Winters (winters.melissa@epa.gov).

The casino may also consider the green building/high performance rating system for buildings under the

² WA Department of Ecology. 2009. <http://www.ecy.wa.gov/programs/wq/tmdl/samish/cleansamishinitiative.html>

³ USEPA. 2010. <http://www.epa.gov/greenbuilding/pubs/about.htm>

Leadership in Energy and Environmental Design (LEED). LEED is a third-party certification program for the design, construction and operation of high performance green buildings. LEED awards four levels of certification for existing buildings – certified, silver, gold, and platinum – based on factors including water efficiency, energy consumption, sustainable building materials, innovative design strategies, and indoor environmental quality.⁴ Many federal agencies mandate LEED certifications for construction projects that exceed certain costs.⁵ For example, GSA has selected LEED-Silver certification as the standard that all their new buildings and major renovations must achieve. Consider also that the Department of the Interior signed a Memorandum of Understanding with the USGBC supporting the use of LEED for Existing Buildings.

We appreciate the opportunity to participate early in the planning process for this project. If you have questions about our comments, please contact me at (206) 553-0205 or by electronic mail at mcwhorter.lynne@epa.gov.

Sincerely,



Lynne McWhorter
Environmental Review and Sediment Management Unit

⁴ USGBC: LEED for Existing Buildings, at <http://www.usgbc.org>

⁵ USGBC: LEED Public Policies, at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1852#federal>.

Dear Sir: "DEIS SCOPING COMMENTS,
Samish Indian Nation Casino
project"

My name is Shinely Olsen and I
am native Samish.

On September 14th 2011 I
attended a scoping meeting at the
Fidalgo Bay Resort Community Center.

At the meeting I was not
responsive to the actions going on
as it was so short and my thought
process was not working. When I
returned to where I was staying
these thoughts entered my mind. As
an elder of the Samish Nation a Casino
would probably not benefit myself, but
for those of our youth and the years
to come it would be an asset. The
economy would be benefited and the
city would be able to put many people
to work. In these tough times we
need to help all we can.

Shinely Olsen
707 37th ST SE #62
Auburn, Wa. 98002