

CHAPTER 1.0

PURPOSE AND NEED

1.1 FEDERAL ACTION AGENCIES

This Environmental Assessment (EA) has been prepared to analyze and document the environmental consequences associated with federal approvals for:

- 1) Transfer of a 146-acre site to federal trust status by the BIA for the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians (Gun Lake Tribe or Tribe),
- 2) Development of a gaming and entertainment facility, and
- 3) Approval by the National Indian Gaming Commission (NIGC) of a management contract for Class II and/or Class III gaming activities as required by the Indian Gaming Regulatory Act (IGRA).

The federal actions being contemplated by BIA and NIGC trigger the need for compliance with a variety of environmental and related mandates. This EA has been prepared to comply with the National Environmental Policy Act (NEPA) (40 CFR 1500-1508). The BIA and NIGC will use this EA to determine if the proposed project would result in “significant” effects to the environment as defined at 40 CFR 1508.27 and if a Finding of No Significant Impact (FONSI) or an Environmental Impact Statement (EIS) should be prepared according to 30 BIAM Supplement 1, 3.4A(2), 40 CFR 1501.3 and 40 CFR 1508.9. If any significant effects are found that cannot be mitigated, then the action agencies would need to prepare an EIS to comply with NEPA.

1.1.1 COMPLIANCES REQUIRED

The following direct and indirect federal approvals and actions may occur or have occurred as a result of the Proposed Action:

- approval of Tribal gaming ordinances by the National Indian Gaming Commission;
- approval of a management contract by the National Indian Gaming Commission;
- issuance of National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges and a NPDES permit for wastewater discharge by the U.S. Environmental Protection Agency (EPA) as required by the Clean Water Act (33 U.S.C. 1311) (to be completed prior to construction);
- State Historic Preservation Office consultation under Section 106 of the National Historic Preservation Act (16 U.S.C. 470), if cultural resources may be affected by the project (has been completed);
- approval of a Tribal-State compact for Class III gaming by the Secretary of the Interior or the establishment of procedures that the Secretary will use to promulgate rules for the

conduct of Class III gaming in the event that the State and the Tribe are unable to voluntarily agree to a compact, pursuant to 25 U.S.C. 2, 9 and 2710; and 25 C.F.R. 291; and

- transfer of the 146-acre site into federal trust status for the Gun Lake Tribe by the Secretary of the Interior pursuant to 25 CFR 151.

State approvals include the following:

- negotiation of a Tribal-State compact for the conduct of Class III gaming activities;
- issuance of Michigan Department of Environmental Quality, Surface Water Quality Division Section 401 Water Quality Certification or waiver (to be completed prior to construction);
- issuance of a Section 303 Permit by the Michigan Department of Environmental Quality for impacts to wetlands from road widening (to be completed prior to construction); and
- issuance of an Encroachment Permit by the Michigan Department of Transportation for road improvements (to be completed prior to construction).

While no local approvals are necessary, it is the intent of the Tribe to enter into Memorandums of Understanding (MOUs) or service agreements with a number of local governments and agencies. For instance, the Tribe and the Allegan County Sheriff's Office have signed an operational service agreement by which general law enforcement services will be provided to the 146-acre site. The Wayland Area Emergency Medical Services and Wayland Fire Department have communicated a similar intent to the Tribe. In addition, Wayland Township has expressed interest in "work(ing) as a partnership with the Gun Lake Tribe to create economic opportunities within the Township." Agreements and correspondence between the Tribe and local agencies is provided in **Appendix A**.

1.2 FEDERAL RECOGNITION OF APPLICANT TRIBE

In 1992, the Gun Lake Tribe petitioned the BIA for acknowledgment. In August of 1999, the Tribe was acknowledged as a federally recognized Indian Tribe.

Since restoration as a federally recognized tribe, the Tribe has identified a site in Allegan County within the Wayland Township to place in trust for the benefit of its members. The property consists of a 146-acre site located 25 miles north of the city of Kalamazoo (see **Figure 1-1**). This EA addresses the environmental consequences of the proposed federal actions associated with the 146-acre site, including the construction of a gaming and entertainment facility.

1.3 PURPOSE AND NEED

The Tribe is seeking to address the following objectives through the creation of an economic base:

Insert Figure 1-1

- Improve the socioeconomic status of the Tribe by providing a new revenue source that could be used to build a strong tribal government; re-establish the Tribe's land base; improve existing tribal housing; provide new tribal housing; fund a variety of social, governmental, administrative, educational, health and welfare services to improve the quality of life of tribal members; and to provide capital for other economic development and investment opportunities.
- Provide employment and career opportunities for tribal members and others, improving tribal and local unemployment rates.
- Allow tribal members to become economically self-sufficient, thereby eventually removing tribal members from public-assistance programs.
- Support general economic development in Allegan County.

The Tribe is currently struggling to provide essential governmental services, sufficient infrastructure, administrative facilities and sufficient housing for Tribal members. The Tribe's unemployment rate is approximately 27 percent (BIA 1999), which is more than six times higher than that of Allegan County (4.1 percent) (Michigan Consultants, 2001). Only 26 percent of the Tribe owns their home. This is compared to the Allegan County homeownership rate of 82.9 percent (Michigan Consultants, 2001).

The Tribe is in need of an economic base to support governmental functions, which will decrease dependence upon limited federal and state funds. This dependence on government funds and services has kept tribal members from improving their socioeconomic status. The creation of an economic base will provide career opportunities for both the Tribe members and surrounding residents.

Many of the Tribe's approximately 277 members currently reside in the Allegan area. Tribal members are scattered throughout the state and country, however. The lack of economic activities has had an eroding effect on the Tribal culture. An influx of revenue is needed to stop this eroding effect and to give the Tribe the ability to purchase much needed property. It is believed that agency action is needed to bring about this economic base, which will give the tribe economic self-sufficiency.