

CHAPTER 5.0

MITIGATION MEASURES

In areas where impacts occur, mitigation is specified below. All mitigation will be binding on the Tribe because the mitigation is intrinsic to the project, required by federal law, or required by agreements between the Tribe and local agencies.

5.1 LAND RESOURCES

All site clearing, removal of all unsuitable soil, proper moisture conditioning, review of imported fill material, fill placement, observation of foundation excavations, and other site grading shall be verified by a Registered Civil Engineer during construction.

These mitigation measures apply to the Preferred Alternative.

5.2 WATER RESOURCES

5.2.1 FLOODING

The project is located outside of the floodplain and two on-site detention areas would be utilized as part of the Preferred Alternative. These detention basins would help delay runoff from the site that would have otherwise helped intensify downstream flooding risk. Therefore, no mitigation is required.

5.2.2 WATER QUALITY

As required by the U.S. Environmental Protection Agency under the Clean Water Act, NPDES (33 U.S.C. 1342), a Storm Water Pollution Prevention Plan shall be prepared that will address water quality impacts associated with construction and operation of the project. Temporary and permanent water quality maintenance features shall be incorporated into the project design, construction, and operation. Water quality control measures identified in the Storm Water Pollution Prevention Plan shall include but are not limited to the following:

CONSTRUCTION ACTIVITIES

- Existing vegetation will be retained where possible. To the extent feasible, grading activities will be limited to the immediate area required for construction.
- Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) will be employed for disturbed areas.

- No disturbed surfaces will be left without erosion control measures in place.
- Sediment will be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- A spill prevention and countermeasure plan will be developed, if necessary, which will identify proper storage, collection, and disposal measures for potential pollutants (such as fuel storage tanks) used onsite.

OPERATION MEASURES

- Storm drain inlets will be labeled “No Dumping–Drains to Streams and Rivers.”
- The parking lot design will be designed to allow storm water runoff be directed to a wooded area which will serve to filter sediment and as a detention basin.
- The project site drainage basins, if necessary, will be designed to provide effective water quality control measures. Design and operational features of the drainage basins will include:
 1. The drainage basins shall be designed to provide the maximum detention time for settling of fine particles.
 2. Maximize the distance between basin inlets and outlets to reduce velocities.
 3. Establish maintenance schedules for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets.

This mitigation measure applies to the Preferred Alternative.

WASTEWATER TREATMENT PLANT DISCHARGE

The Tribe shall obtain an NPDES permit in compliance with the Clean Water Act (33 U.S.C. 1311) from the U.S. EPA for any discharge to the Buskirk Creek drainage. The NPDES permit will include water quality limits to protect the beneficial uses of Buskirk Creek. Anticipated NPDES discharge limits are provided in the *Gun Lake Gaming Facility Water and Wastewater Feasibility Study (Appendix B)*. Obtaining and complying with the NPDES permit would ensure that there are no significant water quality effects from the wastewater treatment plant discharge.

This mitigation measure applies to the Preferred Alternative.

GROUNDWATER

No mitigation is required.

5.3 BIOLOGICAL RESOURCES

Since no special status species habitat was found on-site, no mitigation measure is required to mitigate effects to wildlife. To ensure water quality impacts are minimized, the Tribe will follow the requirements for Clean Water Act compliance, including the solicitation of a Section 401 certification, if required.

Measures designed to reduce or eliminate impacts to wetlands include:

- A sediment erosion control plan, focusing on measures to eliminate migration of sediment-laden runoff to “waters of the U.S.” shall be prepared. This could include the use of silt fences, straw bales, and other appropriate best management practices.
- Staging areas shall be located away from “waters of the U.S.”. Temporary stockpiling of excavated or imported material should occur only in approved construction staging areas. Excess excavated soil should be used on-site for fill or be disposed of at a regional landfill or at another approved and/or properly permitted location. Stockpiles that are to remain on the site through the wet season should be protected to prevent erosion.
- Standard precaution shall be employed by the construction contractor to prevent the accidental release of fuels or other hazardous material associated with construction equipment.
- A MDEQ Part 303 permit for impacts to wetlands along 129th Avenue shall be obtained. The proposed project is anticipated to qualify for a MDEQ Part 303 General Permit. The project meets all requirements for the road maintenance project General Permit category. According to Section 281.925(3)(b) of MDEQ Wetland Protection Regulations, “If an activity is authorized and permitted under the authority of a general permit issued under section 303.12(1) of the act, then the department shall not require mitigation.” Therefore, no wetland mitigation will be conducted unless MDEQ determines that the project shall not be processed under a General Permit and that mitigation is required. Should MDEQ determine that mitigation is required, the Tribe shall mitigate wetlands per MDEQ requirements.

These mitigation measures apply to the Preferred Alternative.

5.4 HISTORIC PROPERTIES AND RELIGIOUS FREEDOM

The Tribe shall include the following requirement in construction contract specifications for construction activities associated with the project site:

In the event that any prehistoric, historic, or paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be halted and the Gun Lake Tribe shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant by the qualified archaeologist, then representatives from the Tribe and the qualified archaeologist and/or paleontologist would meet to determine the appropriate course for action. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

These mitigation measures apply to the Preferred Alternative.

5.5 SOCIOECONOMIC CONDITIONS/ENVIRONMENTAL JUSTICE

A compact between the State and the Tribe that includes terms for payments similar to the most recent compacts, would ensure governmental financial effects and effects to public safety are mitigated. The Tribe is entering into agreements with local agencies to compensate for loss of revenue and to ensure no loss of services would occur as a result of operation of the gaming facility. In the event that the Tribe and the State are unable to negotiate a Class III gaming compact and the Secretary of the Interior issues Class III gaming procedures pursuant to 25 C.F.R. Part 291, the Tribe should provide a resolution promising to contribute two percent of electronic gaming revenues annual to local governmental units. The resolution should specifically state that at least \$150,000 of the two percent revenues would be set aside for local government general administrative expenses. No additional mitigation is required.

5.6 RESOURCE USE PATTERNS

5.6.1 TRANSPORTATION NETWORKS

Transportation-related mitigation measures to address the Preferred Alternative are described below. The following roadway improvements are recommended to mitigate casino-generated traffic. They apply to both the 2003 and 2011 scenarios with casino traffic.

INTERSECTION LEVELS OF SERVICE

Acceptable levels of service are projected at all but two of the study intersections under Opening Year Plus Project conditions, resulting in a significant impacts at those intersections. The mitigation measure needed in connection with those significant impacts and other traffic related mitigation measures are described below.

- Install all-way stop control at the US-131 southbound ramps/129th Avenue intersection. A traffic signal may be required if all-way stop control does not provide acceptable intersection operations. Based on the capacity analysis for an all-way stop, the intersection operation will be improved, and the southbound-to-eastbound left-turn movement will operate at its capacity limit (utilization ratio of 1). However, the left-turn movement will continue to operate at LOS F. A traffic signal may be required if the all-way stop does not provide acceptable intersection operations. MDOT typically performs the traffic study that determines the need for a traffic signal based on actual traffic volumes, rather than estimated traffic volumes. MDOT has stated in a letter dated September 25, 2001, that it believes all-way stop traffic control at this intersection will provide acceptable intersection operations (**Appendix F**).
- Construct right turn lane from the northbound US-131 off-ramp turning onto 129th Avenue, eastbound. According to MDOT, this will improve traffic volumes at this off-ramp from a LOS F during peak afternoon hours to an “adequate” level of service (**Appendix F**).

ACCESS SYSTEM RECOMMENDATIONS

The following improvements shall be implemented to facilitate access to the site:

- Provide a continuous and exclusive bi-directional center turn lane on 129th Avenue at all three casino driveways. The continuous center turn lane will extend the full distance between the west drive and the main drive.
- Provide westbound-to-northbound right-turn flares on 129th Avenue at all three casino driveways.

See **Figure 2-4**, above, for an illustration of access system recommendations.

5.6.2 AIR QUALITY

A General Conformity Rule determination of the preferred alternative was conducted. Based on the estimated emissions of criteria pollutants, in comparison to the thresholds of the General Conformity Rule, the Preferred Alternative is in compliance with the Clean Air Act (40 CFR § 51.853 [b][1]). Therefore, no air quality mitigation is required for the Preferred Alternative.

5.6.3 LAND USE

No mitigation is required.

5.6.4 AGRICULTURE AND PRIME FARMLAND

No mitigation is required.

5.6.5 PUBLIC SERVICES

To mitigate impacts to public services, the Tribe has offered to enter into agreements with local government service providers to ensure public services are provided to the facility (see **Appendix A** for agreements and correspondence between the Tribe and local service providers). Options for providing public services to the gaming and entertainment facility are described in Chapter 4.1.7. By either providing its own utility services, or entering into mutually acceptable agreements with public or private service providers, impacts to public services will be fully mitigated. Police service for the facility would be provided by Allegan County consistent with State and Federal law and consistent with the service agreement between the Sheriff's Office and the Tribe. Fire service to the facility would be provided by the City of Wayland consistent with State and Federal law. Wayland Area Emergency Medical Service would provide ambulance service to the facility. These entities have issued letters of intent to provide these services to the casino. Agreements should be completed for fire and ambulance services prior to the opening of the casino to the public.

5.6.6 VISUAL RESOURCES

No mitigation is required.

5.7 OTHER VALUES

5.7.1 NOISE

No mitigation is required.

5.7.2 PUBLIC HEALTH AND SAFETY

No mitigation is required.