

## ***SECTION 3.0***

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Issues Identified During Scoping

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## ISSUES IDENTIFIED DURING SCOPING

### 3.1 INTRODUCTION

The Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA) require a process, referred to as “scoping” for determining the range of issues to be addressed during the environmental review of a Proposed Action (25 CFR1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. The Notice of Intent (NOI) comment period for the Spokane Tribe of Indians West Plains Mixed Use Development Project Environmental Impact Statement (EIS) began August 19, 2009 and closed on October 31, 2009. The issues that were raised during the NOI comment period have been summarized within this scoping report.

The following section lists each of the major issue areas raised by members of the public or government agencies in the scoping process. Specific issues and questions are discussed in each section and will be further addressed in the EIS. General comments, concerns, and questions not falling within one of the major issue areas below, or elements discussed that do not fall within the scope of the EIS, are discussed at the end of the following section under the heading **Non-EIS Issues**. Additional issues not specifically raised but which the Bureau of Indian Affairs (BIA) intends to address in the EIS also are discussed. Copies of the comment letters submitted in the scoping process appear in **Appendix D**. A transcript of the public scoping meeting held at the Sunset Elementary School, in Airway Heights, Washington on September 16, 2009 is provided in **Appendix E**.

### 3.2 ISSUES IDENTIFIED DURING SCOPING

This section contains a summary of public comments received during the 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.

#### 3.2.1 PROCEDURAL ISSUES

##### Comments

Specific questions and statements regarding procedural issues raised during scoping are listed below:

- The EIS should address the approval process and regulations for non-gaming alternatives.
- The Proposed Project should be subject to the two-part determination process set forth in Section 20 of the Indian Gaming Regulatory Act (IGRA).
- The BIA should consider the detrimental impacts of a casino project off reservation lands on a national and local level in accordance with 25 U.S.C. Section 2719 (IGRA Section 20). The BIA should consider the precedent that this would set for all Tribes and local communities.

- The EIS should consider the previous issuance of a 2-part determination for the Kalispel Tribe of Indians and the subsequent development of the Northern Quest Casino within aboriginal Spokane tribal territory, and how this affected the Spokane Tribe.
- The BIA should consult with tribal governments that are potentially affected by the proposed actions throughout the EIS process.
- The format of the scoping meeting would have been more effective if oral comments made by the public would have been presented in a manner that allowed other participants to hear the comments. Transcripts of the scoping meeting and a copy of the scoping report should be made available to individuals that attended the scoping hearing.
- The NEPA process should be conducted carefully, thoroughly, and in a way that allows the BIA to take a hard look required by NEPA before making a decision on the Spokane Tribe's proposed project.

## **Scope**

These issues will be discussed to the extent required under the NEPA process. While generally these are legal and policy issues, sufficient information will be provided to allow public understanding of the background, issues and processes involved, and to encourage informed comment by the public and consideration of decision makers. Only the potential physical environmental impacts of the Secretary of Interior's two-part determination to allow gaming on the project site will be analyzed in the EIS. Other social and economic factors related to the two-part determination process will be addressed within the BIA's Record of Decision and Findings of Fact. A copy of this Scoping Report, which includes transcripts from the public meeting, will be available upon request to the public and is posted online at: [www.westplainseis.com](http://www.westplainseis.com).

### **3.2.2 ALTERNATIVES AND PURPOSE AND NEED**

#### **Comments**

Specific issues and questions raised during scoping include:

- The development alternatives should include entrance/exits on both Highway 2 and Craig Road.
- The development alternatives should include adequate parking facilities to avoid disturbing the surrounding neighborhood.
- The EIS should provide a breakout of EIS alternative square footages, including those devoted to gaming.
- The Purpose and Need for the Proposed Action should be clearly defined in accordance with the BIA's NEPA Handbook, and a reasonable range of alternatives identified.
- An expanded range of development alternatives should be included within the EIS, including a potential expansion of existing Spokane Tribal gaming establishments.
- The EIS should consider an alternative site for the proposed gaming establishment.
- The EIS should identify what federal action is required for the non-gaming mixed use development alternative and identify how the non-gaming alternative would meet the purpose and need for the Proposed Action.
- The BIA should determine whether other non-gaming alternatives may be reasonable in light of the purpose and need for the Proposed Action.

## Scope

Alternatives expected to be analyzed within the EIS are identified and described in **Section 2.0**. As discussed therein, the reasonable range of alternatives has been developed in light of the purpose and need for the Proposed Action and issues raised during the scoping period. The EIS will provide a complete description of all alternatives, list all anticipated agency approvals, and provide a thorough analysis of environmental consequences from project implementation.

### 3.2.3 LAND RESOURCES

#### Comments

Specific issues and questions raised during scoping include:

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

#### Scope

The EIS will include a description of the geological, topographic, and soil conditions on the project site, as well as analysis of potential impacts resulting from all alternatives on these resources. Mitigation measures, if warranted, will be discussed in the EIS.

### 3.2.4 WATER QUALITY

#### Comments

Specific water quality issues and questions raised during scoping include:

- Would the Proposed Project have an adverse effect on water quality?
- The EIS should address the water demand and impact on the groundwater aquifer.
- Would the Proposed Project, and the implementation of Tribal water rights, increase the amount of water the City of Airway Heights currently draws from the Spokane River?
- The EIS should discuss stormwater drainage methods that would be utilized on and in the vicinity of the project site, and the potential increase in stormwater runoff.

#### Scope

The EIS will include a description of watersheds, drainage patterns, floodplains, groundwater conditions, and water quality on the project site and the surrounding vicinity, as well as analysis of potential impacts resulting from all alternatives on these resources. The EIS will address issues related to site drainage, storm-water runoff, water consumption and wastewater generation, including impacts to surface water and groundwater quality. Mitigation measures to avoid impacts to water quality and water resources, if warranted, will be recommended in the EIS.

### 3.2.5 AIR QUALITY

#### Comments

Specific air quality issues and questions during the scoping include:

- The EIS should address air quality impacts from the construction and operation of the Proposed Project.
- The EIS should fully analyze and address after-construction emissions and/or air pollution tied to increased vehicular traffic.

#### Scope

The EIS will include a description of the regional climate, existing air quality, pollutants of concern, and climate change on the project site and the surrounding vicinity, as well as an analysis of potential impacts resulting from all alternatives on these resources. Potential project impacts associated within greenhouse gases and climate change will be analyzed within the cumulative impact discussion in the EIS. Mitigation measures, if warranted, will be discussed in the EIS.

### 3.2.6 BIOLOGICAL RESOURCES

#### Comments

Specific biological resource issues and questions raised during scoping include:

- The EIS should address potential impacts to wetlands, as well as any required permits or mitigation.
- The EIS should include a survey of endangered, threatened or listed species, and evaluate impacts to these species.

#### Scope

The EIS will include a description of the habitat, waters of the U.S., and wildlife (including federal and state listed threatened/endangered species) on the project site, as well as the assessment of reasonably foreseeable impacts of the alternatives on these resources. Mitigation measures, if warranted, will be discussed in the EIS.

### 3.2.7 CULTURAL AND PALEONTOLOGICAL RESOURCES

#### Comments

Specific cultural and paleontological resource issues and questions raised during scoping include:

- The EIS should describe the relationship of the project site within territorial Spokane Tribal aboriginal lands.

## Scope

The EIS will contain a cultural resources analysis that identifies paleontological, historical, and archaeological resources located within the project site. Any reasonably foreseeable impacts to paleontological, historical, and archaeological resources will be analyzed within 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 the EIS.

### 3.2.8 SOCIOECONOMIC AND ENVIRONMENTAL JUSTICE

#### Comments

Specific socioeconomic issues and questions raised during scoping include:

- The EIS should discuss projected benefits to the local economy from the development of the Proposed Project.
- The EIS should address potential financial and social impacts to the Kalispel Tribe, and impacts to existing community support provided by the Kalispel Tribe.
- The EIS should address potential financial and social impacts to the Fairchild Air Force Base.
- The EIS should address the impacts on non-profit organizations in the community.
- The EIS should address the impacts to gaming competitors, including employment and revenues.
- The EIS should address whether or not the Proposed Project would result in an increase in addictive behaviors such as problem gambling.
- The EIS should describe increased availability of gaming and alcohol to Fairchild Air Force Base.
- The EIS should discuss the potential impacts to the flight patterns at Fairchild Air Force Base.
- The EIS should address whether or not the development of a second large casino would change the character of the City of Airway Heights.

## Scope

The EIS will include a description of the socioeconomic conditions of the Tribe and surrounding communities. The EIS would 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. Mitigation measures, if warranted, will be discussed in the EIS.

### 3.2.9 RESOURCE USE PATTERNS

#### Comments

Specific issues and questions related to Resource Use Patterns raised during scoping include:

- The EIS should provide an analysis of potential impacts to the regional transit system.
- The EIS should address the traffic flow and safety issues related to peak periods of traffic coming and going from Fairchild Air Force Base.

- Increased traffic associated with the Proposed Project could result in increased automobile accidents.
- The EIS should discuss impacts to the circulation system and transportation in the region.
- The EIS should develop a traffic plan through coordination with the City of Airway Heights and Spokane County.
- The EIS should include the potential development of a roadway between the Proposed Project and the Northern Quest Casino.
- Concerns regarding placement of roundabouts, traffic signals, and stop signs.
- The EIS should address potential impacts to roadways and intersections east of Hayford Road.
- The EIS should address how the Proposed Project would impact commuting patterns.
- The EIS should identify jurisdictions and land use policies to which the project site is subject.
- The Proposed Project should comply with Air Force recommendations for land use, and building and noise standards.
- The EIS should address jurisdiction zoning impacts and potential issues regarding Fairchild Air Force Base expansions.
- The EIS should address potential impacts to the intersection of Sprague Road and Hayford Road.
- Potential safety issues involving site access along Highway 2 should be analyzed within the EIS.

## Scope

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 additionally 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 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. The potential for land use conflicts caused by the alternatives will also be included within the analysis within the EIS. Mitigation measures, if warranted, will be discussed in the EIS.

### 3.2.10 PUBLIC SERVICES

#### Comments

Specific issues and questions related to Public Services raised during scoping include:

- The EIS should analyze impacts from increased water demand and the potential impacts to water treatment and wastewater treatment and disposal facilities.
- The EIS should analyze impacts to the capacity and infrastructure of electrical utility providers.
- The EIS should address concerns associated with increased potential for terrorist activities, including intelligence gathering at the project site.
- The EIS should evaluate public safety impacts including increased calls for service to law enforcement and fire fighting agencies.
- The EIS should include appropriate mitigation measures to mitigate impacts on law enforcement and fire departments.

- Would the Proposed Project have an adverse significant impact on water supply in the region?
- The EIS should discuss the effect of the Proposed Project on social services provided by the City and County.
- Would development of the Proposed Project 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.
- Does the City of Airway Heights have the jurisdiction and authority to provide services to the project site?
- The BIA should evaluate whether the Memorandum of Agreement (MOA) between the Tribe and the CAWH, and the Intergovernmental Agreement (IGA) between the Tribe, CAWH and Spokane County, will provide adequate, enforceable mitigation for impacts to public services, and will ensure that there will be adequate public services to the proposed facility, including fire, police, judicial and emergency services, as well as the provision of water, sewer, and other public services.
- The EIS should address how alternatives to the Proposed Action will obtain adequate municipal services, and how impacts from those alternatives to municipal services will be impacted.

### **Scope**

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. 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 the EIS.

### **3.2.11 Other Values**

#### **Comments**

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

- The EIS should address potential impacts and regulatory standards regarding noise emitted from air traffic at Fairchild Air Force Base.

#### **Scope**

The EIS will include a description of the potential hazardous materials on-site and surrounding ambient noise. The EIS will provide an analysis of any reasonably foreseeable impacts to sensitive noise receptors in the vicinity of the project site. The EIS will disclose any incidences of past and current hazardous materials incidents and involvements, if any.

Additionally the EIS shall address the potential for impacts associated with hazardous materials, or the use of these materials during construction and operation of the alternatives. Mitigation measures, if warranted, will be discussed in the EIS.



### 3.2.12 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 and the effects to the environment from these changes.
- The EIS should analyze indirect effects to water resources from potential mitigation measures, including off-site roadway and intersection improvements.
- The EIS should analyze indirect effects to public services from potential indirect or induced commercial development.
- The EIS should analyze potential induced development encroaching on Fairchild Air Force Base.

#### Scope

The EIS will provide an analysis of any reasonably foreseeable indirect and growth inducing effects from project implementation. Mitigation measures, if warranted, will be discussed in the EIS.

### 3.2.13 Cumulative Impacts

#### Comments

Specific issues raised during scoping include:

- The EIS should consider the cumulative effects of the project on Fairchild Air Force Base, including the potential for a lengthened runway.
- The EIS should address impacts to Fairchild Air Force Base from encroachment of the Proposed Project and growth induced developments.
- The cumulative impact analysis within the EIS should include consideration of potential socio-economic, traffic, public service, water, biological resource, and land use impacts.
- The EIS should evaluate cumulative impacts in connection with the Kalispell Tribe's facility.
- The EIS should develop a list of other related past and future, reasonably foreseeable actions and projects, including planned transportation projects, planned commercial development projects, infrastructure projects, including expansion of wastewater treatment facilities, and consider these projects within the cumulative analysis.

#### Scope

The EIS will address the cumulative impacts of the Proposed Project and Alternatives in connection with reasonably foreseeable actions and projects. "Cumulative impacts" refer to the effects of two or more projects that, when combined, are considerable or compound other environmental effects. The EIS will discuss cumulative impacts and identify appropriate mitigation measures, as required by NEPA.