



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

April 16, 2012

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

Re: Comments on the DEIS for the proposed Spokane Tribe of Indians West Plains Casino and Mixed Use Project (EPA Project Number: 09-048-BIA)

Dear Mr. Speaks:

In accordance with our responsibilities under the Clean Air Act §309 and the National Environmental Policy Act (NEPA), the US Environmental Protection Agency (EPA) has reviewed the Bureau of Indian Affairs (BIA) Draft Environmental Impact Statement (DEIS) for the proposed **Spokane Tribe of Indians (Tribe) West Plains Casino and Mixed Use Project** in Spokane County, Washington (CEQ no. 20120047).

The DEIS evaluates potential environmental impacts associated with the Spokane Tribe of Indians' proposal to develop a casino-resort facility, parking structure, site retail, commercial building, tribal cultural center, and police/fire station within a 145-acres project site on trust land adjacent to the City of Airway Heights in Spokane county. When complete, the proposed casino facility would include a 300-room hotel and ancillary components consisting of offices; medical, recreational, cultural and entertainment facilities; and related parking.

Analysis of impacts from the proposed project considered four action alternatives (1-4), ranging from a No Action Alternative to full development (Proposed Action, Alternative 1). The DEIS does not identify a Preferred Alternative.

The EPA supports BIA's objective to assist the Spokane Tribe in developing a strong economy by diversifying opportunities, while respecting traditional cultural values and reducing adverse impacts on environmental resources. We are also pleased to note that the DEIS addresses many of the issues we raised during the scoping period, including climate change effects and cumulative impacts. The document also includes responses to public comments and considered inputs received from the public in developing alternatives. The DEIS document includes a good description of resources within the project area, analysis of anticipated environmental impacts, and measures to offset adverse impacts.

We do have concerns about potential adverse impacts to water and air quality, as described below. We are also recommending that the final EIS include additional information regarding storm water, cumulative impacts and energy efficiency. Therefore, based on our review, we are assigning a rating of

EC-2 (Environmental Concerns – Insufficient information) to this DEIS. A copy of the rating system used in conducting our review is enclosed for your reference.

Water Quality Impacts

The DEIS indicates that water quality may be adversely affected if the project construction activities blasting, surface grading, excavation, and surface pavement, building roofs, alter the hydrology of springs and surface runoff such that erosion carries sediment to surface waters and pollutants to local drainages and the underlying aquifer. In addition, land disturbance, material storage, waste disposal, inadvertent chemical or hazardous liquid spills, and compaction produced by vehicular traffic can all affect recharge to the local aquifer and groundwater quality.

We recommend that the BIA continue to coordinate with Washington State Department of Ecology (Ecology) and tribes (including the Spokane tribe) that may be affected by the project to assure that state and tribal water resources are protected. In particular, impacts to the Lower Spokane River should be avoided or minimized due to current exceedances of water quality standards in the River for dissolved oxygen (DO), polychlorinated biphenyls (PCBs), dissolved metals, and nutrients (p. 3.3-6). As Total Maximum Daily Loads (TMDLs) have been completed for those water quality parameters, the final EIS should also include a discussion on water quality restoration plans that will function as BIA's share of the TMDL implementation.

Since the project anticipates obtaining a National Pollutant Discharge Elimination System (NPDES) permit from the EPA for planned construction activities likely to disturb 145 acres, the final EIS should include updated information on the permit application process and measures to protect water quality. The proposed surface water drainage and retention systems, and Best Management Practices (BMPs) will lessen the impacts of stormwater runoff from impervious surfaces, but pollutants are still likely to accompany discharge to surface waters and infiltrate to ground water. Because of that, we recommend consideration of Low Impact Development (LID) techniques¹ during the proposed project activities due to their potential to reduce stormwater volumes and thus mimic natural conditions as closely as possible. The techniques also lessen impacts of stormwater runoff from impervious surfaces such as paved roads, parking lots, and roofs and can provide energy and other utility savings.

Please also note that under Section 438 of the Energy Independence and Security Act (EISA), federal agencies have new requirements to reduce stormwater runoff from federal development and redevelopment projects to protect water resources. The EPA Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act can be accessed online². In addition to strategies outlined in this guidance, it will also be useful to consult Ecology's Stormwater Management Manual for Eastern Washington³ for relevant stormwater management practices in the project area.

Air Quality

The DEIS describes current air quality conditions in the project area and indicates that a portion of the Spokane County is currently designated as maintenance area for carbon monoxide (CO) and particulate

¹ <http://www.epa.gov/owow/NPS/lid/>

² <http://www.epa.gov/owow/NPS/lid/section438/#techguid>

³ <http://www.ecy.wa.gov/programs/wq/stormwater/easternmanual/manual.html>

matter (PM₁₀) (p. 3.4-1). The DEIS provides valuable information and data, including evaluation of Hazardous Air Pollutants (HAP) and greenhouse gas emissions. Even though background concentrations of criteria pollutants within the project area and vicinity are currently within standards, there is potential for air emissions within the project area to temporarily exceed standards due to fugitive dust releases during ground disturbing activities and cumulative impacts from surrounding activities such as road construction and site preparations, regular traffic on dirt roads, emissions from vehicles using local roads, agriculture, fire, and civilian and military air traffic. Therefore, we recommend that the final EIS consider and disclose all sources of air emissions, and determine the contribution of each source to air quality. As an example, we would recommend adding emissions from military and civilian airports around the project area e.g., the Spokane International Airport or Fairchild Air Force Base to the list of sources of emissions provided in the EIS (p. 3.4-10).

Since the project area is adjacent to a maintenance area for PM₁₀ and CO, and since the vicinity may also include sensitive populations such as the elderly and children, it will be important to monitor air quality and take corrective action to prevent further deterioration of air quality conditions in the area. Monitoring strategies should tailor to local conditions because localized air quality impacts can be substantial when area-wide and/or long term monitoring may show compliance with air quality regulatory requirements. Maintenance areas must demonstrate through monitoring that they have sufficient controls in place to meet and maintain National Ambient Air Quality Standards (NAAQS) and that there are contingency measures in place to implement and prevent exceedances of the standards. Accordingly, we recommend that the BIA maximize implementation of mitigation measures described in the DEIS to reduce emissions associated with activities under the proposed project, and continue to coordinate with other entities in the area, especially Ecology, to assure that the project would meet air quality standards throughout its lifespan.

Energy Efficiency and Conservation

Since the proposed project would involve construction, operation and maintenance of buildings and facilities, EPA expects the EIS for the project to include information on energy use and conservation, consistent with Executive Order (E.O.) 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*⁴. Under this E.O., federal agencies are required to:

- Increase energy efficiency.
- Measure, report, and reduce their greenhouse gas emissions from direct and indirect activities.
- Conserve and protect water resources through efficiency, reuse, and stormwater management
- Eliminate waste, recycle, and prevent pollution.
- Leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services.
- Design, construct, maintain, and operate high performance sustainable buildings in sustainable locations.
- Strengthen the vitality and livability of the communities in which federal facilities are located.
- Inform federal employees about and involve them in the achievement of these goals.

We recommend that the final EIS discuss energy efficiency and conservation in the context of E.O. 13514 and show how the project would fully comply with the order.

⁴ http://www.whitehouse.gov/assets/documents/2009fedleader_eo_rel.pdf

We appreciate the opportunity to comment on this project DEIS. If you have questions about our comments, please contact me at (206) 553-1601 or by e-mail at reichgott.christine@epa.gov, or you may contact Theo Mbabaliye of my staff at (206) 553-6322 or by email at mbabaliye.theogene@epa.gov

Sincerely,

A handwritten signature in blue ink that reads "Christine B. Reichgott". The signature is written in a cursive style.

Christine B. Reichgott, Manager
Environmental Review and Sediments Management Unit

Enclosures
EPA Rating System for DEISs

cc: EPA Washington Operations Office
Washington State Department of Ecology

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment, February, 1987.