



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 22 2016

REPLY TO THE ATTENTION OF:

E-19J

Scott Doig  
Bureau of Indian Affairs – Midwest Regional Office  
5600 West American Boulevard, Suite 500  
Bloomington, Minnesota 55347

**Re: Final Environmental Impact Statement for a Fee-to-Trust Transfer and Construction of a Tribal Village and Casino for the Pokagon Band of Potawatomi Indians, South Bend, St. Joseph County, Indiana – CEQ No. 20160170**

Dear Mr. Doig:

The U.S. Environmental Protection Agency has reviewed the referenced Final Environmental Impact Statement (FEIS), which was prepared by QPS Engineering, consultant to the Bureau of Indian Affairs (BIA). Our review is pursuant to our authorities under the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

BIA proposes a transfer of approximately 165.81 acres of fee land to trust status within the municipal city limits of South Bend, Indiana, for creation of a Tribal village, which will include construction of forty-four housing units, a multi-purpose facility, health services, and other Tribal government facilities. The proposed project also includes construction of a Class III gaming facility with a hotel, restaurants, meeting space, and parking. Four alternatives have been proposed:

- Alternative A: South Bend Site Tribal Village and Casino (Preferred Alternative);
- Alternative B: Elkhart Site Tribal Village and Casino;
- Alternative C: South Bend Site Tribal Village with Commercial Development; and
- Alternative D: No Action.

EPA previously commented on this proposed project during project scoping (September 18, 2012), and on a Preliminary Draft Environmental Impact Statement (PDEIS) (August 8, 2013), and on the Draft Environmental Impact Statement (April 15, 2015). Thank you for addressing EPA's previous concerns on the project, including installation of stormwater bioretention and use of clean diesel practices during construction and operation. Though specific details are unknown at this time, BIA has agreed to implement green infrastructure into the project to the maximum extent possible, including use of renewable energy, use of energy-efficient construction materials and appliances, recycling, and reuse of water when possible.

We appreciate the commitment of BIA and the Pokagon Band to implement sustainable stormwater management features and other “green” features for this project, such as using renewable energy sources and composting. We urge BIA to commit to utilizing specific green features, and note those commitments in the Record of Decision.

EPA is available to discuss this comment at your convenience. Please feel free to contact Mike Sedlacek of my staff at 312-886-1765 or at [sedlacek.michael@epa.gov](mailto:sedlacek.michael@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth A. Westlake". The signature is fluid and cursive, with a large loop at the end.

Kenneth A. Westlake, Chief  
NEPA Implementation Section  
Office of Enforcement and Compliance Assurance