

BUREAU OF INDIAN AFFAIRS

FINAL CONFORMITY DETERMINATION for the Proposed Los Coyotes Band of Cahuilla and Cupeño Indians 23-Acre Fee-to-Trust Transfer and Casino-Hotel Project, City of Barstow, San Bernardino County, California.

AGENCY: Bureau of Indian Affairs, Department of the Interior

ACTION: Notice of Availability of Final Conformity Determination

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), in accordance with Section 176 of the Clean Air Act 42 U.S.C. 7506, and the EPA general conformity regulations 40 CFR Part 93, Subpart B, has prepared a Final Conformity Determination (FCD) for the Proposed Los Coyotes Band of Cahuilla and Cupeño Indians (Tribe) 23-Acre Fee-to-Trust Transfer and Casino-Hotel Project, City of Barstow, San Bernardino County, California (Proposed Action).

SUPPLEMENTARY INFORMATION: The FCD was prepared for the proposed fee-to-trust acquisition of 23 acres of land on which the Tribe proposes to construct a gaming facility, hotel, parking areas and other facilities. The approximately 23-acre project site is located within the incorporated boundaries of the City of Barstow, San Bernardino County, California, just east of Interstate 15. Because this request is for land to be taken into trust for gaming purposes, the Tribe has submitted an application under the Indian Reorganization Act (25 U.S.C. 465 et seq. as implemented in 25 CFR part 151) and seeks a determination of gaming eligibility under the Indian Gaming Regulatory Act (25 U.S.C. 2719 et seq. as implemented in 25 CFR part 292).

Alternative B, the Proposed Project, includes the development of a casino with approximately 57,070 square feet of gaming floor. Associated facilities would include food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities would include one full service restaurant, a "Drive-in" restaurant, a food court with four venues, a coffee shop, three service bars, and a lounge. The hotel would have approximately 100 rooms and a full service restaurant. Both the gaming facility and the hotel would be open 24 hours a day, seven days a week. A total of 1,405 parking spaces would be provided.

Alternative A also includes the development of a casino, hotel and associated amenities, but at a larger scale when compared to the Proposed Project. Alternative A consists of the development of a casino with approximately 88,500 square feet of gaming floor, a 160-room hotel, food and beverage services, retail space, banquet/meeting space, and administration space. Food and beverage facilities would include two full service restaurants, a "Drive-in" restaurant, a buffet, a coffee shop, three service bars, and a lounge. A total of 1,255 surface-level parking spaces would be provided.

The Clean Air Act requires federal agencies to assure that their actions conform to applicable implementation plans for achieving and maintaining the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants. Conformity regulations apply to Federal actions that would cause emissions of criteria air pollutants above certain levels in locations designated as non-attainment or maintenance areas for the emitted pollutants. The project site is located in within the Mohave Desert Air Basin (MVAB), which has been designated as non-attainment for ozone and particulate matter 10 microns in size (PM₁₀).

The BIA prepared a Draft Conformity Determination (DCD) for the proposed action/project described above and circulated it for public review and comment in accordance with 40 CFR Part 51. The 30-day public comment period began on February 19, 2016 and ended March 21, 2016. The BIA received one written comment letter during the comment period, and appropriate revisions to the DCD were made. The FCD for the proposed action/project has now been issued by the BIA.

FOR FURTHER INFORMATION: The FCD is available on the following website: <http://www.loscoyoteseis.com>. If you have a question, or to obtain a copy of the FCD, please provide your name and address in writing or by voicemail to John Rydzik, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Sacramento, California 95825, (916) 978-6051, john.rydzik@bia.gov.