

# FINAL ENVIRONMENTAL ASSESSMENT



## Eklutna Native Village Gaming Facility Project

Chugiak, AK | January 2025

DOI-BIA-AK-61628

**Lead Agency:**

Bureau of Indian Affairs  
Alaska Regional Office  
3601 C Street Suite 1200  
Anchorage, AK 99503



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# Section 1 | Introduction

## 1.1 SUMMARY OF THE PROPOSED ACTION AND ENVIRONMENTAL REVIEW PROCESS

This Environmental Assessment (EA) has been prepared pursuant to the National Environmental Policy Act (NEPA) to assess potential environmental impacts of the development of a class II gaming facility<sup>1</sup> by the Eklutna Native Village (Tribe), a federally recognized Indian Tribe of the United States, on a 6.37-acre portion of a restricted fee Native Allotment (Project Site) owned by members of the Tribe in the unincorporated community of Chugiak within the boundaries of the Municipality of Anchorage, Alaska (Proposed Project). The Proposed Project requires approval from the Bureau of Indian Affairs (BIA) of a business lease between the Native Allotment owners and the Tribe for the development and operation of a gaming facility on the Project Site (Proposed Action). Additionally, the Tribe and its gaming partner, Marnell AK, have entered into a gaming management agreement for operation of the gaming facility that may require approval by the National Indian Gaming Commission (NIGC). The BIA is the federal lead agency for purposes of NEPA compliance. The NIGC and Eklutna Native Village are cooperating agencies.

This EA has been completed in accordance with requirements set forth in NEPA (42 USC § 4321 et seq.); the 2024 Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508)<sup>2</sup>; the Department of the Interior's (Department) Procedures for the Implementation of NEPA (43 CFR Part 46); and the BIA NEPA Handbook (59 Indian Affairs Manual 3-H). The BIA will utilize this EA to assist in determining whether the Proposed Action would result in adverse impacts to the environment.

A Notice of Availability (NOA) for the December 2024 EA was published in the local newspaper (Anchorage Daily News), mailed and emailed to relevant agencies, and posted on the project website (<http://www.EklutnaEA.com>). The EA was originally made available from December 20, 2024 to January 6, 2025. However, the BIA extended the public comment period through January 9, 2025, resulting in a total comment period of 20 days. Copies of the NOA, Notice of Comment Period Extension, and associated newspaper publications are provided in **Appendix N**. Copies of comment letters received during the comment period, as well as responses to substantive comments, are included in **Appendix O**. Comments will be considered by the BIA and either a Finding of No Significant Impact will be prepared, or additional environmental analysis will be conducted. After the NEPA process is complete, the BIA may issue a determination on the Proposed Action.

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<sup>1</sup> Class II gaming, as defined by IGRA, is as follows: bingo; when played in the same location as bingo - pull tabs, lotto, punch boards, tip jars, instant bingo, other games similar to bingo, and non-house banked card games authorized or not explicitly prohibited by the state in which the tribal operation is located. All other games are Class III, except for certain social or traditional forms of gaming.

<sup>2</sup> BIA is aware of the November 12, 2024 decision in *Marin Audubon Society v. Federal Aviation Administration*, No. 23-1067 (D.C. Cir. Nov. 12, 2024). To the extent that a court may conclude that the CEQ regulations implementing NEPA are not judicially enforceable or binding on this agency action, BIA has nonetheless elected to follow those regulations at 40 C.F.R. Parts 1500 – 1508, in addition to the Department's procedures/regulations implementing NEPA (43 C.F.R. Part 46), and the BIA NEPA Guidebook (59 Indian Affairs Manual 3-H) to meet its obligations under NEPA, 42 U.S.C. §§ 4321 et seq.

## 1.2 BACKGROUND

The Anchorage area is within the Dena'ina Elnena (Dena'ina Country), the traditional homeland of the Dena'ina people, an early indigenous population in the area of the waterway known as Knik Arm (Eklutna Inc., 2023). This area is also home to the K'enaht'ana, the indigenous people of Nuti, who today are members of the Eklutna (Eydlughet) and Knik (K'enakatnu) Tribes. The Dena'ina people historically fished, hunted, and gathered around the Upper Cook Inlet regions between the Chugach and Takleetna Mountains (Eklutna Inc., 2023).

### 1.2.1 Eklutna Native Village

The Eklutna Native Village is a federally recognized Indian Tribe of the Dena'ina people who still reside in their traditional homeland in the upper Cook Inlet region of Alaska. The Tribe had the use and occupancy of its territory well into the twentieth century. In 1936, the Secretary of the Interior withdrew approximately 330,000 acres of land from the public domain for the purposes of educating Natives in the region. The Project Site is located within this withdrawn area (NIGC, 2024). By the mid-1900s and as a result of the expansion of the Municipality of Anchorage, private development, development of military installations, the establishment of roadways and railway rights-of-way, and other factors, the United States reduced the area withdrawn, and in 1961 set aside a reservation of 1,968 acres for Natives in the area of Eklutna. This reservation, along with all other native reservation lands in the state of Alaska with the exception of one, was later revoked with the enactment of the Alaska Native Claims Settlement Act.

In 1961, the Eklutna Native Village government office was re-organized by the traditional people of Eklutna to pursue land rights and claims (Eklutna Native Village, 2019). Eklutna Inc. was later formed as a Village corporation in 1972 through the Alaska Native Claims Settlement Act to promote economic development (Eklutna Inc., 2023). The Eklutna Native Village is a federally recognized tribe. (89 Fed. Reg. 944, 947 (Jan. 8, 2024)).

The Tribe adopted a constitution in 1988, which was updated in 1996 and amended in 2000. The constitution asserts territorial jurisdiction over land and waters constituting Indian Country, including “all fee and allotment lands within the traditional lands of the Eklutna, notwithstanding the issuance of any patent or unrestricted fee title to such lands,” which includes the Project Site (Article II, Section I). The Tribe also asserts territorial jurisdiction over “all lands withdrawn for selection by Eklutna, Incorporated,” under the Alaska Native Claims Settlement Act. The Eklutna Native Village’s governing body is the Traditional Tribal Council though voters may enact tribal laws by initiative and referendum (Eklutna Native Village, 1996). The Tribal Council has established a Tribal Court (Eklutna Native Village, 2024). The Tribal Council established the Eklutna Gaming Authority as an independent entity under tribal law to develop the Tribe’s business capacity and economic expertise, as well as manage gaming and related enterprises (Eklutna Native Village, 2019). In Opinion M-37079, the Department of the Interior concluded that tribes in Alaska are presumed to have jurisdiction over Native allotments when they are owned by tribal members and are geographically associated with the tribal community. Under Opinion M-37079, the term “tribal community” refers either to the area surrounding a Tribe’s headquarters or village or the lands customarily and traditionally used by tribal members for hunting, fishing, gathering, and other subsistence activities.

According to recent census data, 30% of Eklutna Native Village residents live below the poverty line, with a median nonfamily household income of \$20,625 and an employment rate of only 30%. In comparison, the nearby municipality of Anchorage has a poverty rate of 9.6%, a median nonfamily household income of \$100,751, and an employment rate of 59.8% (Leggett, A., 2024; U.S. Census Bureau, 2024). The poverty and unemployment observed in American Indian and Alaska Native communities, such as in the Eklutna Native Village, is largely associated with economic development challenges in these communities, including geographic isolation and employment availability (Sarche et al., 2008). The Tribe has struggled to develop a strong tribal economy that would allow the Tribe to better care for its people and be a more supportive partner to the surrounding community (Eklutna Native Village, 2019b). The Tribe desires to implement the Proposed Project to provide much-needed support for its members, including housing, employment, job training, scholarships, cultural enhancement, and healthcare services.

## 1.2.2 Project Site/Ondola Allotment

In 1963, based on an application filed in 1961 pursuant to the Alaska Native Allotment Act (ANAA), the Bureau of Land Management issued title to restricted fee Native Allotment No. A-055026, which encompasses the Project Site, to Olga Ondola, an Alaska Native and member of the Tribe (Ondola Allotment).

The Ondola Allotment consists of 8.05 acres, of which approximately 1.68 acres are within a right of way of the Alaska Railroad. The Project Site excludes the right of way and consists of approximately 6.37 acres. Two electrical utility right-of-way easements for the Matanuska Electric Association (MEA) and associated overhead power lines traverse the southern and western portions of the property, and additional rights-of-way occur adjacent to but outside of the Ondola Allotment, including a right-of-way for Birchwood Spur Road to the west, and a 50-foot-wide right-of-way for private property access along the southern boundary. The location of the Ondola Allotment/Project Site is shown in **Figures 1.4-1, 1.4-2 and 1.4-3**. The Project Site has been owned as a restricted fee Native Allotment since 1961 by Ms. Ondola and her heirs and successors, who are members of the Tribe. In accordance with the ANAA, the Ondola Allotment/Project Site is “inalienable and nontaxable,” meaning that the land cannot be taken from the owner by force and is not subject to local or state property tax. The Project Site is located approximately five miles from the Eklutna Native Village headquarters in Chugiak, Alaska.

Based on Indian Gaming Regulatory Act (IGRA) and NIGC regulations<sup>3</sup>, the Department issued an Indian Lands Opinion on June 27, 2024, confirming that the Ondola Allotment constitutes Indian lands eligible for gaming by the Tribe under IGRA (Avery, 2024). The NIGC incorporated the Department’s Indian lands determination and approved the Tribe’s site-specific Gaming Ordinance authorizing gaming activities on the Project Site (Avery, 2024).

## 1.2.3 Municipality of Anchorage

The Municipality of Anchorage, which encompasses both lands owned by the Eklutna Native Village and the Ondola Allotment/Project Site, recognizes the Tribe’s longstanding presence in the area through the Municipality of Anchorage Ordinance No. 2020-137. The ordinance is intended to establish government-to-government relations between the Municipality of Anchorage and the Tribe by amending the Anchorage Municipal Code.

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<sup>3</sup> 25 USC Chapter 29 and 25 CFR Part 292, 25 CFR Part 502

## 1.3 PURPOSE AND NEED

The purpose and need for the Proposed Action is to allow the Native Allotment landowners to develop their land, putting it to its highest and best use, in order to generate much needed income and employment opportunities for the Native Allotment landowners and their community. The purpose and need for the Proposed Action would also achieve the goals of the Tribe by facilitating tribal self-sufficiency, self-determination, and economic development, thus satisfying the principal goal of IGRA as articulated in 25 USC § 2701.

## 1.4 LOCATION AND SETTING

The Project Site consists of a restricted fee Native Allotment granted under the ANAA comprised of three parcels:

Parcel ID	Lot Number	Legal Description	USGS 7.5 Min Quad
051-081-01	66	T15N, R1W, Section 5	Anchorage B-7 NW, AK
051-081-02	64		
051-081-15	67		

Excluding the existing Alaska Railroad easement) (**Figures 1.4-1 - 1.4-3**) in the unincorporated community of Chugiak within the boundaries of the Municipality of Anchorage, Alaska. **Figure 1.4-3** presents an aerial photograph of the Project Site and the immediate vicinity. The Project Site previously contained a residence and several outbuildings, but currently consists of vacant partially-wooded land. Adjacent surrounding land uses include low density residential, industrial, the Alaska Railroad, and the Birchwood Airport.

The waterway known as Knik Arm occurs approximately 0.6 miles to the northwest. Peters Creek occurs just off the Project Site along the eastern border. The Project Site is located within Section 5 of Township 15 North, Range 1 West within the Seward Meridian, and is within the Anchorage B-7 NW United States Geological Survey (USGS) 7.5' quadrangle map.

## 1.5 TERMINOLOGY

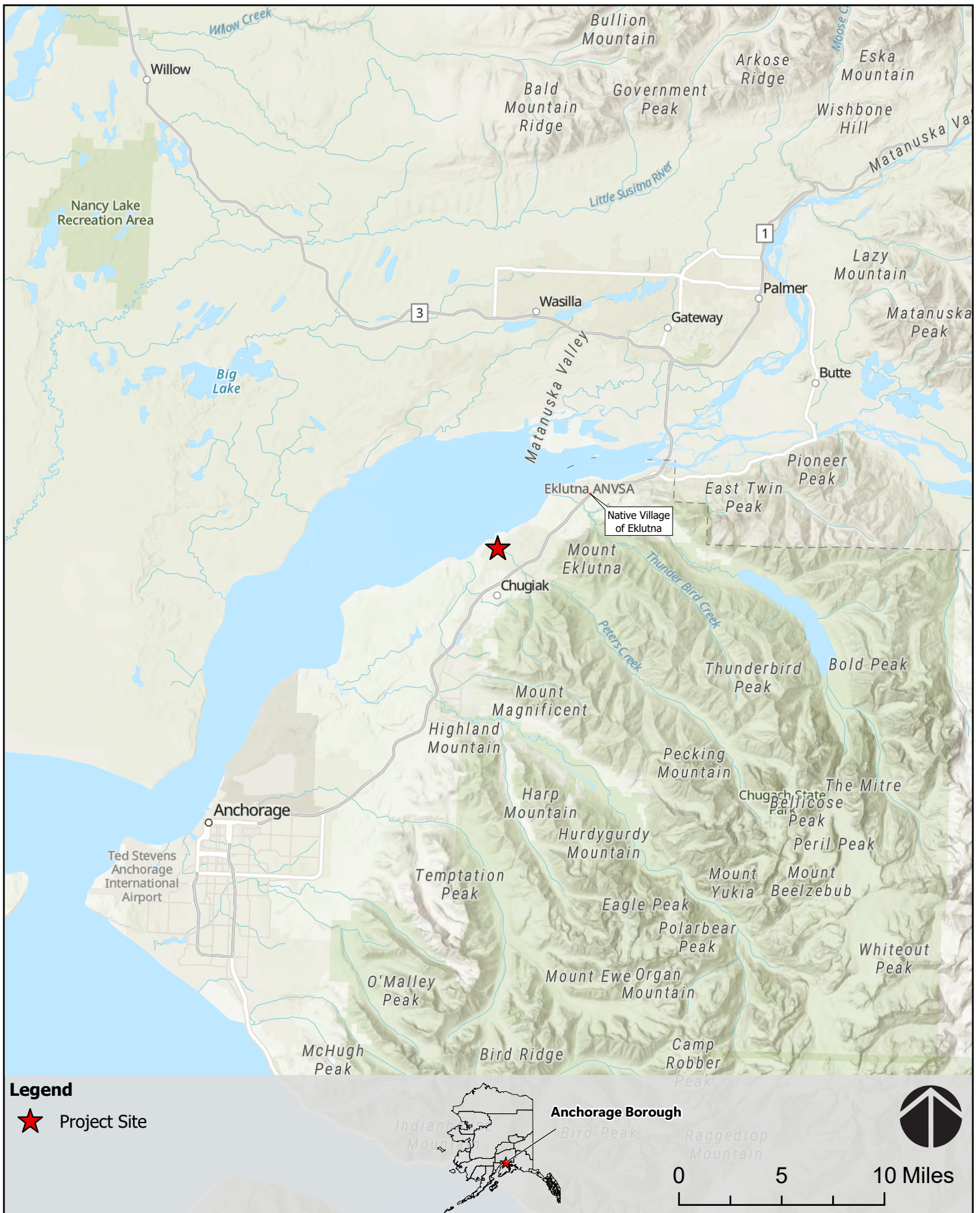
Terms used throughout this EA include the following:

**Project Site:** A 6.37-acre portion of property currently owned as a restricted fee Native Allotment by members of the Tribe located in the unincorporated community of Chugiak within the Municipality of Anchorage, Alaska.

**Alternative A:** Development of the proposed gaming facility on the Project Site (refer to **Section 2.1**).

**Alternative B:** Development of an event center on the Project Site (refer to **Section 2.2**).

**Alternative C:** No proposed development on the Project Site (refer to **Section 2.3**).



Kenai Peninsula Borough, Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, USFWS, Esri, USGS



Kenai Peninsula Borough, Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS

**FIGURE 1.4-2**  
SITE AND VICINITY







Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**FIGURE 1.4-3**  
AERIAL PHOTOGRAPH



## 1.6 POTENTIAL PERMITS AND APPROVALS

The alternatives discussed in **Section 2** may require the permits and approvals listed in **Table 1.6-1**.

**Table 1.6-1: Potential Permits and Approvals**

Agency	Permit or Approval	Alternative
<b>Federal</b>		
Department of Interior Bureau of Indian Affairs	<ul style="list-style-type: none"> <li>Approval of a business lease (25 CFR § 162) of the Project Site by individual tribal members/Native Allotment owners to the tribal government for the purposes of monetary compensation for the land lease necessary for the Tribe to develop and operate a proposed gaming facility.</li> </ul>	A
	<ul style="list-style-type: none"> <li>Potential approval of a Permanent Improvement Plan related to construction of the proposed land uses within the Project Site.</li> <li>Approval of easements within the Project Site for utilities to service the Project Site, including but not limited to electrical service lines and telecommunication service lines.</li> </ul>	A, B
National Indian Gaming Commission	<ul style="list-style-type: none"> <li>Approval of a gaming management agreement between the Tribe and its gaming partner, Marnell AK, for operation of the gaming facility.</li> </ul>	A
U.S. Environmental Protection Agency (USEPA)	<ul style="list-style-type: none"> <li>Verification of coverage under the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity as required by the Clean Water Act.</li> <li>Classification of groundwater well as a Non-Transient/Non-Community Public Water System under the Safe Drinking Water Act.</li> <li>Registration of the sub-surface wastewater facilities with the Underground Injection Control program as a class V injection well. Subsurface wastewater disposal on the Project Site will either be Authorized by Rule or Permitted by USEPA Region 10.</li> </ul>	A, B
National Marine Fisheries Service	<ul style="list-style-type: none"> <li>Informal consultation has been completed under Section 7 of the federal Endangered Species Act regarding potential effects to species listed as threatened or endangered under the Act or designated critical habitat (see <b>Section 5</b>)</li> </ul>	A, B
<b>State and Local</b>		
Alaska Department of Transportation	<ul style="list-style-type: none"> <li>Approval of access road improvements, off-site traffic improvements, and issuance of encroachment permits, if necessary.</li> </ul>	A, B
Alaska Department of Natural Resources	<ul style="list-style-type: none"> <li>Potential approval of a water right to utilize groundwater and permit to drill a well granted pursuant to the Alaska Water Use Act (AS 46.15), as may be applicable.</li> </ul>	A, B
Municipality of Anchorage	<ul style="list-style-type: none"> <li>Approval of off-site roadway/access improvements.</li> </ul>	A, B
Alaska Office of History and Archaeology	<ul style="list-style-type: none"> <li>Consultation under Section 106 of the National Historic Preservation Act if historic properties may be impacted (<b>Appendix H</b>).</li> </ul>	A, B



# Section 2 | Proposed Project and Alternatives

This section describes the alternatives analyzed in this EA. A reasonable range of alternatives has been selected based on consideration of the purpose of the Proposed Action, as well as opportunities for potentially reducing environmental effects. Alternatives include Alternative A (the Proposed Project), Alternative B (Event Center), and Alternative C (No Action). Alternatives are described below. Consistent with CEQ regulations, **Section 2.4** summarizes and compares potential environmental consequences, benefits, and/or detriments of the alternatives. **Section 2.5** discusses the alternatives that were considered but not analyzed in this EA.

## 2.1 ALTERNATIVE A: PROPOSED PROJECT

Alternative A consists of the following components: 1) BIA approval of a business lease by tribal members who own the restricted fee Native Allotment to the tribal government for operation of a proposed gaming facility within the Project Site; 2) development by the Tribe of a gaming facility and associated infrastructure on the Project Site; and 3) potential NIGC approval of a Gaming Management Agreement for operation of the gaming facility.

### 2.1.1 Business Lease and Management Agreement

The Amended and Restated Business Lease Between Owners (lessor) of Allotment A-055026 (Project Site/Ondola Allotment) and the Eklutna Native Village (lessee; Tribe), which was originally executed on April 14, 2016, was amended and restated on March 22, 2024. Pursuant to 25 USC § 415 and 25 CFR § 162, the business lease requires approval by the Secretary of Interior or delegatee. The term for the business lease is 25 years from the first day of the month following approval by the BIA. The business lease may be renewed at the discretion of the Tribe for a further term of 25 years commencing at the expiration of the primary term.

The business lease allows the Tribe's wholly owned Eklutna Gaming Authority to develop, construct, finance, and operate a gaming facility on a portion of Allotment A-055026. The Eklutna Gaming Authority has entered into an agreement with Marnell AK to supervise and manage the development, design, and construction of the proposed gaming facility. Upon approval by the NIGC, Marnell AK will manage the operation of the gaming facility for the first seven years of operation. The lease also acknowledges that financing, construction, and operation of a gaming facility on the Project Site requires NIGC approval of a management agreement (25 CFR § 533) in addition to approval of the Tribe's existing gaming ordinance and the determination that the Project Site constitutes 'Indian Lands'.

The BIA is authorized to consent to the business lease on behalf of the Native Allotment owners should the Native Allotment owners be deceased without heirs/devisees having been determined pursuant to 25 CFR § 162.013(c)(l). Additionally, the business lease also acknowledges that the Tribe has jurisdiction over the Project Site and is responsible for providing government services to the Project Site, including social services. The business lease will authorize use of the Project Site's current water rights to the extent applicable and tasks the Tribe with acquiring any additional water rights that may be necessary for operations.

Upon expiration of the lease, permanent improvements on the Project Site, including the casino building and associated infrastructure, would become the property of the Ondola Allotment owners. However, if requested by the owners/lessor, the Tribe would dismantle and remove the improvements and restore the Project Site within a year following the expiration of the lease. Restoration would include, but not be limited to, the following: (1) removal and proper off-site disposal of permanent improvements; (2) removal or slurry of gas, water, or sewer lines; (3) removal and proper off-site disposal of foundation footings and concrete and asphalt surfaces; and (4) grading the surface to drain and left free of rubble or debris; and (5) restoration or reseeded of vegetation.

### 2.1.2 Proposed Gaming Facility

Under Alternative A, the Tribe proposes to develop a 58,000 square-foot (sf) gaming facility with paved surface parking and supporting infrastructure. A conceptual site plan and renderings are provided in **Figures 2.1-1** and **2.1-2**. The gaming facility would consist of a single-story building with a maximum height of approximately 40 feet and would include approximately 33,000 square feet of gaming floor with up to 1,000 class II gaming devices, two food and beverage venues totaling 7,000 sf with up to 200 seats, and approximately 18,000 square feet of support and circulation space. Proposed loading docks to accommodate deliveries would be located behind the building. The gaming facility would be open for up to 24 hours a day, 7 days a week. Alternative A is estimated to take 13 to 15 months to construct and would open in the year 2026. Alternative A would employ approximately 90 staff per day with a total employment of approximately 228 staff. Alternative A may serve alcohol in accordance with applicable permits and licenses in the long-term once the gaming facility is operational in 2026.

Given the Tribe's and Allottees' ongoing need for economic opportunities, during the construction period for the permanent facility described above, a modular building would be established in the southwestern corner of the site for the operation of a smaller interim facility that could house approximately 85 gaming devices. The parking areas for this facility would be established within the footprint of the parking areas proposed for the permanent facility. A diagram showing the layout of the interim modular gaming facility is provided in **Figure 2.1-3**. The interim modular gaming facility is estimated to employ approximately 5 full-time staff and would not serve alcohol.

### 2.1.3 Site Access and Parking

Access to the Project Site is currently provided via a driveway and dedicated right-of-way along the southern boundary of the Project Site that connects to Birchwood Spur Road. Under Alternative A, this driveway would be paved and improved to serve as the primary access for vehicles entering and exiting the Project Site (**Figure 2.1-1**). Alternative options for access configurations are described and analyzed in **Appendix A**. Alternative A would include 443 paved surface parking spaces to accommodate employees and patrons. Paved parking for the interim gaming facility would be included on the Project Site.

### 2.1.4 Signage, Lighting, and Landscaping

Exterior signage would be compatible with the building architecture as well as the natural characteristics of the site. Exterior lighting would be downward directed and shielded, and strategically positioned around the building to minimize off-site glare. Downcast and shielded lighting and LED bulbs would be used in the landscaped and parking areas to minimize off-site scatter. The parking lot and areas around the building would be enhanced by landscaping that would incorporate plants native to the region.



Source: Marnell Companies, 1/7/2025, Acorn Environmental, 1/10/2025

**FIGURE 2.1-1**  
ALTERNATIVE A SITE PLAN

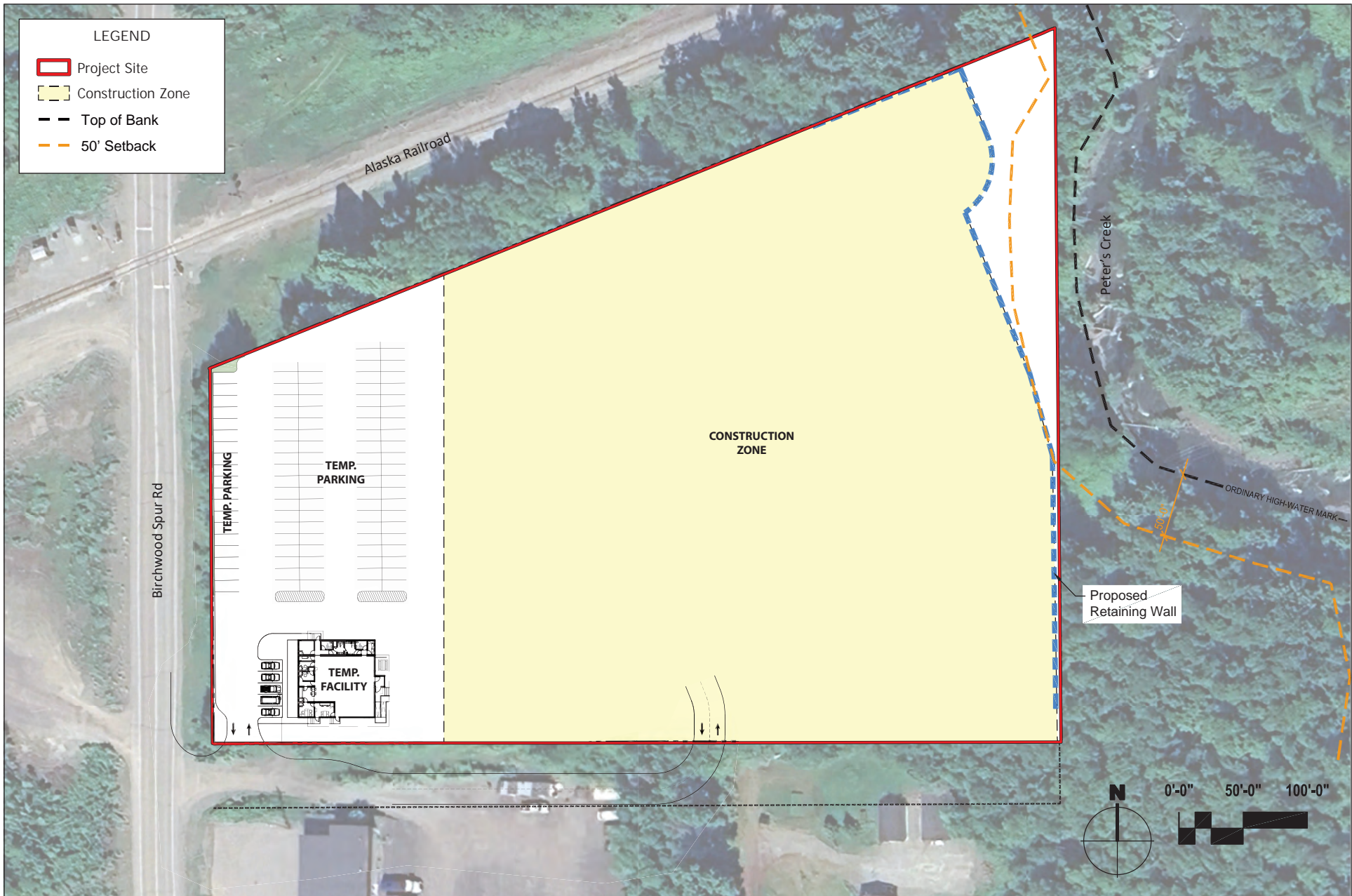




Source: Marnell Companies, 6/5/2024, Acorn Environmental, 2024

**FIGURE 2.1-2**  
ALTERNATIVE A RENDERINGS





Source: Marnell Companies, 11/11/2024, Acorn Environmental, 01/10/2025

**FIGURE 2.1-3**  
TEMPORARY FACILITY SITE PLAN

### 2.1.5 Tree Removal and Land Clearing

The Project Site consists largely of undeveloped partially wooded land (**Figure 1.4-3**). Alternative A would require tree removal and land clearing within the Project Site. A biological resources and tree survey of the Project Site were conducted on July 16 - July 18, 2024 (**Appendix L**). A follow-up tree inventory was conducted by the BIA in October 2024 and results are also provided in **Appendix L**. According to the BIA tree inventory, a volume of approximately 171 cords<sup>4</sup> of trees was observed on the Project Site (**Appendix L**). Although a small amount of tree removal (approximately 23.6 cords of birch) has occurred since the biological resources survey and tree survey, these trees are still considered part of the baseline for the environmental analysis in this EA. Timber resources on native restricted fee lands are considered a trust asset that cannot be sold, leased, or otherwise encumbered without approval of the BIA. However, the value of the timber on-site was determined by the BIA to be below the \$5,000 threshold for requiring a tree harvest permit (25 CFR 163.26). Therefore, the BIA has determined that no timber harvest permit is required for the trees that have been cut or for the trees that will be removed in the future as part of site clearing. The Project Site has been re-classified as not "forest land" or "Indian forest land", therefore, it is not subject to the permitting requirements of 25 CFR Part 163 and has been removed from BIA's Cook Inlet Forest Management Plan (BIA, 2020).

Tree species within the Project Site are dominated by birch (*Betula* sp.), specifically, paper birch (*Betula papyrifera*). Other deciduous trees within the Project Site include alder (*Alnus* sp.) and poplar (*Populus* sp.). Spruce, including white spruce (*Picea glauca*) and red spruce (*Picea rubens*), comprise a minor component of the tree canopy. A few trees would be retained in the proposed parking and landscaping areas and along the perimeter of the Project Site. Trees would be harvested for use by the Native Allotment owners and the Tribe. Clearing activities would result in leftover vegetation and wood debris, such as stumps. The leftover vegetation and wood debris would be chipped on-site and utilized where feasible and as dictated by the quality of chips. Trees and any excess chipped wood would be hauled to the Eklutna Native Village for use by Allotment owners or the Tribe. Approximately 52 truck trips are estimated (round trips), and the anticipated haul route is shown in **Figure 2.1-4**.

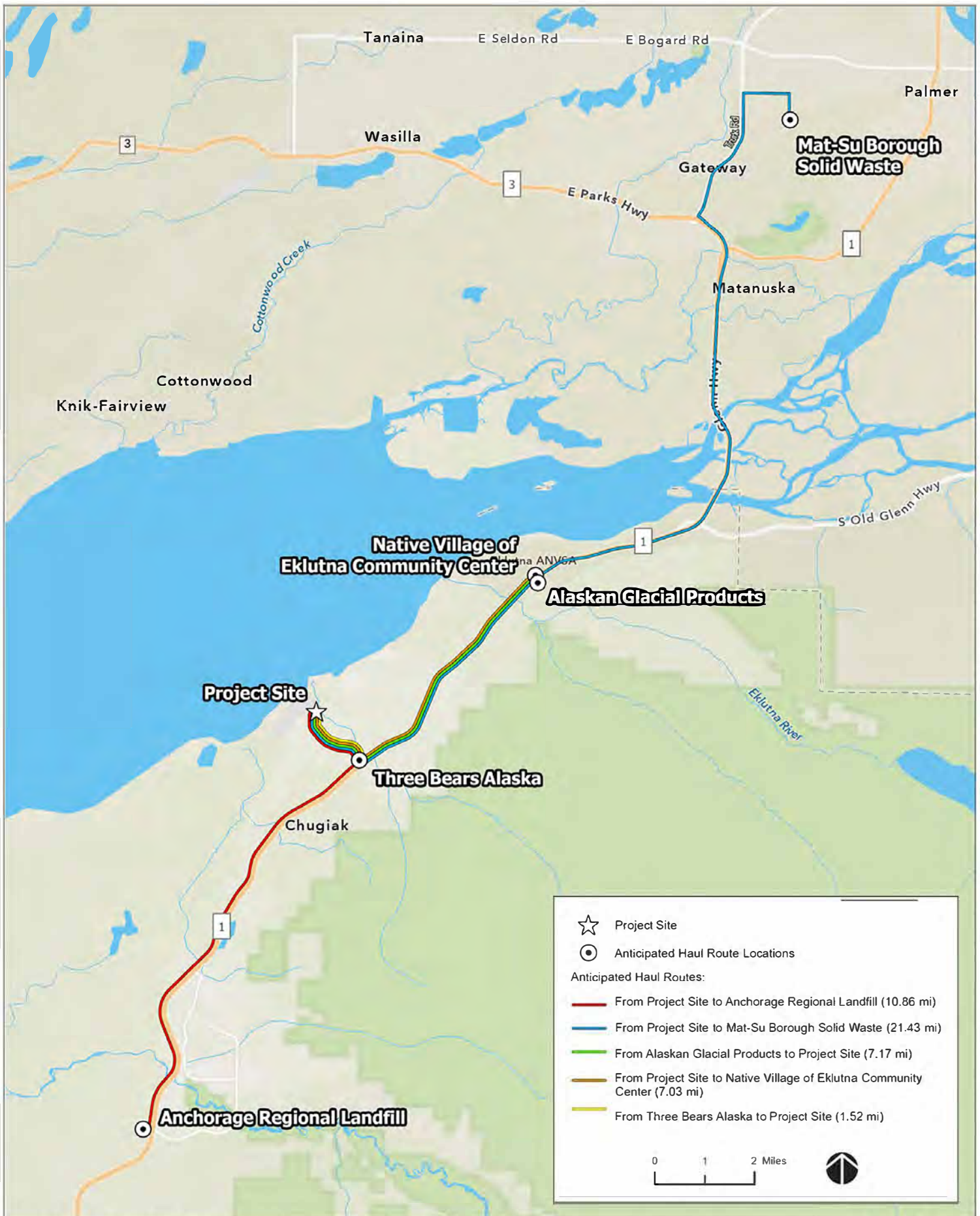
### 2.1.6 Grading and Drainage

A grading and drainage study has been prepared for Alternative A and is included as **Appendix B**. Elevations on the Project Site range from approximately 73 to 88 feet above mean sea level (amsl), with the majority of the site sloping gradually to the north. There is a bench cutting across the northwest corner of the property that drops about 8 feet then flattens out towards the adjacent bank of Peters Creek. Although as a restricted fee Native Allotment, the Project Site is not subject to state and local regulatory law, paving and ground disturbance would be set back from Peters Creek by at least 50 feet, consistent with the minimum setbacks in the Anchorage Municipal Code (AMC 21.45.210). Development would require retaining walls on the north and east sides of the Project Site, and the northeast corner would be raised by three to seven feet above the existing grade due to the steep drop off towards Peters Creek. Retaining walls would be designed to prevent potential stream scour and off-site stormwater runoff. Proposed retaining walls would retain a fill height up to 6 feet and would be constructed from durable material such as cast-in-place concrete, segmental block/reinforced earth, or similar (**Appendix B**). The topmost foot of soil would be stripped across the Project Site to remove tree roots, organics, and topsoil/peat.

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<sup>4</sup> A cord of wood is a stack of wood that measures 128 cubic feet, or 8 feet long by 4 feet high by 4 feet wide.





Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**FIGURE 2.1-4**  
ANTICIPATED HAUL ROUTES

This would equate to approximately 10,350 cubic yards (CY) of unusable material, which is equivalent to a football field covered with unusable material that is approximately 1.6 yards (4.8 feet) in height, that would be hauled off-site. Approximately 15,800 CY would be excavated. Of that, 4,200 CY would be reused across the Project Site to fill the lower areas. This would result in a net volume of 11,600 CY of excess material that would be exported from the Project Site. Approximately 20,500 CY of engineered fill would be imported for the pavement section. Excess unusable soil and biomass materials would be disposed of either at the Anchorage Regional Landfill, located approximately 11 miles from the Project Site, or the Mat-Su Borough Solid Waste Site, located approximately 21 miles from the Project Site (refer to haul routes shown on **Figure 2.1-4**). The grading phase would require approximately 1,700 total round trips for material import and export.

Following construction, the majority of the Project Site would be converted from pervious to impervious surfaces resulting in an increase in stormwater runoff. Stormwater would be collected and treated consistent with the Anchorage Stormwater Manual, Volume 1 Management and Design Criteria, Version 1.0 (Municipality of Anchorage, 2017a). Vegetated swales would be established within the parking areas to filter runoff and storm drainage catch basins would be located at low points on the Project Site to direct runoff to buried infiltration beds to provide volume control, treatment, and rate control (**Figure 2.1-1** and **Appendix B**). The stormwater collection and treatment system would be designed to accommodate a 24-hour 100-year flood event with off-site runoff rates modeled to be equal to or less than existing rates. Additional details regarding proposed stormwater facilities are included in **Appendix B**.

The Project Site would include 0.22 acres dedicated to on-site snow storage, consistent with regulations outlined in Anchorage Municipal Code (AMC 21.07.040). Snow storage would occur within the green landscaping areas along the perimeter of the parking lot as shown on **Figure 2.1-1**, excluding along Peters Creek. If snow piles exceed 15 feet in height or remain on-site for more than 21 days, excess snow would be hauled off-site to a permitted snow disposal site, such as the Sand Lake disposal site in Anchorage, located approximately 31 miles from the Project Site. Should a closer permitted facility become available, it would be utilized.

## 2.1.7 Utilities

### Water

A water supply feasibility study has been prepared for Alternative A and is included as **Appendix C**. The proposed permanent facility for Alternative A would have an average water demand of approximately 8,681 gallons per day (gpd). In the long-term, potable water would be provided by a proposed on-site groundwater well, which would provide an estimated peak domestic flowrate of approximately 94 gallons per minute (gpm). The well would be established in accordance with applicable federal, state, and local requirements, and designed to achieve an appropriate production rate by targeting specific water-bearing formations, installing well screens, and incorporating at least an 8" pipe diameter to enhance inflow. Water would be treated on-site for drinking to Safe Drinking Water Act standards. Water supply to meet fire flow demands would be supplemented through an on-site water tank and fire pump, which would be sized accordingly and installed below ground.

In the short-term, for the interim facility and the permanent facility, if permitting for the well is required from the Alaska Department of Natural Resources but has not yet been obtained, the Tribe may contract to have potable water imported to the Project Site, consistent with the adopted Eklutna Public Health and Safety and Anti-Discrimination at Gaming Facility Ordinance (**Appendix M**).



Potable water may temporarily be delivered to the Project Site using water trucks, each with a capacity of 4,000 gallons, until a groundwater well can be drilled. To meet the average water demand of 8,681 gpd, approximately three water truck deliveries would be required per day or 16 water truck deliveries per week. Potable water would be sourced from either 3-Bears Store, located approximately 1.4 miles from the Project Site, or Alaskan Glacial, located approximately 6.9 miles from the Project Site (refer to haul routes shown on **Figure 2.1-4**).

## Wastewater

A wastewater feasibility study has been prepared for Alternative A and is included as **Appendix C**. The permanent facility for Alternative A would have an average wastewater generation rate of 8,681 gpd. Wastewater would be treated and disposed of through proposed on-site septic facilities that would be appropriately sized (**Figure 2.1-1**). Septic facilities would include an on-site grease interceptor tank, 10,000 – 15,000-gallon septic tank, a treatment tank, an advanced secondary treatment system, and a septic drainage field that would be installed below the paved parking areas within the Project Site. The septic system would be designed by a licensed engineer in such a way as to demonstrate its structural and thermal integrity, consistent with AMC 15.65.205. During operation of the interim facility, wastewater would be self-contained within holding tanks and hauled from the Project Site to the King Street commercial septage receiving station for treatment and disposal at the Eagle River Wastewater Treatment Facility owned and operated by the Anchorage Water and Wastewater Utility (AWWU).

## Other Utilities

Matanuska Electric Association, Inc. provides electrical services to the Project Site and vicinity. Overhead power lines occur on the Project Site as shown on **Figure 2.1-1**. Service line connections and associated easements would be established within the Project Site to provide electrical services to the Proposed Project. Enstar Natural Gas Company is the local provider of natural gas, and natural gas is currently provided to AC Machine, a machine shop adjacent to the southern boundary of the Project Site. Therefore, natural gas hookups are available directly south of the Project Site. The Tribe intends to use electric appliances, boilers, and heating systems within the proposed gaming facility to the extent feasible to minimize reliance on natural gas. Private companies provide telephone, internet, and cable services to properties within the vicinity of the Project Site. GCI and AT&T are the main providers for internet and cellular services in the region of the Project Site. Verizon and T-Mobile partner with GCI to provide additional service. Service line connections would be established within the Project Site to provide telecommunication services to the Proposed Project. While the precise alignment of these easements within the Project Site has not been identified, they would occur within the area of impact as studied in this EA.

## 2.1.8 Law Enforcement, Fire Protection, and Emergency Medical

### Law Enforcement

A Letter of Agreement between the Anchorage Police Department (APD) and the Eklutna Native Village is in place (Eklutna Native Village, 1996). The APD assists with issues regarding public safety and trespass on the Tribe's land, which includes the Project Site (Eklutna Native Village, 2019). Anchorage Municipal Code (AMC) § 27.30.135(C) specifies that police services are provided in the Anchorage Metropolitan Police Service Area, which encompasses the Project Site. The Anchorage Police Department is headquartered in Anchorage with three precincts throughout the city. The Anchorage Police Department is the primary law enforcement agency for the Project Site.

Prior to commencement of operations at both the permanent and temporary gaming facilities, the Tribe will enter into a more detailed law enforcement agreement with the APD or will establish its own tribal law enforcement services, consistent with the requirements of the adopted Eklutna Public Health and Safety and Anti-Discrimination at Gaming Facility Ordinance (**Appendix M**).

## **Fire Protection and Emergency Medical**

The Anchorage Fire Department (AFD) provides fire protection and emergency medical services (EMS) to the Anchorage area. AFD is assisted by two volunteer fire departments: the Chugiak Volunteer Fire and Rescue Company (CVFRD), which serves the Project Site, and the Girdwood Fire Department.

Pursuant to AMC 27.30.060(B), which requires that fire protection be provided in the Chugiak Fire Service Area, CVFRD provides fire protection services and EMS to an area of approximately 47 square miles, which includes the Project Site. CVFRD consists of over 100 members and responds to more than 1,000 emergency calls per year, 70 percent of which are medically related (CVFRD, 2024). Services provided include fire suppression, fire prevention, residential protection, commercial protection, and industrial protection (CVFRD, 2024). CVFRD Station 34 is the nearest fire station to the Project Site and is located approximately 0.2-miles to the north. Station 34 provides medical response and water rescue assistance, and also responds to motor vehicle accidents (CVFRD, 2024). Emergency calls are dispatched through the Municipality of Anchorage Communications Center, which operates 24-hours a day, 7 days a week (Municipality of Anchorage, 2024).

Prior to commencement of operations at both the permanent and temporary gaming facilities, the Tribe will enter into a more detailed fire and emergency medical service agreement with the CVFRD or will establish its own tribal fire and emergency medical services, consistent with the requirements of the adopted Eklutna Public Health and Safety and Anti-Discrimination at Gaming Facility Ordinance (Ordinance Number 2007O-01).

### **2.1.9 Construction**

Construction would generally involve grubbing and clearing, grading and paving using heavy-duty and light-duty equipment, trenching for utilities, and construction of buildings. Construction equipment would consist of scrapers/earthmovers, wheeled or tracked bulldozers and loaders, dump trucks, and concrete trucks. Equipment and materials staging would occur within the Project Site. Additionally, the existing gravel lot immediately adjacent to the southern boundary of the Project Site may be utilized for the storage of construction vehicles and equipment, however no ground disturbance would occur in this area, nor would any removal of vegetation along the perimeter of the gravel lot. A 500-kW diesel generator may be used for up to 20 days during construction to supply power to construction trailers and the interim gaming facility before electrical utility connections are established.

The proposed facilities would be constructed consistent with applicable Tribal ordinances and codes, including the Tribe's Environmental Protection Ordinance (Resolution Number 97-22) and Section 120 of the adopted Eklutna Public Health and Safety and Anti-Discrimination at Gaming Facility Ordinance (Ordinance Number 2025O-01), which adopts Title 23 of the Anchorage Municipal Code as tribal law governing the construction, expansion, modification, and renovation of any gaming facility. Title 23 of the Anchorage Municipal Code adopts the International Building Code (IBC), including electrical, mechanical, plumbing, fire protection, and seismic standards. An indoor fire suppression system would be installed. Construction is estimated to commence in early 2025 and would continue for a period of approximately 13 to 15 months.

### 2.1.10 Operation and Maintenance

Routine and general maintenance of the Project Site, such as repaving, vegetation trimming, and snow removal would be conducted by the Tribe as needed. The business lease (**Section 1.2**) acknowledges that the Tribe has jurisdiction over the Project Site and is responsible for providing government services to the Project Site, and that the Tribe has enforced and will continue to enforce tribal law applicable to the land, including, and without limitation, ordinances regarding trespassing and environmental protection. The business lease also acknowledges the authority of the Tribe to take measures to prevent trespass, including construction and maintenance of a fence surrounding the Project Site and posting and maintenance of signs providing notice that the Project Site is subject to sovereign authority of the Tribe.

### 2.1.11 Protective Measures and Best Management Practices

Protective measures and best management practices (BMPs), including regulatory requirements and voluntary measures that would be implemented by the Tribe, have been incorporated into the design of Alternative A. Where applicable, these measures would be incorporated into design or construction contracts to eliminate or substantially reduce environmental consequences from Alternative A and to achieve compliance with the Tribe’s Environmental Protection Ordinance (Resolution Number 97-22) and the Eklutna Public Health and Safety and Anti-Discrimination at Gaming Facility Ordinance, adopted January 5, 2025 (**Appendix M**). These measures are presented below in **Table 2.1-1**.

**Table 2.1-1: Alternative A Protective Measures and Best Management Practices**

Resource Area	Protective Measures and Best Management Practices
Land Resources	<ul style="list-style-type: none"> <li>▪ Erosion control measures will be implemented during construction as discussed further under the Water Resources BMPs.</li> <li>▪ Standard engineering practices and IBC standards will be used, including adherence to geotechnical standards ensuring soil suitability for structures.</li> <li>▪ Prior to construction, a geotechnical report shall be prepared by a licensed professional.</li> <li>▪ Proposed facilities would be constructed generally consistent with applicable Tribal ordinances, including the Tribe’s Environmental Protection Ordinance (Resolution Number 97-22), and the IBC, (as adopted by the Eklutna Tribal Ordinance 2007O-01 and Anchorage Municipal Ordinance), including electrical, mechanical, plumbing, fire protection, and seismic standards.</li> </ul>
Water Resources	<ul style="list-style-type: none"> <li>▪ To reduce water usage, low-flow toilets, faucets, and other water-using appliances shall be installed to the extent feasible.</li> <li>▪ Paving and ground disturbance would be set back from Peters Creek by at least 50 feet, which is consistent with the AMC (AMC 21.45.210).</li> <li>▪ Proposed storm drainage catch basins would be located at low points on the Project Site to direct runoff to buried infiltration beds. Sediment traps and grit chambers will be provided upstream of infiltration or detention systems, to remove detrimental levels of sediment and other debris.</li> <li>▪ Stormwater collection and treatment system would be designed to accommodate a 24-hour 100-year flood event with off-site runoff rates modeled to be equal to or less than existing rates.</li> <li>▪ Paved surfaces will be swept bi-annually, especially in the springtime, to remove sand/gravel spread for traction throughout the winter months. Stormdrain inlet structures will be routinely cleaned to further reduce the amount of sediment and debris migrating to the infiltration system.</li> <li>▪ Coverage under the NPDES Construction General Permit (CGP) shall be obtained from the USEPA for construction site runoff during the construction phase in compliance with the Clean Water Act (CWA). Conditions of the NPDES CGP shall be adhered to. A SWPPP shall be prepared, implemented, and maintained throughout the construction phase consistent with CGP requirements. The SWPPP shall include BMPs to minimize stormwater effects to water quality during construction. These will include, but not be limited to, the following:</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>○ Temporary erosion control measures (such as silt fences, fiber rolls, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) shall be employed as needed for disturbed areas.</li> <li>○ Construction activities shall be scheduled to minimize land disturbance during peak runoff periods to the extent feasible.</li> <li>○ Disturbed areas shall be paved, re-vegetated, and/or stabilized following construction.</li> <li>○ A spill prevention and countermeasure plan shall be developed that identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site.</li> <li>○ Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC §§ 1251 to 1387).</li> <li>○ Construction materials shall be stored, covered, and isolated to prevent runoff loss and contamination of surface and groundwater.</li> <li>○ Fuel and vehicle maintenance areas shall be limited to the Project Site.</li> <li>○ To minimize dust generation during construction, soil shall be wetted down with water prior to ground disturbance as needed.</li> <li>○ Trash storage areas for receptacles will be designed to minimize stormwater runoff contact with disposed solid waste. Receptacles shall contain lids and shall be placed on impervious pavement. Receptacles along with signs encouraging use of trash receptacles will be placed in common areas to reduce littering.</li> </ul>
Biological Resources	<ul style="list-style-type: none"> <li>▪ Staging of materials and equipment shall occur within the impact area or on previously disturbed land.</li> <li>▪ Bear-proof receptacles shall be used for exterior solid waste collection receptacles to help ensure bears and other wildlife are not drawn onto the Project Site and in direct contact with people.</li> <li>▪ Construction and paving on the Project Site will be setback from Peters Creek by 50 feet from the top of bank consistent with AO No. 2018-67(S) to provide protection of water quality and minimize impacts along the creek especially during spring calving and when fish are running.</li> <li>▪ Precautions will be taken to minimize wildlife-vehicle collisions in the vicinity of the Project Site through installing appropriate signage along the roadway frontage warning drivers of wildlife.</li> </ul>
Cultural and Paleontological Resources	<ul style="list-style-type: none"> <li>▪ If any previously unknown archaeological or historic remains are discovered during the life of this undertaking, or in the course of associated activities on this property, they shall cease activities pending further written recommendations from the BIA Regional Archeologist (36 CFR §800.13[b]). Willfully disturbing, removing, or damaging archeological or paleontological remains is a violation of applicable federal and/or state laws and is subject to severe criminal and civil penalties.</li> <li>▪ If any unknown human remains or associated cultural items are discovered during the life of this undertaking, or in the course of associated activities on this property, they shall cease all activity pending further written recommendations from the BIA Regional Archeologist. Any person who knows of the discovery of human remains or associated cultural items must provide notification in writing to the BIA Regional Archeologist (43 CFR §10.4).</li> <li>▪ No activities may result in the excavation, removal, damage, or otherwise alter or deface any archaeological resources (43 CFR §7.4). The Federal land manager may assess a civil penalty against any person(s) who has/have violated terms or conditions included in Section 7.4 (43 CFR §7.15).</li> </ul>
Air Quality	<p>The following dust suppression measures shall be implemented during construction to control the production of fugitive dust (particulate matter 10 microns in size [PM<sub>10</sub>]) and prevent wind erosion of bare and stockpiled soils:</p> <ul style="list-style-type: none"> <li>▪ Exposed soil shall be sprayed with water twice a day or as needed to suppress dust.</li> <li>▪ Dust emissions during transport of fill material or soil shall be minimized by wetting loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, cleaning the interior of cargo compartments on emptied haul trucks before leaving a site, and/or covering loads.</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>▪ Spills of transported fill material on public roads shall be promptly cleaned.</li> <li>▪ Wheel washers shall be provided as needed to remove soil that would otherwise be carried offsite by vehicles to decrease deposition of soil on area roadways.</li> <li>▪ Traffic speeds on the Project Site shall be restricted to 15 miles per hour to reduce dust.</li> <li>▪ Dirt, gravel, and debris piles shall be covered as needed to reduce dust and wind-blown debris.</li> </ul> <p>The following measures shall be implemented to reduce emissions of criteria air pollutants (CAP), greenhouse gases (GHG), and diesel particulate matter (DPM) from construction:</p> <ul style="list-style-type: none"> <li>▪ The Tribe shall control criteria pollutants and GHG emissions from the facility by requiring all diesel-powered equipment be properly maintained and minimize idling time to five minutes when construction equipment is not in use, unless per engine manufacturer’s specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions. The Tribe shall employ periodic and unscheduled inspections to accomplish the above measures.</li> <li>▪ The use of low reactive organic gases (150 grams per liter or less) shall be required for architectural coatings to the extent practicable.</li> <li>▪ Environmentally preferable materials, including recycled materials, shall be used to the extent readily available and economically practicable for construction of facilities.</li> </ul> <p>The Tribe shall reduce emissions of CAPs and GHGs during operation through the following actions to the extent feasible:</p> <ul style="list-style-type: none"> <li>▪ The Tribe shall use clean fuel vehicles in the vehicle fleet where practicable, which would reduce CAPs and GHG emissions.</li> <li>▪ The Tribe shall provide preferential parking for employee vanpools, carpools, and or other rideshare vehicles which would reduce CAPs and GHGs.</li> <li>▪ The Tribe shall incorporate preferential parking for Plug-In Electric Vehicles along with the installation of corresponding electric vehicle (EV) charging stations.</li> <li>▪ Shuttle service to and from population centers shall be provided as feasible, which would reduce CAPs and GHGs.</li> <li>▪ Water consumption shall be reduced through low-flow appliances, drought resistant landscaping, and the incorporation of “Save Water” signs near water faucets throughout the development.</li> <li>▪ The Tribe will use electric boilers and appliances in lieu of natural gas or propane units to the extent practicable.</li> <li>▪ The Tribe shall control CAPs, GHG, and DPM emissions during operation by requiring that all diesel-powered vehicles and equipment be properly maintained and minimizing idling time to five minutes at loading docks when loading or unloading food, merchandise, etc. or when diesel-powered vehicles or equipment are not in use, unless per engine manufacturer’s specifications or for safety reasons more time is required.</li> <li>▪ The Tribe shall use energy efficient lighting and appliances, which would reduce energy usage, thus reducing indirect CAP and GHG emissions.</li> <li>▪ The Tribe shall install recycling bins throughout the facility for glass, cans, and paper products. Trash and recycling receptacles shall be placed strategically outside to encourage people to recycle. In addition, the Tribe shall promote the use of non-polystyrene take-out containers and encourage food waste composting programs at all restaurants that serve more than 100 meals per day. The Tribe shall reduce the solid waste stream of the facility by at least 50%.</li> <li>▪ The Tribe shall discourage buses from idling for extended periods.</li> <li>▪ Adequate ingress and egress at entrances shall be provided to minimize vehicle idling and traffic congestion.</li> </ul>
Socioeconomic Conditions	<ul style="list-style-type: none"> <li>▪ The Tribe shall maintain the National Problem Gambling Helpline phone number on its website.</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>▪ The Tribe will implement operation policies that will include, but are not limited to, employee training, self-help brochures available on-site, signage near automatic teller machines and cashiers, and self-banning procedures to help those who may be affected by problem gaming. The signage and brochures will include problem gambler hotlines and websites.</li> </ul>
Transportation and Circulation	<ul style="list-style-type: none"> <li>▪ The Tribe will obtain necessary approvals from the Alaska Department of Transportation for access modifications on Birchwood Spur Road. In accordance with Title 17 of the Alaska Administrative Code Section 10.060 and 10.070, for the permanent facility, this will involve responding to and addressing comments from the ADOT&amp;PF on the TIA provided in Appendix A. Prior to operations associated with the permanent facility, any condition required as an outcome of any necessary Alaska DOT&amp;PF access permit review procedures must be implemented (17 AAC 10.080).</li> <li>▪ As part of the Tribe’s road inventory for the Indian Reservation Roads Program, the Tribe will coordinate with the ADOT&amp;PF to discuss potential federally-available funding for, and to make fair-share contribution towards, planning, designing, construction, and maintenance activities on Birchwood Loop Road/Birchwood Spur Road, if determined necessary during coordination.</li> <li>▪ The Tribe will coordinate with the ADOT&amp;PF to evaluate whether certain high-activity pedestrian locations, including bus stop locations, along Birchwood Loop Road/Birchwood Spur Road from Glenn Highway to the Project Site would benefit from implementation of additional measures regarding pedestrian safety, including but not limited to: signage, flashing beacons, and painted crosswalks. If targeted improvement projects are identified through this coordinated effort, the Tribe will make a fair-share contribution towards the cost of said improvements, as determined necessary.</li> </ul>
Public Services and Utilities	<p>BMPs to be implemented during construction:</p> <ul style="list-style-type: none"> <li>▪ Construction equipment shall contain spark arrestors, as provided by the manufacturer.</li> <li>▪ Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel.</li> <li>▪ The Tribe shall contact the Utility Notification Center to notify the utility service providers of excavation at the work site. In response, the utility service providers shall mark or stake the horizontal path of underground utilities, provide information about the utilities, and/or give clearance to dig.</li> <li>▪ The site shall be cleaned daily of trash and debris to the maximum extent practicable.</li> </ul> <p>BMPs to be implemented during operation:</p> <ul style="list-style-type: none"> <li>▪ The Tribe will conduct background checks of gaming employees and ensure that employees meet licensure requirements established by IGRA and the Tribe’s Gaming Ordinance.</li> <li>▪ Parking areas shall be well lit and monitored by parking staff and/or security guards at all times during operation.</li> <li>▪ Facilities shall have “No Loitering” signs in place, be well lit, and be monitored regularly by security guards.</li> <li>▪ Security guards patrolling the facilities would carry two-way radios to request and respond to back up or emergency calls.</li> <li>▪ Security cameras and tribal security personnel would provide surveillance of Project Site to both lessen and apprehend criminal activity onsite.</li> </ul>
Hazardous Materials	<p>Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving hazardous materials include the following.</p> <ul style="list-style-type: none"> <li>▪ Fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment to reduce the potential for accidental release.</li> <li>▪ Catch-pans shall be placed under equipment to catch potential spills during servicing.</li> <li>▪ Refueling shall be conducted only with approved pumps, hoses, and nozzles.</li> <li>▪ All disconnected hoses shall be placed in containers to collect residual fuel from the hose.</li> <li>▪ Vehicle engines shall be shut down during refueling.</li> </ul>

Resource Area	Protective Measures and Best Management Practices
	<ul style="list-style-type: none"> <li>▪ No smoking, open flames, or welding shall be allowed in refueling or service areas.</li> <li>▪ Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill.</li> <li>▪ Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.</li> <li>▪ Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with applicable regulations.</li> <li>▪ All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure.</li> <li>▪ A Construction Contingency Plan (CCP) will be prepared and implemented during development activities that will provide procedures for the management of any impacted soil and groundwater that may be encountered.</li> <li>▪ If contaminated soil and/or groundwater is encountered during construction related earthmoving activities, all work shall be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, the Tribe shall consult with the USEPA to determine the appropriate course of action, including development of a Sampling and Remediation Plan if necessary. Contaminated soils that are determined to be hazardous shall be disposed of in accordance with federal regulations.</li> </ul>
Noise	<p>BMPs to be implemented during construction:</p> <ul style="list-style-type: none"> <li>▪ Construction activities shall be limited to daytime hours between 6 am and 10 pm during construction months and 7am to 10 pm during non-construction months.</li> <li>▪ All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds in accordance with manufacturers' specifications.</li> <li>▪ Maintenance of construction equipment and machinery, including noise reducing components such as mufflers, silencers, covers, guards, vibration isolators, etc., shall be performed regularly to reduce excess noise.</li> <li>▪ Haul trucks shall be operated in accordance with posted speed limits.</li> <li>▪ Construction equipment and machinery shall only be operated by trained and qualified personnel.</li> <li>▪ Loud stationary construction equipment shall be located as far away from residential receptor areas as feasible.</li> <li>▪ Construction equipment and machinery that produce reduced noise levels shall be utilized to the extent feasible.</li> </ul>
Visual Resources	<ul style="list-style-type: none"> <li>▪ Placement of lights on buildings shall be designed so as not to cast light or glare offsite; exterior lighting shall be arranged so illumination is directed away from adjacent properties and rights of way and shall not interfere with traffic.</li> <li>▪ Parking areas shall be illuminated with lighting no higher than 14 feet.</li> <li>▪ Shielding, such as with a horizontal shroud, shall be used for outdoor lighting to ensure it is downcast.</li> <li>▪ Timers shall be utilized to limit lighting to necessary times.</li> <li>▪ Exterior glass shall be non-reflective low glare.</li> </ul>

## 2.2 ALTERNATIVE B: EVENT CENTER (NON-GAMING)

Alternative B consists of the following components: 1) BIA approval of a business lease by members of the Tribe to the tribal government for operation of an event center within the Project Site; and 2) development by the Tribe of an event center and associated infrastructure on the Project Site. The event center would be identical in terms of size and configuration as the proposed gaming facility building under Alternative A (**Figure 2.2-1**).

The interior space of the event center would include two multi-purpose rooms totaling approximately 27,000 sf of support and circulation, and 4,000 sf of kitchen space. The event center would host approximately three to four events per week on average. Events are expected to include gatherings such as trade shows, meetings, and weddings. Operational hours would vary based on demand but are anticipated to occur between 8 am and 10 pm. Alternative B is estimated to employ approximately half the staff of Alternative A (114 employees). Site access, parking, signage, lighting, landscaping, tree removal and clearing, grading and drainage, construction practices and protective measures and BMPs would be the same as described under Alternative A. Utilities and public services would also be provided in the same manner as described for Alternative A, except that water usage, wastewater generation and calls for services are expected to be less as a result of fewer patron visits and reduced hours of operation. Construction is estimated to commence in March 2025 and would continue for a period of approximately 14 months.

## 2.3 ALTERNATIVE C: NO ACTION

Under Alternative C, neither of the alternatives (Alternatives A or B) would be implemented. The Project Site would not be leased for the benefit of the Tribe and would likely remain wooded and undeveloped for the foreseeable future.

## 2.4 COMPARISON OF ALTERNATIVES

**Alternative A: Proposed Project.** Among the alternatives considered, Alternative A would provide the greatest socioeconomic benefit to the Tribe. Environmental impacts resulting from Alternative A would be similar to Alternative B given that both alternatives would utilize the same development area. As Alternative A would attract more patrons and would be open 24/7, Alternative A would generate more traffic and associated noise, air quality and greenhouse gas emissions, and higher demand for utilities and public services in comparison to Alternative B. Approval of a business lease for gaming purposes would best meet the stated purpose and need for the Proposed Action to facilitate tribal self-sufficiency and self-determination as it would provide the greatest economic and workforce opportunities for the Tribe.

**Alternative B: Event Center.** This alternative would result in similar effects to the environment as Alternative A but would provide the Tribe with fewer economic benefits and fewer employment opportunities than Alternative A. Due to the type of use, hours of operation, and anticipated patronage, Alternative B would generate less traffic and have reduced demands for utilities and public services in comparison to Alternative A. The potential timeframe of development under Alternative B would be the same as Alternative A.

**Alternative C: No Action.** Under Alternative C, the Project Site would remain in its existing condition and would not be leased for gaming or economic development purposes. No environmental effects would occur. This alternative would achieve the lowest net GHG emissions amongst the alternatives. Under Alternative C, the Tribe would not achieve the economic benefits that would be accomplished with the development of Alternative A or B. This alternative would not meet the stated purpose and need of the Proposed Action of facilitating economic development, tribal self-sufficiency, and self-determination.





Source: Marnell Companies, 1/7/2025, Acorn Environmental, 1/10/2025

**FIGURE 2.2-1**  
ALTERNATIVE B SITE PLAN

## 2.5 ALTERNATIVES ELIMINATED FROM CONSIDERATION

The intent of the analysis of alternatives in the EA is to present to decision-makers and the public a reasonable range of alternatives that are both feasible and sufficiently different from each other in critical aspects. The alternatives discussed below were considered and rejected from further consideration because these alternatives were either deemed infeasible, would not offer environmental advantages over the alternatives under consideration (Alternatives A and B), or would not fulfill the stated purpose of the Proposed Action.

### 2.5.1 Alternative Configurations

Alternative A has been designed to adhere to minimum recommended setback from nearby waterways, while maximizing the developable space within the site boundaries. Alternative configurations within the proposed development area (e.g., developing the gaming facility building closer to the roadway) would have substantially similar environmental impacts in comparison to the Proposed Project. Consequently, alternative configurations would not avoid or minimize environmental impacts or contribute to a reasonable range of alternatives.

### 2.5.2 Reduced Intensity Alternative

The size of the gaming component is consistent with regional market factors as discussed in the Socioeconomic Impact Study (**Appendix D**). While the area of physical impacts could be reduced through construction of a parking garage (which would eliminate surface parking needs) or multi-story gaming facility building (which would result in a smaller building footprint), there are no sensitive resources within the property, such as wetlands or cultural resources, that would be avoided by these changes. Further, the additional construction activities would have slightly greater effects, and the increased height and massing of the buildings would have increased visual effects. Thus, reducing the footprint of the gaming facility and parking areas would not avoid or minimize environmental impacts or contribute to a reasonable range of alternatives.

### 2.5.3 Alternative Location

The Alaska Native Claims Settlement Act (ANCSA) extinguished aboriginal land claims and transferred ownership to for-profit Native corporations, which created a corporate structure for land management; thus tribes did not directly own land after the Act. As a result, there are currently no lands held in federal trust or restricted fee status for the Tribe. There are approximately 48.3 acres contiguous to the Project Site that are owned by Eklutna Inc., and additional acreage owned by Eklutna Inc. within the vicinity of Anchorage. However, this land is not owned by the Tribal government, nor is it in federal trust or restricted fee status, and thus would not be eligible for gaming. The Project Site is owned as a restricted fee Native Allotment by members of the Tribe/Native Allotment Owners. This is the only Native Allotment land that is held in restricted fee status by the Eklutna tribal members that is within close proximity to the Eklutna Native Village. The NIGC issued an Indian Lands Opinion on July 18, 2024, confirming that the Project Site constitutes Indian lands eligible for gaming by the Tribe under IGRA (Avery, 2024). The NIGC also approved the Tribe's site-specific Gaming Ordinance authorizing gaming activities on the Project Site (Avery, 2024). There are no alternative locations that have been determined eligible for gaming activities. Additionally, the Project Site was selected by the Tribe as it falls within the Tribe's ancestral land base, is safe and developable, contains minimal development constraints, and has adequate site access. Therefore, alternative locations for the proposed gaming facility are not evaluated within the EA.

# Section 3 | Affected Environment and Environmental Consequences

## 3.1 INTRODUCTION

This section describes the existing environment of the area affected by the alternatives as well as the environmental consequences for each project alternative. The following environmental issue areas are described: Land Resources, Water Resources, Air Quality, Biological Resources, Cultural and Paleontological Resources, Socioeconomic Conditions and Environmental Justice, Transportation and Circulation, Land Use, Public Services and Utilities, Noise, Hazards and Hazardous Materials, and Visual Resources. Note that, consistent with 40 CFR § 1508.1(i), the term “effects” is used synonymously with the term “impacts” to describe changes to the environment resulting from the alternatives that are reasonably foreseeable, whether direct, indirect or cumulative.

## 3.2 LAND RESOURCES

### 3.2.1 Regulatory Setting

The land resources regulatory setting is summarized in **Table 3.2-1** and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.2-1: Regulatory Policies and Plans Related to Land Resources**

Regulation	Description
<b>Federal</b>	
Clean Water Act	<ul style="list-style-type: none"> <li>Prohibits sediment and erosion discharge into navigable waters of the U.S. and establishes water quality goals.</li> </ul>
Surface Mining Control and Reclamation Act of 1977	<ul style="list-style-type: none"> <li>Regulates the environmental effects of coal mining in the U.S.</li> </ul>
<b>State and Local*</b>	
Seismic Hazards Mapping Act	<ul style="list-style-type: none"> <li>Protects the public from the effects of strong ground shaking, liquefaction, landslides, ground failure, or other hazards caused by earthquakes.</li> </ul>
Alaska Department of Natural Resources, Division of Agriculture Soil Conservation Program and Plant Materials Program	<ul style="list-style-type: none"> <li>Provides plant science expertise and technical assistance to government agencies, contractors, land users, and the general public for the protection of soil resources.</li> </ul>
Alaska Department of Natural Resources, Geological and Geophysical Surveys	<ul style="list-style-type: none"> <li>Provides information related to oil and mineral discoveries.</li> </ul>
Municipality of Anchorage Municipal Code	<ul style="list-style-type: none"> <li>Contains the municipality’s regulations including those related to sediment and erosion control, seismic design standards, and setbacks to surface waters.</li> </ul>

Regulation	Description
Chugiak-Eagle River Comprehensive Plan Update	<ul style="list-style-type: none"> <li>▪ Identifies measures to prevent flooding, minimize erosion, assure safety, and prevent eroded material from entering waterways.</li> </ul>
Alaska Department of Environmental Conservation CGP	<ul style="list-style-type: none"> <li>▪ The CGP authorizes stormwater discharges from large and small construction-related activities and where those discharges enter waters of the U.S.</li> </ul>

\*State and local laws do not apply to Native allotments; these are provided as context in off-site areas.

## 3.2.2 Environmental Setting

### Topography

The Project Site is relatively flat with downward sloping topography from the south to the north towards Peters Creek, which flows along the eastern boundary. There is a bench cutting across the northwest corner of the property that drops approximately 8 feet and then flattens out toward the adjacent bank of Peters Creek. The highest portion of the site is the southeast corner at an elevation of 88 feet amsl and the lowest portion of the site is the northwest corner at an elevation of 73 feet amsl. Typical slopes across the site are around 1 to 3 percent. There are also areas of historic grading, specifically related to buildings and access roads.

### Seismic Conditions

The Project Site is in a seismically active area that contains quaternary and pre-quaternary faults. A quaternary fault is an active fault that has moved within the last 1.6 million years, while a pre-quaternary fault is thought to have been active before 1.6 million years ago. The nearest quaternary and pre-quaternary faults are shown on **Figure 3.2-1**. There are over 30 quaternary faults located within 50 miles of the Project Site. The nearest active fault is over one mile southeast and northeast.

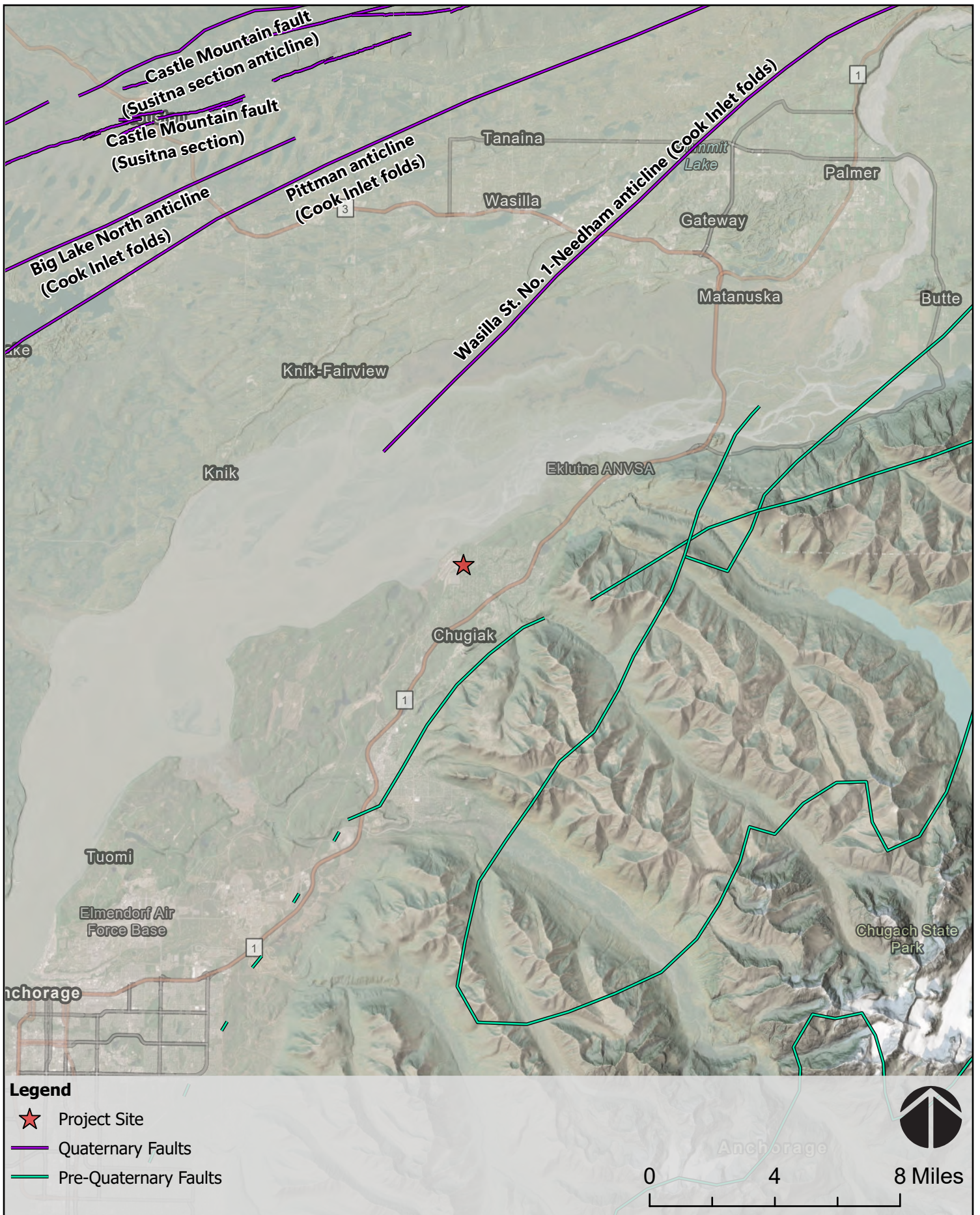
The Alaska Seismic Hazard Map shows the Project Site and surrounding area as having a greater than 95 percent chance of slight or greater damaging earthquake shaking in the next 100 years (USGS, 2024b). Also shown on FEMA Earthquake Hazard Maps, the Project Site is in zone D2, which has an earthquake hazard of “could experience very strong shaking” (FEMA, 2024). According to the Municipality of Anchorage, the Project site was found to be in Zone 3 seismic zone, which has a moderate ground failure susceptibility (Municipality of Anchorage, 2022).

Areas susceptible to tsunamis include coastal areas, especially those near subduction zones where two plates meet and areas within one mile of the shoreline and areas less than 25 feet above sea level are at greater risk. The Alaska Earthquake Center shows the inundation extent of water to greater than six feet approximately 0.28 miles northwest of the Project Site. But the Project Site is not located within the tsunami inundation zone (AEC, 2024). Therefore, tsunami inundation is not discussed further in this EA.

### Landslides

Historical stereoscopic aerial photographs and landslide hazard maps were reviewed to estimate the extents of existing landslides at the Project Site. According to the U.S. Landslide Inventory, the majority of the landslides that have occurred nearest to the Project Site are along the Glenn Highway approximately 1.94 miles away and are considered minor embankment failures (USGS, 2024c). Therefore, landslide conditions are not discussed further in this EA.





Kenai Peninsula Borough, Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA, USFWS, Earthstar Geographics, Airbus, USGS, NGA, NASA, CGIAR, NCEAS, NLS, OS, NMA, Geodatastyrelsen, GSA, GSI and the GIS User Community

**FIGURE 3.2-1**  
**FAULT ZONES**

## Soils

A custom soils report was run for the Project Site and showed three soil types underlying the Project Site (NRCS, 2024). As shown on **Figure 3.2-2**, the Project Site contains three soil types: Cryorthents and Urban Land, 5 to 20 percent slopes; Kashwitna-Kichatna complex, 0 to 3 percent slopes; and Moose River-Niklason complex, occasionally flooded, 0 to 3 percent slopes (NRCS, 2024). Characteristics for these soils are shown in **Table 3.2-2**.

**Table 3.2-2: Soils within the Project Site**

Soil	Acres	Slope Percent	Hydrologic Soil Group	Drainage Class	Ksat ( $\mu\text{m/s}$ )	Surface Runoff	Corrosion of Concrete	Corrosion of Steel	Linear Extensibility
Cryorthents and Urban Land	0.7	5 to 20	B	Somewhat excessively drained	Moderately high to high	Medium	Not rated	Not rated	Low
Kashwitna-Kichatna complex	3.5	0 to 3	B	Well drained	Moderately high to high	Low	Moderate	Moderate	Low
Moose River-Niklason complex	2.2	0 to 3	B	Very poorly drained	Moderately high to high	Low	Moderate	Moderate	Low

Soils on the Project Site have a hydrologic rating of B, which indicates a moderately low runoff potential when wet and a moderate infiltration rate. Soils with this rating are typically moderately deep to deep, moderately well to well drained, and have moderately fine to moderately coarse textures (NRCS, 2024).

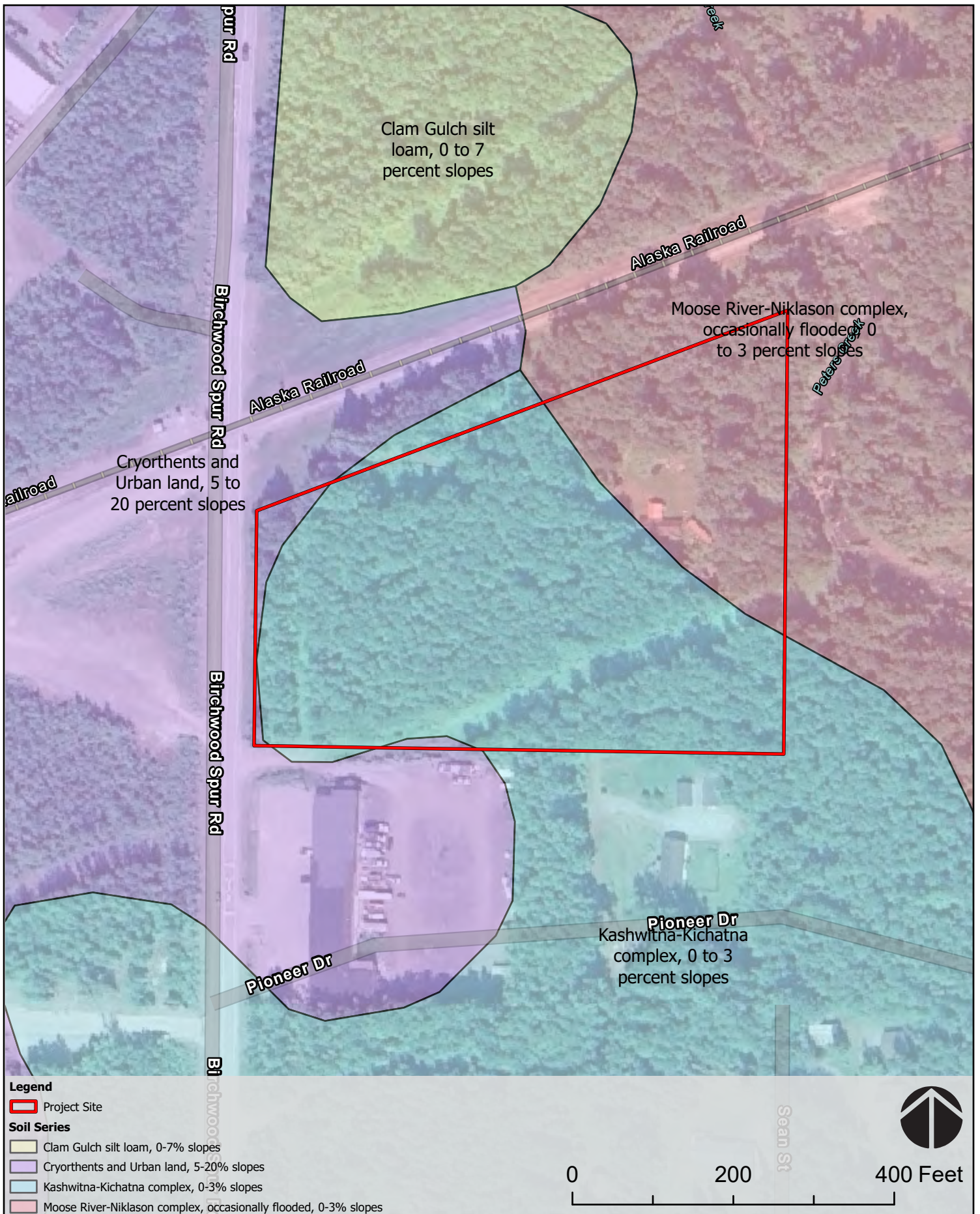
Expansive soils are of concern because they can cause building foundations to rise during the rainy season and fall during the dry season, causing structural distortion. The soils on the Project Site have mapped low linear extensibility ratings and therefore are not considered to be expansive soils.

The majority of the Project Site has a depth to water table of above 80 inches, and the remainder has a depth of 18 to 30 inches in the portion containing the Moose River-Niklason complex soils (NRCS, 2024). Soils on the Project Site transmit water at moderately high to high rates, which indicates that the Project Site has low to medium surface runoff potential, low to medium surface runoff potential, and does not contain soils rated as moderate corrosion to concrete and steel. Ksat (saturated hydraulic conductivity, i.e., how quickly water moves through saturated soil) is a factor in determining the hydrologic soil group and is often used in the design of water and wastewater disposal features such as percolation ponds and septic systems. Ksat measures transport only in a vertical direction under completely saturated conditions. The Ksat of the Project Site soils is moderately high to high.

## Mineral Resources

The nearest known mineral resources in relation to the Project Site are shown in **Figure 3.2-3** and include the Chugiak Pit (active; sand and gravel) located approximately 2.07 miles south of the Project Site, Northern Steel Pit (inactive; sand and gravel) located approximately 1.99 miles southeast of the Project Site, MS42-1-039-1 Pit (inactive; sand and gravel) located north of the Glenn Highway approximately 1.35 miles away from the Project Site, Myers (prospect; copper, lead, zinc) located approximately 3.01 miles northeast of the Project Site, and Mount Eklutna (active occurrence; chromium) located approximately 4.64 miles east of the Project Site. There are no known mineral resources on or adjacent to the Project Site.

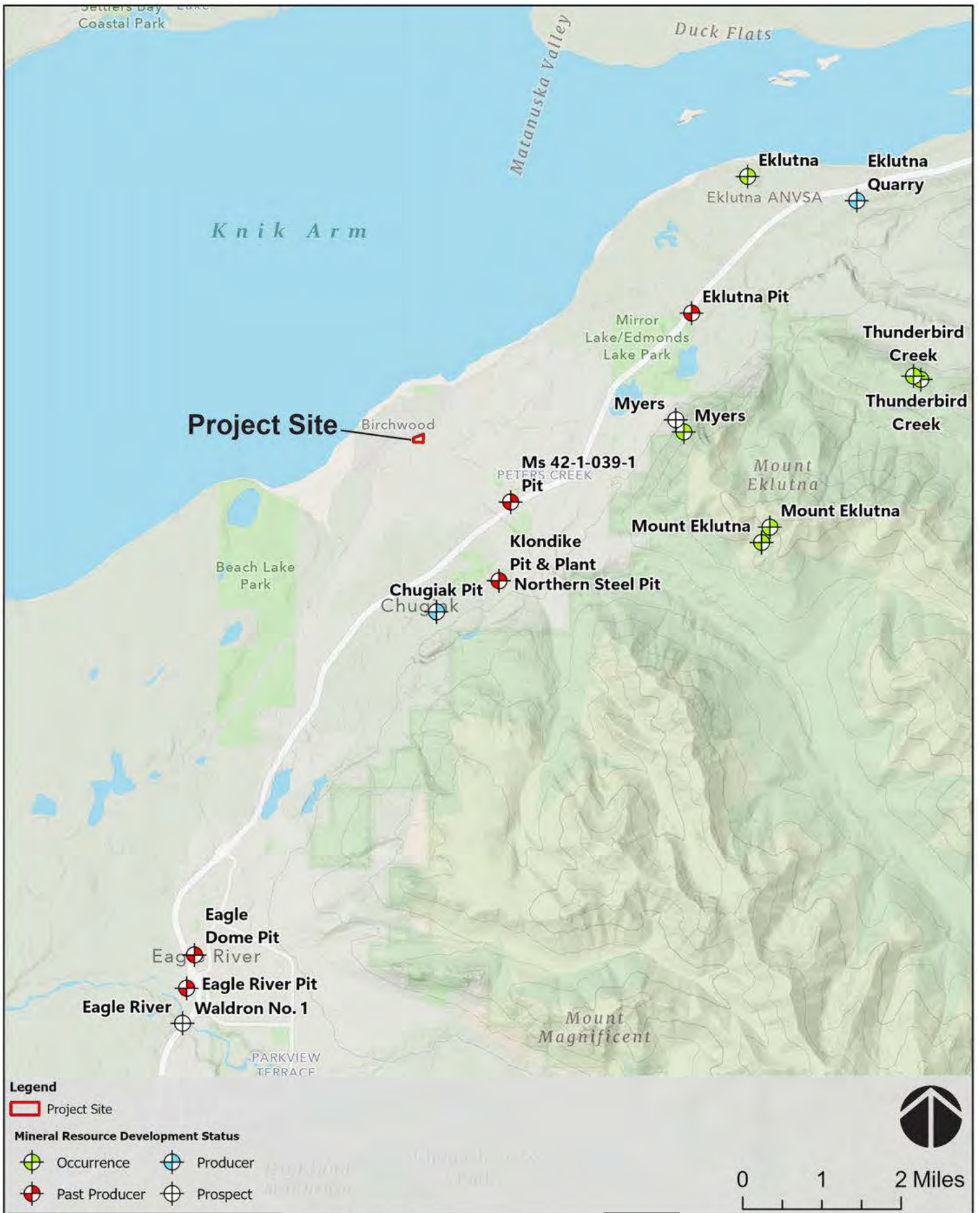




Kenai Peninsula Borough, Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS USDA Soils Series

**FIGURE 3.2-2**  
SOIL SERIES





Airbus, USGS, NGA, NASA, CGIAR, NCEAS, NLS, OS, NMA, Geodatastyrelsen, GSA, GSI and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**FIGURE 3.2-3**  
MINERAL RESOURCES



### 3.2.3 Impacts

#### Assessment Criteria

Impacts to land resources would be significant if an alternative were to change topography such that it caused an adverse effect such as landslides, liquefaction, significant erosion, or placed people or property in harm's way. Effects related to seismic conditions would be significant if the alternative were to substantially increase risks from seismic events. Impacts to soils would be significant if development were to significantly increase soil erosion or places structures or infrastructure on unsuitable soils.

#### Alternative A: Proposed Project

##### *Topography*

A grading and drainage study has been prepared for Alternative A and is included as **Appendix B**. As discussed in **Section 2**, portions of the development area have been previously graded, but the majority of development would occur within undeveloped wooded areas, which would require land clearing and tree removal, further discussed in **Section 2**. Development would require retaining walls on the north and east sides of the Project Site, and the northeast corner would be raised by three to seven feet above the existing grade due to the steep drop off towards Peters Creek.

As stated in **Section 2.1**, project construction and design, including retaining walls along the eastern site boundary, would follow standard engineering practices related to grading and soil suitability, and the majority of the site would be paved. Accordingly, the changes in topography due to grading activities would not result in hazards such as landslides or significant erosion. Impacts would be less than significant.

##### *Seismic Conditions*

As described above, the Project Site is in a seismically active area that contains numerous faults, but no active faults or fault zones exist on the site. Due to the vicinity of active faults in the region, the Project Site could be exposed to future seismic shaking and therefore prone to seismic induced hazards. As described in **Table 2.1-1**, a geotechnical report would be prepared prior to construction. Use of these standards would allow ground shaking-related hazards to be managed from a geologic, geotechnical, and structural standpoint such that risks to the health or safety of workers or members of the public would be reduced. Therefore, impacts from potential seismic conditions and induced hazards would be less than significant.

##### *Soils*

As shown in **Table 3.2-2** and **Figure 3.2-2**, three soil types underlay the Project Site. The majority of the development area is within undeveloped wooded areas, except where the former residence was located. Impacts related to the wooded areas of the Project Site would be within Cryorthents and Urban Land, Kashwitna-Kichatna complex, and Moose River-Niklason complex soils. These soils are very poorly drained to somewhat excessively drained and are somewhat prone to flooding. As discussed in **Section 2.1** and **Appendix B**, the grading plan for Alternative A would result in the export of materials unsuitable for construction and the import of engineered fill as needed to support the pavement structure and building foundations. Standard engineering practices and adherence to the IBC under Alternative A would avoid risks associated with use of improper soils. Unsuitable soils would be exported and disposed of either at the Anchorage Regional Landfill, located approximately 11 miles from the Project Site, or the Mat-Su Borough Solid Waste Site, located approximately 21 miles from the Project Site.

Land clearing and grading activities during construction would result in exposure of soil, increasing the risk of erosion and associated hazards. Construction of Alternative A would disturb more than one acre of land; therefore, the Tribe is required by the CWA to obtain coverage under and comply with the terms of the NPDES CGP for construction activities. The NPDES CGP requirements would reduce any potential impacts to less-than-significant levels. The addition of impervious surfaces to the Project Site would increase stormwater runoff volumes and the potential for associated operational erosion to occur. Storm drain catch basins would be located at low points across the site directing runoff to the buried infiltration beds that would be designed to limit peak offsite flowrates to equal to or less than existing conditions consistent with Anchorage Municipal Code and local requirements (**Appendix B**); therefore, impacts associated with erosion from the increase in runoff from impervious surfaces would be less than significant.

### *Mineral Resources*

Alternative A will not affect any known mineral deposits or involve the act of mining. There would be a less than significant impact.

### **Alternative B: Event Center**

Alternative B would involve the same site preparation activities as Alternative A and therefore would have the same level of impacts as discussed under Alternative A. As such, potential impacts associated with topography, seismic conditions, soils, and mineral resources would be comparable to Alternative A and less than significant with adherence to the design standards and BMPs described in **Section 2** and regulatory requirements.

### **Alternative C: No Action**

Under Alternative C, the Project Site would remain in its current state. There would be no risks associated with topography, seismic conditions, soils, and mineral resources as the Project Site would continue to operate in its current state and risks to people or structures would be unchanged.

## 3.3 WATER RESOURCES

### 3.3.1 Regulatory Setting

The water resources regulatory setting is summarized in **Table 3.3-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.3-1: Water Resources Regulations**

Regulation	Description
<b>Federal</b>	
Executive Order (EO) 11988	<ul style="list-style-type: none"> <li>▪ Requires federal agencies to evaluate the potential effects of any actions they may take in a floodplain; floodplain is defined as an area that has a 1 percent or greater chance of flooding in any given year.</li> <li>▪ Requires agencies proposing that an action be allowed in a floodplain to consider alternatives to avoid adverse effects; if the only practicable alternative action requires siting in a floodplain, EO 11988 requires the agency to minimize potential harm to or within the floodplain.</li> </ul>

Regulation	Description
Clean Water Act	<ul style="list-style-type: none"> <li>Establishes national water quality goals.</li> <li>Regulates point and non-point sources of pollution through the NPDES.</li> <li>Requires compliance with the NPDES permit to discharge pollutants into waters of the U.S.</li> <li>Requires states to establish water quality standards for waters in their jurisdiction and to periodically prepare a list of surface waters where beneficial uses are impaired.</li> </ul>
Safe Drinking Water Act	<ul style="list-style-type: none"> <li>The USEPA sets National Primary Drinking Water Regulations to protect public health (primary standards) that apply to public water systems and defines National Secondary Drinking Water Regulations (secondary standards) for contaminants that cause cosmetic and aesthetic effects, but not health effects.</li> </ul>
Federal Emergency Management Agency (FEMA)	<ul style="list-style-type: none"> <li>Responsible for the preparation of Flood Insurance Rate Maps for the National Flood Insurance Program.</li> </ul>
<b>State and Local*</b>	
Alaska State Statutes	<ul style="list-style-type: none"> <li>Identifies state regulations, including those related to water resources. Includes protective measures for riparian and surface water habitats, maintenance of public access to recreational waters, and maintenance of navigational waters.</li> </ul>
Municipality of Anchorage Municipal Code	<ul style="list-style-type: none"> <li>Contains the municipality's regulations related to water resources, including well development and stormwater design standards.</li> <li>Outlines setbacks to surface waters (AMC 21.45.210).</li> </ul>
Alaska Department of Environmental Conservation CWA Section 401 CGP	<ul style="list-style-type: none"> <li>State-level water quality standards monitored by the Alaska Department of Environmental Conservation (ADEC) through the Alaska Pollutant Discharge Elimination System CGP.</li> <li>Responsible for managing the state-level CGP for construction activities that disturb one or more acres of land.</li> </ul>
Alaska Water Use Act (AS 46.15)	<ul style="list-style-type: none"> <li>Governs the allocation and use of all surface and groundwater in Alaska, declaring water as a public resource belonging to the state's residents, requiring individuals and entities to obtain a permit to use water for any significant purpose from the Alaska Department of Natural Resources.</li> </ul>

\* State and local laws do not apply to Native allotments; these are provided as context in off-site areas.

### 3.3.2 Environmental Setting

#### Surface Water

Surface water features near the Project Site are shown in **Figure 3.3-1**. The Project Site falls within the Outlet Peters Creek Watershed (HUC 190204010202) (USEPA, 2024a). There are five surface waterbodies within this watershed: Edmonds Lake, Eklutna River, Lower Fire Lake, Mirror Lake, and Peters Creek. None of these surface waters have been evaluated by the USEPA for water quality, and none of these waters are listed as impaired (ADEC, 2024). A biological resources survey of the Project Site was conducted as described in **Section 3.5.2**, and no surface waters were observed within the Project Site. Peters Creek flows adjacent to the eastern boundary of the Project Site. Peters Creek flows approximately 0.6 miles into the Knik Arm, thence the Cook Inlet, thence the Gulf of Alaska and Pacific Ocean. Peters Creek is listed in the Alaska Department of Fish and Game (ADF&G) – Fish Distribution Database (FDD) as an anadromous stream (#247-50-10160) showing the occurrence of rearing Coho salmon, and presence of Chinook (King) salmon and pink salmon (ADF&G, 2024a).



Kenai Peninsula Borough, Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

**FIGURE 3.3-1**  
**SURFACE WATERS**

## Drainage and Flooding

The Municipality of Anchorage receives precipitation in all months of the year, with rain dominating from May through September and snow dominating October through April (U.S. Climate Data, 2024). August experiences the highest average rainfall of 3.25 inches on average; therefore, the highest risk of flooding would be associated with spring runoff and flooding from storm events in the warmer months. There is no existing drainage infrastructure within the Project Site.

As described in Section 2 of **Appendix B** and **Appendix C**, drainage on the Project Site currently runs as sheet flow to the north at slopes ranging from 1 to 3 percent. The majority of the Project Site is outside the 100- and 500-year floodplains. Approximately 0.22 acres of the Project Site is within the 500-year floodplain, and less than 0.01 acre falls within the 100-year floodplain (**Figure 3.3-2**). The floodplains overlap with the northeastern corner of the Project Site and are associated with Peters Creek. The Project Site is not within a tsunami inundation zone (Alaska Earthquake Center, 2024; ADNR, 2023).

## Groundwater

According to the ADNR, Alaska has the greatest groundwater resources of any state in the United States (ADNR, 2024a). The Project Site is within the Cook Inlet Basin aquifer system (USGS, 2002). Multi-year groundwater depth data within the Cook Inlet basin shows that current groundwater trends are stable at numerous USGS groundwater monitoring wells (USGS, 2024). The Project Site is not within a drinking water protection area (ADEC, 2024), or within a sole-source aquifer (USEPA, 2024b; USEPA, 1997). In 2008, approximately 63 million gallons per day of groundwater were utilized within the state, primarily within Anchorage and surrounding areas. ADEC did not identify groundwater availability or supply as a concern, rather its primary concern was related to groundwater contamination (ADEC, 2008). The Project Site currently contains one abandoned groundwater well and one serviceable groundwater well. The serviceable groundwater well previously supported the on-site residence. Since the residence was removed, the well has not been used. The depth of the existing groundwater well is not known, however nearby wells range from 38 to 223 feet in depth (**Appendix C**). There are 17 wells within a half mile of the Project Site (**Appendix C**).

### 3.3.3 Impacts

#### Assessment Criteria

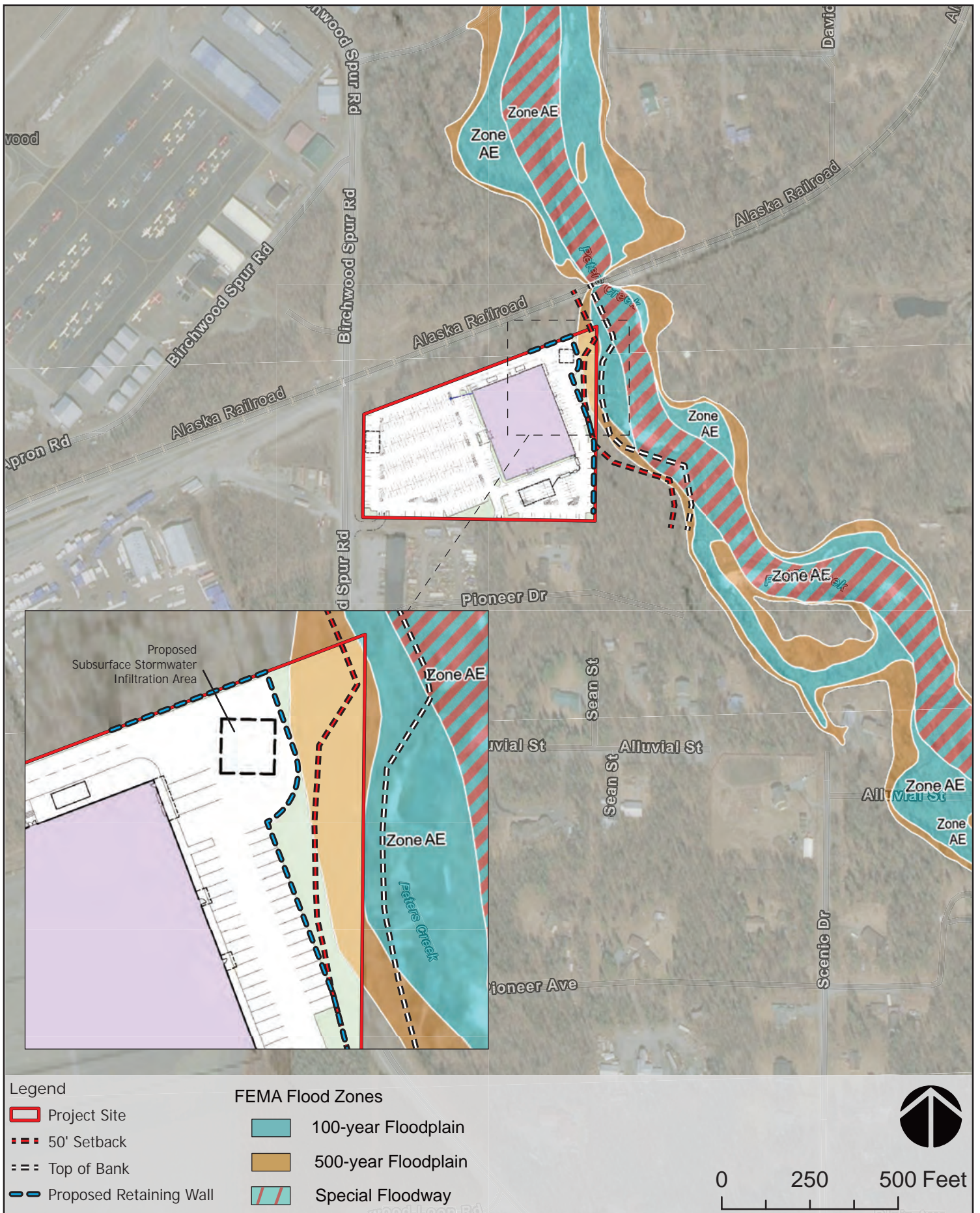
Impacts to water resources would be significant if surface water features were impacted or if runoff from the Project Site were to result in local flooding or introduce additional contaminants to stormwater runoff that leaves the Project Site. Groundwater impacts would be significant if development were to adversely affect local water supply either by reducing the availability of potable water or increasing the demand for domestic water to the point where the existing water supply system would need to be expanded. Water quality would be significantly affected if an alternative caused the exceedance of water quality standards of receiving water bodies or groundwater.

#### Alternative A: Proposed Project

##### *Surface Water Resources*

Alternative A would not directly impact surface waters, nor would surface waters be used as a water supply source. Therefore, Alternative A would not have any direct impacts on surface waters.





Maxar, Microsoft, Airbus, USGS, NGA, NASA, CGIAR, NCEAS, NLS, OS, NMA, Geodatastyrelsen, GSA, GSI and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**FIGURE 3.3-2**  
FEMA FLOOD MAP

### *Water Quality Effects - Construction*

Paving and ground disturbance would be set back a minimum of 50 feet from Peters Creek, consistent with the setbacks in the Anchorage Municipal Code (AMC 21.45.210). Alternative A has been designed to have stable slopes following construction, including the placement of a retaining wall along the Peters Creek setback to stabilize an area with steep slopes that would otherwise be prone to erosion. However, erosion from construction sites can increase sediment discharge to surface waters during storm events, thereby degrading downstream surface water and to a lesser extent groundwater quality.

Construction activities would also include the routine use of potentially hazardous construction materials, such as concrete washings, oil, and grease that could spill onto the ground and dissolve into stormwater. Alternative A would involve construction activities in excess of one acre and therefore would be required to apply for coverage under the NPDES CGP. The conditions of this permit include preparation of a SWPPP that would be implemented during construction activities. The SWPPP would include BMPs to reduce potential surface water contamination during storm events. BMPs would include, but not be limited to, those presented in **Table 2.1-1**. The BMPs within the SWPPP would minimize adverse impacts to the local and regional watershed from construction activities associated with Alternative A by reducing erosion, reducing the risk of soil contamination from construction materials, and by preventing movement of loose soil into waterways. In addition to BMPs that would be part of the adopted SWPPP, dust suppression BMPs identified to protect air quality would further prevent fugitive dust or loose soil from dispersing offsite. These BMPs are listed in **Table 2.1-1**. With adherence to the NPDES permitting program and implementation of the SWPPP, impacts to surface water quality from construction activities would be less than significant.

### *Water Quality Effects - Operation*

The operation of Alternative A would generally not include activities that would endanger water quality. However, an on-site septic system would be constructed that would replace the existing septic and leech field system already in place. Improperly installed systems or systems placed on unsuitable soils could endanger surface or groundwater quality. As discussed in **Section 2**, proposed facilities would be constructed consistent with applicable tribal law, including Section 103 of the adopted Eklutna Public Health and Safety and Anti-Discrimination at Gaming Facility Ordinance (Ordinance Number 20070-01), which adopts Title 23 of the Anchorage Municipal Code as tribal law governing the construction, expansion, modification, and renovation of any gaming facility and the Tribe's Environmental Protection Ordinance (Resolution Number 97-22), and would follow standard engineering practices regarding suitability of soils. This includes IBC Chapter 29, which relates to plumbing standards and the International Plumbing Code. Further, the septic system would be registered with the USEPA under the Underground Injection Control (UIC) program as a Class V injection well and designed and installed consistent with the ADEC standards (ADEC 18 AAC 72 Wastewater Disposal, 18 AAC 72.530(e)(2)) (**Appendix C**). With proper design and installation of the on-site wastewater system consistent with federal, tribal, and local standards and requirements, impacts to water quality from treatment and discharge of wastewater would be less than significant.

### *Groundwater Use*

Under Alternative A, groundwater would supply the water demands of the Proposed Project. Alternative A would have a water demand of approximately 8,681 gpd, with a peak demand of 94 gpm (**Appendix C**). As discussed above, Alaska contains some of the richest groundwater resources, and the Project Site specifically is within a geological area with large alluvial-fan deposits considered a good water-bearing unit that may yield large quantities of water to wells (**Appendix C**).

The Project Site is not within a sole source aquifer, and while there are 17 private wells within a half mile of the Project Site there are no municipal wells. The Project Site currently contains one abandoned groundwater well and one serviceable groundwater well, and a new groundwater well is proposed to supply Alternative A. The serviceable groundwater well was observed leaking, indicating it is in an artesian state where groundwater exists under pressure and will flow to a wellhead even in the absence of pumping (**Appendix C**). In 2002, the USGS published groundwater data within the Cook Inlet basin, which determined that the serviceable groundwater well water had a low groundwater age, indicating withdrawn water had a short recharge to withdrawal time (USGS, 2002). This suggests that recharge is sufficient to supply groundwater demands. The proposed well would be designed to achieve an appropriate production rate by targeting specific water-bearing formations, installing well screens, and incorporating at least an 8" pipe diameter to enhance inflow and would be sufficient to safely serve the Proposed Project. Until the well is operational, water may be temporarily supplied as discussed in **Section 2.1.7**, with potable water delivered to the Project Site by water trucks. Potable water would be sourced from either the 3-Bears Store, approximately 1.4 miles from the Project Site, or Alaskan Glacial, approximately 6.9 miles away. Based on the abundance of groundwater throughout the state and within the Cook Inlet basin, and the stable groundwater levels of monitoring wells, it is not expected that Alternative A would alter local groundwater availability. Therefore, Alternative A would not reduce the availability of potable water to surrounding groundwater users and would not alter groundwater levels. This would be a less-than-significant impact.

### *Drainage and Flooding*

Development under Alternative A would avoid the 100-year floodplain but would impact approximately 0.09 acre of the 500-year floodplain (refer to **Figure 3.3-2**). Work within the 500-year floodplain would be limited to 0.09 acres of grading within an area with a steep drop off and construction of a retaining wall adjacent to Peters Creek, but outside of the 50-foot setback. The proposed grading and retaining wall within 0.09-acre of the 500-year floodplain would level this area for parking, stabilize the topography, and prevent post-development erosion. No associated structures, utility, wastewater treatment and disposal systems, or storage areas are proposed for development within the 500-year floodplain area on the site. No significant flooding impacts would occur as a result of Alternative A, and no development is proposed within the 100-year floodplain (i.e. an area subject to a one percent or greater chance of flooding in any given year); therefore, Alternative A complies with EO 11988.

Stormwater collection would involve a mixture of collection via drains, vegetated swales, and underground treatment, including infiltration and flow control (**Appendix B**). According to the USEPA, the term "low impact development" (LID) as it relates to stormwater collection and treatment refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. Alternative A would incorporate LID design methods. Per the design criteria, the Proposed Project would be considered a large project and would be subject to water quality treatments, including bioretention, infiltration basins, vegetated swales, chamber systems, filter strips, and others. Conceptual stormwater designs include a mixture of vegetated swales and infiltration basins. The preliminary drainage plan has been designed to meet both USEPA requirements and Municipality of Anchorage standards, which have been developed to be protective of water quality. Additionally, the final design of the system will either fully infiltrate stormwater or would not result in a discharge to the creek that exceeds 1.05 times the existing pre-development runoff rates, consistent with design criteria in the Anchorage Stormwater Manual (Municipality of Anchorage, 2017a). Any minor increases in stormwater runoff rates would not cause changes in local or regional drainage patterns or flooding zones. This would constitute a less-than-significant impact.



## Alternative B: Event Center

Under Alternative B, potential impacts to surface waters, water quality, drainage, and flooding would be the same as Alternative A for construction and operation, and no direct impacts to surface water would occur. As with Alternative A, Alternative B would utilize an on-site groundwater well to meet water demands, but the water demands under Alternative B would be less than Alternative A. As described for Alternative A, sufficient groundwater is available to serve Alternative A and therefore potential impacts to groundwater due to Alternative B would also be less than significant.

## Alternative C: No Action

Under Alternative C, the Project Site would remain in its current state and no impacts to water resources would occur.

# 3.4 AIR QUALITY

## 3.4.1 Regulatory Setting

The air quality regulatory setting is summarized in **Table 3.4-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.4-1: Regulatory Policies and Plans Related to Air Quality**

Regulation	Description
<b>Federal</b>	
Clean Air Act (CAA) of 1970	<ul style="list-style-type: none"> <li>▪ The CAA created the National Ambient Air Quality Standards (NAAQS) for six Criteria Air Pollutants (CAPs): ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide (SO<sub>2</sub>), and lead.</li> <li>▪ States are required to have State Implementation Plans (SIP) for areas that are not achieving the NAAQS (nonattainment areas).</li> <li>▪ General Conformity Rule requires demonstration that a federal action will conform to the applicable SIP.</li> <li>▪ Tribal minor new source review permits are required if emissions would exceed certain standards.</li> </ul>
NEPA Guidance on Consideration of Greenhouse Gas Emissions and Climate Change (2023)	<ul style="list-style-type: none"> <li>▪ The Council on Environmental Quality (CEQ) issued interim guidance to assist agencies in analyzing greenhouse gas (GHG) and climate change effects under NEPA.</li> <li>▪ Agencies should consider potential effects of a proposed action on climate change and the effects of climate change on a proposed action and its environmental impacts.</li> <li>▪ Agencies should provide context for GHG emissions, including using best available social cost of GHG estimates.</li> <li>▪ Agencies should mitigate GHG emissions associated with their proposed actions to the greatest extent possible, consistent with national, science-based GHG reduction policies established to avoid the worst impacts of climate change.</li> </ul>
Secretarial Order (SO) 3399	<ul style="list-style-type: none"> <li>▪ Secretarial Order (SO) 3399 was issued to prioritize action on climate change throughout the Department and to restore transparency and integrity in the Department's decision-making processes. SO 3399 specifies that when considering the impact of GHG emissions from a proposed action, Bureaus/Offices should use appropriate tools, methodologies, and resources available to quantify GHG emissions and compare GHG quantities across alternatives.</li> </ul>

Regulation	Description
Federal General Conformity	<ul style="list-style-type: none"> <li>Requires that federal actions comply with air quality goals in state or tribal implementation plans to prevent violations of the NAAQS.</li> </ul>
Federal Class I Areas	<ul style="list-style-type: none"> <li>Includes regions, such as national parks and wilderness areas, that receive the highest level of air quality protection under the CAA, with strict limits on air pollution increases to preserve visibility and natural resources.</li> </ul>
Tribal New Source Review	<ul style="list-style-type: none"> <li>A permitting program under the CAA that allows tribes to regulate the construction and modification of new and existing air pollution sources on tribal lands, ensuring they meet air quality standards and do not negatively impact public health or the environment.</li> </ul>
<b>State and Local*</b>	
Alaska Department of Environmental Conservation (ADEC)	<ul style="list-style-type: none"> <li>Manages air quality in the state through a comprehensive program that includes monitoring, regulation, and enforcement.</li> <li>Operates air quality monitoring networks across Alaska.</li> <li>Develops and updates the SIP, detailing strategies to meet and maintain the NAAQS in Alaska.</li> </ul>
Alaska Administrative Code (AAC) Title 18, Chapter 50	<ul style="list-style-type: none"> <li>Establishes the rules and standards for air quality management in Alaska.</li> <li>Sets limits on emissions of key pollutants, including particulate matter, sulfur dioxide, nitrogen oxides, carbon monoxide, ozone, and lead.</li> <li>Requires major and certain minor sources of air pollution to obtain permits, specifying emission limits and required pollution control technologies.</li> <li>Requires sources to monitor emissions and report data to the ADEC.</li> <li>Establishes procedures for ensuring compliance, with penalties and corrective actions for violations.</li> </ul>
Alaska State Statutes Sections 46.03 and 46.14	<ul style="list-style-type: none"> <li>AS 46.03 establishes the legal framework for managing and protecting Alaska’s water and air quality, granting the DEC authority to set and enforce environmental regulations.</li> <li>AS 46.14 specifically focuses on air quality control, giving the DEC authority to regulate air pollution, set emission limits, and enforce air quality standards.</li> </ul>
Alaska State Implementation Plan (SIP)	<ul style="list-style-type: none"> <li>Outlines strategies and regulations for Alaska to meet and maintain federal air quality standards by controlling emissions from various sources and ensuring compliance through monitoring and enforcement.</li> </ul>
State of Alaska Priority Sustainable Energy Action Plan	<ul style="list-style-type: none"> <li>Focuses on advancing renewable energy sources like wind, solar, and hydroelectric to reduce fossil fuel dependency and lower energy costs.</li> <li>Emphasizes improving energy efficiency in buildings and infrastructure to support economic development and reduce environmental impact.</li> </ul>

\* State and local laws do not apply to Native allotments; these are provided as context in off-site areas.

## 3.4.2 Environmental Setting

### Climate and Regional Air Quality

The climate in the Chugiak-Eagle River area of the Project Site is shaped by both continental and maritime influences, with the Chugach Mountains and the waters of Cook Inlet playing key roles. Air quality in the Chugiak-Eagle River area is generally good, however problems occasionally arise due to elevated particulate levels. In the fall, vehicle-generated dust from unpaved and paved streets is a major source of particulates, while in the spring, windblown dust becomes a significant contributor (Municipality of Anchorage, 1993).

## Attainment Status

The Alaska Department of Environmental Conservation (ADEC) oversees air quality in the State of Alaska through AS 46.03 and regulations in Title 18 Alaska Administrative Code (AAC) 50. However, since the Project Site is a restricted fee Native Allotment, air quality falls under the jurisdiction of the Tribe and USEPA. To determine conformance with the National Ambient Air Quality Standards (NAAQS), states are responsible for providing ambient air monitoring data to the USEPA. The USEPA then determines, using the violation criteria, if the results of the monitoring data indicate compliance with the NAAQS. The USEPA classifies areas in compliance with the NAAQS as being in "attainment." Areas that do not meet the NAAQS are classified as being in "nonattainment" by the USEPA. As shown in **Table 3.4-2**, Anchorage Municipality where the Project Site is located meets both State and federal standards.

## Sensitive Receptors

Sensitive receptors are generally defined as land uses that house or attract people who are susceptible to adverse effects from air pollution emissions and, as such, should be given special consideration when evaluating air quality impacts from projects.

**Table 3.4-2: Project Area NAAQS Attainment Status**

Pollutant	NAAQS	Alaska AAQS
Ozone (8-hour)	Attainment	Attainment
PM <sub>10</sub> (24-hour, annual)	Attainment	Attainment
PM <sub>2.5</sub> (24-hour, annual)	Attainment	Attainment
Carbon Monoxide (8-hour, 1-hour)	Attainment	Attainment
Nitrogen Dioxide (annual, 1-hour)	Attainment	Attainment
Sulfur Dioxide (24-hour, 1-hour)	Attainment	Attainment
Lead (3-month average)	Attainment	Attainment

Source: USEPA, 2024; ADEC, 2024c

PM<sub>10</sub>: Particulate matter with diameters that are generally 10 micrometers and smaller

PM<sub>2.5</sub>: Particulate matter with diameters that are generally 2.5 micrometers and smaller

Sensitive receptors include facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent homes, parks and recreational facilities, and residential areas are examples of sensitive receptors. The Project Site is surrounded by undeveloped wooded land with scattered residential homes. The nearest sensitive receptor is a single-family home located 128 feet south of the Project Site.

## 3.4.3 Impacts

### Assessment Criteria

This section presents the methodology used to assess the affected environment and to evaluate the potential air quality effects of the development alternatives. The Project Site is in a region classified as being in attainment for all CAPs. Under the federal CAA (and its regulations at 40 CFR Part 93), if a region is in attainment for all CAPs, then the region meets the NAAQS and there are no de minimis levels or thresholds for a project's emissions. Significant impacts on ambient air quality could result if either construction or operation would result in violations of the CAA provisions or if emissions would impede the ability of the State to meet NAAQS.

### *Construction Analysis*

Effects on air quality during construction were evaluated by estimating the quantity of each CAP emitted over the duration of the construction period. Particulate matter 10 microns in diameter (PM<sub>10</sub>) and fine particulate matter 2.5 microns in diameter (PM<sub>2.5</sub>) are the pollutants of concern resulting during earth-moving and fine grading activities. Volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide, GHG, and diesel particulate matter (DPM) emissions would be emitted from heavy equipment due to the combustion of diesel fuel. A 500-kW diesel generator may be used for up to 20 days during construction to supply power to the construction trailers and the interim gaming facility before electrical utility connections are established. Emissions from the temporary use of this diesel generator during construction were estimated using a USEPA calculator based on emission factors from AP-42. Mobile source emissions would result from the use of on-road construction vehicles. Emissions from construction trucks and heavy equipment were calculated using the USEPA model Motor Vehicle Emission Simulator (MOVES4) model. Construction would include land clearing, tree removal, and mass earthwork, with trees and unusable soil exported off-site. Emissions from haul trucks for tree removal and soil export are included in the construction analysis below. A detailed list of equipment and resulting emissions is included in **Appendix F**.

### *Operation Analysis*

Emission factors in grams per vehicle mile traveled were estimated for patron, delivery (including potentially trucked water in the short-term) and employee vehicles and evaluated using the MOVES4 model. MOVES4 calculates emissions for light-duty vehicles, trucks, heavy-duty vehicles, and motorcycles. The model accounts for progressively more stringent tailpipe emission standards over the vehicle model years evaluated. MOVES4 model input data are site specific.

Output data is provided in **Appendix F**. Emissions of PM<sub>10</sub>, NO<sub>x</sub>, SO<sub>2</sub>, carbon monoxide, VOCs, and carbon dioxide equivalents from vehicles traveling to, from, and within the Project Site were calculated for the alternatives. Calculations were based on emission factors derived from MOVES4 and trip generation rates provided in the Traffic Impact Analysis (TIA) developed by Pannone Engineering Services (**Appendix A**). Average trip lengths were estimated using distance to the nearest population center and are provided in **Appendix F**.

### Stationary-Source Emissions

Electricity would be used for space heating, water heating, and cooking equipment where feasible; however, natural gas use was assumed in the emission estimates for a more conservative analysis. Annual gas usage for the alternatives is based on similar gaming facilities, hotel, commercial and recreational facilities. Emissions from natural gas combustion are calculated using emission factors from AP-42 (USEPA, 1995). An 800-kW diesel emergency generator would provide backup power in the event of an electrical outage. The estimated emissions from the proposed diesel emergency generator assume 500 hours of annual operation, which represents a reasonable "worst-case" estimate determined by the USEPA on a potential to emit (PTE) basis (USEPA, 1995). Emissions from the emergency generator were estimated using a USEPA calculator based on emission factors from AP-42.

### Federal General Conformity

Conformity regulations apply to federal actions that would cause emissions of CAPs above certain levels to occur in locations designated as nonattainment or maintenance areas for the emitted pollutants. As discussed above, the Project Site is in an area classified as in attainment for all NAAQS; therefore, a federal general conformity analysis is not required for the Proposed Action.

### Climate Change

This EA considers whether project emissions have individual or cumulative effects on climate change. GHG emissions were calculated using the MOVES4 model and emission factors from AP-42, EPA’s *Compilation of Air Pollutant Emissions Factors*. Given the global nature of climate change impacts, individual project impacts are most appropriately addressed in terms of the incremental contribution to a global cumulative impact; therefore, refer to **Section 3.15.4** for the analysis of impacts related to climate change.

### Federal Class I Areas

The CAA designates international parks, national wilderness areas, and memorial parks larger than 5,000 acres and national parks larger than 6,000 acres as “Class I areas.” If a development alternative emits greater than the prevention of significant (PSD) threshold of 250 tons per year (tpy) of any one CAP from stationary sources during construction or operation, a best available control technology analysis would be conducted. The nearest Class I area is Denali National Park and Preserve, approximately 135 miles from the Project Site (National Park Service, 2023).

### Tribal New Source Review

The USEPA has developed permits by rule to simplify the new source review (NSR) CAA permitting process for certain smaller sources of air pollution commonly found on federal tribal lands. For this analysis, stationary source project-related operational emissions have been quantified and compared to the applicable thresholds. If the thresholds in **Table 3.4-3** are exceeded, an NSR permit would be required.

**Table 3.4-3: Tribal Minor New Source Review Thresholds**

Pollutant	Emissions Thresholds for Attainment Areas (tons per year)
Nitrogen Oxides	10
Volatile Organic Compounds	5
Particulate Matter	10
PM <sub>10</sub>	5
PM <sub>2.5</sub>	3
Carbon Monoxide	10
Sulfur Dioxide	10

Source: 40 CFR § 49.153

## **Alternative A: Proposed Project**

### *Construction Emissions*

Construction of Alternative A would result in emissions of PM<sub>10</sub>, PM<sub>2.5</sub>, NO<sub>x</sub>, SO<sub>x</sub>, carbon monoxide, VOCs, GHGs, and HAPs (primarily in the form of DPM) from the use of construction equipment, the diesel emergency generator, grading activities and haul trips for exported soil and biomass material (refer to **Sections 2.1.1** and **2.1.2**). The diesel emergency generator is assumed to operate 24 hours per day over 20 days, totaling 480 hours during construction. Construction is assumed to commence in 2025 and last for approximately 14 months. Construction is assumed to occur on average for eight hours a day, five days a week. Estimated construction emissions and stationary-source emissions from construction of Alternative A are shown in **Table 3.4-4**. Detailed calculations are included in **Appendix F**.



**Table 3.4-4: Construction Emissions of Criteria Pollutants (tons per year) – Alternative A**

Emissions	NO <sub>x</sub>	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Stationary (Diesel Generator)	4.08	0.12	0.94	0.00	0.12	0.12
Construction Emissions	1.82	0.98	3.17	0.00	4.31	2.18
<b>Total Emissions</b>	<b>6.15</b>	<b>1.17</b>	<b>5.49</b>	<b>0.00</b>	<b>4.45</b>	<b>2.31</b>
<i>De minimis Levels</i>	N/A	N/A	N/A	N/A	N/A	N/A

Source: **Appendix F**Notes: N/A = Not Applicable. *De minimis* levels are not applicable because the project area is in attainment.

The Project Site is in a region classified as being in attainment for all CAPs (see **Appendix E** for regulatory information for attainment and CAPs); therefore, in accordance with 40 CFR Part 93, construction would not cause an exceedance of NAAQS. However, construction of Alternative A would produce DPM and fugitive dust (PM<sub>10</sub>) that may impact the rural residences in the vicinity of the Project Site, the nearest of which is located approximately 128 feet from the proposed development area. BMPs identified in **Table 2.1-1** would reduce construction-related emissions of CAPs and reduce DPM emissions from construction equipment. As shown in **Table 3.4-4**, the actual estimated construction emissions from stationary sources would not exceed the minor NSR thresholds. Alternative A would not result in stationary source emissions of any one pollutant in excess of the federal Class I Areas major source threshold of 250 tpy. Construction of Alternative A would not affect public health and safety and is compliant with applicable requirements imposed for the protection of the environment. Therefore, with implementation of the identified BMPs, construction of Alternative A would not result in significant adverse impacts associated with the regional air quality environment.

### *Operation Emissions*

Buildout and operation of Alternative A would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as stationary-source emissions from combustion of natural gas in stoves, heating units, back-up generator, and other equipment. Estimated mobile-source and stationary-source emissions from operation of Alternative A are provided in **Table 3.4-5**. Detailed calculations of vehicle and area emissions are included in **Appendix F**.

**Table 3.4-5: Operation Emissions of Criteria Pollutants (tons per year) – Alternative A**

Sources	NO <sub>x</sub>	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Stationary	7.32	0.23	1.78	0.00	0.22	0.22
Mobile	31.57	10.98	339.21	0.12	3.67	1.05
<b>Total Emissions</b>	<b>38.89</b>	<b>11.21</b>	<b>340.99</b>	<b>0.12</b>	<b>3.89</b>	<b>1.27</b>
<i>De minimis Levels</i>	N/A	N/A	N/A	N/A	N/A	N/A

Source: **Appendix F**Notes: N/A = Not Applicable. *De minimis* levels are not applicable because the project area is in attainment.

The Project Site is in a region classified as being in attainment for all CAPs. Under the federal CAA (40 CFR Part 93), if a region is in attainment for all CAPs, then the region meets the NAAQS and there are no *de minimis* levels or thresholds for a project's emissions. As shown in **Table 3.4-5**, the estimated operational emissions from stationary sources would not exceed the minor NSR thresholds. Alternative A would not result in stationary source emissions of any one pollutant in excess of the federal Class I Areas major source threshold of 250 tpy.

BMPs provided in **Table 2.1-1** would minimize CAP emissions resulting from operation of Alternative A. With implementation of BMPs, Alternative A would not result in significant adverse impacts associated with the regional air quality environment. Operation of Alternative A would not affect public health and safety and would be compliant with federal mandates for operational vehicle and area emissions.

## **Alternative B: Event Center**

### *Construction Emissions*

Construction of the event center under Alternative B would involve the same activities as discussed under Alternative A. The construction emission totals for Alternative B would be the same as the construction emission totals for Alternative A shown in **Table 3.4-4**. Consistent with the analysis under Alternative A, construction of Alternative B would not cause an exceedance of NAAQS. In addition, BMPs identified in **Table 2.1-1** would reduce construction-related emissions of CAPs and reduce DPM emissions from construction equipment. Construction of Alternative B would not affect public health and safety and is compliant with applicable requirements imposed for the protection of the environment. Therefore, with implementation of the identified BMPs, construction of Alternative B would not result in significant adverse impacts associated with the regional air quality environment.

### *Operation Emissions*

Operation of Alternative B would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as stationary-source emissions from combustion of natural gas in stoves, heating units, the back-up generator, and other equipment. Due to the type of use, hours of operation, and anticipated patronage, Alternative B would generate less vehicle trips than Alternative A, leading to reduced mobile source emissions. Consistent with the analysis under Alternative A, and taking into the account the reduction in mobile source emissions, operation of Alternative B would not cause an exceedance of NAAQS and impacts to air quality would be less than those associated with Alternative A. To further reduce project-related operational CAPs and DPM, BMPs are provided in **Table 2.1-1**. With implementation of the identified BMPs, Alternative B would not result in significant adverse impacts associated with the regional air quality environment. Alternative B is protective of public health and safety and compliant with mandates for operational vehicle and area emissions.

## **Alternative C: No Action**

Under Alternative C, the Project Site would remain undeveloped and none of the construction or operational air quality impacts identified for Alternatives A and B would occur.

## **3.5 BIOLOGICAL RESOURCES**

### **3.5.1 Regulatory Setting**

The regulatory setting concerning biological resources is summarized in **Table 3.5-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.5-1: Regulatory Policies and Plans Related to Biological Resources**

<b>Regulation</b>	<b>Description</b>
<b>Federal</b>	
Federal Endangered Species Act (ESA)	<ul style="list-style-type: none"> <li>▪ Protects federally listed wildlife and their habitat from take.</li> <li>▪ Requires consultation under Section 7 of the FESA for federal agencies if take of a listed species is necessary to complete an otherwise lawful activity.</li> <li>▪ Considers habitat loss an impact to the species.</li> <li>▪ Defines Critical Habitat as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species.</li> </ul>
Migratory Bird Treaty Act (MBTA)	<ul style="list-style-type: none"> <li>▪ Protects migratory birds and requires project-related disturbances to be reduced or eliminated during the nesting season (February 15 through July 15).</li> </ul>
Bald and Golden Eagle Protection Act	<ul style="list-style-type: none"> <li>▪ Prohibits take, possession, and commerce of bald and golden eagles and associated parts, feathers, nests, or eggs, with limited exceptions.</li> </ul>
Clean Water Act (CWA) Section 404 and 401	<ul style="list-style-type: none"> <li>▪ Defines wetlands and waters of the United States subject to jurisdiction of the U.S. Army Corps of Engineers (USACE) and/or the State.</li> <li>▪ Guides the permitting and mitigation of filling or dredging of waters of the U.S. under the authority of Section 404 of the CWA by the USACE or the USEPA.</li> <li>▪ Projects requiring a 404 permit under the CWA also require a Section 401 certification from the USEPA.</li> </ul>
Magnuson - Stevens Fishery Conservation and Management Act	<ul style="list-style-type: none"> <li>▪ Mandates that the National Marine Fisheries Service (NMFS) identify Essential Fish Habitat (EFH) for federally managed marine fish.</li> <li>▪ Requires federal agencies to consult with NMFS on activities that may adversely affect EFH.</li> </ul>
Alaska National Interests Land Conservation Act (ANILCA)	<ul style="list-style-type: none"> <li>▪ Subsistence hunting, fishing and gathering is protected and regulated by federal law under Title VIII of the ANILCA, which gives priority for harvesting fish and wildlife by rural residents over recreational/sport and commercial users on federal lands.</li> </ul>
<b>State and Local*</b>	
Alaska Department of Fish and Game (ADF&G)	<ul style="list-style-type: none"> <li>▪ The ADF&amp;G has primary responsibility for managing Alaska's fish and resident wildlife populations on Alaska lands.</li> <li>▪ Regulations require the appropriate management of human or animal food or garbage in a way that avoids attracting animals (Alaska Administrative Code (AAC) 92.230(a)(1)).</li> </ul>
Alaska Forest Resources and Practices Act	<ul style="list-style-type: none"> <li>▪ Governs how timber harvesting, reforestation, and timber access occur on state, private, and municipal lands.</li> <li>▪ It is designed to protect fish habitat and water quality and ensure prompt reforestation of forestland while providing for a healthy timber industry.</li> <li>▪ The ADNR, Division of Forestry is responsible for oversight of timber harvest.</li> </ul>
Alaska Wetland Program Plan	<ul style="list-style-type: none"> <li>▪ Alaska Department of Conservation Wetlands Program that inventories the state's wetlands.</li> <li>▪ Establishes strategic statewide plan for assessing the state's wetlands to establish a cooperative and collaborative approach to manage Alaska's wetland resources.</li> </ul>
ADF&G, Alaska Statute 16.20.190	<ul style="list-style-type: none"> <li>▪ Responsible for determining and maintaining a list of endangered species in Alaska.</li> </ul>
State Wildlife Action Plan (SWAP)	<ul style="list-style-type: none"> <li>▪ Proactive planning guide to identify state actions to prevent species from becoming threatened or endangered.</li> <li>▪ Fulfills the 10-year revision requirement under the state wildlife grant.</li> <li>▪ Plan conserves priority fish and wildlife species and their habitats.</li> </ul>

\* State and local laws do not apply to Native allotments; these are provided as context in off-site areas.

### 3.5.2 Environmental Setting

This section includes the results of a biological resources survey and tree survey conducted July 16-18, 2024. Although a small amount of tree removal has occurred since the biological resources survey and tree survey, these trees are still considered part of the baseline for the environmental analysis. Survey methodology is described in detail in Section 2 of **Appendix G** and included a pedestrian survey of the Project Site. A desktop review of the Project Site and vicinity was conducted and included the following:

- U.S. Geological Survey (USGS) 7.5-minute Anchorage B-7 NW and NE topographic quadrangles;
- Color aerial photography;
- USFWS Critical Habitat Mapper (USFWS, 2024a);
- USFWS National Wetland Inventory Mapper (USFWS, 2024b);
- Federal Emergency Management Agency (FEMA) flood map (**Figure 3.3-2**);
- National Oceanic and Atmospheric Administration (NOAA) Critical Habitat and EFH mapper (NOAA, 2024a, b);
- The USFWS Information for Planning and Consultation (IPaC);
- Alaska Statute 16.20.190 list of state listed species;
- The Alaska SWAP list of Species of Greatest Conservation Need (SGCN) (ADF&G, 2015); and
- NRCS Soil report (NRCS, 2024)

#### Habitat Types

The Project Site contains a mixture of boreal forest and ruderal/developed habitats as identified in **Table 3.5-2**. Habitat types are discussed in detail in Section 3 of **Appendix G**. A habitat map is provided as **Figure 3.5-1** and representative site photographs are included as Attachment D of **Appendix G**. As a component of the biological resources survey, a tree count was conducted on the Project Site to approximate the type, number, and size of trees present within the Project Site. **Appendix L** includes information regarding the methodology and results of the tree survey.

**Table 3.5-2: Habitat Types within the Project Site**

Habitat Type	Acres Within Project Site
Boreal forest	5.13
Ruderal/developed	1.24
<b>Total</b>	<b>6.37</b>

#### Aquatic Resources

The Project Site was informally assessed for the presence of potentially jurisdictional aquatic resources. No surface water resources were observed within the Project Site. Peters Creek was observed flowing adjacent to the eastern boundary of the Project Site. Peters Creek would be considered a jurisdictional aquatic resource. Peters Creek is listed in the ADF&G FDD as an anadromous stream (#247-50-10160) showing the occurrence of rearing Coho salmon, and presence of Chinook (King) salmon and pink salmon (ADF&G, 2024a).





Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**FIGURE 3.5-1**  
HABITAT TYPES

## Wildlife Use

The Project Site provides low quality partially wooded habitat for use by wildlife. The quality of this habitat is degraded due to adjacent roadways, previous on-site development, and the adjacent railroad. However, evidence of some wildlife use was observed during the biological resources survey, and historical use of wildlife was reported by the previous landowner. Birds were observed on-site, and evidence of black bear and moose were also observed. The Project Site provides some nesting and foraging habitat for birds, and evidence of animals bedding down was observed. Animals may also pass through the site to access adjacent habitat and Peters Creek, however there is a steep drop-off between the Project Site and Peters Creek. A list of plants and animals observed during the survey is included as Attachment C of **Appendix G**.

## Federally Listed Species

No federally listed species were observed during the survey. The USFWS Information for Planning and Consultation was queried and determined that no federally listed species under the jurisdiction of USFWS have the potential to occur on the Project Site. Although there are no surface waters on the Project Site, Peters Creek runs adjacent to the eastern boundary of the Project Site (**Figure 3.5-1**). Peters Creek flows approximately 0.6 miles into the Knik Arm, thence Cook Inlet, thence the Gulf of Alaska and Pacific Ocean. Therefore, a list of species was obtained from NMFS for species consulted on in the Alaska Region. This list is included as Attachment B of **Appendix G** and includes federally listed whales, pinnipeds, sea turtles, fish, and marine invertebrates. As discussed in Section 4 of **Appendix G**, federally listed fish do not spawn in the Alaska Region but may incidentally occur in Peters Creek and Knik Arm.

## State listed Species

There are five State listed species with the potential to occur on or near the Project Site: short-tailed albatross, Eskimo curlew, blue whale, West North Pacific humpback whale, and North Pacific right whale (ADF&G, 2024b). The state also identifies numerous SGCN as well as habitat priorities. While boreal forest is not considered a priority habitat, the following SGCN species were identified as potential inhabitants of boreal forest, including the boreal forest on the Project Site (ADF&G, 2015):

- Wood frog
- Insects, including ants, bees, flies, mosquitoes, butterflies, moths, and spiders
- Numerous bird species
- Red squirrel
- Northern flying squirrel
- Little brown bat

As discussed in **Appendix E**, these species are not considered biologically sensitive and were not observed during the survey.

## Nesting Migratory Birds and Bald Eagles

Active nests were not observed during the survey; however, the Project Site provides potential nesting habitat for migratory birds within the boreal forest habitat. Bald eagles specifically can be found nesting throughout old growth forests in the state. No old-growth forest was observed on the Project Site, and the likelihood of nesting bald eagles on or adjacent to the Project Site is low due to the low-quality habitat and sensory disturbance from the airport, railroad, major roadways, and use of the Project Site as a residence and ATV trail. The nearest known bald eagle nests are located approximately 4.0 miles northeast and 8.0 miles south (USFWS, 2021).



## Critical Habitat and Essential Fish Habitat

There is no designated or proposed critical habitat within the Project Site (USFWS, 2024a; **Appendix G**). The nearest critical habitat is designated for Cook Inlet DPS beluga whale within the Knik Arm. The NMFS EFH mapper also identifies EFH within the Knik Arm for Alaska plaice, pink salmon, chum salmon, Chinook salmon, sockeye salmon, coho salmon, dover sole, yellowfin sole, and northern rockeye sole. This is over a half mile downstream of the Project Site. Although Peters Creek is not shown as EFH on the NMFS EFH mapper, this feature is considered EFH per discussions with regional NMFS biologists during the Section 7 consultation process as it contains freshwater habitat for salmonids.

### 3.5.3 Impacts

#### Assessment Criteria

A significant impact to biological resources could occur if development or operation would:

- Result in the loss of sensitive habitats, critical habitat, or EFH;
- Have a substantial adverse effect on species with listing status under the FESA;
- Have a substantial adverse effect on habitat necessary for the future survival of such species;
- Result in take of migratory bird species as defined by the MBTA and Bald and Golden Eagle Protection Act; and/or
- Have a substantial adverse effect on federally protected aquatic resources as defined by Section 404 of the CWA.

Consideration has also been given to State listed species.

#### Alternative A: Proposed Project

##### *General Fish and Wildlife and Sensitive Habitats*

Signs of black bears foraging through the ruderal/developed area were observed, and moose scat indicates that the site is passed through by wildlife. Nearer to Peters Creek, flattened areas of vegetation were observed, suggesting that animals may bed down along the banks of the creek. Additionally, Peters Creek is a fish bearing stream capable of supporting anadromous fishes, including salmon. No unique wildlife habitat was observed such as dens, rookeries, or nurseries. Improperly stored garbage could attract bears and other wildlife, and increased traffic on North Birchwood Road and Birchwood Spur Road could lead to an increase in wildlife-vehicle collisions. BMPs listed in **Table 2.1-1** include bear-proof receptacles for outdoor collection bins, as well as a 50-foot setback from Peters Creek, which would reduce impacts to wildlife that utilize the creek and immediately adjacent habitat. Further, roadway signs would be installed along the Project Site frontage to warn drivers about wildlife.

Alternative A would impact boreal forest and ruderal/disturbed habitat. Ruderal/disturbed habitat is already developed or otherwise altered from its natural state. This habitat is not considered sensitive and was not observed to provide significant wildlife habitat aside from opportunistic foraging through the built environment in search of edible refuse. Impacts to this habitat would not be significant.

Boreal forest is not considered a sensitive habitat or of limited distribution. Boreal forest is not identified as a priority habitat within the state's SWAP, and while state and local laws do not apply to Native allotments, boreal forest is not a priority for conservation for wildlife use. There would be a less-than-significant impact. Impacts to Peters Creek are discussed below.

### *Waters of the U.S. and Anadromous Fish Habitat*

There are no surface water features within the project site, however, Peters Creek, a water of the U.S. and an anadromous waterbody, occurs outside of, but adjacent to, the eastern boundary of the Project Site (refer to **Figure 2.1-1**). The development area of Alternative A would be setback 50 feet from the top of bank of Peters Creek; therefore, direct impacts to waters of the U.S. and aquatic habitat would not occur.

Indirect impacts to water quality and anadromous fish habitat in Peters Creek from potential discharge of pollutants to surface waters during construction are addressed in **Section 3.3**, Water Resources and within **Appendix G**. Construction activities would involve earthmoving activities that could generate impaired runoff and increased erosion. As part of the Proposed Project, a SWPPP would be required and would be reviewed and approved by the USEPA prior to construction. Adherence to the SWPPP and a list of SWPPP BMPs are discussed in **Section 2.1**. The SWPPP will ensure that water quality thresholds designated by the USEPA to protect the environment are not exceeded and thus will prevent significant adverse effects to Peters Creek during construction of the Proposed Action.

Indirect operational impacts to anadromous fish habitat in Peters Creek are discussed in detail in **Section 3.3**, Water Resources and within **Appendix G**. During operation, stormwater would be collected and treated via low-impact development standards consistent with the Anchorage Stormwater Manual, Volume 1 Management and Design Criteria, Version 1.0 (Municipality of Anchorage, 2017a). Per the design criteria, the Proposed Project would be considered a large project and would be subject to water quality treatments, including bioretention, infiltration basins, vegetated swales, chamber systems, filter strips, and others. Conceptual stormwater designs include a mixture of vegetated swales and infiltration basins. As stormwater would be treated within the Project Site prior to discharge, and may be wholly infiltrated within the Project Site, no appreciable levels of pollutants would enter Peters Creek. Therefore, Alternative A would not result in indirect water quality effects to anadromous fish habitat in Peters Creek. No adverse impacts would occur and no mitigation is necessary.

### *Federally Listed Species*

Potential impacts to federally listed species are summarized herein and explained in detail within Section 4 of **Appendix G**. As discussed above, no federally listed species under the jurisdiction of USFWS have the potential to occur within the Project Site (**Appendix G**). Therefore, impacts are limited to species under NMFS jurisdiction with the potential to occur within Peters Creek. Federally listed species with the potential to occur within Peters Creek are limited to federally listed fish. All federally listed fish identified by NMFS are anadromous fish that spawn in the contiguous lower 48 states and only occupy the Alaska Region during their marine life stage. Therefore, potential for these species to occur in Peters Creek is low and limited to transient presence of individuals. As discussed above under Waters of the U.S. and detailed in **Section 3.3**, Water Resources and within **Appendix G**, Alternative A would not result in adverse indirect effects to water quality in Peters Creek. Therefore, Alternative A would have no effect to federal listed species under the ESA.

### *State listed Species*

As discussed above, there are no State listed species with the potential to occur on the Project Site. Therefore, no impacts to State listed species would occur. Further, as discussed in **Appendix E**, there are no biologically sensitive SGCN with potential to occur within the Project Site. Therefore, no impacts to SGCN would occur.



### *Nesting and Migratory Birds and Bald Eagles*

Nesting migratory birds have the potential to occur on and in the vicinity of the Project Site. The general nesting season for forested habitats within southeast Alaska occurs between February 15 through July 15 (USFWS, n.d.). If active nests are present in these areas, commencement of construction activities associated with development of Alternative A could adversely affect these species.

Mitigation included in **Section 4** would avoid impacts through a preconstruction nesting bird survey and establishment of a disturbance-free buffer around active nests, should active nests occur on or within 100 feet of disturbance. As discussed above, habitat for bald eagles within the Project Site or vicinity is sub-optimal, and nests have not been observed within 4 miles of the Project Site. Although unlikely that bald eagle would nest on or near the Project Site, mitigation within **Section 4** would survey specifically for bald eagles within 700 feet of the Project Site as accessible with a minimum 660-foot buffer should a bald eagle nest be observed.

Increased lighting could increase bird collisions with structures and could also cause disorientating effects for avian species. Thus, nighttime lighting from the operation of Alternative A could have a potentially significant effect on both migrating and local bird populations. Incorporation of design features in **Table 2.1-1**, including orientating exterior lighting so it does not cast significant light or glare into natural areas, would reduce potential adverse effects to migratory birds and other birds of prey. With implementation of the mitigation measures identified in **Section 4**, potential impacts to nesting migratory birds would be less than significant.

### *Critical Habitat and EFH*

Designated or proposed critical habitat or EFH does not occur within the Project Site. Indirect water quality related effects to critical habitat in Knik Arm are addressed in **Appendix G** and would be less than significant. Peters Creek is the nearest EFH to the Project Site. NMFS was consulted and has determined that Alternative A would have no impact on EFH, including EFH within Peters Creek (NMFS, 2024a, b).

### **Alternative B: Event Center**

Alternative B would involve the same level of ground disturbance as Alternative A and therefore would result in the same impacts to habitats as Alternative A. Therefore, impacts to sensitive habitats, aquatic resources, critical habitat, or EFH would not occur. Alternative B would also result in the same potential to impact listed species and migratory birds. Mitigation identified in **Section 4** for Alternative A would also apply to Alternative B. With implementation of mitigation in **Section 4**, Alternative B would have a less than significant impact on listed species and nesting migratory birds/other birds of prey.

### **Alternative C: No Action**

Under Alternative C, no development would occur within the Project Site. As such, there would be no impacts to biological resources in the vicinity of the Project Site.

## **3.6 CULTURAL AND PALEONTOLOGICAL RESOURCES**

### **3.6.1 Regulatory Setting**

The cultural resources regulatory setting is summarized in **Table 3.6-1** and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.6-1: Regulatory Policies and Plans Related to Cultural Resources**

Regulation	Description
<b>Federal</b>	
Section 106 of the National Historic Preservation Act of 1966	<ul style="list-style-type: none"> <li>▪ Federal agencies must identify cultural resources that may be affected by actions involving federal lands, funds, or permitting actions.</li> <li>▪ The significance of the resources must be evaluated for National Register of Historic Places (NRHP) eligibility.</li> <li>▪ If an NRHP-eligible resource will be adversely affected, measures to avoid or reduce adverse effects must be taken.</li> </ul>
National Register of Historic Places	<ul style="list-style-type: none"> <li>▪ Official list of the Nation’s historic places worthy of preservation.</li> <li>▪ Authorized by the National Historic Preservation Act of 1966, the National Park Service’s National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archaeological resources.</li> </ul>
Native American Graves Protection and Repatriation Act	<ul style="list-style-type: none"> <li>▪ Includes provisions governing the repatriation of Native American remains and cultural items under the control of federal agencies and institutions that receive federal funding ("museums"), as well as the ownership or control of cultural items and human remains discovered on federal or tribal lands.</li> </ul>
Archaeological Resources Protection Act	<ul style="list-style-type: none"> <li>▪ Archaeological resources and sites on public and Indian lands are protected resources.</li> </ul>
Paleontological Resources Preservation Act	<ul style="list-style-type: none"> <li>▪ Establishes that paleontological resources on federal land are protected resources.</li> </ul>
<b>State*</b>	
Alaska of History and Archaeology; Saving our Past: Planning for Our Future; Alaska’s Historic Preservation Plan 2018 to 2023.	<ul style="list-style-type: none"> <li>▪ Serves as Alaska’s State Historic Preservation Office.</li> <li>▪ OHA administers programs authorized by both the NHPA of 1966 and the Alaska Historic Preservation Act of 1971.</li> <li>▪ Works with local governments, the public, and educational and not for profit organizations to identify, preserve, protect, and interpret the state’s cultural, historic, and archaeological resources.</li> <li>▪ Intended to guide the activities and priorities of agencies and organizations involved in preservation throughout the state.</li> <li>▪ Establishes ways the preservation community in Alaska can work to achieve common goals.</li> <li>▪ Currently, this plan is being updated for the next ten years, 2025 to 2034 (OHA, 2018).</li> </ul>
Alaska Historic Preservation Act of 1971	<ul style="list-style-type: none"> <li>▪ It is the policy of the state to preserve and protect the historic, prehistoric, and archeological resources of Alaska from loss, desecration, and destruction so that the scientific, historic, and cultural heritage embodied in these resources may pass undiminished to future generations.</li> </ul>

\* State law does not apply to Native allotments; these are provided as background and context in off-site areas.

### 3.6.2 Environmental Setting

#### Paleontological Resources

The University of Alaska Museum of the North’s Arctos database was accessed and reviewed for any paleontological resources within the same setting as the Project Site. According to the database, 57 paleontological resources have been identified within Chugiak (University of Alaska, 2024).

There are four records within one mile of the Project Site, which include 23 entries within those records, although all the resources are further than 0.30-miles from the Project Site.

**Cultural Resources**

A summary of the prehistoric and archaeological setting, Dena’ina culture, historical, and paleontological setting of the Project Site is provided in **Appendix E**. A Cultural Resources Inventory and Evaluation was conducted for the Project Site and is included **Appendix H**. As part of this effort, a search of the Alaska Heritage Resources Survey Portal (AHRSPortal) was completed in July 2024 to assess for resources and prior studies relevant to the Project Site. The extensive records search identified 12 previously recorded historic-period cultural resources within 1.5 miles of the Project Site. These resources consist of a railroad bridge, village sites, airport, house pits, and highway as shown and described in table 2 of **Appendix H**. There are no NHRP listed properties within 1.5 miles of the Project Site.

The Project Site is located within the Dena’ina lands of the Eklutna Native Village. Registered Professional Archaeologists met with Marc Lamoreaux, Land & Environment Co-Director of the Eklutna Native Village, to discuss background information of the Project Site, any known archaeological sites in the Project Site vicinity, and other information about the area. An intensive pedestrian survey of the APE was conducted by professional archaeologists on July 16 and 17, 2024. The survey was conducted using parallel transects no more than 10 meters apart where ground surface visibility was sufficient. The following cultural resources were identified within the Project Site as shown on **Table 3.6-2** and discussed below.

**Table 3.6-2: Cultural Resources Identified within the Project Site**

Field Designation	Description	Age	National Register Eligibility
Culturally Modified Trees (CMTs)	<ul style="list-style-type: none"> <li>▪ Cluster of three CMTs in the northeast quadrant of the Project Site.</li> <li>▪ Trees are all paper birch, with diameter at breast height of 9-12 inches.</li> <li>▪ The CMTs retain scars consistent with bark peeling. The age of the CMT scars has been roughly estimated based on factors discussed in <b>Appendix H</b>.</li> </ul>	Estimated 40-90 years old	Recommended not eligible
Ondola Family Property	<ul style="list-style-type: none"> <li>▪ Broad scatter of domestic debris artifacts (mostly modern and some historic) and features around a former primary house and two outbuildings occupied by the Ondola Family. Former residential structures and outbuildings were built circa 1992 and 2008 and occupied until 2020, and a modern storage shed.</li> <li>▪ Minor earthwork was noted throughout, including a linear berm and dirt roads through the central portion of the Project Site.</li> <li>▪ Last building standing during the survey was in the process of disassembly for reconstruction off-site.</li> </ul>	Allotment property is 50 plus years old; former structures less than 35 years old	Recommended not eligible

Three culturally-modified paper birch trees with evidence of past bark peeling were identified during the survey. It was assumed the trees met the minimum age criteria for consideration as a historic property. Although the culturally-modified trees meet the minimum age criteria, they cannot be confidently associated with significant past events or people and do not reflect high artistic values or significant and distinguishable entities, all of which are criterion needed to be eligible for listing on the National Register. Therefore, these three birch trees are not considered historic properties.

The Ondola Family Property was occupied for a minimum of 50 years; therefore, it meets the minimum age threshold for consideration as a historic property. However, the former structures within the property, which had been removed due to safety concerns by the property owner just prior to the cultural resources survey in July 2024, were constructed circa 1992 and 2008 following a fire that destroyed a 1980s vintage house at the same location (Dorothy Ondola Cook and Walter Ondola personal communication). Thus, the house and outbuildings removed prior to the cultural resources survey were modern and did not meet the minimum age criteria for consideration as historic properties. The Ondola family property and associated features do not exhibit the distinctive characteristics of a type, period, region, or method of construction, nor do they possess high artistic values and are not a source of information important in history. Therefore, the property does not appear to meet the significance criteria for listing in the NRHP and is not considered a historic property.

### 3.6.3 Impacts

#### Significance Criteria

A significant impact would occur if the implementation of an alternative resulted in physical destruction, alteration, removal, or change in characteristics or reduction of integrity of a historic property (a cultural resource presently listed or recommended eligible for listing on the NRHP) or important paleontological resources.

#### Alternative A: Proposed Project

A review of the AHRSPortal database, published and gray literature, historic maps, discussions with representatives of the Eklutna Native Village, and field survey resulted in the identification of several cultural resources within the Project Site: culturally modified trees in the northeast quadrant of the site, and the Ondola Family Property and associated debris scatter, neither of which qualify for listing in the NRHP. The Cultural Resources Inventory and Evaluation (**Appendix G**) summarizes the findings of the records search, other research, and survey efforts, and recommends a finding of no effect to historic properties. However, mitigation is included in **Section 4** to address ongoing consultation with the SHPO. Additionally, no paleontological finds have been made within or adjacent to the Project Site and no outcrops, roadcuts, or other exposures of the geologic formations likely to contain significant fossil specimens are known to be present. However, there is always a possibility that previously unknown cultural or paleontological resources may be inadvertently discovered during ground disturbing activities. This is considered a potentially significant impact. Mitigation measures are included in **Section 4** for the treatment of unanticipated discoveries of cultural resources, human remains and paleontological resources. With mitigation, impacts would be less than significant.

#### Alternative B: Event Center

Impacts to cultural and paleontological resources under Alternative B would be the same as those discussed above under Alternative A. Accordingly, mitigation measures are presented in **Section 4** for the treatment of unanticipated discoveries of cultural and paleontological resources as well as human remains. With mitigation, Alternative B would not result in adverse impacts to historic properties or paleontological resources.

#### Alternative C: No Action

Under Alternative C, there would be no development on the Project Site. The Project Site would remain in its current state.

Because no new construction would occur, Alternative C would have no adverse effects on historic properties or paleontological resources.

## 3.7 SOCIOECONOMIC CONDITIONS AND ENVIRONMENTAL JUSTICE

### 3.7.1 Regulatory

The socioeconomic regulatory setting is summarized in **Table 3.7-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.7-1: Regulatory Policies and Plans Related to Socioeconomics**

Regulation	Description
<b>Federal</b>	
Executive Order 12898	<ul style="list-style-type: none"> <li>▪ Disproportionately high impacts to minority or low-income populations should be considered.</li> <li>▪ A minority population is defined as a census tract containing greater than 50% minorities, or a census tract with a meaningfully greater percentage of minorities than the surrounding tracts.<sup>1</sup></li> <li>▪ A low-income population is defined as a census tract with a median household income lower than the poverty threshold, which varies depending on the number of persons in a household.</li> </ul>
Executive Order 14096	<ul style="list-style-type: none"> <li>▪ Provides a broader definition of potentially disadvantaged communities.</li> <li>▪ Explicitly expands definition of potentially disadvantaged communities to include persons with a Tribal affiliation and disabled persons.</li> <li>▪ Requires federal agencies to fulfill environmental justice reporting requirements and prepare strategic plans.</li> <li>▪ Describes additional reporting and notification requirements related to toxic spills.</li> </ul>

1. Although not specified in EO 12898, for purposes of the social justice analysis, minority races include American Indian or Alaskan Native, Asian or Pacific Islander, Black (not of Hispanic origin), and Hispanic. Populations of two or more races and populations classified as "Other" were also considered to be minority races.

### 3.7.2 Environmental Setting

#### Demographics, Employment and Housing

Demographic, employment, and housing data for the Municipality of Anchorage and the State of Alaska is presented in **Table 3.7-2**. The Project Site is located within the Municipality of Anchorage, which had a population of approximately 290,674 in 2022 (**Table 3.7-2**). Between 2012 and 2022, the Municipality of Anchorage experienced a very small annual decline in population. The Project Site is located in Census Tract 1.02 as designated by the U.S. Census Bureau (**Appendix D**).

#### Property Taxes

The three parcels that comprise the Project Site are part of a restricted fee Native Allotment, and thus are exempt from property taxes. Consequently, no property taxes were assessed on the Project Site during Fiscal Year 2024 (**Table 3.7-3**).

#### Environmental Justice

As illustrated in **Table 3.7-2**, the median household income for the Municipality of Anchorage, the State, and the census tract for the Project Site are well above the poverty threshold of \$24,860 annually for a



three-person household. Additionally, as presented in **Table 3.7-4**, the minority population is below 50% in the census tract comprising the Project Site and all but one of the census tracts adjacent to the Project Site. These census tracts are also illustrated in **Figure 3.7-1**. As the Applicant, members of the Tribe are considered a minority population for the purposes of the Executive Order 12898 analysis for the project.

### *USEPA and CEQ Environmental Justice Screening Tools*

The USEPA’s Environmental Justice Screening and Mapping Tool (version 2.3) and the Climate and Economic Justice Screening Tool were used to identify potentially disadvantaged communities and other demographics near the Project Site. Using USEPA’s Environmental Justice Screening and Mapping Tool, the Project Site census tract was compared to the rest of the US and the State. The mapping tool ranks most of the metrics using percentiles. The percentiles show how much burden each tract experiences when compared to other tracts. According to EJScreen, the Project Site is well below the thresholds for disadvantaged consideration in all aspects of energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development (**Table 3.7-5** and **Appendix I**). Data for Census Tract 1.02 and the adjacent census tracts is included in **Appendix I**. The CEQ Climate and Economic Justice Screening Tool (Version 1.0) was also used to analyze the Census Tract 1.02, which contains the Project Site. This census tract was not identified as disadvantaged or partially disadvantaged (CEQ, 2024).

**Table 3.7-2: Socioeconomic Data**

Census Data	Municipality of Anchorage	Alaska State
<b>Demographics</b>		
Population, 2018 – 2022 <sup>1</sup>	290,674	734,821
Population, 2008 – 2012 <sup>2</sup>	291,470	711,139
Compound annual growth rate (10 years)	0.0%	-0.3%
Median household income, 2018 - 2022 <sup>3</sup>	\$95,731	\$86,370
Persons in poverty, 2018 - 2022 <sup>3</sup>	9.6%	10.5%
<b>Employment</b>		
Civilian labor force, 2018-2022 <sup>3</sup>	150,082	362,197
Civilian employment, 2018-2022 <sup>3</sup>	142,335	339,162
Unemployment rate, June 2024 (not seasonally adjusted) <sup>4,5</sup>	4.6%	4.5%
Unemployed workers <sup>6</sup>	6,904	16,299
<b>Housing <sup>7</sup></b>		
Housing units, 2018 - 2022	326,188	118,938
Vacant units, 2018 - 2022	5,064	9,852
Vacancy rate, 2018 - 2022	4.5%	3.6%

1. U.S. Census, 2022a.

2. U.S. Census, 2012.

3. U.S. Census Bureau, 2022b.

4. U.S. Bureau of Labor Statistics, 2024a.

5. U.S. Bureau of Labor Statistics, 2024b.

6. Estimated by Acorn Environmental as the civilian labor force multiplied by the unemployment rate.

7. U.S. Census Bureau, 2022c. Vacant units and vacancy rates calculated by Acorn from U.S. Census data. Calculation is a weighted average of vacancy rates for both owner-occupied and renter-occupied units (weighted by the number of owner-occupied and renter-occupied units).



Kenai Peninsula Borough, Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, EPA, NPS, USFWS

**FIGURE 3.7-1**  
**CENSUS TRACTS**

**Table 3.7-3: Property Taxes**

APN	Acres	FY 2024 Property Taxes
05108101000	2.16	\$0
05108102000	1.07	\$0
05108115000	2.58	\$0
<b>Total</b>		\$0

Source: Municipality of Anchorage, 2024c

### 3.7.3 Impacts

#### Assessment Criteria

An adverse economic, fiscal, or social impact would occur if the effect of the project were to negatively alter the ability of governments to perform at existing levels or alter the ability of people to obtain public health and safety services such that physical impacts to the physical environment would occur. An adverse environmental justice impact would result if any adverse impact to human health or the environment as identified within this document disproportionately affected an identified minority, low-income community, Native American Tribe or other disadvantaged community. The Eklutna Native Village is considered to be a minority community that could be impacted by the alternatives.

**Table 3.7-4: Minority Population Estimates - 2022**

Geographic Area	Total Population	White (alone)	Black or African American	American Indian or Alaska Native	Asian	Native Hawaiian or Other Pacific Islander	Other Race	Two or More Races	Hispanic or Latino (of any race)	Percent Minority
Alaska State	734,821	58.4%	3.0%	13.9%	6.3%	1.5%	0.5%	8.8%	7.5%	41.6%
Municipality of Anchorage	290,674	55.2%	5.1%	7.0%	9.6%	2.9%	0.7%	9.8%	9.7%	44.8%
<b>Census Tract 1.02 (Project Site - Tract 02020000102)</b>	<b>4,323</b>	<b>78.7%</b>	<b>0.0%</b>	<b>3.2%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>17.4%</b>	<b>0.7%</b>	<b>21.3%</b>
Census Tract 1.01	5,370	76.7%	0.8%	6.1%	0.3%	2.0%	0.0%	5.6%	8.5%	23.3%
Census Tract 6.01	4,705	22.6%	5.3%	19.8%	4.3%	26.9%	0.0%	6.1%	15.1%	77.4%
Census Tract 2.04	3,450	74.8%	8.4%	6.1%	0.0%	0.2%	0.0%	5.0%	5.5%	25.2%
Census Tract 2.06	3,137	84.2%	0.0%	2.0%	0.7%	0.0%	0.0%	9.2%	3.9%	15.8%
Census Tract 2.02	7,097	73.4%	4.5%	0.3%	5.6%	0.0%	2.9%	4.3%	9.0%	26.6%
Census Tract 2.01	4,728	69.3%	2.5%	3.3%	2.7%	3.8%	0.0%	3.7%	14.6%	30.7%
Census Tract 9802	7,857	55.1%	10.1%	1.4%	2.9%	2.4%	0.0%	9.1%	19.1%	44.9%

Source: U.S. Census Bureau, 2022a.

#### Alternative A: Proposed Project

##### *Environmental Justice for Minority and Low-Income Populations*

As discussed above, there are no low-income populations in the vicinity of the Project Site and the only census tract identified with a higher than 50% minority population is Census Tract 6.01, with a 77.4% minority population (**Table 3.7-4**). As shown on **Figure 3.7-1**, Census Tract 6.01 is located approximately 9 miles to the northeast of the Project Site Census Tract 1.02.

**Table 3.7-5: EJScreen Report; Project Census Tract 1.02 Compared to Alaska and USA**

Variables	Value	State Average	Percentile in State	USA Average	Percentile in USA
People of Color	21%	43%	20	40%	38
Low Income	16%	25%	31	30%	30
Unemployment Rate	3%	7%	31	6%	43
Less than High School Education	5%	7%	51	11%	39
Particulate Matter 2.5 ( $\mu\text{g}/\text{m}^3$ )	N/A	N/A	N/A	8.45	N/A
Ozone (ppb)	N/A	N/A	N/A	61.8	N/A
Nitrogen Dioxide ( $\text{NO}_2$ ) (ppbv)	3	5.6	34	7.8	6

Source: **Appendix I**

In addition, as described above, neither the USEPA’s Environmental Justice Screening and Mapping Tool (version 2.3) or the Climate and Economic Justice Screening Tool identified the Project Site or vicinity as disadvantaged, or potentially disadvantaged.

Alternative A would not displace any residential populations in the vicinity of the Project Site, however it would convert the rural residential nature of the Project Site, which has historically been utilized by members of the Tribe as a single residence, to commercial uses. Currently, there are no residential structures on the property, and the site is vacant and unoccupied. The Tribe would experience positive economic impacts from increased employment opportunities and increase tribal governmental revenues, which would be utilized to improve governmental services to Tribal members (including the co-owners of the Allotment) and facilitate the Tribe’s economic self-sufficiency. Therefore, Alternative A would not result in disproportionately high and adverse environmental effects to minority or low-income communities, including the Tribe.

### *Economy and Employment*

The IMPLAN model was used to estimate employment opportunities generated by Alternative A (see **Appendix D** for additional details). Construction of Alternative A would generate one-time (non-recurring) benefits. Impacts from operations are estimated during 2027, which is anticipated to be the first full year of operations. Impacts to employment, wages and local economic output are summarized below in **Table 3.7-6** and **Table 3.7-7**. As listed therein, construction of Alternative A would create an estimated 406 one-time jobs. Operations of Alternative A would create an estimated 419 permanent jobs, including 228 direct employment positions at the project. Most of these employment positions are expected to be filled by unemployed and underemployed residents of the Municipality of Anchorage, including tribal members (tribal hiring preference will apply), and other Alaska Natives. The Tribe intends to apply Native preference in recruiting, hiring, and training, which will benefit low-income individuals and communities in the region. Direct jobs represent approximately 3.3% of the 6,904 unemployed persons in the Municipality of Anchorage (**Table 3-7-2**).

Alternative A would result in direct, indirect, and induced economic benefits, which would benefit the residents of the region and members of the Tribe. Direct benefits include expenditures made by operation of the facility in the form of employee compensation and purchases of goods and services. Indirect benefits are the impact of the direct expenditures on other business sectors and reflect the economic spin-off that is made possible by the direct purchases. Overall, Alternative A would result in beneficial impacts to both the local and tribal economy and employment.

**Table 3.7-6: One-Time Construction Economic Impacts, Municipality of Anchorage  
Alternative A (Dollars in Millions)**

2027 Dollars	Employment	Labor Income	Value Added	Output
Direct	336	\$27.6	\$28.4	\$46.7
Indirect	35	\$2.5	\$4.7	\$9.4
Induced	115	\$7.1	\$12.8	\$21.2
<b>Total</b>	<b>487</b>	<b>\$37.2</b>	<b>\$45.8</b>	<b>\$77.3</b>

Source: Appendix D

**Table 3.7-7: Annual Operational Economic Impacts, Municipality of Anchorage  
Alternative A (Dollars in Millions)**

2027 Dollars	Employment	Labor Income	Value Added	Output
Direct	228	\$12.2	\$48.1	\$84.8
Indirect	116	\$6.8	\$11.2	\$21.6
Induced	74	\$4.6	\$8.3	\$13.8
<b>Total</b>	<b>419</b>	<b>\$23.5</b>	<b>\$67.6</b>	<b>\$120.2</b>

Source: Appendix D

### *Fiscal Impacts*

#### Tax Revenues

Alternative A may result in fiscal impacts associated with business taxes, payroll taxes, and other relevant taxes locally and statewide. The Project Site is already exempt from state property taxes because it is a restricted Native Allotment (**Table 3.7-3**). Thus, Alternative A would have no direct impact on property taxes for the Project Site. The Tribe is exempt from federal income tax, but Alternative A would result in some direct tax impacts. Both construction and operation of Alternative A are expected to generate positive fiscal impacts. Tax revenues would be generated for federal, state, and local governments from direct economic activities and secondary activities (i.e., the indirect and induced effects of tribal gaming). The taxes on secondary economic activity may include corporate profits tax, income tax, excise tax, property tax, and personal non-taxes, such as motor vehicle licensing fees, fishing/hunting license fees, other fees, and fines. Estimated positive local, state and federal effects from Alternative A are summarized in **Table 3.7-9** and **Table 3.7-10**.

**Table 3.7-9: One-Time Construction Tax Impacts – Alternative A**

2027 Dollars	Local	State	Federal
Direct	\$118,000	\$259,000	\$5,403,300
Indirect	\$162,100	\$230,200	\$564,100
Induced	\$348,400	\$521,400	\$1,600,900
<b>Total</b>	<b>\$628,400</b>	<b>\$1,010,600</b>	<b>\$7,568,300</b>

Source: Appendix D

#### Law Enforcement, Fire Protection and Emergency Medical Services

Alternative A would result in an increase in demand for public services that would result in additional costs incurred by public service providers, including law enforcement, fire protection, EMS, and related services.



**Table 3.7-10: Annual Operational Tax Impacts – Alternative A**

2027 Dollars	Local	State	Federal
Direct	\$29,400	\$1,814,700	\$2,874,100
Indirect	\$190,700	\$291,100	\$1,478,800
Induced	\$225,700	\$321,700	\$1,039,000
<b>Total</b>	<b>\$445,900</b>	<b>\$2,427,500</b>	<b>\$5,391,900</b>

Source: **Appendix D**

As discussed in **Section 2.1**, the Anchorage Fire Department (AFD) provides fire protection and emergency medical services (EMS) to the Anchorage area. AFD is assisted by two volunteer fire departments: the Chugiak Volunteer Fire and Rescue Company (CVFRD) and the Girdwood Fire Department. Fire services at the Project Site are provided by the CVFRD. Law enforcement is provided by the Anchorage Police Department. Refer to **Section 3.10** for details regarding public services provided to the Project Site. The Innovation Group estimated the direct fiscal costs that would be incurred for these public services. These operating costs are described in **Appendix D** and summarized in **Table 3.7-8**. However, additional law enforcement, fire and EMS utilization resulting from Alternative A is not anticipated to require new or expanded facilities to provide services.

**Table 3.7-3: Annual Direct Fiscal Impacts – Alternative A 2027**

Public Service	Agency	Amount
Law Enforcement	Anchorage Police Department	\$79,000
Judicial Costs	Municipality of Anchorage	\$47,000
Detention and Corrections	State/Municipality of Anchorage	\$284,700
Fire and EMS	AFD/CVFRD	\$123,000
<b>Total</b>		<b>\$533,400</b>

Source: **Appendix D**

Amounts rounded to the nearest thousand.

### Net Fiscal Impacts

Taxes and fees generated from indirect and induced activities would offset some of the increased costs of public services (e.g., law enforcement, etc.). However, in the absence of mitigation, taxes from such indirect and induced activities may not be sufficient to fully offset direct costs, which could result in a potentially significant impact. Mitigation in **Section 4** is recommended to provide a procedure for discussing and addressing, on a government-to-government basis, the impacts of Alternative A on calls for service to law enforcement and fire protection and EMS service to the Project Site prior to development. If the Tribe cannot enter into such agreement(s), the Tribe would be required to establish, equip, and staff its own law enforcement and fire departments to service the Project Site.

As listed in **Table 3.7-8**, Alternative A would also stimulate additional costs related to the provision of judicial, detention, and corrections activities. However, the fiscal impact of these costs would be concentrated at the State level and would be small in the context of the Alaska State budget; further the project would generate an increase in state taxes in excess of the anticipated costs. Consequently, fiscal impacts to judicial, detention and corrections activities would be less than significant. After implementation of mitigation measures, fiscal impacts would be less than significant. BMPs provided in **Section 2** would further reduce impacts. Please see **Section 3.10** for additional analysis of law enforcement, fire, and EMS impacts.

### *Property Values*

Changes in property value can be affected by a number of factors, including the proximity of the gaming facility to other properties in the vicinity, the mix of properties surrounding the gaming facility, whether the gaming facility stimulates additional development and whether or not the gaming facility is located in an urban area. Impacts to surrounding commercial and industrial uses would probably be neutral to positive because a gaming facility development would stimulate increased economic activity and because the project may stimulate additional commercial development in the vicinity of the Project Site. Also, as described in **Section 3.9**, land uses in the immediate vicinity of the Project Site are predominantly heavy industrial, light industrial, railroad and low density residential to the east and southeast. Because Alternative A would be generally compatible with surrounding land uses, the project would not have a significant effect on local property values.

### *Housing*

The U.S. Census estimates that there are approximately 5,064 vacant housing units in the Municipality of Anchorage (**Table 3.7-2**). Alternative A is projected to result in the in-migration of an estimated 24 households to the Municipality of Anchorage (**Appendix D**). This would represent approximately 0.5% of the current vacant housing stock. This would represent a less than significant effect on available housing.

### *Problem and Pathological Gambling*

Problem gambling prevalence is evaluated in Appendix D and is anticipated to increase as a result of Alternative A because there is limited availability of gaming in the local market. However, local residents are currently exposed to gaming in the form of charitable gaming. As described in **Table 2.1-1**, BMPs would be implemented to reduce the likelihood of problem gambling at the gaming facility. These measures would include employee training, self-help brochures, signage near automatic teller machines and cashiers, and self-banning procedures. Information regarding problem gambling hotlines would also be displayed. Consequently, potential impacts related to problem gambling would be less than significant.

### *Substitution Effects*

Potential substitution effects (the loss of customers at existing businesses to the new business) of a project are considered when estimating economic impacts. As described in **Appendix D**, charitable gaming, in the form of pull-tabs (a game played on a physical card), raffle/lottery and bingo comprise the vast majority of gaming in Alaska. During the first full year of operations, Alternative A would result in an estimated 21.6% revenue substitution effect to the combined charitable gaming operations located within the State. Substitution effects are anticipated to diminish thereafter because local residents would have experienced the gaming facility and would gradually return to more typical and more diverse spending patterns.

Substitution effects also tend to diminish after the first year or two of operations because, over time, growth in the total population and economic growth tend to increase the dollar value of demand for particular goods and services. The substitution effects resulting from Alternative A to entities that host charitable gaming are not expected to significantly impact these entities, or to cause the closure of the facilities in which they operate. Although such entities conduct charitable gaming as part of their operations, many or most engage in other revenue generating activities. Therefore, it is anticipated that under Alternative A, such entity facilities would continue to operate and generate cash flow to support their missions, which include charitable activities. No physical environmental effects would occur.

There are two tribal gaming facilities within the State of Alaska that could be large enough to be classified as casinos. Neither of these facilities is located within the Anchorage region and both are hundreds of miles distant from the Project Site. Consequently, operations of Alternative A would have a less than significant effect on the two existing tribal casinos. Alternative A is anticipated to have a positive effect on non-gaming local businesses because the new employees who in-migrate to the Municipality of Anchorage would patronize existing businesses. Overall substitution effects would be less than significant.

### *Crime*

Law enforcement services would be provided to Alternative A as discussed above in *Fiscal Impacts* and **Section 3.10**. Whenever a volume of people is introduced into an area, the number of criminal incidents would also be expected to increase. This is true of any large-scale development. However, there would be no increase in the overall crime rate per capita. Potential crime related impacts would be further reduced through the implementation of BMPs listed in **Table 2.1-1**. See *Fiscal Impacts* above for further analysis of crime related impacts.

### **Alternative B: Event Center**

As described in **Section 2.2**, Alternative B is comprised of an approximately 58,000 square foot event center. Although Alternative B is similar in size to Alternative A, its utilization would be less intense. In contrast with Alternative A, events would be held on selective dates, not seven days per week. Consequently, socioeconomic and environmental justice impacts associated with Alternative B would generally be less than those that would occur under Alternative A. Consistent with Alternative A, fiscal impacts would be potentially significant. Mitigation listed in **Section 4** would reduce fiscal impacts to less than significant levels. In addition, there would be no substitution impacts to existing charitable gaming operators, but substitution effects would occur to existing local event centers. According to Visit Anchorage Alaska, there are numerous event venues, including the following (Visit Anchorage Alaska, 2024):

- Dena'ina Civic and Convention Center – Nearly 200,000 square feet of flexible event space
- William A. Egan Civic & Convention Center – Over 85,000 square feet of configurable meeting, exhibit and pre-function space
- At least seven large hotels in the Anchorage area that host conventions
- At least eight venues for hosting events and large meetings, including the Alaska Aviation Museum, the Alaska Center for the Performing Arts, the Anchorage Museum and the Alaska Navit Heritage Center

Because of the large number and square footage of existing event center venues, Alternative B operations would not represent a significant addition to existing event center space. It is unlikely that substitution effects to existing event centers would substantially affect revenues of existing operators or cause the closure of existing event center facilities. Physical environmental effects would not occur. Consequently, substitution effects would be less than significant.

### **Alternative C: No Action**

Under Alternative C, the Tribe would not receive any of the socioeconomic benefits associated with development on the Project Site. The Project Site would not be developed.

## 3.8 TRANSPORTATION AND CIRCULATION

Information in this section is summarized from the Eklutna Native Village Casino Traffic Impact Analysis Report (TIA) (Pannone Engineering Services (PES), October 2024) provided in **Appendix I**.

### 3.8.1 Regulatory Setting

The transportation regulatory setting is summarized in **Table 3.8-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.8-1: Regulatory Policies and Plans Related to Transportation and Circulation**

Regulation	Description
<b>Federal</b>	
Department of Transportation (DOT)	<ul style="list-style-type: none"> <li>▪ The mission of the DOT is to ensure a fast, safe, efficient, accessible and convenient transportation system that meets national interests and enhances quality of life.</li> <li>▪ Organizations within the DOT include the Federal Highway Administration (FHWA), the Federal Aviation Administration, the National Highway Traffic Safety Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Maritime Administration.</li> <li>▪ The FHWA supports State and local governments in the design, construction, and maintenance of the Nation’s highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program).</li> <li>▪ Alaska Route 1 is a federal highway within the vicinity of the Project Site.</li> </ul>
<b>State</b>	
Alaska Department of Transportation and Public Facilities (DOT&PF)	<ul style="list-style-type: none"> <li>▪ The DOT&amp;PF is the principal agency in the state for the planning, construction, maintenance, and operation of the highway system.</li> <li>▪ Charged with carrying out a highway program that provides for a common defense to the United States and the State.</li> </ul>
<b>Local</b>	
2050 Metropolitan Transportation Plan (MTP)	<ul style="list-style-type: none"> <li>▪ The 2050 MTP was released by Anchorage Metropolitan Area Transportation Solutions (AMATS) in February 2024.</li> <li>▪ AMATS is the designated metropolitan planning organization (MPO) that has overseen planning and programming of the Federal Highway Trust Fund dollars designated for the Anchorage Bowl, Chugiak, and Eagle River since 1976.</li> <li>▪ The MTP is required to address congestion management for a multimodal system and air quality standards and be based on land uses described in the current Comprehensive Plan and Land Use Plans for Anchorage and Chugiak-Eagle River.</li> </ul>

### 3.8.2 Environmental Setting

#### Roadways and Intersections

The local and regional roadways used to access the Project Site are shown in **Figures 1.4-2** and **1.4-3**, and in Figure 1 of the Traffic Impact Analysis (TIA)(**Appendix A**). Local access is provided by Birchwood Spur Road, Southeast Apron Road, Birchwood Loop Road, Pilots Road, and Old Glenn Highway. Alaska Route 1 (the Glenn Highway) provides regional access to the Project Site.

The Project Site is locally accessible via two access driveways, including one on Birchwood Spur Road between the Alaska Railroad Corporation (ARRC) train tracks to the north, and a dedicated access right-of-way along the southern boundary of the Project Site that also provides access to a private manufacturing facility (Spenard Builders Supply) to the south. Birchwood Spur Road runs from north to south and becomes Birchwood Loop Road approximately 0.4 miles to the south of the Project Site, which intersects with the Glenn Highway; the Glenn Highway is approximately 1.2 miles to the south of the Project Site. Additional details of the surrounding intersections and roadways relevant to the Project Site are included in **Appendix A**

### Existing Intersection Traffic Volumes and Levels of Service

The following six study intersections were selected to be analyzed due to their locations along likely access routes to the Project Site:

1. Birchwood Spur Road and Birchwood Loop Road
2. Birchwood Loop Road and Pilots Road
3. Birchwood Loop Road and Glenn Highway Southbound on-/off-ramps
4. Birchwood Loop Road and Glenn Highway Northbound on-/off-ramps
5. Birchwood Loop Road and Old Glenn Highway

The TIA evaluated traffic conditions at the five study intersections during the am and pm peak hours for a typical weekday, as well as the Saturday peak period to account for the recreational nature of the project. As part of a future update to the TIA, traffic counts will be conducted at all the study intersections during the time periods noted above. Level of Service (LOS) is a qualitative measure reflecting the traffic operation of the intersection, with LOS A representing best performance and LOS F the worst. LOS describes the traffic conditions in terms of such factors as speed, travel time, delays, freedom to maneuver, traffic interruptions, comfort, convenience, and safety.

**Table 3.8-2** shows the corresponding average total delay per vehicle and a description of vehicular conditions at unsignalized intersections (all study intersections are unsignalized) for each LOS category from A to F. A summary of the existing traffic operations, as expressed in seconds of delay per vehicle and LOS, at the study intersections is shown in **Table 3.8-3**. As shown, study intersections are functioning at LOS A in the year 2024. Additional details about existing operation levels are provided in **Appendix A**.

**Table 3.8-2: Level of Service for Unsignalized Intersections**

Level of Service	Volume to Capacity Ratio (V/C)	Traffic Condition
A	0.0 to 0.2	No Delay
B	0.2 to 0.4	Short Delay
C	0.4 to 0.7	Moderate Delay
D	0.7 to 0.8	Long Delay
E	0.8 to 1.0	Very Long Delay
F	>1.0	Volume > Capacity

Source: **Appendix A**

### Existing Bicycle, Pedestrian, and Transit System

There are no bicycle or pedestrian facilities within the vicinity of the Project Site, nor is there any transit service.



### 3.8.3 Impacts

#### Assessment Criteria

Impacts to the transportation system would be significant if an alternative increased traffic volumes to the point where traffic exceeds the design capacity of a roadway after implementation of feasible mitigation measures. LOS E or F are considered unacceptable for the study intersections in accordance with industry standard design objectives.

**Table 3.8-3: Existing Traffic Operations (2024)**

Intersection	Peak	V/C	LOS
1. Birchwood Spur Road and Birchwood Loop Road	AM	<0.1	A
	PM	<0.1	A
	Saturday	<0.1	A
2. Birchwood Loop Road and Pilots Road	AM	<0.1	A
	PM	<0.1	A
	Saturday	<0.1	A
3. Birchwood Loop Road and Glenn Highway SB on-/off-ramps	AM	<0.1	A
	PM	<0.1	A
	Saturday	<0.1	A
4. Birchwood Loop Road and Glenn Highway NB on-/off-ramps	AM	<0.1	A
	PM	<0.1	A
	Saturday	<0.1	A
5. Birchwood Loop Road and Old Glenn Highway	AM	<0.1	A
	PM	<0.1	A

V/C = volume to capacity ratio

LOS = level of service

SB = southbound

NB = northbound

Source: **Appendix A**

#### Methodology

The TIA (**Appendix A**) was developed by PES to assess the potential traffic impacts of Alternative A. A separate traffic evaluation for Alternatives B and C was not conducted because, due to the type of use, hours of operation, and anticipated patronage (see **Section 2.4**), those alternatives would generate less traffic than Alternative A. Therefore, the traffic analysis conducted for Alternative A represents a worst-case scenario. The traffic operations analysis conducted in the TIA (**Appendix A**) was based on the following roadway geometry inputs: number of lanes, storage lengths, link distances, speed limits, and traffic volumes. Trip generation was calculated using the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition. For analysis purposes the TIA used 2026 as the first full year of operation. Based on this, the following near-term scenarios were modeled in the TIA:

- No-Build Scenario – Base Year (2024). Existing traffic conditions based on existing traffic volumes, lane geometry, and traffic controls.
- Build Scenario – Year of Opening (2026) with Project traffic. Opening Year 2026 conditions plus the addition of traffic from the Proposed Project.

A detailed description of the methodology used for generating scenarios and assessing potential impacts, such as types of trips, can be found in **Appendix A**.

## Alternative A: Proposed Project

### *Construction Traffic*

During construction of Alternative A, additional temporary construction worker, vendor, and heavy truck trips would be generated on the weekdays with construction work occurring during daytime hours between 7 am and 10 pm. The worker arrival peak would generally be between 6 am and 7 am and the departure peak between 3:30 pm and 4:30 pm. These peak commute times partially coincide with local commute times. This peak of construction worker commute trips would occur during the building construction phase and would be minor compared to existing conditions (see **Table 3.8-3**). Additionally, these vehicle trips would be temporary in that they would only occur during the 14-month construction period. Furthermore, vendor trips and heavy truck trips (peak of 86 daily trips for both import and export of soil during the site grading phase) would occur primarily outside of the peak commute hours for the surrounding roadway network. The temporary increase in truck and worker trips during mostly off-peak hours would constitute a minimal disruption of existing traffic and would not impact the capacity of the surrounding roadway network. To address potential wear and tear on Birchwood Loop Road/Birchwood Spur Road, BMPs are included in **Table 2.1-1**. Therefore, construction of Alternative A would have a less-than-significant impact on existing traffic in the surrounding area.

### *Operation Traffic*

The estimated traffic generation resulting from Alternative A is provided in **Table 3.8-4**. As shown in **Table 3.8-4**, based on ITE trip generation rates, Alternative A could generate a total of 8,010 daily vehicle trips during the weekday and 10,550 daily vehicle trips on Saturdays<sup>5</sup>. Of those trips, up to 590 would occur during the weekday PM peak hour and 620 would occur during the Saturday peak hour.

**Table 3.8-4: Alternative A – Peak Hour Trip Generation**

Peak	In	Out	Total
Weekday AM	228	172	400
Weekday PM	307	283	590
Saturday Peak	335	285	620
Daily Weekday			8,010
Saturday Weekday			10,550

Source: **Appendix A**

No internal or pass-by trips were included in the trip generation estimates. For this analysis, it was assumed that 60 percent of vehicle trips generated by Alternative A would be traveling to/from the south via the Glenn Highway, while the remaining 40 percent would be traveling to/from the north via the Glenn Highway. Additional details about trip generation and distribution for Alternative A can be found in **Appendix A**.

<sup>5</sup> It should be noted that utilizing the ITE trip generation rates likely results in an overestimate of trips as the socioeconomic study prepared for Alternative A (**Appendix D**) predicts an average of 2,235 patrons each day, and 228 employees. Conservatively assuming that none of the patrons or employees share a ride to the facility, and no use of shuttles, the resulting average trips per day would be 4,926.

The study intersections were analyzed for level of service, turn lane warrant, and queueing length. Year of Opening (2026) traffic volumes were developed by adding the traffic counts collected in 2024 to the trips generated by the Proposed Project. No growth in traffic volumes was assumed for the two-year period between Existing Conditions (2024) and the Year of Opening (2026) because historical average annual daily traffic (AADT) data provided by the DOT&PF and AADT counts collected for the Proposed Project in September 2024 indicate that volumes on study area roadways have remained relatively unchanged for a number of years.

**Table 3.8-5** shows the intersection LOS analysis results for Year of Opening (2026) with the Proposed Project; results are shown only for the Saturday peak hour, which is the peak hour with the highest traffic volumes of the three study peak hours and therefore represents a worst-case scenario. The results show that, during the Saturday peak hour, all intersections would continue to operate at an acceptable level of service (LOS D or better) with Alternative A in the Year of Opening (2026) scenario. In addition to the LOS analysis above, turn lane warrants were analyzed for each intersection and lane queueing calculations were performed for turn lanes in the Year of Opening (2026). The results of the analysis indicated a maximum Saturday peak hour queue of four (4) vehicles at study intersection #4 in the left-turn lane from the Glenn Highway Northbound Off-Ramp onto Birchwood Loop Road. This queue would be accommodated by the existing left-turn lane length of 130 feet. At study intersection #3, a maximum queue of two (2) vehicles would occur during the Saturday peak hour in the combined left-through-right lane from the Glenn Highway Off-Ramp onto Birchwood Loop Road. Queuing at all other existing turn lanes in the study area were found to be no more than one vehicle, and no queues were indicated for intersections without existing turn lanes. BMPs in **Table 2.1-1** would be implemented to address any necessary roadway maintenance improvements on Birchwood Loop Road/Birchwood Spur Road to maintain safe operating conditions. Therefore, operation of Alternative A would have a less-than-significant impact.

**Table 3.8-5: Year of Opening (2026) Traffic Operations – Saturday Peak Hour**

Intersection	V/C	LOS
1. Birchwood Spur Road and Birchwood Loop Road	0.2	A
2. Birchwood Loop Road and Pilots Road	0.3	B
3. Birchwood Loop Road and Glenn Highway SB on-/off-ramps	0.4	B
4. Birchwood Loop Road and Glenn Highway NB on-/off-ramps	0.7	C/D
5. Birchwood Loop Road and Old Glenn Highway	0.2	A

V/C = volume to capacity ratio

LOS = level of service

SB = southbound

NB = northbound

Source: **Appendix A**

### *Site Access*

Several site access options were considered for the Proposed Project and are described in **Appendix A**. The following options may be implemented under Alternative A:

- **Option 1** – This option consists of a single parking lot with two distinct driveways providing dedicated inbound and outbound access. All traffic would access the Project Site from the southern dedicated 50-foot right-of-way (ROW) driveway that connects to Birchwood Spur Road with dedicated one-way inbound and outbound access from the ROW to the parking lot.

- **Option 2** – This option is the same as Option 1, except that the two driveways accessed via the 50-foot ROW along the south side of the Project Site would serve both inbound and outbound traffic (i.e., two-way driveways).

Circulation requirements per the International Fire Code (IFC) would be complied with regarding final site access and circulation design of the site. Additionally, driveway improvements within the 50-foot dedicated right-of-way along the southern boundary of the site, and within the right-of-way of Birchwood Spur Road would be subject to permitting and approvals from the DOT&PF. Compliance with these requirements would ensure that site access impacts would be less than significant.

#### *Bicycle and Pedestrian Facilities, Transit Service, and Rail*

Alternative A would not generate a high number of new pedestrian trips, bicycling activity, or transit riders along surrounding roadways. The existing railroad crossing adjacent to the site is owned/operated by the ARRC. Typically, no more than one train per hour passes crosses Birchwood Spur Road and during most of the year there are only one or two train crossings per day. BMPs in **Table 2.1-1** would address any potential pedestrian conflicts on Birchwood Loop Road/Birchwood Spur Road. Thus, no significant impacts are anticipated to these networks as a result of Alternative A.

#### **Alternative B: Event Center**

As noted above under the *Methodology* heading, a separate traffic evaluation for Alternative B was not conducted because, due to the type of use, hours of operation, and anticipated patronage (see **Section 2.4**), Alternative B would generate less traffic than the Proposed Project. Therefore, Alternative B impacts to transportation and circulation would be less than those described above for Alternative A. Alternative B would not generate a large number of new pedestrian trips, bicycling activity, or transit ridership in relation to existing activity on the surrounding transportation network. Furthermore, the site access options would be the same for Alternative B as described above for the Proposed Project. BMPs are included in **Table 2.1-1** to address potential wear and tear and pedestrian conflicts on Birchwood Loop Road/Birchwood Spur Road. Thus, no significant impacts are anticipated to these facilities as a result of Alternative B.

#### **Alternative C: No Action Alternative**

Under Alternative C, the Project Site would remain in its current state, and consequently there would be no increase in vehicular traffic. There would be no change in pedestrian or bicycle facilities, or in transit service.

## 3.9 LAND USE

### 3.9.1 Regulatory Setting

The land use regulatory setting is summarized in **Table 3.9-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.9-1: Regulatory Policies and Plans Related to Land Use**

Regulation	Description
<b>Federal</b>	
Farmland Protection Policy Act (FPPA)	<ul style="list-style-type: none"> <li>▪ Intended to minimize the impact that federal programs have on unnecessary and irreversible conversion of farmland to non-agricultural uses.</li> <li>▪ Assures federal programs are administered in a manner that is compatible with state and local units of government, private programs, and policies to protect farmland.</li> </ul>
Federal Aviation Administration (FAA) Regulations	<ul style="list-style-type: none"> <li>▪ The FAA provides requirements, standards, and processes for determining obstructions to air navigation.</li> <li>▪ 14 CFR Part 77 – Safe, Efficient Use, and Preservation of the Navigable Airspace:                             <ul style="list-style-type: none"> <li>○ Requires that notice be provided to the FAA of certain proposed construction or the alteration of existing structures that have the potential to effect navigable airspace</li> <li>○ Defines standards used to determine obstructions to air navigation, and navigational and communication facilities;</li> <li>○ Defines the process for aeronautical studies of obstructions to air navigation or navigational facilities to determine the effect on the safe and efficient use of navigable airspace, air navigation facilities or equipment</li> </ul> </li> <li>▪ The Alaska Aviation Safety Initiative was formed between the FAA and the Alaskan flying community to increase the safety and regulatory compliance for aviation operations in the state.</li> <li>▪ Advisory Circular 70/7460-1M describes the FAA standards for marking and lighting structures for aviation safety.</li> </ul>
<b>State and Local</b>	
Alaska Department of Transportation and Public Facilities (DOT&PF) Division of Aviation	<ul style="list-style-type: none"> <li>▪ The Division of Aviation provides oversight for aviation infrastructure, including airports and navigation services.</li> <li>▪ The DOT&amp;PF Alaska Aviation System Plan addresses the aviation infrastructure and policy needs including airport improvement needs, establishing funding priorities, and purposing aviation policy</li> </ul>
Department of Natural Resources	<ul style="list-style-type: none"> <li>▪ The Division of Agriculture oversees land use and agricultural practices, providing resources for land leasing, farm planning, and support for agriculture development.</li> </ul>
Anchorage Municipal Code Title 21	<ul style="list-style-type: none"> <li>▪ Chapter 10 provides the standards and regulations for zoning and development in the Chugiak-Eagle River area.</li> <li>▪ Chapter 21.07.020 establishes requirements for protections to the natural character of the municipality for development.</li> </ul>
Anchorage 2040 Land Use Plan	<ul style="list-style-type: none"> <li>▪ Framework to guide the development and land use in the City of Anchorage.</li> <li>▪ Defines how various areas should be developed and managed to support growth, enhance quality of life, and preserve natural environment.</li> </ul>
Municipality of Anchorage Ordinance No. 2020-137	<ul style="list-style-type: none"> <li>▪ The Municipality of Anchorage recognizes the Tribe’s longstanding presence in the area through this ordinance (§§ 1.70.010, 1.70.020).</li> <li>▪ Intended to establish government-to-government relations between the Municipality of Anchorage and the Tribe by amending the Anchorage Municipal Code.</li> </ul>
Chugiak-Eagle River Comprehensive Plan Update 2006	<ul style="list-style-type: none"> <li>▪ Outlines the Community of Chugiak-Eagle Creek’s goals, objectives, policies, and strategies for development.</li> <li>▪ Addresses areas of the Chugiak-Eagle River community and includes guidelines for growth, land use, and implementation measures.</li> </ul>



Regulation	Description
Birchwood Community Council Bylaws	<ul style="list-style-type: none"> <li>▪ Provides direct and continuous means of citizen participation for local affairs</li> <li>▪ Advises and recommends government official on issues related to land use such as zoning, land use permits, and variances.</li> </ul>
Birchwood Airport Master Plan	<ul style="list-style-type: none"> <li>▪ Provides guidance for future development and management of Birchwood Airport including identifying current conditions, future and forecasted uses, and areas to increase safety.</li> </ul>

## 3.9.2 Environmental Setting

### Project Site Land Use Setting

The Project Site is owned by members of the Tribe as a restricted fee Native Allotment under the ANAA. In accordance with the ANAA, the Project Site is “inalienable and nontaxable,” meaning that the land cannot be taken from the owner by force and is not subject to local or state property tax. In accordance with its constitution, the Tribe asserts jurisdiction over restricted fee Native Allotments within the traditional lands of the Eklutna, including the Project Site (Eklutna Tribal Constitution, Article II, Section I). The Ondola Allotment, of which the project site constitutes a portion, consists of 8.05 acres including approximately 1.68 acres that are within a right of way of the Alaska Railroad. The Project Site excludes the railroad right of way and thus consists of approximately 6.37 acres.

The Project Site is currently vacant partially wooded land but was previously developed with a single tribal residence and associated out structures. Peters Creek runs adjacent to but outside of the eastern boundary of the Project Site.

The Project Site is located approximately five miles from the Eklutna Native Village in Chugiak, Alaska, is within the unincorporated community of Chugiak and the Municipality of Anchorage and is also part of the Birchwood Community Council. The council is a non-profit, voluntary, self-governing association that addresses community-related concerns and encourages citizen participation in local affairs. The Municipality of Anchorage, which encompasses both the Eklutna Native Village and the Ondola Allotment/Project Site, recognizes the Tribe’s longstanding presence in the area through the Municipality of Anchorage Ordinance No. 2020-137 (§§ 1.70.010, 1.70.020). The ordinance is intended to establish government-to-government relations between the Municipality of Anchorage and the Tribe by amending the Anchorage Municipal Code.

### Land Use and Zoning

The Anchorage 2040 Land Use Plan governs areas in the Municipality of Anchorage. Land uses in the vicinity of the Project Site (excluding restricted fee Native allotments) are subject to the Chugiak-Eagle River Comprehensive Plan Update revised December 2006 (Comprehensive Plan). The goal of economic development in the Comprehensive Plan is to promote economic growth that utilizes the area’s resources while supporting urban, suburban, and rural lifestyles and providing employment opportunities and a variety of goods and services (Comprehensive Plan, 2006).

The Comprehensive Plan identifies vacant areas as unsuitable, marginally suitable, or suitable for development, with the Project Site categorized as suitable for development and designates it for low density residential development.

The Municipality of Anchorage zoning designations for land surrounding the Project Site are shown in **Figure 3.9-1**. As shown in **Figure 3.9-1**, surrounding land uses are zoned as follows: I-2: Heavy Industrial to the west; I-1: Light industrial to the north and southwest; and R-6: Low Density Residential to the east and southeast. While the Project Site's parcels are part of a restricted fee Native Allotment, the Municipality of Anchorage zones them for I-1: Light Industrial and R-6: Low Density Residential. The generalized zoning district for light industrial is intended for private and public industrial uses including manufacturing, storage, wholesale, and distribution operation, as well as commercial uses that support and/or are compatible with industrial uses (Municipality of Anchorage, 2023).

The generalized zoning district for low density residential is intended for residential development with up to one dwelling per acre, while protecting physical and environmental features (Municipality of Anchorage, 2017b). The maximum height for principal buildings in commercial districts, low density residential, and within the CE-EVO: Eklutna Village Overlay districts is 35 feet while light industrial is 45 feet (Municipality of Anchorage, 2023).

Existing land uses surrounding the Project Site include warehouses and commercial development to the west, rural residential areas to the east and south, light industrial use to the south (a private manufacturing facility- Spenard Builders Supply), and the Alaska Railroad to the north. The Birchwood Airport is located approximately 750 feet to the northwest.

## **Agriculture**

The Project Site is not designated or zoned or used for agricultural purposes. The Project Site is not considered prime farmland by the NRCS (NRCS, 2024). Timber resources are addressed in **Section 3.14**.

## **3.9.3 Impacts**

### **Assessment Criteria**

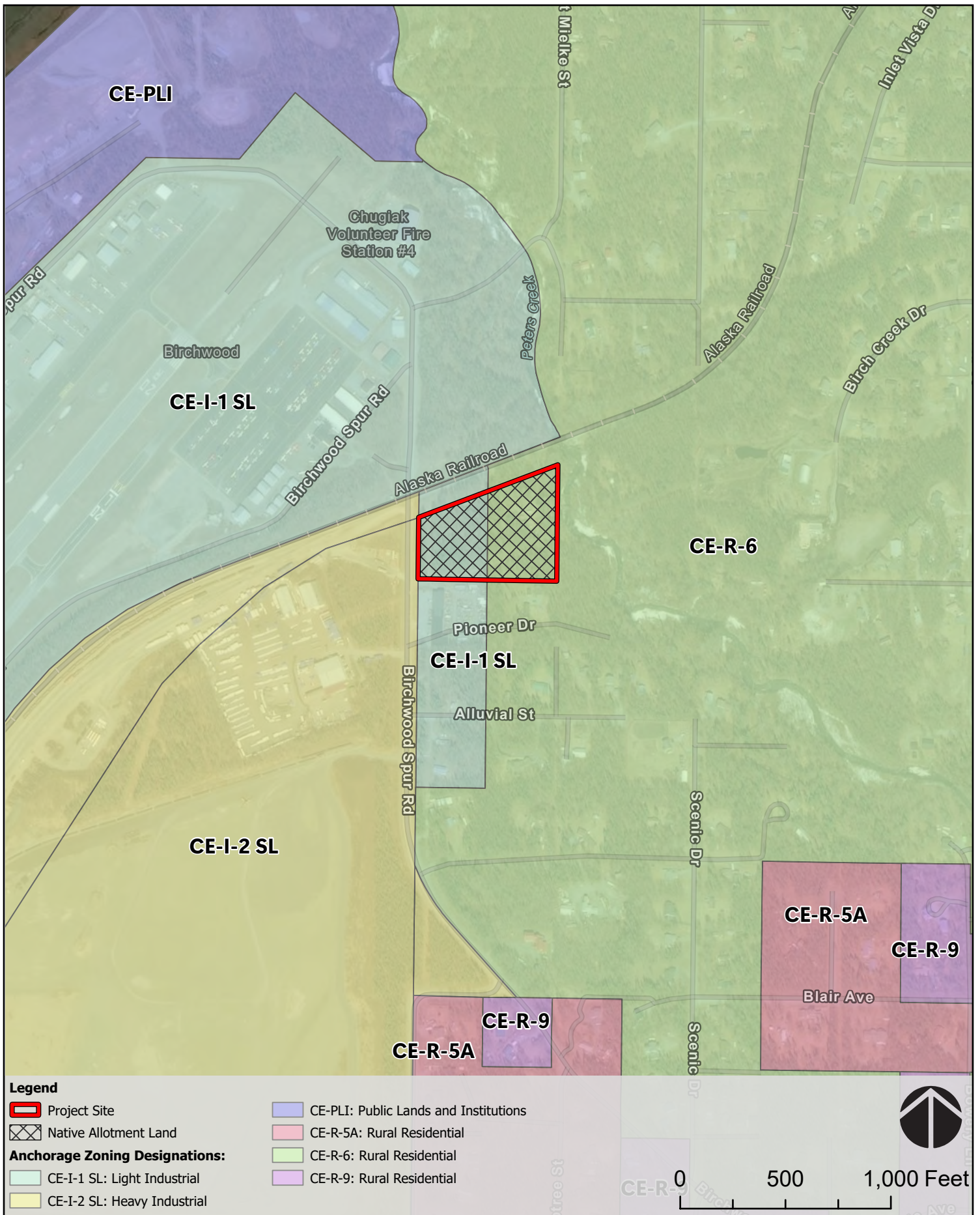
Land use impacts would be significant if an alternative results in conflicts with surrounding land uses or would inhibit the implementation of regional, state, and local land use plans for surrounding properties. Significant land use impacts may also occur if the alternative converts prime farmland or to other uses, as defined by the FPPA.

### **Alternative A: Proposed Project**

#### *Land Use Conflicts*

Alternative A would result in the conversion of undeveloped wooded land to a gaming facility, parking, and associated infrastructure. The Project Site vicinity is subject to intensive commerce related activities, including from light and heavy industrial uses, commercial uses, railway activities and the Birchwood Airport. The intensity of development under Alternative A would be compatible with surrounding commercial and industrial land uses.

The Project Site consists of a restricted fee Native Allotment and is therefore under the jurisdiction of the Tribe. Although the Project Site is not subject to State or local regulations or zoning designations, development of Alternative A would be generally consistent with the economic, visual, and commercial development goals of the Comprehensive Plan. Development of Alternative A would encourage and promote economic growth of the area as well as employment opportunities. Thus, development of Alternative A would not impede or interfere with the objectives of local land use plans and policies.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Kenai Peninsula Borough, Matanuska-Susitna Borough GIS, Municipality of Anchorage, State of Alaska, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

**FIGURE 3.9-1**  
**ZONING DESIGNATIONS**

The nearest sensitive receptor to the Project Site is located approximately 128 feet to the south on Birchwood Spur Road and is a single-family residence. Alternative A would not physically disrupt neighboring land uses or prohibit access to neighboring parcels. While the Project Site was identified by the Comprehensive Plan as suitable for development, the increase in intensity as a result of Alternative A could result in conflicts with nearby sensitive land uses, including nearby residential areas; potential conflicts may include air quality and noise impacts from construction activities (**Sections 3.4 and 3.11**, respectively), an increase in traffic (**Section 3.8**), visual effects and an increase in lighting (**Section 3.13**). Implementation of protective measures and BMPs identified in **Section 2.1** and mitigation measures identified in **Section 4** would reduce potential adverse impacts to sensitive receptors to less-than-significant levels.

### *Airport*

The Project Site is located within 750 feet of the Birchwood Airport and is therefore subject to compliance with the 14 CFR Part 77, which requires that notice be provided to the Federal Aviation Administration (FAA) of proposed construction activities to determine the potential for effects to navigable airspace. In accordance with 14 CFR Part 77, a New Case for Off Airport Constriction was submitted via the Obstruction Evaluation and Airport Airspace Analysis (OE/AAA) online portal page to the FAA for review on August 26, 2024 (**Appendix J**). The FAA reviewed the case and issued a “Determination of No Hazard to Air Navigation” on September 23, 2024. The evaluation further determined that no marking or lighting is necessary for aviation safety, but should it be included, the FAA recommends installation be in accordance with FAA Advisory Circular 70/7460-1 M. Mitigation in **Section 4** requires that that the Proposed Project adhere to the FAA requirements identified through their OE/AAA analysis and in accordance with Advisory Circular 70/7460-1M for Obstruction Marking and Lighting. Additionally, filing with the FAA will occur within 5 days after construction of the Proposed Project reaches its greatest height. Based on the FAA determination, the Proposed Project would result in no impact to aviation safety or operations.

### *Railroad*

While the Alaksa Railroad occurs adjacent to the Project Site, no construction-related actions, either temporary or permanent, would occur within the easement. Therefore, no changes to the operation or access to the railway would occur as a result of Alternative A. There would be no impact.

### *Agriculture*

The NRCS does not characterize soils on the Project Site as prime farmland or farmland of statewide importance (NRCS, 202). Furthermore, the Project Site and surrounding land are not used or zoned for agriculture. Therefore, there would be no impact to agricultural resources.

## **Alternative B: Event Center**

Alternative B would be similar to Alternative A regarding land use impacts as the development area would be similar and both proposed uses are commercial in nature. Therefore, impacts would be less than significant for the same reasons as described for Alternative A.

## **Alternative C: No Action**

Under Alternative C, the Project Site would not be subject to a land lease and would remain an undeveloped restricted fee Native Allotment. Therefore, land use consistency or compatibility impacts would not occur under this alternative.

## 3.10 PUBLIC SERVICES AND UTILITIES

### 3.10.1 Regulatory Setting

The public services regulatory setting is summarized in **Table 3.10-1**, and additional information on the regulatory setting can be found in **Appendix E**.

### 3.10.2 Environmental Setting

#### Water Supply and Wastewater Service

There are no municipal water or wastewater services supplied to the Project Site, and there are no readily available connections (**Appendix C**). The environmental setting for groundwater and surface water is addressed in **Section 3.3**.

**Table 3.10-1: Regulatory Policies and Plans Related to Public Services and Utilities**

Regulation	Description
<b>Federal</b>	
Safe Drinking Water Act	<ul style="list-style-type: none"> <li>Establishes protective drinking water standards for protection of public health.</li> </ul>
Clean Water Act	<ul style="list-style-type: none"> <li>Establishes environmental discharge requirements for wastewater treatment.</li> </ul>
Public Law 280	<ul style="list-style-type: none"> <li>Changed criminal jurisdiction from the federal government to certain states, including Alaska, for offenses involving tribal members in Indian Country.</li> </ul>
<b>State and Local</b>	
Alaska State Regulations	<ul style="list-style-type: none"> <li>Contains state level regulations for public services, including law enforcement and emergency medical response.</li> <li>Also contains regulations related to utilities including utility cost, location, and relocation.</li> </ul>
Municipality of Anchorage Municipal Code	<ul style="list-style-type: none"> <li>Houses Municipality of Anchorage standards, requirements, and authorities of law enforcement and emergency medical municipal staff.</li> <li>Outlines local regulations for utilities, including cost and easements.</li> </ul>

#### Solid Waste

The nearest landfill, the Anchorage Regional Landfill, is located approximately 9.2 miles south southwest of the Project Site and is approximately 275 acres in size (Municipality of Anchorage, 2023, 2024b). The Anchorage Regional Landfill accepts all types of solid waste and has a hazardous material disposal facility.

#### Electricity, Natural Gas, and Telecommunications

Matanuska Electric Association, Inc. provides electricity services in the vicinity of the Project Site. Overhead power lines occur on the southern boundary of the Project Site. Enstar Natural Gas Company is the local provider of natural gas. There are private companies that provide telephone, internet, and cable services to properties within the vicinity of the Project Site. GCI and AT&T are the main providers for internet and cellular services in the region of the Project Site. Verizon and T-Mobile partner with GCI to provide additional service.



## Law Enforcement

As discussed in **Section 2.1**, the Anchorage Police Department and the Eklutna Native Village have an agreement with respect to issues of safety and trespass (Eklutna Native Village, 2019). The Anchorage Police Department is headquartered in Anchorage with three precincts throughout the city. The Anchorage Police Department is the primary law enforcement agency for the Project Site.

## Fire Protection and Emergency Medical

As discussed in **Section 2.1**, the AFD provides fire protection and EMS to the Anchorage area. AFD is assisted by two volunteer fire departments: the CVFRD and the Girdwood Fire Department. CVFRD provides fire protection services and EMS to approximately 47 square miles, which includes the Project Site. CVFRD consists of over 100 members and responds to more than 1,000 emergency calls per year, 70 percent of which are medically related (CVFRD, 2024). CVFRD Station 34 is the nearest fire station to the Project Site and is located approximately 0.2-miles to the north. Emergency calls are dispatched through the Municipality of Anchorage Communications Center, which operates 24-hours a day, 7 days a week (Municipality of Anchorage, 2024a). Several private medical transports, including both life flight and ambulance are available. The nearest hospitals are the Mat-Su Regional Medical Center and the Alaska Regional Hospital approximately 12.6 miles northeast and 18.0 miles southwest of the Project Site.

## Public Schools

The Project Site is located within the Anchorage Public School District. The nearest public school to the Project Site is the Chugiak Elementary School approximately 1.4 miles southeast. Schools within the Anchorage Public School District cover grades K through 12, with a projected 2027 district-wide enrollment of 48,779 students (**Appendix D**).

## Parks and Recreation

The nearest community park is Oberg Park, located approximately 1.0 miles southeast from the Project Site. This park provides community soccer fields, picnic areas, a basketball court, and a playground. Natural spaces and open spaces are scattered throughout the region, including hiking trails, lakes, campsites, and undeveloped frontage along the Knik Arm.

### 3.10.3 Impacts

#### Assessment Criteria

An adverse effect would occur if project-related demands on public services would cause an exceedance of system capacities that results in significant effects to the physical environment.

#### Alternative A: Proposed Project

##### *Water Supply and Wastewater*

As discussed in **Section 2.1**, water supply for Alternative A would be provided via a new on-site well in the long-term and potentially via potable water delivery in the short-term, and wastewater treatment would be managed by a new on-site septic system. No additions or modifications to the public water supply or wastewater collection or treatment infrastructure would be necessary. Because Alternative A would not require public water supply or wastewater treatment services, there would be no effect.

Potential impacts to water resources from the proposed on-site water supply and wastewater treatment systems are discussed in **Section 3.3**.

### *Solid Waste Service*

#### Construction

Solid waste from construction may include vegetation removal, paper, wood, glass, aluminum, and plastics from packing materials; waste lumber; insulation; empty non-hazardous chemical containers; concrete; metal, including steel from welding/cutting operations; and electrical wiring. These solid waste materials are typical of construction sites. The Alaska Regional Landfill accepts waste from construction, and therefore the solid waste could be deposited there for processing. Solid waste generated from the construction of Alternative A would be temporary, and therefore would not impact the Alaska Regional Landfill's long-term capacity to serve its current customers.

#### Operation

The Alaska Regional Landfill is being expanded as needed based on increases in waste production associated with population growth. Expansion is completed through the construction of "cells" that allow the landfill to meet expected demand and respond to growth. According to the Municipality of Anchorage's 2023 Approved Utility/Enterprise Budgets, the landfill is anticipated to have a total capacity in excess of 47.5 million cubic yards at full buildout, with the most recent annual demand measured at over 300,000 tons in 2021 (Municipality of Anchorage, 2023).

It is anticipated that the Alaska Regional Landfill will have capacity to receive solid waste until 2069. The proposed gaming facility is approximately 58,000 sf. Commercial developments have an estimated 13 pounds per 1,000 square feet of building space per day (CalRecycle, 1993). This equates to 137.6 tons of solid waste per year, or approximately 0.046 percent of the annual projected waste demand. This would be an insignificant amount even in the absence of growth planning. Therefore, no adverse impacts to solid waste services would occur.

### *Electricity, Natural Gas, and Telecommunications*

As discussed in **Section 2.1**, buildings would meet the standards set forth in the IBC. Construction activities can damage underground utilities and lead to outages and/or serious injury. Prior to construction of Alternative A, the State Utility Notification Center would be contacted to notify utility service providers of excavation activities to avoid impacts to existing utilities (**Table 2.1-1**). Thus, impacts to existing utilities due to construction activities would not occur. The Project Site is already connected to electricity, and there is existing additional electrical infrastructure in the vicinity of the Project Site that could provide additional capacity as needed. The Tribe would coordinate with local electric providers regarding necessary improvements to the electrical infrastructure to serve the needs of the gaming facility. The Tribe would pay the cost associated with increasing the electrical capacities to the Project Site per provider specifications. Construction requirements, such as trenching and laying service lines, may result in minor temporary impacts in areas that are already developed or otherwise disturbed. This would be a less-than-significant impact.

The Tribe intends to utilize electrical appliances in lieu of natural gas to the extent practicable; however, it is expected that the heating system and cooktops may be fueled by natural gas. Natural gas infrastructure is available in the vicinity of the Project Site, and utility connections would take place within existing disturbed rights-of-way and/or utility easements. Therefore, effects associated with natural gas infrastructure would be less than significant.

Local telecommunication utility companies of the Tribe's choosing would extend additional connections from adjacent infrastructure to provide telecommunication services. The Tribe would pay the cost associated with increasing these services to the Project Site per the telecommunication company's specifications. Construction requirements, such as trenching and laying service lines, would result in minor temporary impacts. There would be a less-than-significant impact.

### *Law Enforcement*

While there is no definitive link between gaming facilities and crime, the increased concentration of people that would result from operation of Alternative A would be expected to lead to an increase in the number of service calls to the Anchorage Police Department, similar to any other commercial development. As discussed in **Appendix D**, Alternative A is projected to result in approximately 199 law enforcement calls for service annually. This would represent an increase in call volume of approximately 0.1 percent, which is not anticipated to require the construction of new or expanded facilities. Although Alternative A would result in a minor increase relative to the overall volume of calls within the Anchorage Police Department service area, this would require allocation of funds and resources beyond what would occur under existing conditions on the Project Site.

Under Alternative A, BMPs have been incorporated into the project design to enhance security on the Project Site during operation. This includes security cameras and Tribal security personnel that would provide surveillance at the Project Site.

Criminal and civil incidents would be reduced by security guards patrolling the facilities who would carry two-way radios to request and respond to back up or emergency calls in addition to other measures (**Table 2.1-1**). As previously stated, the Tribe has entered into an agreement with the Anchorage Police Department. Mitigation in **Section 4** is recommended to ensure that the Municipality of Anchorage and Anchorage Police Department are consulted and that a procedure is established for compensation, collaboration, and communication regarding the impacts of the Proposed Project on service calls and the effectiveness of such service calls. Further, mitigation in **Section 4** states that if the Tribe cannot enter into an agreement for law enforcement services, the Tribe would establish, equip, and staff its own tribal law enforcement department to serve the Project Site. With inclusion of mitigation, no adverse impacts related to increased demand for law enforcement services would occur.

### *Fire Protection and Emergency Medical Services*

#### Construction

During construction of Alternative A, construction vehicles and equipment, such as welders, torches, and grinders, may accidentally spark and would pose a minimal fire risk. The increased risks of fire during construction would be similar to that found at other construction sites and would not be considered abnormal or significant. Similarly, risk of injury and the need for emergency medical response during construction of Alternative A would be similar to the demands found at other construction sites and would be temporary in nature. To further reduce the probability of fire risk, construction-related BMPs in **Table 2.1-1** are provided to further minimize potential adverse effects related to fire risks. Thus, potentially adverse impacts related to construction-phase calls for service would be less than significant.

#### Operation

Operation of Alternative A would create additional demand for fire protection and emergency services. Calls for service would not be disproportionate to other commercial developments in the region. Alternative A is estimated to generate approximately 46 calls for fire/EMS services annually (**Appendix D**).

The CVFRD responds to over 1,000 calls for service annually (CVFRD, 2024). An additional 46 calls for service would constitute an increase of less than 4.6 percent, or a 0.1 percent increase when considering calls for service responded to by the Anchorage Fire Department as a whole. While the minimal increase in fire protection services is not anticipated to trigger the need to construct new facilities, this would nonetheless constitute a potentially significant impact. Prior to development, the Tribe intends to work with the Municipality of Anchorage and CVFRD on a procedure for communicating, compensation, and collaborating regarding the impacts of and effectiveness of fire protection and emergency medical services provided to the Project Site, which has been included as a mitigation measure in **Section 4**. Further, mitigation in **Section 4** states that if the Tribe cannot enter into an agreement for fire protection services or EMS, the Tribe would establish, equip, and staff a tribal fire department to serve the Project Site. With inclusion of mitigation, no adverse impacts related to increased demand for fire protection and EMS would occur.

### *Public Schools*

Alternative A has the potential to result in a small increase in the local population that would result in the potential to increase the number of school-aged children in the region. However, the Anchorage School District currently has 5,000 fewer enrolled students than it did 10 years ago, with 18 schools operating at below 65 percent of their intended capacity (ASD, 2024). Therefore, sufficient capacity exists within the existing public school system to accommodate Alternative A, even in the absence of regional infrastructure growth planning. As discussed in **Appendix D**, Alternative A is anticipated to result in an increase of approximately 13 school-aged children within the school district (0.03 percent increase). This is a less-than-significant impact.

### *Parks and Recreation*

Alternative A is not expected to significantly increase visitation to nearby parks because it would not significantly increase the local population. Approximately 63 people would permanently move into the area. This represents approximately 0.02 percent of the anticipated 2027 population of the region. Patrons of Alternative A could potentially visit attractions in the surrounding areas including parks and other recreational areas or libraries, but this visitation is not expected to be sufficiently significant that it would require the expansion of park or recreation facilities. There would be a less than significant impact.

### **Alternative B: Event Center**

Alternative B would result in similar impacts to public services and utilities as discussed for Alternative A above, but at a reduced scale due to the reduced intensity of Alternative B. Therefore, for the same reasons described above under Alternative A, a less-than-significant impact would occur.

### **Alternative C: No Action**

No development would occur under Alternative C, and the Project Site would remain in its current state. Consequently, no impacts to public service or utilities would occur under Alternative C.

## **3.11 NOISE**

### **3.11.1 Regulatory Setting**

The noise regulatory setting is summarized in **Table 3.11-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.11-1: Regulatory Policies and Plans Related to Noise**

Regulation	Description
<b>Federal</b>	
Federal Highway Administration (FHWA) Noise Abatement Criteria	<ul style="list-style-type: none"> <li>▪ Thresholds during operation for park and residential areas are 67 dBA Leq.</li> <li>▪ Thresholds during operation for developed areas are 72 dBA Leq.</li> </ul>
Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual	<ul style="list-style-type: none"> <li>▪ Peak particle velocity (PPV) is the maximum instantaneous peak (inches per second) of the vibration signal.</li> <li>▪ Vibration damage criteria for structures is 0.5 PPV and 0.1 PPV for annoyance.</li> </ul>
<b>Local</b>	
Anchorage Municipal Noise Ordinance (AMC15.70)	<ul style="list-style-type: none"> <li>▪ Establishes detailed noise level limits for various settings (residential, commercial, industrial) and times of the day to prevent noise disturbances and protect public health and quality of life.</li> <li>▪ Includes provisions for different sources of noise such as construction sites, motor vehicles, and public activities, outlining permissible noise levels and operational restrictions during specified times.</li> </ul>

### 3.11.2 Environmental Setting

The fundamentals of sound, effects of noise on people, and characteristics of vibrations are discussed in **Appendix E**. Dominant noise sources in the vicinity of the Project Site consist of traffic along Birchwood Spur Road and Birchwood Loop Road, air traffic from Birchwood Airport, operation noises from the commercial development directly south, and train activity from the railroad directly north. Onsite there are only minor sources of noise, primarily from Peters Creek on the eastern border and wildlife sounds, such as bird calls. These sources of noise are estimated to produce the following noise levels based on the Federal Transit Administration Transit Noise and Vibration Assessment Manual (2018), Table 4-17, unless specified otherwise:

- **Rural Baseline Noise (30 to 40 dBA):** Based on the population in Census Tract 1.02 (4,323, **Table 3.7-4**), ambient noise levels in rural settings without significant human-made noise sources are typically around 55 dBA  $L_{dn}$ <sup>6</sup> and 55 dBA  $L_{eq}$  during the daytime.
- **Traffic Noise:** Based on the 2020 U.S. Department of Transportation National Transportation Noise Map for roadways during 2020, Birchwood Spur Rd and Birchwood Loop Rd are estimated to produce approximately 50 dBA  $L_{eq}$  24-hour (U.S. Department of Transportation, 2020).
- **Train Track Noise:** Given the train tracks are approximately 50 feet from the Project Site's northern border, noise levels from passing trains are estimated to reach 70  $L_{dn}$  at a distance of 30 to 60 feet from the track. At the nearest sensitive receptor (described below), the noise level is estimated at 60 dBA  $L_{dn}$  at 120 to 240 feet.

<sup>6</sup> Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level, identified as " $L_{eq}$ ", which corresponds to a steady-state A-weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). Day/night average level (DNL or  $L_{dn}$ ) is based upon the average noise level over a 24-hour day, with a +10-decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours

- **Airport Noise:** Airport noise was estimated using noise contours generated for a similarly sized airport, Lake Tahoe Airport in California. Based on the 2015 noise contours for this airport, it is estimated the Birchwood Airport would produce 60 dBA  $L_{dn}$  at the Project Site border and nearest sensitive receptor (Lake Tahoe Airport, n.d.).

Based on these factors, the estimated ambient noise levels in the vicinity of the Project Site and at the nearest sensitive receptor are 55 to 60 dBA  $L_{dn}$ . The Project Site is surrounded by undeveloped wooded land with scattered residential homes. The nearest sensitive receptor is a single-family home located 128 feet south of the Project Site.

### 3.11.3 Impacts

#### Assessment Criteria

The assessment of noise effects is based on federal Noise Abatement Criteria (NAC) standards used by the FHWA and on FTA thresholds for perceptible vibration. Specifically, adverse noise and vibration effects are identified at existing sensitive receptor locations if the following were to occur as a result of development:

- Project construction noise levels exceed the FHWA guide estimated noise thresholds for significance for noise-sensitive locations: 7 am to 6 pm = 90 dBA  $L_{max}$ ; 10 pm to 7 am = 80 dBA  $L_{max}$ .
- Project construction vibration levels exceed 65 vibration decibels (VdB) (FTA threshold of perception).
- The 23 CFR 772 NAC provides an operational noise threshold of 67 dBA,  $L_{eq}$  for traffic-induced noise for residential land uses.

Additionally, relevant AMC noise standards set forth in the AMC 15.70 (**Appendix E**) were considered, although the Project Site consists of a restricted fee Native Allotment and is therefore not subject to State or local noise regulations:

- Construction noise is prohibited during the hours of 10 pm to 6 am (7 am during non-construction season), and on Sundays and holidays. Noise exceeding 80 dB(A)  $L_{eq}$  at residential property boundaries between 6 am and 10 pm (7 am during non-construction season) is further prohibited.
- No person shall operate any device that causes vibration above the perception threshold within a residential or noise-sensitive zone between 10 pm and 7 am.
- Receiving land use noise thresholds with construction noise being exempt per 15.70.080C:
  - Residential areas: 7 am to 10 pm = 60 dBA; 10 pm to 7 am = 50 dBA
  - Commercial areas: 7 am to 10 pm = 70 dBA; 10 pm to 7 am = 60 dBA

#### Alternative A: Proposed Project

##### *Construction Noise*

Construction noise within the Project Site would result from construction equipment, construction activities, and vehicle traffic, which consists of trucks hauling materials and workers entering and exiting the Project Site. Construction would result in temporary periods of elevated noise levels, typically generating maximum noise levels up to 96 dBA  $L_{max}$  at a distance of 50 feet, as indicated in **Table 3.11-2**.



**Table 3.12-2: Construction Equipment Noise Levels**

Construction Equipment	Typical Maximum Noise Levels (dBA) at 50 feet
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Saw	90
Excavator	81
Generator Set	82
Grader	85
Paver	85
Truck	84
Dozer	85
Roller	85
Scraper	85
Tractors/Loaders	80
Welders	74

Sources: FTA, 2018; FHWA, 2006

Noise levels at the Project Site would vary depending on the particular type, number, and duration of use of the various pieces of construction equipment. Noise from stationary sources, such as construction equipment, attenuates (lessens) at rate of 6 - 9 dBA per doubling of distance from the source, depending on environmental conditions. To be conservative, an attenuation factor of 6 dBA per doubling of distance was used for the Project Site, although the density of trees and vegetation around the Project Site has the potential to increase the attenuation even more. If the loudest piece of equipment is being utilized, the noise level would be 87.8 dBA  $L_{max}$  at the nearest sensitive receptor, which is 128 feet or more from the Project Site. This level would be below the FHWA NAC standards of 90 dBA  $L_{max}$  for sensitive receptors during daytime hours. Furthermore, construction would be temporary in nature, and not all equipment would be utilized simultaneously. BMPs identified in **Table 2.1-1** would reduce the potential for noise during construction activities and limit construction hours to 6 am (7 am during non-construction months) to 10 pm to reduce the potential for sleep disturbance, consistent with construction hours specified within AMC 15.70.060.B3. Therefore, construction noise from stationary sources would be less than significant.

The expected increase in traffic due to construction would be temporary and likely insufficient to double the existing traffic volume that would be necessary to raise ambient noise levels by 3.0 dBA - the minimum change required for a noticeable difference. Consequently, the temporary increase in traffic levels would not lead to a perceivable increase in ambient noise levels.

### *Construction Vibration*

The vibration levels of typical construction equipment at a distance of 25 feet from the equipment are shown in **Table 3.11-3**. Excessive vibration is usually only an issue when construction equipment with high vibration potential occurs within 25 to 100 feet of a structure. Construction activity would occur beyond 100 feet from the nearest residential structure. Furthermore, no vibration would be generated between the hours of 10 pm and 7 am, thus being consistent with the standard set forth in AMC 15.70.060.19 regarding vibration. Therefore, vibration associated with on-site construction under Alternative A would not have a significant adverse effect on nearby sensitive receptors.

**Table 3.11-3: Vibration Levels for Construction Equipment**

Vibration Source	Approximate Vibration Level (VdB) at 25 ft
Vibratory Roller	94
Large Bulldozers	87
Loaded Trucks	86
Jackhammer	79

Source: Federal Transit Administration, 2018

### *Operation Noise*

The ambient noise environment surrounding the Project Site is already affected by the existing airport, traffic, industrial land uses, and train traffic on the Alaska railway. During operation of Alternative A, increased traffic would be the largest contributor of new noise to the existing environment. The roadways that would experience the greatest noticeable noise changes from increased traffic due to the operation of the gaming facility would be Birchwood Spur Rd and Birchwood Loop Rd, both of which have residential receptors located alongside. Based on information contained in **Appendix A** and specified within **Section 3.8**, traffic volumes on these roadways would more than double as a result of Alternative A. In 2020, Birchwood Spur Rd experienced 2,320 average annual daily trips.

Alternative A is anticipated to generate as much as 8,010 weekday trips and 10,550 Saturday trips. This is estimated to generate up to an approximately +6.5 dBA increase in the ambient noise environment in the vicinity of these roadways. Currently, ambient noise on Birchwood Sur Rd and Birchwood Loop Road due to traffic is estimated at 50 dBA  $L_{eq}$ . The addition of traffic from Alternative A could potentially increase traffic noise levels to 56.5 dBA  $L_{eq}$ . While this would be a noticeable change exceeding the threshold of perception (3 dBA), the NAC of 67 dBA for residential land uses would not be exceeded. Therefore, increases in traffic noise levels would be less than significant.

On-site noise sources would primarily be from trucks; cars; heating, ventilation, and air conditioning (HVAC) systems; and parking lot noise. Idling trucks with trailers at loading docks have the potential to generate noise levels up to 100 dBA  $L_{max}$  (Berger et al., 2015). While idling trucks could be significant sources of noise, idling would only occur for short periods of time (less than 5 minutes) and truck deliveries would not occur frequently but periodically during the week.

Therefore, the noise generated from the trucks is not expected to cause the exceedance of the 67 dBA NAC threshold or those set forth in the AMC 15.70. Other sources of increase in the ambient noise level associated with paved surface parking lots and driveways under Alternative A would be mainly due to slow-moving and idling vehicles, the opening and closing of doors, and patron conversations. Noise levels in the parking lot would be generally dominated by slow-moving vehicles. Buildings would also be equipped with HVAC units that would most likely be roof mounted. The HVAC equipment would have noise shielding and other industry-standard noise abatement measures installed. Noise from the parking lot and HVAC systems would not be expected to raise the ambient sound environment to 67 dBA at the nearest sensitive receptors or generate a noticeable difference to exceed AMC 15.70 standards or the NAC threshold for residential land uses. Therefore, miscellaneous noise levels from on-site vehicles and HVAC equipment under Alternative A would not result in significant adverse effects associated with the off-site ambient noise environment. This impact would be less than significant.

### *Operation Vibration*

Commercial uses do not include sources of perceptible vibration. Therefore, Alternative A would not result in vibration and noise levels at nearby sensitive receptors and would not exceed the federal noise abatement criteria; therefore, no significant adverse effects would occur.

### **Alternative B: Non-Gaming Alternative**

Alternative B would result in similar construction and operational noise and vibrations impacts as Alternative A, although at lower levels due to the smaller scale of the development. Similar to Alternative A, construction noise and vibration would be temporary for Alternative B and would BMPs in **Table 2.1-1** would be included in project design. The increase in traffic volumes and other on-site noise sources would be similar to Alternative A during operation but at a reduced scale, and the impacts would be less than significant. Accordingly, Alternative B would not result in significant adverse noise and vibration effects.

### **Alternative C: No Action Alternative**

Under Alternative C, the Project Site would have no further development and would not generate noise beyond existing undeveloped land use. No noise impacts would occur under Alternative C.

## 3.12 HAZARDS AND HAZARDOUS MATERIALS

### 3.12.1 Regulatory Setting

The hazardous materials regulatory setting is summarized in **Table 3.12-1**, and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.12-1: Regulatory Policies and Plans Related to Hazardous Materials and Hazards**

Regulation	Description
<b>Federal</b>	
Resource Conservation and Recovery Act	<ul style="list-style-type: none"> <li>Grants the USEPA the authority to manage hazardous waste throughout its life cycle, including storage, treatment, transportation, production, and disposal.</li> <li>Establishes a management framework for non-hazardous solid wastes.</li> <li>Authorizes the USEPA to respond to environmental problems related to underground hazardous substance storage tanks, including petroleum.</li> </ul>
Federal Food, Drug, and Cosmetic Act	<ul style="list-style-type: none"> <li>Enables the USEPA to determine the maximum pesticide residue amount on food. Maximum limits are based on findings that the maximum limit will be reasonably safe in terms of accumulated exposure to the pesticide residue. For pesticides without a set maximum residue limit, the USEPA has the authority to seize these commodities.</li> </ul>
Federal Insecticide, Fungicide, and Rodenticide Act	<ul style="list-style-type: none"> <li>Mandates that pesticides sold or distributed be licensed with the USEPA. A pesticide cannot be licensed until it is proven that the pesticide will not generally cause unreasonable adverse effects on the environment if utilized in accordance with its specifications.</li> </ul>
Hazard Communication Standard	<ul style="list-style-type: none"> <li>Ensures information about chemical and toxic substance hazards in the workplace and associated protective measures are disseminated to workers exposed to hazardous chemicals, including labels, safety data sheets, and proper handling training.</li> <li>Chemical manufacturers and importers that produce and import chemicals are required to assess their products for hazards; safety data sheets and labels must be created with information that outlines the dangers of the products.</li> </ul>

Regulation	Description
Hazardous Substances Act	<ul style="list-style-type: none"> <li>▪ Necessitates that hazardous household products have precautionary labeling to alert consumers of hazards, proper storage, and immediate first aid steps in case of an accident.</li> <li>▪ Enables the Consumer Product Safety Commission to prohibit severely dangerous products and products with hazards that cannot be labeled accordingly to Hazardous Substances Act standards.</li> </ul>
Toxic Substance Control Act	<ul style="list-style-type: none"> <li>▪ Authorizes the USEPA with the authority to require record keeping, reporting, test requirements, and restrictions associated with certain chemical substances and/or mixtures.</li> <li>▪ Addresses the production, importation, use, and disposal of certain chemicals (e.g., lead paint).</li> </ul>
Emergency Planning and Community Right-to-Know Act	<ul style="list-style-type: none"> <li>▪ Requires industry to report on the use, storage, and release of hazardous substances to federal, state, and local governments.</li> <li>▪ Requires Indian tribes and state and local governments to utilize this information to prepare their communities for potential risks.</li> </ul>
National Fire Protection Association Codes and Standards	<ul style="list-style-type: none"> <li>▪ Codes and Standards to minimize the possibility and effects of fire and other risks including, but not limited to sprinkler systems, fire alarms, parking structures, emergency response, and wildland fire protection.</li> </ul>
<b>Local</b>	
Alaska State Statutes	<ul style="list-style-type: none"> <li>▪ Title 41, Chapter 15 primarily covers wildfire prevention, management, and response, including provisions for protecting forested lands, establishing a fire suppression fund, setting fire season regulations, requiring permits, and granting enforcement authority to peace officers.</li> <li>▪ Regulate hazardous materials by setting requirements for handling, reporting, and emergency response to protect public and environmental safety.</li> </ul>
Alaska Interagency Fire Management Plan	<ul style="list-style-type: none"> <li>▪ Provides a framework for wildfire suppression and management across the State's 375 million acres.</li> <li>▪ The plan divides Alaska into four fire protection categories - Critical, Full, Modified, and Limited - to prioritize fire suppression efforts based on the value of resources at risk and fire management objectives.</li> </ul>

### 3.12.2 Environmental Setting

#### Hazardous Materials

##### *Reconnaissance*

**Table 3.12-2** summarizes the current and past uses of the Project Site in addition to the current uses of the adjoining properties. A reconnaissance survey of the Project Site was conducted from July 15 to 19, 2024 to assess the Project Site for potential hazardous materials issues. No active hazardous material conditions or undocumented fill were identified. Additional details are included in **Appendix K**.

##### *Database Searches*

A database search of the Project Site and surrounding area was conducted in August 2024 for records of known storage tank sites and hazardous materials generation, storage, or contamination (**Appendix K**).

**Table 3.12-2: Current and Past Uses of the Project Site and Adjoining Properties**

Current/Past Uses	Description
<b>Project Site (Current and Past)</b>	
Current Use of Project Site	Vacant forest land with cleared areas
Past Use of Project Site	Previously developed with a single-family residence
Existing Structures on Project Site	None
<b>Adjoining Properties (Current)</b>	
Current Use of Adjoining Property (North)	Bordered by Alaska Railroad Corporation
Current Use of Adjoining Property (West)	Adjoining property associated with the railroad
Current Use of Adjoining Property (East)	Peters Creek
Current Use of Adjoining Property (South)	Commercial facility (maintenance yard) and residential homes

Federal, State, and local databases were searched utilizing the online tool Netronline in addition to the State Department of Environmental Conservation Contaminated Sites Web Map for researching recorded cleanups and spills. Databases were searched for sites and listings up to one mile from a point roughly equivalent to the center of the Project Site. The Project Site was not listed on any regulatory agency database as having previous or current hazardous materials uses or releases, and no identified sites in the vicinity presented a risk of contamination to the Project Site. Of the results reviewed for the 1-mile radius, only ONE site had an active cleanup status, which is further discussed in **Appendix K** and does not pose a hazardous materials risk to the Project Site.

## Hazards

### *Wildfire*

Alaska's fire season occurs in spring and summer, with wildfires caused by wind and human activities near communities and the peak season occurring mid-June to early July (Grabinski, Z. & H. R. McFarland, 2019). According to the Alaska Interagency Fire Management Plan, the Project Site is located within a Critical Protection zone, which prioritizes aggressive fire suppression efforts due to the presence of population centers, key infrastructure, and high-value resources. This designation ensures that any wildfire in the vicinity of the Project Site will be met with the highest level of suppression response to protect life, property, and essential services (Grabinski, Z. & H. R. McFarland, 2019). A historical fire on the Project Site, known as the Birchwood Fire, occurred in 1970. There are other historical fires reported in the area within a mile of the Project Site (AK Wildland Fire Information, 2024). Several other historical fires have occurred within a mile of the Project Site, often caused by human activities.

### *Avalanches*

As of 2019 (the most recent year for which data is available), no avalanches have been recorded on or near the Project Site. The nearest recorded avalanches are approximately 2.8 miles west of the Project Site, occurring in 2005, and were designated by the North American Public Avalanche Danger Scale, with 1 being the lowest amount of danger and 5 being the highest, as level 2 and 4 (State of Alaska Geoportal, 2019).

### 3.12.3 Impacts

#### Assessment Criteria

A project would be considered to have significant hazardous material impacts if the site had existing hazardous materials that would require remediation or mitigation prior to development of a project. Additionally, if a project results in the use, handling, or generation of a controlled hazardous material of which the regulated amount would increase the potential risk of exposure that could result in the reduction in quality or loss of life, then the project would have a significant impact. A project would be considered to have a significant impact associated with wildfire if it were to increase wildfire risk on-site or in the surrounding area. A project could increase avalanche hazards if it created steeper slopes or removed stabilizing vegetation.

#### Alternative A: Proposed Project

##### *Hazardous Materials*

##### Construction

As discussed in **Section 3.12.2**, no hazardous materials contamination is currently associated with the Project Site, nor are there active hazardous materials sites within a one-mile radius that pose a risk to the site. Therefore, it is anticipated no hazardous material contamination would be encountered on the Project Site during construction. Hazardous materials used during construction may include gasoline, diesel fuel, motor oil, hydraulic fluid, solvents, cleaners, sealants, welding flux, various lubricants, paint, paint thinner, and other products.

As with any liquid or solid material, the potential for accidental release exists during handling, transfer, or general usage. Depending on the relative hazard of the material, if a spill were to occur of significant quantity, the accidental release could pose both a hazard to construction employees as well as to the environment. Construction BMPs required within the NPDES CGP limit and often eliminate the impact of such accidental releases.

Since contact with stormwater during construction is the primary means of transporting these contaminants offsite, appropriate BMPs for this impact are included in the construction stormwater BMPs in **Table 2.1-1**. With the implementation of these BMPs and compliance with federal laws relating to the handling of hazardous materials, no adverse effects associated with the accidental release would occur during construction.

##### Operation

As discussed in **Section 3.12.2**, no hazardous materials contamination is currently associated with the Project Site, nor are there active hazardous materials sites within a one-mile radius that pose a risk to the site. The maintenance of on-site landscaping would require the transportation, storage, and use of pesticides and fertilizers. Other potentially hazardous materials used for Alternative A would be related to operation and maintenance. These would include, but are not limited to, motor oil, hydraulic fluid, solvents, cleaners, lubricants, paint, and paint thinner. Diesel fuel storage tanks would be utilized for the on-site emergency generator under Alternative A. If these substances were handled inappropriately, then this could pose a potential risk to on-site persons and the environment.



U.S. Department of Labor Occupational Safety and Health Administration (OSHA) regulations require documentation of potential risks associated with the handling, use, and storage of flammable and toxic substances under the Hazard Communication Standard. OSHA regulations codified in 29 CFR Part 1910 are applicable to Alternative A. Diesel fuel storage tanks would comply with the National Fire Protection Association standards for aboveground storage tanks and have secondary containments systems. Hazardous materials would be stored, handled, and disposed of according to federal and manufacturer's guidelines. The transportation of diesel would be infrequent and would not create a potential hazard to the public. Therefore, Alternative A would not result in significant adverse effects related to the waste produced or hazardous materials used.

### *Wildfire Risk and Other Hazards*

#### Construction

During construction, equipment has the potential to create sparks or heat that could ignite the surrounding vegetation and trees. Examples of construction equipment that could increase fire risk include power tools, welding equipment, and machinery with exposed heat sources, such as engines and exhaust systems. To mitigate the risk of fire during construction, BMPs outlined in **Table 2.1-1** would be implemented. Additionally, fuel spills would be promptly addressed to eliminate potential ignition sources. Furthermore, the Project Site is located within a Critical Protection zone, and therefore any fire ignition would receive a rapid response to minimize the risk of spreading. Therefore, the potential for fire ignition and growth during construction is considered less than significant.

#### Operation

During operation of Alternative A, the probability of igniting a fire onsite is small, as onsite fuel loads would be minimal. As discussed in **Section 2.1**, Alternative A would be designed consistent with the IBC, which includes measures related to fire and structural safety. Furthermore, the Tribe would take all necessary steps to reasonably ensure the ongoing availability of sufficient and qualified fire suppression services to the Project Site after implementation of Alternative A. Fire protection features, such as sprinkler systems and fire-resistant materials, would be incorporated into the design of Alternative A. These measures would reduce the risk of a large structure fire commencing on or spreading off the Project Site. Therefore, impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving ignition of wildland fires during operation of Alternative A are less than significant.

Avalanche events have the potential to occur in the broader vicinity of the Project Site. Alternative A would not result in the creation of steeper slopes that would increase the probably of an avalanche occurring. As shown in **Figure 3.2-1**, the surrounding area lacks steep terrain that would be conducive to avalanche formation, and the Project Site and surrounding area are not located in a historic avalanche zone. This would be a less than significant impact.

### **Alternative B: Event Center**

Alternative B would have similar hazardous material and fire ignition risks as Alternative A during construction and operation, as the size of structures, development footprint, and type of construction equipment used would be the same. Similar to Alternatives A, BMPs in **Table 2.1-1** would reduce these potential risks to less than significant.

## Alternative C: No Action

Under Alternative C, the Project Site would remain in its current state. Hence, no hazardous material or fire impacts would occur under Alternative C.

## 3.13 VISUAL RESOURCES

### 3.13.1 Regulatory Setting

The visual resources regulatory setting is summarized in **Table 3.13-1**, and additional information on the regulatory setting can be found in **Appendix D**.

**Table 3.13-1: Regulatory Policies and Plans Related to Visual Resources**

Regulation	Description
<b>Federal</b>	
Wild and Scenic Rivers Act	<ul style="list-style-type: none"> <li>▪ Established a policy of preserving designated free-flowing rivers for the benefit and enjoyment of present and future generations.</li> <li>▪ Encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection.</li> </ul>
<b>State and Local</b>	
Alaska Department of Transportation and Public Facilities (DOT&PF)	<ul style="list-style-type: none"> <li>▪ Manages and maintains designated scenic byways and corridors, which includes design and maintenance guidelines to preserve the scenic quality of these routes.</li> </ul>
Department of Natural Resources	<ul style="list-style-type: none"> <li>▪ The Division of Mining, Land and Water works with the public to identify important resources and determine their uses, such as those for their scenic quality.</li> </ul>
Anchorage Municipal Code (AMC) Title 21	<ul style="list-style-type: none"> <li>▪ Chapter 10 provides the standards and regulations for zoning and development in the Chugiak-Eagle River area.</li> <li>▪ Chapter 21 addresses the development and design standards for the municipality.</li> </ul>
Anchorage 2040 Land Use Plan	<ul style="list-style-type: none"> <li>▪ Identifies and seeks to protect visual resources through managing development and land use in ways that preserve important views and landscapes.</li> </ul>
Chugiak-Eagle River Comprehensive Plan Update 2006	<ul style="list-style-type: none"> <li>▪ Aims to identify viewsheds and important natural features in order to develop measures for development patterns, community facilities, and site designs that recognize scenic views and the natural character of the community.</li> </ul>

### 3.13.2 Environmental Setting

The Project Site consists of vacant partially wooded land with some cleared areas associated with a former residence, outbuildings, and access roadways. Peters Creek occurs approximately 40-feet from the Development Area. As discussed in **Section 3.2**, the Project Site is relatively flat land with elevations on-site ranging from approximately 73 to 88 feet amsl. The area surrounding the Project Site is residential and industrial to the west and north, light industrial to south, with rural residential developments to the east and south. The Alaska Railroad borders the northern boundary of the Project Site, and the Birchwood Airport is located approximately 750-feet to the northwest. Public views of the Project Site are limited to those experienced by travels along Birchwood Spur Road to the west as shown in **Figure 3.13-1**.



Photo 1: View of Project Site and Alaska Railroad train tracks facing northeast from Birchwood Spur Road



Photo 2: View of Project Site facing southeast from Birchwood Spur Road

**FIGURE 3.13-1**  
PROJECT SITE VIEWSHEDS



The surrounding properties have varying visibility of the Project Site, primarily due to stands of forestland, with no residence having an unobstructed direct view. The Project Site presents no distinctive scenic features compared to the surrounding areas to the north, west, south and east due to the consistent commercial landscape with intermittent forestland and rural residences. No significant lighting or glare is currently emitted from the Project Site. Sources of light and glare in the vicinity are primarily from the industrial operations to the west, Birchwood Airport to the northwest, and commercial structures to the south.

For community design, the Chugiak-Eagle River Comprehensive Plan includes inventorying scenic viewsheds and natural features as a future objective. Development and design standards for the Chugiak area, including the Project Site, are outlined in Chapter 21.10.070 of the AMC. DOT&PF has established a Scenic Byways Program to provide access and preserve the State’s scenic areas, cultural riches, and recreational resources (DOT, 2024). Scenic resources defined by the State include scenic byways and riverways. No scenic resources were identified within close proximity to the Project Site. The closest National Scenic Byway is Glenn Highway, approximately 25 miles from the Project Site (DOT, 2024). The nearest scenic river is the Tlikakila River within Lake Clark National Park approximately 130-miles southwest (DOT, 2024).

### 3.13.3 Impacts

#### Assessment Criteria

Assessing the impacts of a project on visual resources is in large part subjective by nature. Impacts related to visual resources would be considered significant if the alternative were to degrade or diminish the aesthetics of visual resources such as scenic vistas or nature areas, introduce lighting that would substantially increase the nighttime lighting in the area above of existing conditions, and/or cast a shadow on private residences or public areas for substantial portions of the day.

#### Alternative A: Proposed Project

##### *Viewshed and Visual Character*

No federal or state designated scenic byways, scenic resources, areas of unique visual resources, recreational resources, or cultural resources occur in the vicinity of the Project Site (Scenic America, 2024). Therefore, views of such resources would not be impacted by development of Alternative A. Under Alternative A, the existing visual setting of the Project Site would change from vacant partially wooded land to views of modern commercial development. An architectural rendering of Alternative A is presented in **Figure 2.1-2**. Development of the Site would include removal of 5.13 acres of forestland and the addition of a roadway entrance and exit from the Project Site.

The most visible elements of the development would be the gaming facility and signage which would be visible to commercial properties to the south of the Project Site and travelers along Birchwood Spur Road. The Project Site would not be visible to the residence to the south due to the existing tree line on their property or other residences in the vicinity. Project design would also incorporate appropriately scaled landscaping to enhance visual character. Consequently, none of the proposed components under Alternative A would significantly alter the long-distance viewsheds currently experienced off-site. The proposed development is visually consistent with surrounding commercial and industrial developments. Therefore, Alternative A would not constitute a significant adverse effect associated with visual resources, and no scenic resources would be impacted.

### *Shadow, Lighting, and Glare*

Alternative A would include exterior lighting in the parking lot and on buildings that would potentially be visible to nearby residences. While the Project Site itself does not contain sources of nighttime lighting, existing sources of nighttime lighting in the project area are numerous, including the Birchwood Airport and industrial uses to the west and south. The lighting associated with Alternative A would constitute an increase over the existing ambient light levels on the Project Site; however, the lighting would be consistent with surrounding development and would be strategically positioned to minimize off-site lighting and glare as stated in **Table 2.1-1**. Therefore, impacts from lighting and glare would be less than significant.

### **Alternative B: Event Center**

As discussed in **Section 2.2**, Alternative B would result in site modifications within the same development area as Alternative A, but the land use would be for non-gaming purposes. As such, the visual resource impacts and shadow, lighting, and glare impacts would be similar to those discussed under Alternative A due to the similar development components and development area. BMPs have been incorporated into the project design to reduce the lighting and glare potential of Alternative A. Therefore, with project design and BMPs described in **Table 2.1-1**, impacts would be less than significant.

### **Alternative C: No Action**

No development would occur under Alternative C, and the Project Site would remain in its current state. Therefore, no impacts to visual resources would occur.

## 3.14 TIMBER HARVESTING

### 3.14.1 Regulatory Setting

The timber harvesting regulatory setting is summarized in **Table 3.14-1** and additional information on the regulatory setting can be found in **Appendix E**.

**Table 3.14-1: Regulatory Policies and Plans Related to Timber Harvesting**

Regulation	Description
<b>Federal</b>	
25 CFR Part 163	<ul style="list-style-type: none"> <li>▪ Regulations regarding Indian Forest Land and management activities.</li> <li>▪ 25 CFR 163.26 establishes a \$5,000 threshold for harvesting timber under free-use permits on tribal lands.</li> <li>▪ 25 CFR 163.27 allows for free use harvesting of forest products from Indian forest land without a permit or contract, and without charge.</li> </ul>
Forest and Rangeland Renewable Resources Planning Act of 1974 (16 USC 1600 to 1614)	<ul style="list-style-type: none"> <li>▪ Authorizes long-range planning by the U.S. Forest Service to protect, develop, and enhance the productivity and other values of forest resources.</li> </ul>
Indian Forest Management Handbook	<ul style="list-style-type: none"> <li>▪ Provides the user with information, procedures, and processes to prepare and administer the harvesting of Indian trust forest products through timber cutting permits or free-use harvesting.</li> </ul>

Regulation	Description
Harvest of Forest Products Manual	<ul style="list-style-type: none"> <li>▪ Updated manual combining two policy document chapters (Contract of Sales of Forest Products (53 IAM 3) and Permit of Sales of Forest Products (53 IAM 4)</li> </ul>
<b>State and Local*</b>	
Forest Resources Practices Act	<ul style="list-style-type: none"> <li>▪ Governs how timber harvesting, reforestation, and timber access occur on state, private, and municipal lands.</li> </ul>

\* State and local laws do not apply to Native allotments; this is provided as context in off-site areas.

### 3.14.2 Environmental Setting

The Project Site contains a mixture of boreal forest (5.13 acres) and ruderal/developed (1.24 acres) habitats. The boreal forest is dominated by birch trees, specifically paper birch. Other deciduous trees within the boreal forest consisted of alders and poplars. Spruce, including white spruce and red spruce, make up a minor component of the tree canopy. A tree survey was conducted on July 16 - July 18, 2024. A follow-up tree inventory was conducted by the BIA in October 2024 and results are provided in **Appendix L**. A volume of approximately 171 cords of trees was observed on the Project Site (**Appendix L**). Although a small amount of tree removal (approximately 23.6 cords of birch) has occurred since the biological resources survey and tree survey, these trees are still considered part of the baseline for the environmental analysis in the EA.

Additionally, the value of the timber on-site was determined by the BIA to be below the \$5,000 threshold (25 CFR 163.26), therefore, the Proposed Project qualifies for free use without needing a timber harvest permit (**Appendix L**). Overall, the BIA has determined that no timber harvest permit is required for the trees that have been cut or for the trees that will be removed in the future as part of site clearing. The Project Site has been re-classified as not "forest land" or "Indian forest land", therefore, it is not subject to the permitting requirements of 25 CFR Part 163 and has been removed from BIA's Cook Inlet Forest Management Plan (BIA, 2020).

### 3.14.3 Impacts

#### Assessment Criteria

Impacts associated with timber resources were analyzed by assessing whether proposed timber harvest on the Project Site would result in significant effects to federal, State, or local timber resources and quantities. The evaluation was made considering project plans and applicable resource management plans, regulations, and guidelines.

#### Alternative A: Proposed Project

The Project Site consists of a restricted fee Native Allotment. Refer to **Section 3.9** for a discussion of land use and potential impacts. Accordingly, implementation of the Proposed Project would not conflict with existing zoning or cause rezoning of forestland, timberland, or land zoned as timberland because State and local zoning regulations do not apply to restricted fee Native Allotments. The Project Site is not within a State or National Forest and is not classified as forest land. Development would result in the conversion of 5.13 acres of boreal forest on the Project Site. With the vast amount of boreal forest in the vicinity of the Project Site, the loss of 5.13 acres of boreal forest would not be considered a significant loss to local forests. The loss of 5.13 acres would account for a relatively small portion (0.000001 percent) of the overall commercial forest acreage of the State.



Since the Project Site is a restricted fee Native Allotment and not included within the commercial forestland base of Alaska and represents a small percentage of the forested land in the State, no significant impact to timber resources of the State or the state's timber productivity and economy would occur. Alternative A would result in a less than significant reduction (0.000001 percent) of forestland compared to State-wide commercial forestry resources. There would be a less than significant impact.

### **Alternative B: Event Center**

Alternative B would involve the same site clearing and timber harvest activities as described under Alternative A. Therefore, the same level of impacts as discussed for Alternative A would result. As such, potential impacts associated with timber resources would be less than significant.

### **Alternative C: No Action**

Under Alternative C, the Project Site would remain in its current state. Alternative C would not result in changes to the landscape or tree cover.

## **3.15 CUMULATIVE IMPACTS**

### **3.15.1 Cumulative Setting**

This section assesses the potential for the alternatives to contribute to “cumulative” environmental impacts within each environmental issue area category. Cumulative impacts are defined by the CEQ as effects “on the environment which result from the incremental effect of the action when added to other past, present, and reasonably foreseeable future actions” (40 CFR § 1508.1[i][3]).

For the purposes of this analysis, the cumulative setting includes growth and development envisioned in the Anchorage 2040 Land Use Plan and Chugiak-Eagle River Comprehensive Plan. The Chugiak-Eagle River Comprehensive Plan assumes an approximate growth rate of 3 percent per year. The Anchorage 2040 Land Use Plan forecasts an average annual population growth rate of at least 0.8 percent between 2015 and 2040. The Anchorage 2040 Land Use Plan reflects Chugiak-Eagle River Comprehensive Plan's anticipated growth at a somewhat higher rate than the rest of the Municipality of Anchorage, such that the Chugiak-Eagle River area, which includes the Project Site, is presumed to accommodate 15 percent of the Municipality's overall population by 2040. Existing traffic volumes have been stable for a number of years and appear to have even decreased according to data collected by the DOT&PF. Train crossings at Birchwood Spur Road are also expected to remain stable in the future. Cumulative impacts are discussed within each environmental issue area below.

### **3.15.2 Land Resources**

Cumulative developments would be required to follow applicable permitting procedures and development codes. Local permitting requirements for construction would address regional geotechnical and topographic conflicts, seismic hazards, and resource extraction availability. In addition, the alternatives and all other developments that disturb one acre or more must comply with the requirements of the NPDES CGP. Adherence to this permit would lessen the probability of significant erosion occurring regionally. The project would develop a project-specific SWPPP with BMPs for stormwater and erosion to lessen its potential impacts with regards to these environmental issue areas. Therefore, implementation of the alternatives would not result in significant cumulative impacts to land resources.

### 3.15.3 Water Resources

There are no surface water features on the Project Site and the alternatives would not utilize surface water. Therefore, direct cumulative impacts to surface waters would not occur. Construction and operation would adhere to stormwater BMPs and would not discharge impaired runoff or high-flow runoff into Peters Creek. The alternatives would not alter regional drainage patterns and would not result in loss of floodplain capacity with implementation of BMPs in project design. Therefore, implementation of the alternatives would not contribute to significant cumulative effects to drainage and flooding. Additionally, there are no known cumulative projects along Peters Creek or within 10 miles of the Project Site.

Wastewater generated by the alternatives would have a less than significant impact with regard to water quality due to proper treatment and disposal. Other cumulative developments would be required to adhere to applicable local, State, and federal regulations with regard to wastewater treatment and disposal. Therefore, the alternatives in combination with the cumulative development would not result in significant adverse cumulative effects to water quality or drainage.

Cumulative effects to groundwater could result if the total water demand of future projects exceeds the recharge of the groundwater basin. Future demands on the groundwater basin from cumulative development would be controlled by local land use authorities. As discussed in **Section 3.3**, groundwater resources in the region are considered abundant and well monitoring data shows reliable groundwater levels and young groundwater well age. Given the stable groundwater trends in the vicinity, the alternatives contribution to cumulative impacts to groundwater would be less than significant.

### 3.15.4 Air Quality and Climate Change

#### Air Quality

Past, present, and future development projects cumulatively influence a region's air quality conditions, making air pollution inherently a cumulative impact. If a project's individual emissions contribute to the exceedance of the NAAQS, then the cumulative impact on air quality would be significant. As automobiles consume less gasoline or transition away from it entirely, emissions of CAPs per mile will decrease. BMPs identified in **Table 2.1-2** include installing electric vehicle (EV) charging stations, which will contribute to reducing mobile emission sources in the future. Alternative A represents the worst-case scenario for both construction and operational emissions, both in the operational year 2026 and the cumulative year 2040. Alternative B, due to its type of use, hours of operation, and anticipated patronage, would generate fewer vehicle trips than Alternative A, resulting in lower mobile source emissions than Alternative A. Therefore, because Alternative A represents the worst-case scenario, it is used as the basis for evaluating cumulative impacts on air quality and climate change.

Emission estimates for Alternative A in the cumulative year 2040 are provided in **Table 3.14-2**. Detailed calculations of mobile and stationary source emissions are included in **Appendix F**. The MOVES4 air quality model was used to estimate emissions in the year 2040, incorporating increased gas mileage from trucks and vehicles due to advancements in fuel efficiency technology and stricter federal and state regulations. As a result, under future conditions, emissions from the alternatives are expected to be lower than those at the opening year and will remain below the CAA de minimis levels. Consequently, the alternatives would not contribute to the exceedance of the NAAQS or adverse cumulative impacts on the region's air quality. BMPs listed in **Table 2.1-2** would further reduce project-related emissions.

**Table 3.14-1: 2040 Operational Emissions of Criteria Pollutants – Alternative A (tons per year)**

Sources	NO <sub>x</sub>	VOC	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Alternative A</b>						
Stationary	7.32	0.23	1.78	0.00	0.22	0.22
Mobile	10.86	5.75	150.48	0.09	3.21	0.64
<b>Total Emissions</b>	<b>18.18</b>	<b>5.98</b>	<b>152.26</b>	<b>0.09</b>	<b>3.43</b>	<b>0.86</b>
<i>de minimis Level</i>	N/A	N/A	N/A	N/A	N/A	N/A

Source: **Appendix F**

Notes: N/A = Not Applicable. De minimis levels are not applicable because the project area is in attainment.

## Climate Change

The development of Alternatives A and B would lead to an increase in GHG emissions. These include direct emissions from construction activities, stationary sources such as propane combustion in boilers and diesel fuel in emergency generators, and indirect emissions from energy consumption, mobile sources, solid waste, wastewater processing, and water transport. **Table 3.14-3** shows direct construction and area GHG emissions and annual indirect operational GHG emissions in metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) from Alternative A.

**Table 3.14-2: Construction and Operational GHG Emissions – Alternative A (MT of CO<sub>2</sub>e/year)**

Direct	Alternative A
Construction	692
Stationary	477
<b>Indirect</b>	
Energy	571
Mobile	30,279
Solid Waste	27
Water/Wastewater	62
<b>Construction GHG Emissions</b>	<b>692</b>
<b>Annual Operation GHG Emissions</b>	<b>31,416</b>

Source: **Appendix F** Notes: CO<sub>2</sub>e = carbon dioxide equivalent; MT = metric tons

The Interagency Working Group on Social Cost of Greenhouse Gases (IWG) has developed estimates of the social cost of GHGs (SC-GHG) (IWG, 2021). The SC-GHG is the monetary value of the net harm to society associated with adding an amount of that GHG to the atmosphere in a given year. In principle, SC-GHG includes the value of all climate change impacts, including, but not limited to, changes in net agricultural productivity, human health effects, property damage from increased flood risk natural disasters, disruption of energy systems, risk of conflict, environmental migration, and the value of ecosystem services. **Table 3.14-4** presents the social cost of the GHG emissions from construction and annual operations of the development alternatives. **Table 3.14-4** also provides an estimate of the lifetime social cost of GHGs, which includes construction and 30 years of operation.

**Table 3.14-3: Social Cost of GHG Emissions**

GHG/Cost per metric ton		Alternative A	
		Tons	Cost
Construction (2025-2026) CO <sub>2</sub> e	\$56	692	\$38,752
Operation (2026) CO <sub>2</sub> e	\$56	31,416	\$1,759,296
Operation (2040) CO <sub>2</sub> e	\$73	23,346	\$1,704,258
Lifetime CO <sub>2</sub> e		701,072	\$51,166,492

Notes: Social Cost of GHG emissions based on 3 percent discount rate from IWG, 2021. Lifetime GHG emissions include construction emissions and 30 years of 2040 operational emissions. GHG emissions quantities are from **Appendix F**.

As shown in **Table 3.14-3** approximately 98 percent of the operational GHG emissions would come from indirect mobile emissions from delivery, patron, and employee vehicles. The federal government has enacted measures that would reduce GHG emissions from mobile sources. These include increasing fuel efficiency of vehicles and providing incentives for transitioning to electric vehicles. Project-related GHG emissions would be further reduced with the implementation of BMPs provided in **Table 2.1-2**. Construction BMPs would reduce GHG emissions by ensuring all diesel-powered equipment is properly maintained, minimizing idling time to five minutes when construction equipment is not in use, and using environmentally preferable materials, including recycled materials, for construction.

Operational BMPs would reduce indirect GHG emissions from electricity use, water and wastewater transport, and solid waste transport by incorporating EV charging stations, clean fuel vehicles, energy-efficient lighting, electric boilers and appliances instead of natural gas or propane units to the extent feasible, low-flow water fixtures, and recycling receptacles. Additionally, operational BMPs would reduce indirect mobile GHG emissions by ensuring adequate ingress and egress to minimize idling and by providing preferential parking for vanpools and carpools to reduce trips. This approach aligns with CEQ Guidance, which directs agencies to quantify direct and indirect emissions of the alternatives and consider reasonable GHG reduction measures consistent with the purpose and need for the proposed action.

Additionally, the implementation of operational BMPs aligns with the intent of SO 3399 and state strategies to reduce GHG emissions and contribute to the global effort to reduce climate change impacts on disadvantaged communities. Therefore, the implementation of Alternative A or other alternatives would not result in cumulatively considerable impacts associated with GHG emissions and climate change.

The alternatives include components designed to reduce their vulnerability to climate change impacts. Alaska is experiencing longer and more intense wildfire seasons due to the effects of climate change, including rising temperatures, earlier snowmelt, delayed winters, and more frequent lightning strikes. However, the alternatives will be designed in compliance with the IBC, which includes measures related to fire and structural safety to reduce susceptibility to wildfire risk.

### 3.15.5 Biological Resources

As discussed in **Section 3.5**, there are no sensitive habitats, including aquatic resources, designated critical habitat, or EFH, within the Project Site. Therefore, direct impact to sensitive habitats would not occur and no cumulative impact would occur. Construction and operation would adhere to stormwater BMPs and would not discharge impaired runoff or high-flow runoff into Peters Creek. Additionally, there are no known cumulative development projects along Peters Creek. Therefore, there would be no cumulative impact to Peters Creek or federally listed species that may occur in Peters Creek.

Although the alternatives could impact nesting birds protected under the MBTA, potential impacts would be avoided with implementation of mitigation listed in **Section 4**. Other development projects in the region would be required to implement similar mitigation measures to protect sensitive biological resources. The alternatives contribution to cumulative impacts to biological resources would be less than significant.

### 3.15.6 Cultural and Paleontological Resources

Cumulative effects to resources typically occur when sites that contain cultural features, artifacts, or paleontological resources are disturbed by development. Although the alternatives have the potential to affect previously undiscovered cultural and paleontological resources, mitigation measures in **Section 4** would reduce these effects. Any future development projects in the area would be required to follow federal, state, and local regulations, as applicable, regarding cultural and paleontological resources and inadvertent discoveries of these resources, which would require mitigation or avoidance. Therefore, implementation of the alternatives would not contribute to cumulatively significant effects on cultural resources, historic properties, or paleontological resources.

### 3.15.7 Socioeconomic Conditions and Environmental Justice

The alternatives, in combination with future growth envisioned in local plans, would result in generally beneficial socioeconomic effects associated with economic output, job creation, and fiscal effects. Any future non-tribal development in the vicinity would be subject to review and approval from the Municipality of Anchorage, payment of applicable state and local taxes, and development impact fees as appropriate to offset fiscal effects. There are no other known gaming related projects within the Municipality of Anchorage that would contribute to cumulative effects associated with problem gambling or competitive effects. Additionally, there are no approved development projects in the vicinity of the Project Site; therefore, the alternatives would not contribute to adverse cumulative impacts associated with environmental justice.

### 3.15.8 Transportation and Circulation

Traffic volumes in the vicinity of the Project Site have been steady and have not increased in recent years as evidenced by historical average annual daily traffic (AADT) provided by the DOT&PF and AADT collected in September 2024 for the Proposed Project. The current 2050 Metropolitan Transportation Plan (AMATS, 2024) forecasts the total population growth in the Chugiak – Eagle River area to increase by 3 percent from the year 2019 to the year 2050. A 3 percent increase in traffic by 2050, which is 10 years beyond the cumulative horizon year of 2040 evaluated in this EA, would not result in any substantial changes to LOS and vehicle queue conditions identified for Opening Year (2028) (see **Section 3.8**).

Train crossings of Birchwood Spur Road are also expected to remain stable in the future. The alternatives are not anticipated to affect the development of bicycle, pedestrian and transit networks or create significant demands on these networks. Furthermore, no specific reasonably foreseeable cumulative development projects have been identified near the Project Site. Therefore, implementation of the alternatives would not contribute to cumulatively significant effects on transportation and circulation.

### 3.15.9 Land Use

Potential future development, including growth and development envisioned in local planning documents, has the potential to result in cumulative land use effects associated with potential conflicts with existing land uses. Development on the site would not disrupt neighboring land uses or airspace or prohibit access to neighboring parcels and would therefore not be in conflict with the existing land use zoning and designations, which do not apply to restricted fee Native Allotments, but already identified the Project Site as suitable for development. As such, the alternatives would not impede implementation of local land use plans. Other cumulative development projects would be subject to local permitting processes that would consider compatibility and conflicts with existing and adjacent land uses. No cumulatively considerable adverse land use effects would occur.

### 3.15.10 Public Service and Utilities

As the alternatives would not impact water or wastewater, there would be no cumulative impact to these providers. The expansion of public services and associated facilities to serve future growth would be funded in part through development fees and property tax. Additionally, based on the zoning of the Project Site, regional planning already considered a commercial and residential buildout for the Project Site. The alternatives would not strain utilities beyond what was generally already anticipated in the cumulative regional buildout. Therefore, cumulative impacts would not occur.

Due to the extremely minor anticipated population increase that would result from the alternatives, public resources such as parks, libraries, or schools would not be overburdened, and additional facilities would not be warranted. This level of increase in use or demands would be negligible and cumulatively insignificant. With consideration of mitigation in **Section 4**, the Tribe would pay reasonable costs for increased service from law enforcement and fire and emergency medical responders. This would ensure that the alternatives would not cumulatively impact service providers.

### 3.15.11 Noise

Cumulative projects in the vicinity of the Project Site have the potential to increase noise and vibration levels in a way that could result in significant impacts when considered in combination with the alternatives. As noted above, project traffic would increase the noise levels along Birchwood Spur Rd and Birchwood Loop Rd, which have no sensitive receptors located along them. But the increase in noise levels would not be significant enough to exceed the NAC threshold of 67dBA. Therefore, the alternatives would not contribute to cumulative increases in traffic noise levels that would impact sensitive receptors. Furthermore, other planned projects in the vicinity of the Project Site would be required to comply with applicable noise regulations during construction and operation. Therefore, the alternatives would not contribute to adverse cumulative impacts associated with noise levels.

### 3.15.12 Hazards and Hazardous Materials

There are no significant cumulative hazardous materials impacts associated with the alternatives. There is the potential for impacts related to wildfire hazards in combination with other projects. New developments would be required to adhere to federal, State, and local building codes and fire protection codes and standards. As described in **Section 3.13.3**, the alternatives would not increase wildfire risk onsite or in the surrounding area. Therefore, the alternatives would not contribute to cumulative impacts associated with wildfire.



### 3.15.13 Visual Resources

Potential future development, including growth and development envisioned in local planning documents, have the potential to change the visual landscape within the viewshed of the Project Site from the conversion of undeveloped land to developed uses, and the introduction of additional sources of light and glare. There are no scenic resources within or near the Project Site. Therefore, the alternatives would not result in impacts to scenic resources. There are no known projects close enough to the Project Site to alter the scenic vista surrounding the Project Site in addition to the alternatives. Therefore, significant cumulative impacts to visual resources would not occur.

### 3.15.14 Timber Harvesting

Development would result in the conversion of 5.13 acres of boreal forest on the Project Site. The conversion of 5.13 acres would account for a relatively small portion (0.000001 percent) of the overall commercial forest acreage of the State. Additionally, with the vast amount of boreal forest in the vicinity of the Project Site, the conversion of 5.13 acres of boreal forest would not be considered a significant loss to local forests. Since the Project Site is a restricted fee Native Allotment, not included within the commercial forestland base of Alaska, and represents a small percentage of the forested land in the State and local area, no cumulatively considerable impacts to timber resources would occur.

## 3.16 INDIRECT AND GROWTH-INDUCING EFFECTS

NEPA requires that indirect and growth-inducing effects of a Proposed Project be analyzed (40 CFR §1508.1(i)(2)). The CEQ Regulations define indirect effects as effects that are caused by an action and are later in time or further removed in distance but are still reasonably foreseeable. Growth-inducing effects are defined as effects that foster economic or population growth, either directly or indirectly.

### 3.16.1 Indirect Effects

This section provides a description of the indirect effects from off-site improvements that may occur as a result of the alternatives. The alternatives would result in off-site driveway access improvements and potential off-site roadway improvements to accommodate development. Access to the Project Site is currently provided via a driveway and dedicated right-of-way along the southern boundary of the Project Site that connects to Birchwood Spur Road. Under the alternatives, this driveway would be paved and improved to serve as the primary access for vehicles entering and exiting the Project Site (**Figure 2.1-1**). Alternative options for access configurations are described and analyzed in **Appendix A** (Options 1 and 2). Off-site improvements would necessitate approvals and potentially encroachment permits from ADOT&PF, which would be coordinated prior to construction. Additionally, a full traffic impact analysis is currently under preparation to identify potentially necessary off-site roadway improvements.

Additionally, while the Tribe intends to use electric appliances, boilers, and heating systems within the proposed gaming facility to the extent feasible, Alternative A will also utilize natural gas. Natural gas hookups are available directly south of the Project Site. These hookups would require a minimal underground extension to the Project Site and would occur within disturbed rights-of-way and/or utility easements.

Off-site access and potential off-site roadway improvements, if necessary, as well as the hookup to natural gas, would occur within a road shoulder or previously graded/disturbed areas, and as such are unlikely to impact sensitive biological and cultural resources. Additionally, the proposed off-site driveway access improvement areas were surveyed for sensitive biological and cultural resources, and none were identified. The off-site improvements would not require use of ground or surface water and would not directly impact surface water resources. The totality of the areas disturbed would be small and limited to areas that have previously been graded and developed. Temporary construction-related effects associated with air quality, dust greenhouse gas emissions, traffic and noise, would be minor due to the limited number of personnel and improvements required. Therefore, indirect effects associated with off-site improvements would be less than significant.

### 3.16.2 Growth-Inducing Effects

Growth inducement may constitute an adverse impact if the increased growth is not consistent with or accommodated by the land use and growth management plans and policies for the area affected. The Anchorage 2040 Land Use Plan reflects Chugiak-Eagle River Comprehensive Plan's anticipated growth at a higher rate than the rest of the Municipality of Anchorage, such that Chugiak-Eagle River area, which includes the Project Site, will accommodate 15 percent of the Municipality's population by 2040. This number is conservative and would capture potential growth inducement associated with the alternatives.

The growth-inducing analysis below conservatively focuses on Alternative A because Alternative A would result in the highest generation of employment and utility demands. Additionally, the alternatives would not remove barriers to growth or induce growth through expansion of utilities beyond what is necessary to serve the alternatives.

As discussed in **Section 3.7** and **Appendix D**, construction of Alternative A would create an estimated 406 temporary construction related jobs. Operation of Alternative A would create an estimated 419 permanent jobs, including 228 direct employment positions at the project. Most of these employment positions are expected to be filled by unemployed and underemployed residents of the Municipality of Anchorage. Direct jobs represent approximately 3.3% of the 6,904 unemployed persons in the Municipality of Anchorage (**Table 3-7-2**). As such, as discussed under *housing* in **Section 3.7.3**, Alternative A is projected to result in the in-migration of an estimated 24 households to the Municipality of Anchorage (**Appendix D**). This would represent approximately 0.5% of the current vacant housing stock and would not induce unplanned housing growth.

Alternative A would result in direct, indirect, and induced economic benefits, which would benefit the residents of the region and members of the Tribe. Direct benefits include expenditures made by operation of the facility in the form of employee compensation and purchases of goods and services. Indirect benefits are the impact of the direct expenditures on other business sectors and reflect the economic spin-off that is made possible by the direct purchases. The local increase in economic output could stimulate further commercial growth; however, such demand would be diffused and distributed among a variety of different sectors and businesses in the region. As such, adverse growth-inducing impacts to the region would not be anticipated to occur as a result of the alternatives.

# Section 4 | Mitigation Measures

Mitigation measures to address potentially significant impacts that could result from implementation of a federal action consist of the following (40 CFR § 1508.1(y)):

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation measures to be implemented during construction and operation of the alternatives are included in **Table 4-1**. All mitigation is enforceable because it is (1) inherent to the project design; and/or (2) required by federal or tribal regulations. As noted in **Section 2.1.7**, the Tribe has committed to adopting all BMPs and mitigation measures outlined in **Table 2.1-1** and **Table 4-1** through an amendment to the adopted Eklutna Public Health and Safety and Anti-Discrimination at Gaming Facility Ordinance (**Appendix M**).

**Table 4-1: Mitigation Measures**

Resource Area	Mitigation Measure	Alternative
Biological Resources	<p><b>Nesting Migratory Birds/Raptors/Eagles</b></p> <ul style="list-style-type: none"> <li>▪ To avoid and/or reduce impacts to nesting migratory birds/other birds of prey, if construction activities commence during the general nesting season (May 1 to July 15), a preconstruction nest survey shall be conducted by a qualified biologist on and within 100 feet of proposed construction within 7 days of initiating ground disturbance. If active nests are identified, the qualified biologist shall determine a suitable avoidance buffer based on the needs of the species observed.</li> <li>▪ For bald eagles, the preconstruction nesting bird survey shall extend 700 feet from the limits of ground disturbance.</li> <li>▪ Avoidance measures include establishment of a buffer zone using construction fencing or similar, or the postponement of construction until after the nesting season, or until after a qualified biologist has determined the nest is no longer active. Avoidance buffers may vary in size depending on habitat characteristics, project-related activities, and disturbance levels. For bald eagles, the buffer shall be no less than 660 feet.</li> <li>▪ Should work activity cease for 14 days or more during the nesting season, the survey shall be repeated to ensure birds and have not established nests during inactivity.</li> </ul>	A, B
Cultural and Paleontological Resources	<p><b>Inadvertent Discoveries of Cultural Resources</b></p> <ul style="list-style-type: none"> <li>▪ In the event that cultural resources are inadvertently discovered during project-related ground disturbance, ground disturbance shall be halted within 50 feet of the find and the BIA, qualified archaeologist, and the Tribe shall be notified and the provisions of 36 CFR 800.13, Post-Review Discoveries, shall be followed. Construction activities may continue in other areas but may not resume in the area of the find until the significance of the find is assessed and appropriately treated.</li> <li>▪ If the find is determined by the BIA/Tribe/qualified archaeologist to not be significant (i.e., not a historic property), no additional cultural resources investigations are necessary and work may resume in the area of the find.</li> </ul>	A, B

Resource Area	Mitigation Measure	Alternative
	<ul style="list-style-type: none"> <li>▪ If any find is determined to be significant by the BIA/Tribe/qualified archaeologist (or paleontologist, if the find is paleontological), a BIA representative shall meet with the Tribe and archaeologist (or paleontologist) to determine the appropriate course of action, including the development of a treatment plan and implementation of appropriate avoidance measures or other mitigation.</li> <li>▪ Consultation with the State Historic Preservation Office and/or Advisory Council on Historic Preservation shall be conducted in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR Part 800 prior to the start of earth disturbing and clearing activities within the project site and any requirements resulting from that consultation shall be adhered to.</li> </ul> <p><b>Inadvertent Discoveries of Human Remains</b></p> <ul style="list-style-type: none"> <li>▪ Consistent with NAGPRA requirements, if human remains or objects of cultural patrimony are discovered during project-related ground-disturbing activities, ground disturbance in the vicinity of the find shall be halted and the location shall be secured (43 CFR Part10.4(c)).</li> <li>▪ The BIA and Tribe shall be immediately notified of the discovery. The parties shall engage the responsible law enforcement agency in accordance with 43 CFR Part 10.5(a)(1).</li> <li>▪ If the remains are determined to be Native American in origin, the BIA shall consult with the Tribe and/or other appropriate Tribe(s) as applicable to discuss the recovery and treatment of the remains (43 CFR Part10.5).</li> <li>▪ A written plan of action shall be prepared that addresses the custody of the remains and the planned disposition (43 CFR Part10.5(b)).</li> <li>▪ The disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony shall be carried out in accordance with procedures set forth in 43 CFR Part10.6.</li> <li>▪ The activity that resulted in the inadvertent discovery subject to NAGPRA may resume if otherwise lawful after thirty days of the certification of the receipt of notification by the Tribe (43 CFR 10.4[e][2]).</li> </ul>	
Land Use	<p><b>Adherence with FAA Requirements</b></p> <ul style="list-style-type: none"> <li>▪ Filing with the FAA will occur within 5 days of construction reaching its greatest height.</li> <li>▪ Where possible, marking and lighting would be in accordance with FAA Advisory Circular 70/7460-1 M.</li> </ul>	A, B
Public Services	<p><b>Government-to-Government Agreement with Municipality of Anchorage</b></p> <ul style="list-style-type: none"> <li>▪ Prior to operation, the Tribe shall make good faith efforts to coordinate with the Municipality of Anchorage to promote communication and government-to-government relations between the Tribe and the Municipality, and to identify municipal programs and services potentially needed at the Project Site. Specifically, the Tribe will work towards reaching an agreement relating to CVFRD to address the provision of fire protection and emergency medical services to the Project Site, which would include the establishment of compensation and required conditions and standards for emergency access and fire protection.</li> <li>▪ Prior to operation, the Tribe shall also consult with the APD to amend the existing Letter of Agreement between the Tribe and the APD as needed to coordinate compensation and enhance communication regarding law enforcement calls to the Project Site.</li> <li>▪ If the Tribe does not enter into agreements with CVFRD and APD, the Tribe shall establish, equip, and staff a tribal fire department and/or police department that will serve the Project Site.</li> </ul>	A, B

# Section 5 | Consultation and Coordination

This section lists agencies and organizations consulted during preparation of this EA.

Agencies, Organizations, and Individuals Consulted	Summary of Consultation and Coordination
<b>Federal</b>	
National Marine Fisheries Service	Informal consultation under Section 7 of the federal Endangered Species Act regarding potential effects to species listed as threatened or endangered under the Act or designated critical habitat ( <b>Appendix G</b> ). NMFS reviewed the information provided in <b>Appendix G</b> and determined that the Proposed Project would have no effect on federally-listed species or critical habitat under NMFS jurisdiction (NMFS, 2024a). NMFS further determined that the Proposed Project would have no effect on EFH (NMFS, 2024b).
U.S. Fish & Wildlife Service (USFWS)	The USFWS was consulted to obtain a list of federally listed special-status species with the potential to occur in the vicinity of the Project Site. Additionally, the USFWS National Wetlands Inventory was consulted to identify potential wetlands and waters in the vicinity of the Project Site. The USFWS was provided a copy of the NOA for the December EA; no comments were received during the EA review period.
U.S. Environmental Protection Agency (USEPA)	The USEPA website was reviewed for information regarding NAAQS attainment status. Additionally, the USEPA’s model Motor Vehicle Emission Simulator Version 4 (MOVES4) was used to calculate emissions. The USEPA EJSscreen tool was used to generate an EJSscreen Community Report, which has been included as <b>Appendix A</b> . The USEPA was provided a copy of the NOA for the December EA; no comments were received during the EA review period.
Federal Aviation Administration (FAA)	The FAA Notice Criteria Tool was used to determine if the Proposed Project requires further consultation with the FAA. A New Case for Off-Airport Construction was submitted to the FAA for review through the Obstruction Evaluation and Airport Airspace Analysis (OE/AAA) online portal on August 26, 2024 ( <b>Appendix J</b> ). The FAA was provided a copy of the NOA for the December EA; no comments were received during the EA review period.
U.S. Geological Survey (USGS)	The USGS website was reviewed for information concerning geological hazards (USGS, 2024a-c).
U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS)	The NRCS was consulted for data concerning farmland and soil characteristics information (NRCS, 2024).
U.S. Bureau of Labor Statistics	The U.S. Bureau of Labor Statistics website was reviewed to obtain labor statistics.
U.S. Census Bureau	The U.S. Census Bureau website was reviewed for information concerning demographics.
<b>State</b>	
Alaska Department of Conservation (DEC)	The DEC website was reviewed for information regarding AAQS and attainment status. Furthermore, the Contaminated Sites Web Map was accessed to research recorded cleanups and spills in the Project Site and surrounding area.
Alaska Department of Fish and Game (ADFG)	The ADFG website was reviewed for information regarding biological resources. The ADFG was provided a copy of the NOA for the December EA; a comment letter was received from ADFG and information was incorporated into this Final EA as appropriate ( <b>Appendix O</b> ).

Agencies, Organizations, and Individuals Consulted	Summary of Consultation and Coordination
Alaska Department of Transportation	The ADOT&PF website was reviewed for information on scenic resources near the Project Site. Furthermore, the DOT Public Facilities Division of Aviation was reviewed for information on aviation infrastructure. The ADOT&PF was provided a copy of the NOA for the December EA; a comment letter was received from ADOT&PF and information was incorporated into this Final EA as appropriate ( <b>Appendix O</b> ).
Alaska Interagency Fire Management Plan	The Alaska Interagency Fire Management Plan was reviewed for information on wildfires.
Alaska Office of History and Archaeology	Consultation under Section 106 of the National Historic Preservation Act was conducted by the BIA regarding whether historic properties may be impacted ( <b>Appendix H</b> ).
State of Alaska Geoportal	The State of Alaska Geoportal was reviewed for information on avalanches.
Alaska Heritage Resources Survey (AHRs) Portal	A search of the AHRs Portal was completed in July 2024 to assess for resources and prior studies relevant to the Project Site ( <b>Appendix H</b> ).
University of Alaska Museum of North’s Arctos Database	The University of Alaska’s Museum of North’s Arctos database was reviewed for any paleontological resources within the same setting as the Project Site.
<b>Local</b>	
Municipality of Anchorage	Municipality of Anchorage planning documents, such as the 2040 Land Use Plan and the Chugiak-Eagle River Comprehensive Plan, as well as the Municipality website, were reviewed for information regarding numerous environmental topics, such as public services and land resources. The Municipality of Anchorage was provided a copy of the NOA for the December EA; a comment letter was received from Municipality of Anchorage and information was considered appropriate ( <b>Appendix O</b> ).
Birchwood Community Council	Birchwood planning documents such as the Airport Master Plan and community council bylaws were reviewed for information regarding land use, development, and management of the Birchwood Airport. The Birchwood Community Council was provided a copy of the NOA for the December EA; no comments were received during the EA review period.
Anchorage Police Department	The website was consulted for information regarding law enforcement. The APD was provided a copy of the NOA for the December EA; no comments were received during the EA review period.
Anchorage Fire Department	The website was consulted for information regarding fire services. The AFD was provided a copy of the NOA for the December EA; no comments were received during the EA review period.
Chugiak Volunteer Fire and Rescue Department	The CVFRD website was consulted for information regarding fire services. The CVFRD was provided a copy of the NOA for the December EA; no comments were received during the EA review period.
<b>Tribe</b>	
Eklutna Native Village	Marc Lamoreaux, Land and Environment Co-Director of the Eklutna Native Village, was contacted to discuss background information and other information about the area, including any known archeological sites in the Project Site. The Native Village of Eklutna Native Village was also consulted for generally for information regarding natural resources in the vicinity of the project area and the provision of public services. The Tribe was provided a copy of the NOA for the December EA; a comment letter was received from the Tribe and information was considered appropriate ( <b>Appendix O</b> ).



# Section 6 | References

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# Section 8 | List of Acronyms

## A

AAC	Alaska Administrative Code
AADT	Average Annual Daily Traffic
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADOT&PF	Alaska Department of Transportation
AHRSPortal	Alaska Heritage Resources Survey Portal
AMATS	Anchorage Metropolitan Area Transportation Solutions
ANAA	Alaska Native Allotment Act
APD	Anchorage Police Department
ARRC	Alaska Railroad Corporation

## B

BA	Biological Assessment
BIA	Bureau of Indian Affairs
BMPs	Best Management Practices
B.P.	Before Present

## C

CAA	Clean Air Act
CAPs	Criteria Air Pollutants
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CGP	Construction General Permit
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
CO <sub>2</sub> e	Carbon Dioxide Equivalent
CWA	Clean Water Act

## D

dB	Decibel
dba	A-Weighted Decibel
DOT	Department of Transportation
DOT&PF	Alaska Department of Transportation and Public Facilities
DPM	Diesel Particulate Matter

## E

EA	Environmental Assessment
EFH	Essential Fish Habitat
EO	Executive Order

## F

FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency

FESA	Federal Endangered Species Act
FHWA	Federal Highway Administration
FPPA	Farmland Protection Policy Act
FTA	Federal Transit Administration
<b>G</b>	
GHG	Greenhouse Gas
gpd	Gallons Per Day
<b>H</b>	
HVAC	Heating, Ventilation, and Air Conditioning
<b>I</b>	
IBC	International Building Code
IFC	International Fire Code
IGRA	Indian Gaming Regulatory Act
IPaC	Information for Planning and Consultation
ITE	Institute of Transportation Engineers
<b>K</b>	
kW	Kilowatt
<b>L</b>	
Leq	Average Sound Level
LOS	Level of Service
<b>M</b>	
MBTA	Migratory Bird Treaty Act
MPO	Metropolitan Planning Organization
MT	Metric Tons
MTP	Metropolitan Transportation Plan
<b>N</b>	
N/A	Not Applicable
NAAQS	National Ambient Air Quality Standards
NAC	Noise Abatement Criteria
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOx	Nitrogen Oxides
NO2	Nitrogen Dioxide
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NSR	New Source Review
NWI	National Wetland Inventory

**O**

OHA Alaska Department of Natural Resources, Office of History and Archaeology

**P**

PES Pannone Engineering Services

PM Particulate Matter

PM10 Particulate Matter Less Than 10 Micrometers in Diameter (inhalable particulate matter)

PM2.5 Particulate Matter Less Than 2.5 Micrometers in Diameter

ppb Parts Per Billion

PPV Peak Particle Velocity

**S**

sf Square Feet

SO Secretarial Order

SOx Sulfur Oxide Gasses

SO2 Sulfur Dioxide

SWAP State Wildlife Action Plan

SWPPP Stormwater Pollution Prevention Plan

**T**

TIA Traffic Impact Analysis

TMDL Total Maximum Daily Loads

tpy Tons Per Year

**U**

U.S. United States

USACE United States Army Corps of Engineers

USC United States Code

USDA United States Department of Agriculture

USEPA United States Environmental Protection Agency

USFWS United States Fish and Wildlife Service

USGS United States Geological Survey

**V**

VdB Vibration Decibels

VOC Volatile Organic Compounds