ENVIRONMENTAL ASSESSMENT

Osage Nation Lake Ozark Casino Resort Project

Lake Ozark, MO | July 2025

Lead Agency:

Bureau of Indian Affairs
Eastern Oklahoma Regional Office
3100 W. Peak Blvd
Muskogee, OK 74401

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APPENDICES

ACRONYMS

A

amsl	Above Mean Sea Level
APE	Area of Potential Effects
APN	Assessor's Parcel Number

B

BIA	Bureau of Indian Affairs
BMPs	Best Management Practices
BOH	Back of House

C

CAA	Clean Air Act
CAP	Criteria Air Pollutants
CFR	Code of Federal Regulations
CO	Carbon Monoxide
CREC	Controlled Recognized Environmental Condition
CWA	Clean Water Act

D

dB	Decibel
dBA	A-Weighted Decibel
DPM	Diesel Particulate Matter

E

EA	Environmental Assessment
ECP	Erosion Control Plan
EFH	Essential Fish Habitat
EMS	Emergency Medical Service
ESA	Environmental Site Assessment

F

FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act
FHSA	Federal Hazardous Substances Act
FHWA	Federal Highway Administration
FOH	Front of House
FPPA	Farmland Protection Policy Act
ft	feet
FTA	Federal Transportation Administration
FTT	fee-to-trust

G

GFL	Green for Life
GHG	Greenhouse Gas
GPD	Gallons Per Day

H

HAPs	Hazardous Air Pollutants
HREC	Historical Recognized Environmental Condition
HVAC	Heating, Ventilation, and Air Conditioning

I

IBC	International Building Code
IGRA	Indian Gaming Regulatory Act
IPaC	Information for Planning and Consultation
IRA	Indian Reorganization Act

L

Leq	Average Sound Level
LOFPD	Lake Ozark Fire Protection District
LOS	Level of Service

M

MBTA	Migratory Bird Treaty Act
MDC	Missouri Department of Conservation
MDNR	Missouri Department of Natural Resources
mg	Million gallons
MGD	Million Gallons per Day
MoDOT	Missouri Department of Transportation
MOVES4	Motor Vehicle Emission Simulator Version 4
MT	Metric Tons

N

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
NIGC	National Indian Gaming Commission
NO_x	Nitrogen Oxides
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

P

PCE	Passenger Car Equivalence
PM_{10}	Particulate Matter less than 10 Micrometers in Diameter
$PM_{2.5}$	Particulate Matter less than 2.5 Micrometers in Diameter
PPV	Peak Particle Velocity
PSD	Prevention of Significant Deterioration

R

REC	Recognized Environmental Condition

S

sf	Square Feet
SHPO	State Historic Preservation Office
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
SWPPP	Stormwater Pollution Prevention Plan

T

THPO	Tribal Historic Preservation Officer
TIA	Transportation Impact Analysis
tpy	Tons Per Year

U

UCMP	University of California Museum of Paleontology
U.S.	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank

V

VdB	Vibration Decibels
VOC	Volatile Organic Compounds

W

WWTP	Wastewater Treatment Plant

Section 1 | Introduction

This Environmental Assessment (EA) has been prepared for the Bureau of Indian Affairs (BIA) in connection with an application from the Osage Nation (Nation) for land to be placed into federal trust status for the development of a Class II gaming facility and hotel (Proposed Action). The Project Site is currently owned in fee by the Nation and consists of approximately 29 acres[1] within the City of Lake Ozark in Miller County, Missouri (**Figures 1** and **2**). If the land is acquired in trust, the Nation proposes to develop a casino and hotel with associated amenities, parking, and utilities on the Project Site (Alternative A).

The statutory authority for acquiring land into federal trust status for Native American tribes is provided in the Indian Reorganization Act of 1934 (IRA; 25 United States Code (USC) § 5108, 5110), with regulations codified at 25 Code of Federal Regulations (CFR) Part 151. The Tribe is seeking to acquire the Project Site into trust for gaming purposes; thus, to be eligible for gaming, the land must comply with Section 20 of the Indian Gaming Regulatory Act (IGRA; 25 USC § 2719), as well as implementing regulations at 25 CFR Part 292. Under Section 20 of IGRA, gaming on land acquired in trust by the Secretary of the Interior (Secretary) after October 17, 1988, is prohibited, with some exceptions. In this case, gaming on the Project Site would require that the Secretary make a "Two-Part Determination," under Section 20(b)(1)(A) that gaming activities on the Project Site by the Tribe would be (1) in the best interest of the Tribe and (2) not detrimental to the surrounding community (25 USC § 2719(b)(1)(A)). A Secretarial Two-Part Determination may only be made after consultation with the applicant tribe and appropriate state and local officials, including officials of other nearby tribes, located within a 25-mile radius of the project site (25 CFR § 292.2, 292.13). In addition, the Secretary must seek the concurrence of the Governor of Missouri in the Two-Part Determination before gaming may occur on the Project Site. Thus, the Proposed Action collectively consists of 1) the transfer of the Project Site into federal trust status for the benefit of the Tribe under Section 5 of the IRA, and 2) the issuance of a Two-Part Determination by the Secretary under Section 20 of IGRA.

This document has been completed in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 USC § 4321 et seq.); the Department of the Interior's (Department) Procedures for the Implementation of NEPA (43 CFR Part 46); and the BIA NEPA Guidebook (59 IAM 3-H).[2,3] This document provides a detailed description of the Proposed Action and analysis of potential environmental consequences associated with the subsequent development of Alternative A. This document also includes a discussion of the environmental impacts of alternatives, impact avoidance, and recommended mitigation measures.

[1] It should be noted that the acreage identified in several technical appendices differs slightly due to spatial mapping calculations that do not account for topography or precise boundary alignments. These minor discrepancies do not substantively affect the findings and recommendations within this EA.

[2] Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to NEPA, 42 USC. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The BIA verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 CFR § 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The BIA has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 CFR § 1500–1508 (2020), as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

[3] Although revised regulations at 43 CFR § 46 as well as 516 DM 1 – U.S. Department of the Interior Handbook of NEPA Implementing Procedures became effective July 3, 2025, the associated Federal Register Notice (FR Doc. 2025–12499) states that "…revised agency procedures will have no effect on ongoing NEPA reviews, where the DOI, following CEQ guidance, will continue to apply the preexisting procedures to applications that are sufficiently advanced…" (43 CFR § 46 [2025]).

SOURCE: ESRI, 2024; AES-Montrose, 10/11/2024

Figure 1
Regional Location

SOURCE: "Bagnell, MO" USGS 7.5 Minute Topographic Quadrangle, T40N R15W, Section 32, 5th Principle Baseline & Meridian; Miller County Parcels, 2021; ESRI, 2024; AES-Montrose, 10/11/2024

Figure 2
Site and Vicinity

A Notice to Prepare an Environmental Assessment initiating a 30-day scoping commenting period was sent to interested parties and circulated in *The Advertiser* on October 15, 2024 (**Section 5.3**; **Appendix J**). Information regarding the Proposed Action was also made available online at www.OsageLakeOzarkEA.com. Comments were received from the City of Lake Ozark on November 15, 2024, and were considered in the preparation of this document. No other comments were received. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action and will either determine that a Finding of No Significant Impact is appropriate or conduct additional environmental review. After the NEPA process is complete, the BIA may issue a Two-Part Determination under IGRA and a determination on the Nation's fee-to-trust application.

1.1 TERMINOLOGY

Below is a list of terms commonly used throughout this EA:

- Project Site: The approximately 29-acre proposed fee-to-trust parcel currently owned in fee by the Nation (Miller County Assessor's Parcel Number (APN) 129032000000012000, **Figure 3**).
- Proposed Action: Issuance of a Two-Part Determination under IGRA, 25 USC § 2719 (b)(1)(A), and acquisition of the Project Site in trust for the Nation pursuant to the Secretary of the Interior's authority under the IRA, 25 USC § 5108.
- Alternative A: Development of a casino, hotel, and associated amenities and infrastructure on the Project Site.

1.2 BACKGROUND

The Osage Nation is a federally recognized Tribe with an ancestral territory that includes portions of modern-day Missouri, Oklahoma, Wisconsin, Iowa, Illinois, Indiana, Ohio, Pennsylvania, West Virginia, Kentucky, Kansas, Arkansas, Tennessee, Texas, and Louisiana (Osage Nation, n.d.). According to the Nation's membership enrollment records, the Nation has nearly 24,000 enrolled members. The Nation currently holds approximately 1,474,560 acres (2,304 square miles) of land in federal trust (Reservation) in Oklahoma.

1.3 PURPOSE AND NEED

The purpose and need for the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus satisfying both the Department's land acquisition policy as articulated in the Department's trust land regulations at 25 CFR Part 151 and the principal goal of IGRA as articulated in 25 USC § 2701. The Department's authority to act on the Tribe's application is governed by the Department's regulations at 25 CFR Part 151, in particular the requirements at § 151.3, 151.11, and 151.15, as well as the regulations at 25 CFR Part 292.

1.4 PROJECT LOCATION

The Project Site consists of a single parcel located at the northwest corner of Bagnell Dam Boulevard and Osage Beach Parkway in the City of Lake Ozark, Miller County, Missouri. It is located in Section 32 of Township 40 North, Range 15 West as depicted on the Bagnell, Missouri U.S. Geological Survey (USGS) 7.5' quadrangle. **Figure 1** and **Figure 2** show the location of the Project Site, and **Figure 3** presents an aerial photograph. The Miller County APN for the Project Site is 129032000000012000. Regional access to the Project Site is provided by US-54, which runs in a north-south direction to the east. Local access is provided by Osage Beach Parkway and Bagnell Dam Boulevard. Two existing access drives off Bagnell Dam Boulevard provides vehicular access to the Project Site.

SOURCE: Miller County Parcels, 2021; USDA NAIP aerial photograph, 7/24/2020; ESRI, 2024; AES-Montrose, 10/11/2024

Figure 3
Aerial Photograph

Bagnell Dam Boulevard in the vicinity of the Project Site is one lane in either direction, separated by a median lane. Land uses near the Project Site include retail, recreation, single-family residences, and undeveloped woodland. The Project Site is the former site of the Quality Inn hotel. The 96-room hotel has since been demolished. Currently, the Project Site consists of paved surfaces from previous development, two access driveways off Bagnell Dam Blvd., utilities, and undeveloped woodland. Topography of the previously developed area is relatively flat with gentle to moderately steep slopes in the undeveloped areas. Elevations range from approximately 650 feet (ft) to 845 ft above mean sea level (amsl).

1.5 REGULATORY APPROVALS

The Proposed Action may require direct and indirect approvals and actions, as shown in **Table 1.**

TABLE 1: POTENTIAL PERMITS AND APPROVALS REQUIRED

Agency	Permit or Approval
Federal	
Secretary of the Interior	Issuance of a Two-Part Determination under IGRA Section 20 and transfer of the Project Site into federal trust status.
National Indian Gaming Commission (NIGC)	Approval of a gaming ordinance adopted by the Tribal Government to exercise the Nation's authority to conduct, license, and regulate Class II gaming activities on the Project Site.
U.S. Environmental Protection Agency (USEPA)	Verification of coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Stormwater Discharges from Construction Activities as required by the Clean Water Act (CWA).
	Permitting pursuant to Section 401 of the CWA.
U.S. Fish and Wildlife Service (USFWS)	Informal consultation with USFWS under Section 7 of the FESA regarding potential effects to federally listed species.
U.S. Army Corps of Engineers (USACE)	Acquisition of a CWA Section 404 permit for impacts to waters of the U.S.
State	
Missouri State Governor	Concurrence with Secretarial determination under Section 20 of the IGRA.
State Historic Preservation Office (SHPO)	Consultation under Section 106 of the National Historic Preservation Act (NHPA) regarding potential impacts to historic properties.
Local	
City of Lake Ozark	Approval of water, wastewater, and/or drainage connections.
	Approval of off-site road improvements/mitigation.
	Issuance of encroachment permits for frontage and access improvements, and traffic mitigation.
	Agreements with the City and local public service providers.

1.6 AGREEMENTS

Gaming on tribal land is authorized by the IGRA. Class II gaming is governed by a tribal ordinance that must meet federal guidelines and be approved by the NIGC. Tribes may exercise their authority to conduct, license, and regulate Class II gaming provided the tribal government adopts a gaming ordinance approved by the NIGC. The Nation has also elected to enter into agreements with the City of Lake Ozark and local public service providers to address potential impacts associated with traffic, law enforcement, emergency medical services, fire protection, water/wastewater, and other issues, further described in **Section 3.0**.

Section 2 | Description of Alternatives

2.1 ALTERNATIVE A – CASINO AND HOTEL

Alternative A consists of: (1) issuance of a Secretarial Two-Part Determination under IGRA that the Project Site is eligible for gaming and the acquisition of the approximately 29-acre Project Site into federal trust for the Tribe, and (2) the subsequent construction and operation by the Tribe of a casino-resort facility with approximately 40,000 square feet (sf) of gaming floor, a hotel tower with a total of 150 rooms, and associated amenities and utilities within the Project Site (Proposed Action). Components of Alternative A are described in more detail below.

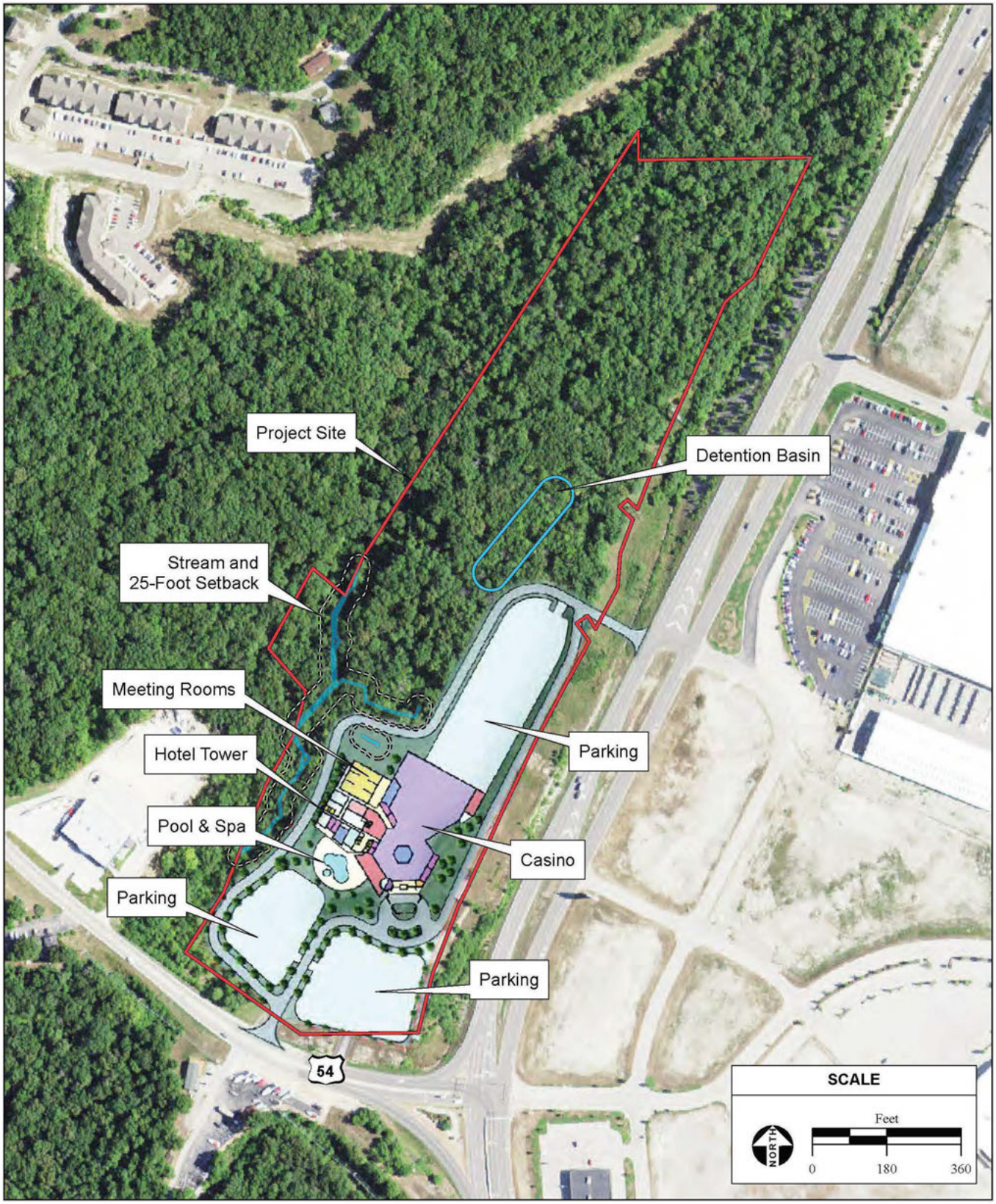
2.1.1 Project Components

A site plan and floor plan of Alternative A are provided in **Figures 4** and **5**, and an architectural rendering is shown in **Figure 6**. A breakdown of the proposed facilities is provided in **Table 2**. Proposed facilities include a casino with approximately 40,000 sf of gaming floor space, food and beverage areas, a hotel tower with 150 rooms, meeting rooms, and supporting facilities. Parking would consist of a surface parking lot with a total of 435 spaces. The casino gaming floor would include up to 750 Class II gaming devices and associated circulation on the ground floor of the facility, and would be open 24 hours a day, seven days a week. Two sets of restrooms would be accessible off the gaming floor, with two more sets of restrooms available below the hotel tower and by the meeting space, respectively. Three food and beverage areas would be accessible from the gaming floor as well. It is anticipated that the food and beverage facilities will include a sports bar with approximately 60 seats, a casual restaurant with approximately 150 dining seats and 24 bar seats, and a bistro and snack bar with approximately 30 seats. Two bars would be available from the gaming floor: a casino bar, and a center bar and lounge. An additional bar would be accessible from the pool deck. Alternative A also includes back of house (BOH) and front of house (FOH) support, such as offices, storage, and a kitchen. The hotel tower would be fifteen stories tall and would be constructed on top of the ground floor fitness center, pool bar, and a portion of BOH/FOH space. The meeting rooms would be designed as a large banquet room divisible into three separate rooms with pre-function space.

In addition to the casino/hotel, development would include surface parking, pool/spa deck, and site access and circulation, and landscaping. A two-lane Porte Cochere would be available for guests at the southern casino entrance. Two surface parking lots would be constructed on the southern portion of the Project Site and one parking lot would be located to the north of the casino facility. Surface parking would provide 385 guest stalls and 50 employee stalls. Landscaping and site access and circulation is discussed further below. A pool/spa and deck would be constructed adjacent to the casino/hotel structure. The deck area would total approximately 10,000 sf and would have access to the pool bar. Operation of Alternative A would create approximately 455 and 510 full and part-time direct and permanent employment opportunities within Miller and Camden Counties and the State, respectively.

Construction

Construction of Alternative A would begin after the Project Site has been placed into federal trust. Construction would involve earthwork, placement of concrete foundations, steel and wood structural framing, masonry, electrical and mechanical work, and building finishing, among other construction trades. Construction of Alternative A would be consistent with the International Building Code (IBC). Construction is assumed to commence in 2025 and would last approximately 12 to 18 months. Temporary employment opportunities would be generated during construction of Alternative A. Additionally, permanent employment opportunities would be generated by operation of Alternative A.



SOURCE: Marnell Architecture, 11/14/2023; CJW, 2/13/2024; Miller County Parcels, 2021; Google Earth aerial photography, 4/29/2021; ESRI, 2024; AES-Montrose, 10/11/2024

Figure 4
Alternative A Site Plan

SOURCE: Marnell Architecture, 11/14/2023; AES-Montrose, 10/11/2024

Figure 5
Alternative A - Floor Plan

SOURCE: Marnell Architecture, 11/14/2023; AES-Montrose, 10/11/2024

Figure 6
Alternative A - Architectural Rendering

TABLE 2: ALTERNATIVE A COMPONENTS

Component	Approximate SF	Approximate Units
Casino		
Gaming Floor	40,000	750 Class II machines
BOH/FOH Support	35,000	--
Subtotal	**75,000**	**--**
Hotel		
Tower	105,980	150 rooms
Fitness Room	1,100	--
Pool/Spa with Deck	13,250	--
Subtotal	**120,330**	**--**
Food and Beverage		
Sports Bar	1,500	60 seats
Casual Restaurant	3,500	150 dining seats; 24 bar seats
Bistro and Snack Bar	2,500	30 seats
Center Bar and Casino Lounge	3,000	TBD
Hotel Pool Bar	1,000	TBD
Subtotal	**11,500**	--
Miscellaneous		
Meeting Space - Rooms	6,000	--
Meeting Space – Pre-Function	2,000	
Restrooms*	3,330	4 sets
Porte Cochere	4,000	2 lanes
Service Yard	15,000	--
Subtotal	**39,330**	--
TOTAL	**237,160**	--
Parking		
Surface Parking	--	435 spaces

Source: Marnell Architecture, 2023
* Excludes hotel room restrooms

Construction of Alternative A would generate approximately 1,968 full-time equivalent and temporary employment opportunities within Miller County and Camden County. Construction would generate an estimated 2,176 full-time and temporary employment opportunities within the State of Missouri.

Architecture, Signage, Lighting

The architecture and exterior signage would be contemporary in style and appearance and would complement and reflect the current trends in building architecture in the Lake Ozark area. The hotel tower façade is proposed to be mostly an angled glass surface. The latest developments in glazing fabrication would be utilized to address glare. These techniques include coatings within the insulated unit. When installed with the coating on the second surface, glass has lower exterior visible reflectivity. Illuminated signs would be designed to blend with the light levels of the building and landscape lighting levels and colors. The exterior lighting of Alternative A would be integrated into components of the architecture and would be strategically positioned to minimize off-site lighting and any direct sight lines to the public. The architectural design of Alternative A would be enhanced by landscaping consistent with the surrounding area.

Water Supply

As discussed in **Section 1.0**, the Project Site is the former site of the Quality Inn hotel. The hotel historically relied on groundwater wells to provide potable water supply. However, the hotel eventually transitioned to a municipal water supply. A total of four groundwater wells were abandoned in place and are still present on the Project Site (**Appendix A**). Alternative A would connect to municipal water services in order to meet both potable and non-potable (i.e. landscape irrigation) water demands of the project. The City of Lake Ozark's Public Works department is responsible for installing and maintaining the City's water delivery system (Lake Ozark Public Works, 2022). The City water supply is derived from three groundwater wells (Lake Ozark Public Works, 2021). It is anticipated that Alternative A would have a demand of approximately 38,000 gallons per day (GPD) of water (**Table 26**). Given the seasonal fluctuation of visitors to the City, it is anticipated that the distribution of water demand throughout the year would be highest during the peak tourism season.

Wastewater Treatment

The Quality Inn hotel, which formerly occupied the Project Site, historically relied on an on-site wastewater disposal facility. The on-site wastewater facility was decommissioned in the 1980s and the former hotel was subsequently connected to the City's municipal sewer system. A sewer lift station owned and operated by the City is located on the north end of the property. The on-site wastewater infrastructure was disconnected from the old hotel prior to demolition and was abandoned in place. The sanitary sewer alignment that served the former hotel runs from Bagnell Dam Blvd along the western extent of the previous hotel and parking lot. Alternative A would connect to the municipal sewer system that served the former hotel, which is maintained by the City of Lake Ozark. According to the City's Joint Sewer Board, the City of Lake Ozark shares a wastewater treatment plant (WWTP) with the City of Osage Beach. The WWTP is located on the Osage River in Miller County. The WWTP is operated by a private company, Alliance Water Resources, and both cities share in the cost of the facility proportionately based on flow (City of Lake Ozark, 2022). The Lake Ozark/Osage Beach Joint Sewer Board administers the structure, processes, equipment, and arrangements necessary to treat and discharge wastewater at the WWTP. Alternative A would generate approximately 31,000 GPD of wastewater (**Table 26**).

Electricity and Natural Gas

Electricity is provided to the Project Site by Ameren Missouri (Ameren, 2022). The Project Site currently contains overhead electricity lines running along the western extent of where the former hotel was located. Natural gas is provided to the Project Site by Summit Natural Gas (Summit Natural Gas, 2022). Natural gas lines on the Project Site run along the northwest border of where the former hotel was located. Alternative A would utilize existing electrical and natural gas services available on site and provided by Ameren Missouri and Summit Natural Gas.

Grading and Drainage

A significant portion of the Project Site was previously graded for the former Quality Inn hotel. Alternative A would utilize existing grading where possible. Construction of Alternative A would involve additional grading and excavation for building pads and parking lots. A Preliminary Grading and Drainage Study was completed for Alternative A and is included as **Appendix B**. As detailed in **Appendix B**, approximately 14.3 acres of the Project Site will be graded during construction, with an increase in impervious surfaces of approximately 4.9 acres for a total of 7.9 acres of impervious surfaces. To accommodate the total drainage area and new impervious surfaces, a 3.7-acre-foot detention basin would be constructed for 100-year storm events. Construction of Alternative A would avoid the drainageway that is located near the western edge of the Project Site, and a 25-foot buffer or setback would be established.

Access

Alternative A would be accessible via a southern main-entry driveway on Bagnell Dam Boulevard, with secondary entry access along Osage Beach Parkway, northeast of the main-entry. Both parking lots would be accessible via these two entryways. Access roads on the Project Site would be one lane in each direction. The southern access drive off Bagnell Dam Blvd would align with the existing westernmost access drive off Bagnell Dam Blvd that served as vehicle access to the former hotel. A service drive would wrap around the northeast side of the project and would connect to a service yard on the west side of the casino-hotel complex. This area would be primarily used by employees and service vehicles. Roadway access is shown on **Figure 4**.

Off-Site Improvements

Alternative A would require frontage access improvements, new site access off Bagnell Dam Boulevard and Osage Beach Parkway, and off-site traffic mitigation improvements (**Appendix E** and **Section 4**).

2.1.2 Best Management Practices

Protective measures and best management practices (BMPs) have been incorporated into project design to eliminate or substantially reduce environmental consequences. These measures are discussed in **Table 3**.

Table 3: BEST MANAGEMENT PRACTICES

Resource Area	Best Management Practices
Land Resources	▪ A site-specific geotechnical report will be prepared prior to construction. ▪ Site clearing, removal of unsuitable soil, proper moisture conditioning, review of imported fill material, fill placement, observation of foundation excavations, and other site grading will be verified during construction to ensure compliance with standard engineering practices. ▪ Erosion control measures will be implemented during construction as described further under the Water Resources BMPs.
Water Resources	▪ Low-flow Energy Star/WasterSense fixtures will be used where possible. ▪ Native vegetation requiring minimal water usage will be used in landscaping where possible. ▪ An Erosion Control Plan (ECP) will be included in the construction design drawings, and will outline general erosion BMPs, requirements, and responsibilities for erosion control and stormwater pollution prevention. ▪ The detention basin will be sized to accept runoff from a 100-year storm event. ▪ Sanitary facilities will be provided for construction workers. ▪ Petroleum products will be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC §§ 1251 to 1387). ▪ A refueling area will be designated on site during construction and will be located at least 100 ft from surface waters. ▪ The NPDES Construction General Permit will be complied with. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements. The SWPPP prepared for the Project Site will include the following BMPs: o An ECP will be included in the construction design drawings, and will outline general erosion BMPs, requirements, and responsibilities for erosion control and stormwater pollution prevention. o Grading activities will be limited to the area required for construction. o Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) will be employed for disturbed areas. o Construction activities will be scheduled to minimize land disturbance during peak runoff periods. o Bare soil will be re-vegetated following construction activities.

Resource Area	Best Management Practices
	o Construction area entrances and exits will be properly maintained and stabilized to prevent track-out. o A spill prevention and countermeasure plan will be developed which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, etc.) used onsite. o Construction materials, including topsoil and chemicals, will be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater. o Fuel and vehicle maintenance areas will be established away from drainage courses and designed to control runoff. o Appropriate disposal facilities will be provided for solid wastes produced during construction. o Paved surfaces will be swept, and unpaved surfaces will be watered as needed to prevent track-out or fugitive dust production.
Air Quality	The following dust suppression measures will be implemented to control the production of fugitive dust (particulate matter 10 microns in size [PM_{10}]) and prevent wind erosion of bare and stockpiled soils during construction: ▪ Exposed soil will be sprayed with water or other suppressant twice a day or as needed to suppress dust. ▪ Non-toxic chemical or organic dust suppressants will be used on unpaved roads and traffic areas. ▪ Dust emissions during transport of fill material or soil will be minimized by wetting down 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. ▪ Spills of transported material on public roads will be promptly cleaned. ▪ Traffic speeds on the Project Site will be restricted to 15 miles per hour to reduce soil disturbance. ▪ Wheel washers will be provided to remove soil that would otherwise be carried offsite by vehicles to decrease deposition of soil on area roadways. ▪ Dirt, gravel, and debris piles will be covered as needed to reduce dust and wind-blown debris. The following measures will be implemented to reduce emissions of criteria air pollutants (CAP), greenhouse gases (GHG), and diesel particulate matter (DPM) from construction: ▪ Criteria pollutants and GHG emissions will be controlled by requiring diesel-powered equipment to 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 will be kept in good mechanical condition to minimize exhaust emissions. ▪ Construction equipment with a horsepower rating of greater than 50 will be equipped with diesel particulate filters, which would reduce approximately 85% of DPM. ▪ The use of low reactive organic gases (150 grams per liter or less) will be required for architectural coatings to the extent practicable. ▪ Environmentally preferable materials, including recycled materials, will be used to the extent readily available and economically practicable for construction of facilities. Emissions of CAPs and GHGs will be reduced during operation through the following actions: ▪ Clean fuel vehicles will be used in the vehicle fleet where practicable. ▪ Electric vehicle charging stations will be installed as warranted based on market demand. ▪ Water consumption will be reduced through low-flow appliances and drought resistant landscaping to the extent feasible. ▪ Energy-efficient lighting and appliances will be implemented where feasible. ▪ Recycling bins will be installed throughout the facility for glass, cans, and paper products. ▪ Native trees and woodland will be avoided to the extent feasible. ▪ Adequate ingress and egress at entrances will be provided to minimize vehicle idling and traffic congestion.
Living Resources	▪ Existing native vegetation, including native trees in the Ozark hardwood forest will be preserved where possible.

Resource Area	Best Management Practices
	▪ Where native trees are preserved, impacts to the driplines of such trees will be minimized by avoiding ground disturbance or trenching within the driplines as possible.
Socioeconomic Conditions	▪ The Nation shall implement problem gambling policies such as assisting staff and customers identify problem gambling. Self-help brochures will be made available on site, and self-banning procedures will be established.
Public Services and Utilities	▪ Construction equipment will contain spark arrestors, as provided by the manufacturer. ▪ Staging areas, welding areas, or areas slated for development using spark-producing equipment will be cleared of dried vegetation or other materials that could serve as fire fuel. ▪ The Nation will contact the utility notification center to notify the utility service providers of excavation at the work site. In response, the utility service providers will mark or stake the horizontal path of underground utilities, provide information about the utilities, and/or give clearance to dig. ▪ During construction, the site will be cleaned daily of trash and debris to the maximum extent practicable.
Visual Resources	▪ Outdoor light fixtures will be fully or partially shielded and filtered to the extent feasible. ▪ A minimum of 15% of the development site will be landscaped.
Noise	▪ Construction activities will be limited to daytime hours between 7:00 am and 10:00 pm, Monday through Saturday, to the extent feasible, consistent with the City's Municipal Code 510.330. ▪ Powered equipment will comply with applicable federal regulations and such equipment will be fitted with adequate mufflers according to the manufacturer's specifications to minimize construction noise effects. ▪ Heating, ventilation, and air conditioning equipment will be shielded to reduce noise.
Hazardous Materials	▪ Personnel will follow BMPs for filling and servicing construction equipment and vehicles. BMPs that are designed to reduce the potential for incidents/spills involving the hazardous materials include the following: o To reduce the potential for accidental release, fuel, oil, and hydraulic fluids will be transferred directly from a service truck to construction equipment. o Catch-pans will be placed under equipment to catch potential spills during servicing. o Refueling will be conducted only with approved pumps, hoses, and nozzles. o Disconnected hoses will be placed in containers to collect residual fuel from the hose. o Vehicle engines will be shut down during refueling. o No smoking, open flames, or welding will be allowed in refueling or service areas. o Refueling will be performed away from bodies of water to prevent contamination of water in the event of a leak or spill. o Service trucks will be provided with fire extinguishers and spill containment equipment, such as absorbents. o Should a spill contaminate soil, the soil will be put into containers and disposed of in accordance with local, state, and federal regulations. o Containers used to store hazardous materials will be inspected at least once per week for signs of leaking or failure. ▪ In the event that contaminated soil and/or groundwater is encountered during construction related earth-moving activities, work will be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, consultation with the USEPA will occur to determine the appropriate course of action. Contaminated soils that are determined to be hazardous will be disposed of in accordance with federal regulations. ▪ Hazardous materials used throughout construction and operation will be handled in accordance with manufacturer specifications.

2.2 ALTERNATIVE B – HOTEL WITH NO CASINO

Alternative B is a non-gaming alternative that would consist of a hotel and associated amenities and infrastructure (**Figure 7**). As discussed above, acquisition of the land in trust would occur as described under Alternative A. Alternative B includes a 100-room hotel, which is similar in size to the 96-room Quality Inn hotel that was previously located on the Project Site and demolished. Amenities would include a pool, fitness center, and limited meeting space. Supporting infrastructure and amenities would include BOH/FOH space, approximately 150 parking stalls, landscaping, and the same utility connections identified in Alternative A.

Site access would be provided via improvements to the existing two access driveways along Bagnell Dam Boulevard. Alternative B would introduce new hardscape, however, as Alternative B has a smaller footprint than Alternative A, the detention basin would be proportionally smaller. BMPs outlined in **Table 3** would apply to Alternative B. Construction would commence in 2025 but would not require as many construction personnel as Alternative A and would be completed within a shorter timeframe. Operation of Alternative B would generate approximately 41 full-time employment opportunities within Miller County and Camden County, and approximately 47 opportunities within the State of Missouri. Off-site improvements would not be necessary, aside from minimal access improvements within the existing paved access driveways.

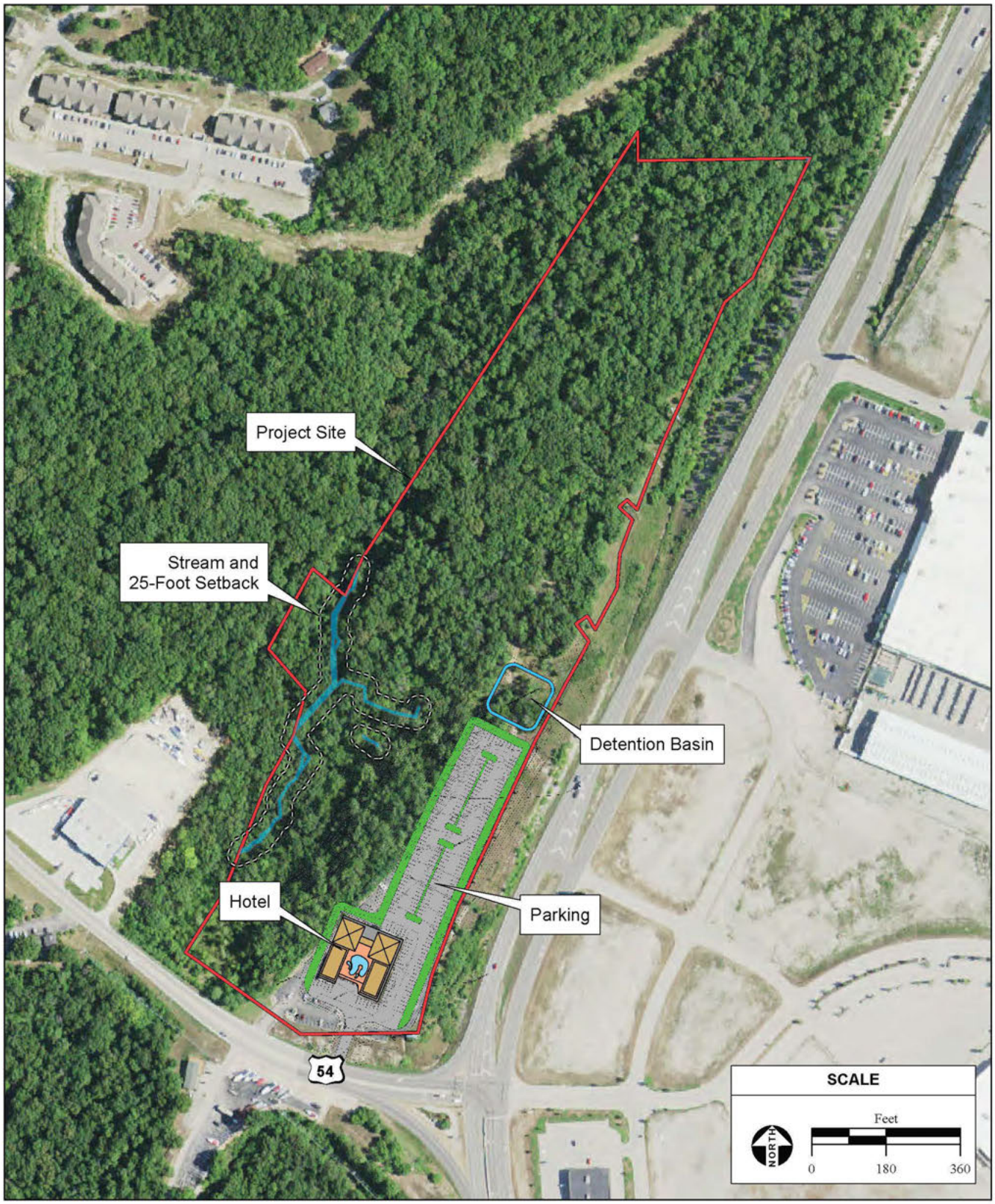
2.3 ALTERNATIVE C – NO ACTION

Under the No Action Alternative, the Project Site would not be placed into trust for the benefit of the Nation and would not be developed with the casino, hotel, and associated facilities as identified under Alternative A or with the hotel and amenities identified under Alternative B. Jurisdiction of the Project Site would remain with the City. The Project Site could potentially be developed by the Nation or by a private purchaser at a future date, consistent with local zoning; however, this is speculative. For the purposes of the environmental analysis in this EA, it is assumed that the Project Site would remain in its current undeveloped state under Alternative C.

2.4 COMPARISON OF ALTERNATIVES

As indicated above, Alternative A and Alternative B would include the transfer of approximately 29 acres of vacant land owned in fee by the Nation into federal trust status. Alternative A consists of a casino-resort facility with approximately 40,000 sf of gaming floor, a hotel tower with a total of 150 rooms, and associated amenities and utilities. Alternative B consists of a 100-room hotel, which is similar in size to the 96-room Quality Inn hotel that was previously located on the Project Site and demolished, with amenities including a pool, fitness center, and limited meeting space. Approximately 14.3 acres would be impacted under Alternative A and approximately 6.1 acres would be impacted under Alternative B. The area of impact under Alternative B would be less than Alternative A and would occur within the impact footprint of Alternative A. Alternative C, as the No Action Alternative, would not result in ground disturbance. Impacts from developing Alternative A and B would include temporary construction activities, increased impervious surface, increased traffic and GHG, and increased human activities on the site. Alternative A would increase economic activity and provide greater employment and income opportunities for area residents. Alternative B would also result in increased economic activity and employment. However, the scale of these outcomes would be considerably less than under Alternative A.

Alternative A would satisfy the objectives of the IRA, IGRA, and the Department's land acquisition policy per the Department's trust land regulations (25 CFR Part 151; 25 USC 2702(1)) by facilitating tribal self-sufficiency, self-determination, and economic development. The Department's obligation to act on the Nation's application is established by the Department's regulations.



SOURCE: CJW, 2/13/2024; Miller County Parcels, 2021; Google Earth aerial photography, 4/29/2021; ESRI, 2024; AES-Montrose, 10/11/2024

Figure 7
Alternative B - Site Plan

While Alternative C would not result in any of the environmental effects identified for Alternative A or B, this alternative would not meet the purpose and need or the Nation's objectives of providing economic opportunities for Tribal members. Despite the proportionately greater overall effects on the environment of Alternative A, identified impacts would not be significant and unavoidable following implementation of BMPs (**Table 3**) and mitigation measures recommended in this document.

2.5 ALTERNATIVES ELIMINATED FROM CONSIDERATION

The analysis of alternatives in the EA presents decision-makers and the public with a reasonable range of alternatives that are both feasible and sufficiently different from each other in critical aspects. The alternatives described below were considered and rejected from further consideration because these alternatives were deemed infeasible or would not fulfill the stated purpose and need of the Proposed Action.

2.5.1 Reduced Intensity Alternative

The Nation considered development of a smaller casino facility at the Project Site but rejected this from further consideration because a less intensive development would not be economically feasible. A casino of a certain size is necessary to generate sufficient revenue to offset fixed costs. Additionally, Alternative B above is considered reduced intensity, and thus an additional reduced intensity alternative would be redundant. Implementing a less intense development of the Project Site would not substantially reduce the potential adverse environmental effects associated with developing the site.

2.5.2 Increased Intensity Alternative

Development of a larger gaming facility has been considered, however, the Economic and Fiscal Impact Study (**Appendix C**) determined that Alternative A was of sufficient size to meet the Nation's economic development needs. Therefore, development of a larger gaming facility was eliminated from consideration.

2.5.3 Class III Gaming Facility

Development of a Class III gaming facility has been considered, however, this would require the Nation to enter into a tribal-state compact with the State of Missouri. For Class II gaming facilities, tribes may exercise their authority to conduct, license, and regulate gaming without a tribal-state compact provided the tribal government adopts a gaming ordinance that is approved by the NIGC. Class II gaming on the Project Site would be governed by a tribal ordinance that meets federal guidelines and would be approved by the NIGC. Additionally, development of a Class III gaming facility would result in similar impacts to the physical environment as assessed under Alternative A.

2.5.4 Off-Site Development

Alterative Project Site locations for Alternative A could include other undeveloped parcels near the Project Site; however, it is unlikely that an alternative site would result in fewer environmental impacts than Alternative A or be sufficiently different. The Project Site is already owned by the Nation in fee, and the Nation does not own other land in the vicinity of the Project Site. Consideration of an alternative site would require the Nation to purchase additional land, thus placing an undue financial burden on the Nation. Therefore, alternative locations for the fee-to-trust acquisition were not evaluated.

Section 3 | Affected Environment and Environmental Consequences

3.1 INTRODUCTION

This section presents relevant information about existing resources and other values that may be affected by the Proposed Action. In accordance with NEPA and the BIA's implementing guidelines (59 IAM 3-H), this section describes the existing environment of the area affected by the Proposed Action as well as the environmental consequences of the Proposed Action and alternatives considered. Note that the term "effects" is used synonymously with the term "impacts." Resource areas or issues that are addressed in this section include the following: Land Resources, Water Resources, Air Quality, Living Resources, Cultural and Paleontological Resources, Socioeconomic Conditions, Transportation/Circulation, Land Use, Public Services, Noise, Hazardous Materials, Visual Resources, and Indirect and Growth-Inducing Effects.

3.1.1 Direct and Indirect Impacts

Direct impacts are caused by an action and occur at the same time and place while indirect impacts are caused by the action and occur later in time or further in distance but are still reasonably foreseeable. Indirect and growth-inducing effects of the alternatives to each resource area are assessed herein.

3.1.2 Reasonably Foreseeable Future Actions & Cumulative Effects Analysis

NEPA requires that agencies consider "any reasonably foreseeable environmental effects of the proposed agency action." NEPA Section 102(C)(i), 42 USC 4332(C)(i). Cumulative impacts are effects on the environment that result from the incremental effects of an action when added to the effects of other past, present, and reasonably foreseeable future actions. The Department's Procedures for the Implementation of NEPA define 'reasonably foreseeable future actions' as:

> …federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These federal and non-federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite (43 CFR Part 46.30).

For the purposes of this analysis, reasonably foreseeable future actions include growth and development consistent with the uses envisioned in the City of Lake Ozark Comprehensive Plan and projects that are proposed, planned, and/or currently being constructed in the region as shown in **Table 4**.

3.2 ALTERNATIVE A – CASINO AND HOTEL

3.2.1 Land Resources

Regulatory Setting

The land resources regulatory setting is summarized in **Table 5**, and additional information on the regulatory setting can be found in **Appendix F**.

TABLE 4: PLANNED DEVELOPMENT PROJECTS IN THE VICINITY OF THE PROJECT SITE

Project Name	Acres	Miles to Project Site	Project Location	Project Description	Project Status
The Waters[1]	8	3.9	Located at the end of Redbud Lane	28 single family detached home lots	Lots currently available to buyers
Oasis at Lakeport[2]	20	3.0	Jeffries Road North of US-54	Resort and amusement park/ family entertainment center	Construction is in progress, to open in 2026
Preserve at Sycamore Creek[3]	22	4.0	Nichols Road, adjacent to US-54	250 apartment units	Currently open, construction to be completed in late 2025
Bagnell Dam Entertainment Complex[4]	N/A	1.75	Bagnell Dam Blvd adjacent to Bagnell Dam	Five-level 18,000 sf complex with pool, bars, and entertainment	Construction is in progress, to open in 2026
SOURCES: 1. Lake Ozark Realty, 2022. 2. KY3 Staff, 2022. 3. Lake Expo, 2024a. 4. Lake Expo, 2024b					

TABLE 5: REGULATORY POLICIES AND PLANS RELATED TO LAND RESOURCES

Regulation	Description
Federal	
CWA	▪ Prohibits sediment and erosion discharge into waters of the U.S. and establishes water quality goals

Environmental Setting

The Project Site is located on the east portion of the Lake of the Ozarks approximately 0.5 miles inland. The Lake is a serpentine shaped reservoir located within the Salem Plateau region of the Ozark Mountain range (Missouri Department of Natural Resources (MDNR), 2020). Lake of the Ozarks is a reservoir created by the impoundment of various surrounding rivers via Bagnell Dam. The Bagnell Dam and Osage River, which are located approximately 1.8 miles north of the Project Site, are both the primary inflow and outflow channels for the lake. The lands surrounding the lake are heavily wooded intermixed with development and moderately hilly.

Topography and Soils

Topography of the Project Site is generally flat in areas of historic grading with gently to steep sloping terrain in undeveloped areas. Elevations on the Project Site range from 650 to 845 ft amsl. The Project Site contains four soils formed from slope alluvium over residuum weathered from dolomite (**NRCS, 2022**). **Table 6** summarizes the characteristics of each soil type. A portion of the Project Site, largely where development is proposed, was previously graded.

Landslides and Liquefaction

Areas susceptible to landslides are comprised of weak soils on sloping terrain. Heavy rains or strong seismic shaking events can induce landslides. Potential landslide areas in the City are located around the beach where the terrain is steeper (MDNR, 2013). The nearest known landslide event occurred approximately two miles northwest of the Project Site near the banks of the Lake (USGS, 2022). Soils comprised of sands and clay in areas with high groundwater tables or heavy rainfall are at a greater risk of liquefaction during intense seismic shaking events. MDNR Geological Hazard Maps show the Project Site in an area not susceptible to liquefaction (MDNR, 2013). As described above, the soils on the Project Site consist of silt loams with gravely qualities, are well drained to excessively drained, have low to very high runoff rates, and the water table depth is approximately 115 ft deep (**Appendix B**; NRCS, 2022; MDNR, 2022); therefore, the potential for liquefaction at the Project Site is low.

TABLE 6: PROJECT SITE SOILS

Map Unit Symbol	Map Unit Name	Run-Off Class	% of Project Site	Approximate Acreage Proposed for Impact	Drainage Rating	Farmland Classification
73042	Niangua-Bardley complex, 15-50% slopes, extremely stony	Very High	33.6%	2.0	Well drained	Not prime farmland
73048	Rueter gravelly silt loam, 3-8% slopes	Low	30.8%	4.0	Somewhat Excessively Drained	Farmland of Statewide Importance
73089	Rueter very gravelly silt loam, 15-35% slopes, very stony	High	26.5%	6.3	Somewhat Excessively Drained	Not prime farmland
73047	Bardley-Moko complex, 3-15% slopes, extremely stony	Very High	9.1%	2.0	Well drained	Not prime farmland

Seismic Conditions

Missouri is not known as a seismically active state. The nearest seismic zone is the St. Louis-Cape Girardeau liquefaction feature and is located approximately 65 miles east of the Project Site (USGS, 2022a).

Mineral Resources

Limestone, sand, and gravel are the primary minerals mined in County. There are no mine permits onsite or in the immediate vicinity of the Project Site (MDNR, 2022a). In addition, the USGS does not report records of active mining on-site or in the immediate area of the Project Site (USGS, 2022c).

Impact Analysis

Impacts to land resources would be significant if the alternative were to result in significant changes in topography such that soils on the Project Site become unstable and pose a risk to the environment or human health surrounding areas of grading. A significant impact could occur if the alternative substantially increased the occurrence of seismic events or risks associated with seismic events. Impacts to soils would be significant if the alternative significantly increased erosion. Mineral resources would be significantly affected if the alternative were to reduce the availability of commercial mineral resources or increase costs of extracting mineral resources.

Topography

Construction of Alternative A would result in a disturbed area of approximately 14.3 acres of the partially developed Project Site (**Appendix B**). Approximately 4.9 acres will be new areas of hardscape. Construction of Alternative A will include cut and fill grading and, based on the soils on the Project Site, will likely require rock extraction. Given the moderate to steep slopes on the Project Site, improper grading could result in unstable topography. Construction of Alternative A will abide by an engineer's grading and drainage plan, which will include construction of a detention pond to maintain drainage on the Project Site. As discussed in **Section 2.1**, a site-specific geotechnical engineering report will be prepared prior to construction to ensure proper grading and operational stability of site topography. In addition, a SWPPP will be developed and followed during the construction of Alternative A to manage erosion and soil stability risks associated with earthmoving activities. Alternative A will implement BMPs that include site clearing, removal of unsuitable soil, proper moisture conditioning, review of imported fill material, fill placement, observation of foundation excavations, and other site grading techniques that comply with standard engineering practices. With inclusion of BMPs in **Section 2.1**, there would be a less than significant impact.

Seismic Conditions

Due to the absence of fault zones and liquefaction features, the shaking hazard for the Project Site and surrounding region is regarded overall as being low. As described in **Section 2.1**, construction of Alternative A would adhere to the standards equivalent to the IBC. This would include standards equivalent to IBC specifications regarding seismic protection. Use of these IBC standards would allow ground shaking-related hazards to be managed from a geologic, geotechnical, and structural standpoint and reduce risks to the health and safety of workers and members of the public.

Soil Erosion

Soils on the Project Site are characterized by minimal to steep slopes and slight to moderate erosion risk. During grading and construction, soil exposure increases the risk of erosion. Compliance with the applicable NPDES General Construction Permit would include development of a SWPPP. The SWPPP would ensure erosion control measures are in place throughout construction and that areas of bare soils are properly stabilized following construction. Additionally, per the BMPs identified in **Section 2.1**, an ECP will be prepared and included in the construction design drawings to identify specific erosion control measures necessary for construction. Operation of Alternative A would not result in ongoing earthmoving and would not generate erosion risk. With implementation of the BMPs contained within NPDES General Construction Permit, and additional BMPs listed in **Table 3**, the potential for impacts associated with erosion would be less than significant.

Mineral Resources

There are no known mineral resources or mines within or in the near vicinity of the Project Site. Therefore, construction of Alternative A would not result in the loss of mineral resources.

Reasonably Foreseeable Cumulative Effects

Effects to land resources associated with past, ongoing, and foreseeable future development in the vicinity of the Project Site would include localized, minor topographical changes, and soil erosion risks generally constrained to construction activities. Other reasonably foreseeable future projects would be subject to separate environmental review and the implementation of grading and drainage plans with appropriate measures to address slope stability, erosion, and other potential impacts. Thus, there would be no reasonably foreseeable cumulative effects with respect to land resources.

3.2.2 Water Resources

Regulatory Setting

The water resources regulatory setting is summarized in **Table 7**, and additional information on the regulatory setting is provided in **Appendix F**.

Environmental Setting

Surface Water

The Project Site is located within the Bagnell Dam-Osage River watershed (Hydrologic Unit Code 102901110203) (USEPA, 2022). The USGS monitors four waterbodies within the Bagnell Dam-Osage River watershed: Lake of the Ozarks, Osage River, Little Bear Creek, and several unnamed, isolated ponds (USGS, 2022c). Lake of the Ozarks has been classified by the EPA as impaired due to algae and is listed on the CWA Section 303(d) list of threatened and impaired waters (USEPA, 2022a). The Osage River is also listed on the CWA Section 303(d) list of threatened and impaired waters for degraded aquatic life (USEPA, 2022b). Surface water on the Project Site is limited to a perennial stream that occurs along the western border of the property and flows in a south to north direction. There are no wild or scenic rivers near the Project Site (National Wild and Scenic Rivers System, 2022).

Table 7: REGULATORY POLICIES AND PLANS RELATED TO WATER RESOURCES

Regulation	Description
Federal	
Executive Order 11988	▪ Requires federal agencies to evaluate potential effects of actions they may take in a floodplain ▪ Requires federal 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, requires the federal agency to minimize potential harm to or within the floodplain
Federal Emergency Management Agency (FEMA)	▪ The 1988 Disaster Relief and Emergency Assistance Act created FEMA ▪ Responsible for determining flood elevations and floodplain boundaries ▪ Distributes Flood Insurance Rate Maps for the National Flood Insurance Program
CWA	▪ Establishes national water quality goals ▪ Sections 303 and 304 require impaired water bodies be identified and ranked based on severity ▪ Section 401 requires a permit for discharge into Waters of the U.S. from the USEPA ▪ Section 402 requires an NPDES permit to discharge pollutants into Waters of the U.S.
Anti-Degradation Policy	▪ Each state is required to develop an anti-degradation policy that maintains surface water quality to levels permissible for existing uses
Safe Drinking Water Act	▪ The USEPA sets Maximum Contaminant Levels for drinking water contaminants of concern to the domestic water supply
State	
Missouri Water Resources Plan	▪ Assesses statewide drought and water supply and quality conditions ▪ Provides a water supply and infrastructure analysis through the year 2060 with identified infrastructure needs and potential funding opportunities
Missouri Clean Water Law	▪ Sets forth the state's drinking water regulations, the Water Safety and Security Act, Water Resource Law, and regulations related to water supply and sewer systems
Local	
City of Lake Ozark Municipal Code	▪ Encourages the use of water conservation techniques ▪ Requires developers to connect to City municipal systems for water and wastewater services ▪ Set forth design standards for connection to municipal water and wastewater services
City of Lake Ozark Comprehensive Plan	▪ Acknowledges the importance of surface waters as aesthetic and recreational resources and the importance of their preservation ▪ Identifies issues, goals, and policies related to beneficial uses of surface and groundwater and maintenance of potable water and wastewater service connections

Drainage and Flooding

The Project Site is not located within a designated floodplain (FEMA, 2009). The Project Site contains flat areas graded during previous development as well as moderate to steeply sloped areas. Currently a portion of the Project Site drains into a perennial stream. No manmade drainage infrastructure occurs on the Project Site.

Groundwater

The Project Site is within the Ozark Plateaus aquifer system within the Missouri River Groundwater Basin (USGS, 2022; MDNR, 2022b). The MDNR maintains groundwater monitoring wells throughout the state. The nearest monitoring well in relation to the Project Site is located within the Lake of the Ozarks State Park. Depth to groundwater of the monitoring well has been measured since 2008 and ranges seasonally between approximately 120 and 132 ft (MDNR, 2022c). Municipal water provided by the City is derived from groundwater (Lake Ozark Public Works, 2021). Additionally, four groundwater wells have been abandoned in place on the Project Site (**Appendix A**). The wells provided water to the previous hotel.

Impact Analysis

Impacts to the floodplain or floodplain management could be significant if construction placed people or structures in a floodplain or if construction resulted in a change of flood elevations. Impacts to surface water resources could be significant if construction or operation would substantially alter, impede, or degrade surface water supplies or water quality. Impacts to groundwater resources could be significant if construction or operation would substantially decrease groundwater levels, reduce or impede groundwater recharge, and/or degrade groundwater quality. Finally, impacts to drainage could be significant if drainage patterns on site were altered such that runoff could result in impacts such as erosion or sedimentation of surface waters.

Flooding

The Project Site is not within a designated floodplain, and construction of Alternative A would not alter floodplain levels or storage of the region. Therefore, Alternative A would not place people or structures in a floodplain. Additionally, Alternative A would not involve activities that would change flood elevations. Construction of Alternative A would introduce approximately 4.9 acres of new hardscape to the Project Site. As described in **Appendix B**, a 3.7-acre-foot detention basin would be constructed to the north of the proposed casino and would be sized to accommodate a 100-year storm event. With the development of the stormwater drainage features described in **Appendix B**, Alternative A would have a less than significant impact on flood elevations and floodplain management.

Surface Water

Construction activities under Alternative A would include ground-disturbing activities such as grading and excavation that could lead to erosion of topsoil. Erosion from construction could increase sediment discharge to surface waters during storm events, thereby degrading downstream water quality. Construction would also include the routine use of potentially hazardous construction materials, such as solvents, paint, oil, and grease that could spill onto the ground and be picked up by stormwater. Discharges of pollutants or soils to surface waters from construction activities and accidents would be a potentially significant impact. There is an existing unnamed perennial stream on site, and the Project Site is within one mile of the Osage River and Lake of the Ozarks, which are CWA Section 303(d)-listed.

Temporary erosion and sediment control measures would be implemented during construction. As described in the project BMPs (**Section 2.1**), an ECP would be included as part of the construction design drawings and would outline general requirements and responsibilities for erosion control and stormwater pollution prevention. Additionally, a SWPPP would be required under the USEPA NPDES General Construction Permit for construction of Alternative A. BMPs that will be included in the SWPPP are described in **Section 2.1.** and would ensure impaired water would not enter surface waters during construction. With adherence to the NPDES permitting program and implementation of the SWPPP, ECP, and BMPs, impacts to surface water quality from construction activities would be less than significant.

As discussed in **Section 2.1**, construction of Alternative A would avoid the perennial stream that is located near the western edge of the Project Site, and a 25-foot buffer or setback would be established. Alternative A would avoid the 25-foot buffer. In the event that full stream avoidance is not feasible, mitigation included in **Section 4** would require consultation with the USEPA and/or USACE regarding the need to obtain a CWA Section 404 permit for the construction of the service drive in the vicinity of the stream segment. Avoidance of impacts or appropriate permitting would reduce impacts to surface waters to a less than significant level. As described in **Appendix B**, the stormwater facilities constructed on site as part of Alternative A would convey stormwater to a detention basin sized to accept a 100-year storm event. Therefore, stormwater generated onsite would normally infiltrate into the groundwater and not impact surface waters.

Water supply would be provided by the City, which obtains water from groundwater wells and would therefore not impact surface water sources. Wastewater would be treated by the City and would therefore not result in discharge of untreated wastewater into surface waters. Operation of Alternative A would have no impact on surface waters.

Groundwater

Alternative A has been designed to minimize the development footprint outside of previously paved areas. A total of 3.0 acres of development would occur within previously developed areas. Alternative A would still, however, introduce approximately 4.9 acres of new impervious surfaces. Introduction of new impervious surfaces has the potential to impact groundwater recharge on-site. However, as described above and in **Appendix B**, the stormwater facilities constructed on site as part of Alternative A would convey stormwater to a detention basin on site that is sized to accommodate a 100-year storm event and would allow for collected runoff to percolate into the groundwater table.

As described in **Section 2.1**, Alternative A would rely on a City water connection. The City provides water to approximately 950 service connections via groundwater wells (Lake Ozark Public Works, 2021; MDNR, 2022d). Two of these wells provide water to the City while the third serves as an emergency back-up well (MDNR, 2022e). Historically the City provided water supply to a 96-room hotel on the Project Site. Alternative A would utilize more water than has historically been used on the Project Site. An increase in water demand on the Project Site could result in impacts to groundwater. Annual water demand of Alternative A is analyzed in **Section 3.2.9** and is estimated at 38,000 GPD. The City relies on water pulled from the Gasconade-Osage Basin (MDNR, 2020). The Missouri Water Resources Plan projects that, in the year 2060, anticipated groundwater withdrawal will constitute five percent of groundwater recharge within the Gasconade-Osage Basin. The Missouri Water Resources Plan assumes a 16 percent growth rate for Miller County between 2020 and 2060. In 2016, Miller County specifically was found to have a five percent withdrawal rate compared to recharge amount, with a projected increase to six percent by the year 2060, accounting for anticipated growth. At these levels, groundwater sustainability modeling through the year 2060 does not show potential impacts to groundwater levels. Additionally, project BMPs identified in **Section 2.1** would reduce water demand by including EnergyStar or WaterSense rated fixtures where possible and maximizing the use of native vegetation requiring minimal irrigation. Therefore, operation of Alternative A would result in less than significant impacts to groundwater levels.

Reasonably Foreseeable Cumulative Effects

Other projects in the vicinity of the Project Site would be required to comply with the CWA and to adhere to permit conditions for unavoidable impacts to surface waters. As the project would provide compensatory mitigation at least equal to the level of impacts of Alternative A, cumulative impacts would be less than significant. As discussed above, a cumulative analysis was prepared by the MDNR to assess water availability throughout the state through the model year 2060 (MDNR, 2020). The MDNR maintains record of land use type within the City. Between 2018 and 2020 the growth of developed/high intensity land use increased 0.12 percent per year, while developed/low-medium intensity increased 0.8 percent per year (MDNR, 2022f). Other land use development categories, such as agriculture, saw a land use increase of less than 0.1 percent, or saw a decrease in land use. This indicates a relatively slow population growth rate for the City, within the anticipated growth rate assumed by the Missouri Water Resources Plan.

Alternative A would not exceed anticipated growth utilized in groundwater sustainability modeling. Modeling found that by the year 2060, withdrawal would be approximately five percent of groundwater recharge volumes throughout the basin and six percent of recharge rates within Miller County. At these rates, modeling determined that reasonably foreseeable cumulative effects to groundwater levels and sustainability would not occur.

Additionally, according to the Missouri Drought Plan, Miller County is within drought susceptibility zone B, which represents an area with relatively robust groundwater supplies and a moderate risk of groundwater level decline in severe drought conditions (MDNR, 2002). The Missouri Drought Plan includes drought response actions to ensure that impacts to groundwater levels would be minimized. Therefore, no reasonably foreseeable cumulative effects to water resources would occur.

3.2.3 Air Quality

Regulatory Setting

The air quality regulatory setting is summarized in **Table 8**, and additional information on the regulatory setting can be found in **Appendix F**.

TABLE 8: REGULATORY POLICIES AND PLANS RELATED TO AIR QUALITY

Regulation	Description
Federal	
Clean Air Act (CAA) of 1970	▪ The CAA created the National Ambient Air Quality Standards (NAAQS) for six CAPs: ozone, carbon monoxide (CO), particulate matter, nitrogen dioxide, sulfur dioxide (SO_2), and lead. ▪ States are required to have State Implementation Plans (SIP) for areas that are not achieving the NAAQS (nonattainment areas). ▪ General Conformity Rule requires demonstration that a proposed federal action will conform to the applicable SIP. ▪ Prevention of Significant Deterioration (PSD) program protects Class I areas. ▪ Tribal minor NSR permits are required if emissions would exceed certain standards.

Environmental Setting

Attainment Status

To determine conformance with the NAAQS, states are responsible for providing ambient air monitoring data to the EPA. 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 9**, Miller County meets the federal standards or is unclassifiable for all pollutants.

TABLE 9: MILLER COUNTY NAAQS ATTAINMENT STATUS

Pollutant	NAAQS
Ozone (8-hour)	Attainment
PM_{10} (24-hour, annual)	Attainment
$PM_{2.5}$ (annual)	Attainment
CO (8-hour, 1-hour)	Unclassifiable/Attainment
Nitrogen Dioxide (annual, 1-hour)	Unclassifiable/Attainment
SO_2 (24-hour,1-hour)	Unclassified
Lead (30-day average)	Unclassifiable/Attainment
SOURCE: USEPA, 2024a.	

Hazardous Air Pollutants (HAPs)

In addition to the above-listed CAPs, HAPs are a group of chemical pollutants that can cause adverse effects to human health and/or the environment. HAPs are classified as airborne chemicals, pursuant to a list developed by the USEPA.

Sources of HAPs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, cigarette smoke, and motor vehicle exhaust. Cars and trucks release at least 40 different HAPs. The most important, in terms of health risk, are diesel particulates, benzene, formaldehyde, 1,3-butadiene, and acetaldehyde. Health effects of HAPs can include cancer, birth defects, and neurological damage.

HAPs are less pervasive in the urban atmosphere than CAPs but are linked to short-term (acute) or long-term (chronic or carcinogenic) adverse human health effects. The majority of the estimated health risk from HAPs can be attributed to relatively few compounds, the most important being the HAPs found in DPM. Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are particulate matter that includes carbon particles or "soot." Diesel exhaust also contains a variety of harmful gases and over 40 other cancer-causing substances. Exposure to DPM is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. In the vicinity of the Project Site, HAPs are primarily emitted by mobile sources, such as diesel trucks.

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, sensitive resources should be given special consideration when evaluating air quality impacts from projects. 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 nearest sensitive receptor to the Project Site is single family homes to the south about 800 ft and a multifamily apartment complex located approximately 1,000 ft to the northwest. There are no schools, medical facilities, or other sensitive receptors in the vicinity of the Project Site.

Impact Analysis

Impacts to ambient air quality could be significant if construction or operation of the project alternative would result in violations of federal CAA provisions, or if emissions would impede a state's ability to meet the NAAQS. 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. Therefore, for the purposes of this analysis, a significant impact could occur if the alternatives would adversely affect public health or safety or threaten a violation of applicable federal, State, Tribal or local law or requirements imposed for the protection of the environment.

Construction activities would consist of earthwork, fine grading, structural building, road work, and parking lot construction. A fleet mix of trucks, scrapers, excavators, and graders would be used to complete construction of Alternative A. Effects on air quality during construction were evaluated by estimating the quantity of each CAP emitted over the duration of the construction period. PM_{10} and fine particulate matter 2.5 microns in diameter ($PM_{2.5}$) are the pollutants of concern during earth-moving and fine grading activities. Volatile organic compounds (VOC), nitrogen oxides (NOx), SO_2, CO, GHG, and DPM emissions would be emitted from heavy equipment from the combustion of diesel fuel.

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 Version 4 (MOVES4) (USEPA, 2023). Emissions were estimated assuming that construction would begin in 2025 and continue for approximately 12 months in order to capture all phases of construction. A detailed list of the proposed equipment and emissions resulting from the equipment is located in **Appendix G**.

Emission factors in grams per vehicle mile traveled were estimated for patron vehicles and evaluated using the MOVES4 model. MOVES4 calculates emissions for gasoline-fueled and diesel-fueled 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 for Alternative A is provided in **Appendix G**. Emissions of PM_{10}, NO_X, SO_2, CO, VOCs, and carbon dioxide equivalents from vehicles traveling to, from, and within the Project Site were calculated for each alternative. Calculations were based on emission factors derived from MOVES4 (USEPA, 2023) and trip generation rates provided in the Transportation Impact Analysis (TIA) prepared for the Alternative A (**Appendix E**). Average trip lengths were estimated using distance to nearest population centers and are provided in **Appendix G**.

For Alternative A, natural gas would be used as fuel for space heating, water heaters, and cooking equipment. Annual gas usage for Alternative A is based on developments of similar or greater size. Emissions from natural gas combustion are calculated using emission factors from AP-42 (USEPA, 2011). 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. The Project Site is located in an area that is classified as being in attainment for all NAAQS and is not a maintenance area for CO or any other pollutant; therefore, a federal general conformity analysis is not required. Implementation of Alternative A would result in emissions of CO. Because CO disperses rapidly with increased distance from the source, emissions of CO are considered localized pollutants of concern rather than regional pollutants and can be evaluated by Hot Spot Analysis. A Hot Spot Analysis is only required for areas that are in nonattainment or under a maintenance plan for CO. Miller County is in attainment and is not under a maintenance plan, thus no CO hot spot analysis is required.

If Alternative A emits greater than the PSD threshold of 250 tons per year (tpy) of any one CAP from stationary sources during construction or operation, then a best available control technology analysis would be conducted. There are no Federal Class I Areas within the preconstruction review distance of 100 kilometers from the Project Site, therefore further analysis is not required. The Nation would be required to apply for a permit under the New Source Review (NSR) requirements of the CAA if stationary source operational emissions of regulated pollutants would exceed the thresholds presented in **Table 9**. For this analysis, stationary source project-related operational emissions are quantified and compared to the applicable threshold.

Construction Emissions

Construction of Alternative A would result in emissions of PM_{10}, NO_X, SO_X, CO, VOCs, GHGs, and HAPs (primarily in the form of DPM) from the use of construction equipment and grading activities. Construction is anticipated to begin in 2025 and last approximately 12 months. Construction is assumed to occur for eight hours a day, five days a week. The construction emission totals for Alternative A are shown in **Table 10** (**Appendix G**). The Project Site is in a region classified as being in attainment for all CAPs; therefore, in accordance with 40 CFR Part 93, construction of Alternative A would not cause an exceedance of NAAQS. However, construction of Alternative A would produce DPM and fugitive dust (PM_{10}) that may impact the commercial uses in the vicinity of the Project Site.

TABLE 10: CONSTRUCTION EMISSIONS – ALTERNATIVE A

Construction Year	Criteria Pollutants (tpy)					
	NOx	**VOC**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
2025	2.35	2.03	2.67	0.01	0.19	0.17
Total Emissions	2.35	2.03	2.67	0.01	0.19	0.17
***de minimis* Level**	N/A	N/A	N/A	N/A	N/A	N/A

Notes: N/A = Not Applicable. *De minimis* levels are not applicable because the project area is in attainment, as discussed above for Attainment Status. Source: **Appendix G**.

BMPs identified in **Section 2.1** would minimize construction-related emissions of CAPs and reduce DPM emissions from construction equipment by approximately 85 percent (USEPA, 2004), avoiding potentially adverse effects. With the implementation of BMPs, construction of Alternative A would not result in significant adverse impacts associated with the regional air quality environment. Alternative A is protective of public health and safety and would not conflict with adopted air quality plans or regulations.

Operational Emissions

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, and other equipment. Estimated mobile-source and stationary-source emissions from operation of Alternative A are provided in **Table 11**. Detailed calculations of vehicle and area emissions are included in **Appendix G**. As shown in **Table 11**, operational emissions from stationary sources would not exceed the minor NSR thresholds. Therefore, a Tribal NSR permit would not be required. 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 in **Section 2.1** would minimize CAP emissions resulting from operation of Alternative A. Alternative A is protective of public health and safety and would not conflict with adopted air quality plans or regulations. Alternative A would not result in significant impacts associated with the regional air quality environment.

TABLE 11: 2026 OPERATIONAL EMISSIONS – ALTERNATIVE A

Sources	Criteria Pollutants (tpy)					
	NOx	**VOC**	**CO**	**SO_2**	**PM_{10}**	**$PM_{2.5}$**
Stationary	0.41	0.06	0.32	0.09	0.06	0.03
Mobile	15.17	7.35	103.99	0.06	1.73	0.51
Total Emissions	15.58	7.42	104.31	0.15	1.79	0.54
de minimis* Level	N/A	N/A	N/A	N/A	N/A	N/A

Notes: N/A = Not Applicable; *de minimis* levels are not applicable due to attainment status.
Source: Appendix G

Reasonably Foreseeable Cumulative Effects

Air Quality

If the individual emissions of a project contribute towards an exceedance of the NAAQS in combination with other reasonably foreseeable actions, then impacts on air quality may be significant. In developing attainment designations for criteria pollutants, the USEPA considers the region's past, present, and future emission levels. The Project Site and vicinity is in attainment for all criteria pollutants. The main source of CAP emissions from foreseeable development is mobile sources from automobiles, the generation of which will be reduced as fuel efficiency increases. As automobiles use less, or even run without gasoline, emissions of CAPs per mile will decrease. For these reasons, Alternative A would not adversely impact the region's air quality, and BMPs listed in **Section 2.1** would further reduce project-related emissions.

Greenhouse Gas

GHG emissions resulting from Alternative A are primarily indirect (indirect mobile emissions from delivery, patron, and employee vehicles). The federal government has enacted measures that would reduce GHG emissions from mobile sources, some of which have been accounted for in the air quality model used to estimate mobile emissions. BMPs in **Section 2.1** would reduce project-related GHG emissions, such as reducing the idling of heavy equipment and thus CO_2 emissions. Operational BMPs would reduce indirect GHG emissions from electricity use, water use, and waste transport through the use of energy-efficient fixtures, low-flow appliances, drought-resistant landscaping, and recycling receptacles. Operational BMPs would also reduce indirect mobile GHG emissions by ensuring adequate ingress and egress to minimize vehicle idling.

Direct and indirect GHG emissions are not substantial; however, project-related GHG emissions have been quantified and are shown in **Table 12** and will be further reduced with the implementation of BMPs provided in **Section 2.1.** Therefore, implementation of Alternative A would have a less than significant contribution towards adverse effects associated with GHG emissions.

TABLE 12: CONSTRUCTION AND OPERATIONAL GHG EMISSIONS

Direct	**GHG Emissions (MT of CO_2e/year)**
Grading, Building, etc.	1,812
Stationary	890
Indirect	**GHG Emissions (MT of CO_2e)**
Energy	1,965
Mobile	12,066
Solid Waste	78
Water/Wastewater	7.6
Annual Construction GHG Emissions	90.6
Annual Operation GHG Emissions	14,116
Notes: CO_2e = carbon dioxide equivalent; MT = metric tons Source: **Appendix G**	

3.2.4 Living Resources

Regulatory Setting

The regulatory setting concerning biological resources is summarized in **Table 13**, and additional information on the regulatory setting can be found in **Appendix F**.

Environmental Setting

Methodology

Site conditions were observed during site visits conducted on May 7, 2021, June 25, 2022, and October 24, 2024 . The goal of the site visits was to identify dominant vegetative communities, potentially occurring listed species, habitat to support listed species, and potentially occurring aquatic resources. In addition to site visits, current and historical aerial imagery and topographic maps were reviewed. The following databases were also queried and are included as **Appendix H**:

- The Missouri Department of Conservation (MDC) list of threatened or endangered species (MDC, 2025);
- A USFWS list of federally listed species with the potential to occur within the Project Site (USFWS, 2025a);
- A map of USFWS proposed and designated Critical Habitat (USFWS, 2025b);
- Natural Resources Conservation Service (NRCS) Custom Soil Resource Report (NRCS, 2025); and USFWS National Wetlands Inventory (NWI) map of wetland features (USFWS, 2025c).

Habitat Types

A habitat map is provided in **Figure 8**. The Project Site is comprised of ruderal/developed areas (4.1 acres) and forested land (24.5 acres). Additionally, a perennial stream runs along the western border of the Project Site, discussed further below. Developed habitat includes paved surfaces, capped utilities, and utilities abandoned in place associated with the demolished hotel. The MDC maintains mapping and descriptions of statewide natural communities (MDC, 2018). Forests and woodland are considered to be one of seven primary habitat types found within the state, with four categories of forest recognized.

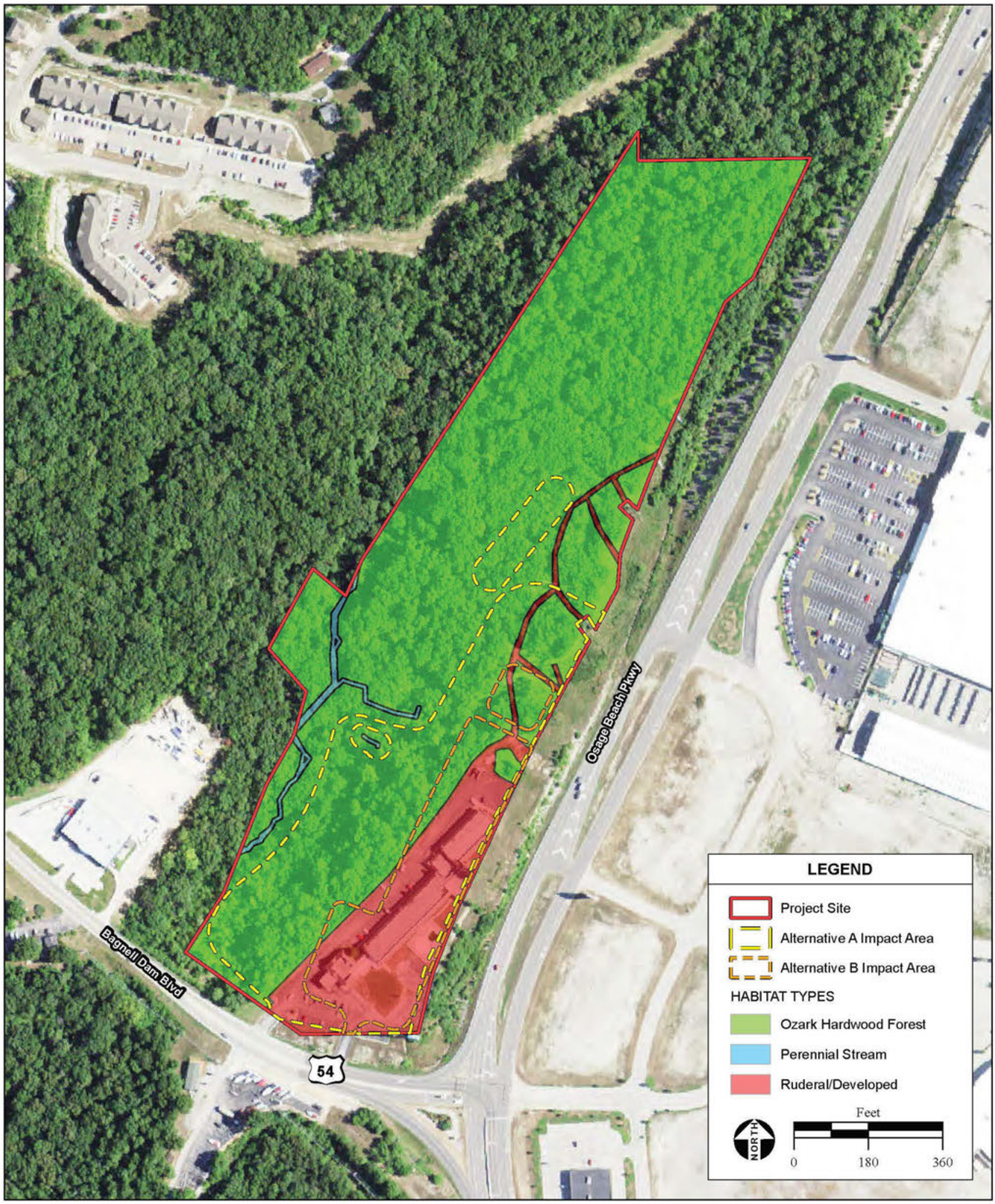
TABLE 13: REGULATORY POLICIES AND PLANS RELATED TO BIOLOGICAL RESOURCES

Regulation	Description
Federal	
Federal Endangered Species Act (FESA)	▪ Enforced by the USFWS for terrestrial species ▪ Protects federally listed wildlife and their habitat from take ▪ 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 ▪ Considers habitat loss an impact to the species ▪ Defines Critical Habitat as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species
Migratory Bird Treaty Act (MBTA)	▪ Protects migratory birds and requires project-related disturbances to be reduced or eliminated during the nesting season
Bald and Golden Eagle Protection Act	▪ Prohibits take, possession, and commerce of bald and golden eagles and associated parts, feathers, nests, or eggs with limited exceptions ▪ The bald eagle was federally delisted under the FESA in 2007; however, provisions of the act remain in place for bald and golden eagles
CWA Section 404 and 401	▪ Defines waters of the U.S. subject to jurisdiction of the USACE ▪ Provides for the regulation of filling or dredging of waters of the U.S. under the authority of Section 404 of the CWA by USACE or the USEPA. Projects on trust land that require a 404 permit also require a Section 401 certification from the USEPA.
State	
MDC	▪ Maintains a list of endangered species within the state ▪ Provides Management Plans for conservation, wildlife, and plant species
Local	
City of Lake Ozark Municipal Code	▪ Requires that noxious vegetation or high grasses be cut down where terrain permits
City of Lake Ozark Comprehensive Plan	▪ Identifies naturally scenic parks and open space as valuable to the community ▪ Emphasizes the importance of identifying and preserving open space areas

Based on the MDC habitat mapping, tree canopy density, and species distribution, forested land on the Project Site is best described as Ozark hardwood forest. Ozark hardwood forest occurs predominantly in the northern portion of the Project Site. Species observed include eastern red cedar (*Juniperus virginiana*), oaks (*Quercus sp.*), bigleaf snowbell (*Styrax grandifolius*), Indian hemp (*Apocynum cannabinum*), ribwort plantain (*Plantago lanceolate*), common blackberry (*Rubus allegheniensis*), wild carrot (*Daucus carota*), and bush clovers (*Lespedeza*).

Wetlands/Waters of the U.S.

Based on background review and site visits, aquatic habitat on the Project Site is limited to a perennial stream that runs along the western border of the Project Site. Approximately 0.3 acres (1,097 linear ft) of perennial stream occur on the Project Site. The course of this stream is shown on **Figure 8**. The perennial stream originates on the Project Site and flows off-site to the west. The perennial stream drains into an unnamed stream that is tributary to the Osage River. The stream is classified by the NWI as an R4BC, meaning it is an intermittent riverine streambed that is seasonally flooded (NWI, 2025). The perennial stream is potentially considered a water of the U.S. under USACE jurisdiction.



SOURCE: Marnell Architecture, 2/9/2022; Miller County Parcels, 2021; Google Earth aerial photography, 4/29/2021; ESRI, 2025; AES-Montrose, 3/12/2024

Figure 8
Habitat Types

Listed Species

No State or federally listed species were observed on the Project Site. According to the USFWS, the following federally listed species have the potential to occur in the vicinity of the Project Site:

- Gray bat (*Myotis grisescens*; endangered)
- Indiana bat (*Myotis sodalist*; endangered)
- Northern Long-eared bat (*Myotis septentrionalis*; endangered)
- Tricolored Bat (*Perimyotis subflavus*; Proposed endangered)
- Pink mucket (pearlymussel) (*Lampsilis abrupta*; endangered)
- Scaleshell mussel (*Leptodea leptodon*: endangered)
- Spectaclecase mussel (*Cumberlandia monodonta*; endangered)
- Monarch butterfly (*Danaus plexippus*; Proposed Threatened)

The unnamed stream is the only surface water present on the Project Site. This steam is relatively small, lacks a strong current as it is intermediate with seasonal flooding, and does not contain gravel or cobble substrate. This type of stream does not provide the type of habitat suitable to support the three federally listed mussels identified above. Additionally, the Project Site lacks suitable host plants necessary for Monarch butterflies. The Project Site also lacks suitable roosting habitat for gray bat, which requires cave habitat for roosting. Indiana bat, northern long-eared bat, and tricolored bat, however, will utilize tree cavities, sloughing bark, and cave-like analogs for roosting. Trees on site that may have sloughing bark or cavities could therefore provide suitable roost habitat for Indiana bat, northern long-eared bat, and tricolored bat. Therefore, suitable habitat to support federally listed species is limited to roosting bat habitat that may be present, should trees on site be identified with sloughing bark or cavities.

The MDC maintains a list of state-protected species, included in **Appendix H**. The unnamed stream lacks necessary habitat to support aquatic invertebrates, amphibians, or fishes identified as endangered or threatened by the MDC. Additionally, the Project Site is outside of the geographic range for state-protected reptiles and terrestrial invertebrates. The state has identified three endangered birds: northern harrier (*Circus cyaneus*), Bachman's sparrow (*Peucaea aestivalis*), and greater prairie chicken (*Tympanuchus cupido*). These birds require open grassy areas or shrubby habitat and are therefore very unlikely to occur on the Project Site as it is limited to developed areas and woodland, although trees on the Project Site may provide suitable nesting for northern harrier, discussed further below. State-protected mammals are limited to gray wolf (*Canis lupus*), eastern spotted skunk (*Spilogale putorius*), and gray and Indiana bat. The Project Site is out of the geographic range of gray wolf. As discussed above, there is potential for northern long-eared bat, Indiana bat, and tricolored bat to roost on the Project Site. In addition, eastern spotted skunk may den or forage within the wooded, undeveloped portion of the Project Site.

Nesting Migratory Birds

Nesting migratory birds, protected under 50 CFR 10 of the MBTA, have the potential to occur on and in the vicinity of the Project Site. The general nesting season occurs between February 15 and September 15. Active nests were not observed during the surveys.

Critical Habitat

There is no proposed or designated Critical Habitat on or near the Project Site (**Appendix H**). Additionally, there is no Essential Fish Habitat (EFH) present on the Project Site.

Impact Analysis

Impacts to living resources could be significant if the alternative:

- Has a substantial adverse effect on species listed under the FESA;
- Has a substantial adverse effect on habitat necessary for the future survival of such species, including areas designated or proposed as Critical Habitat by the USFWS or areas designated as EFH by the National Marine Fisheries Service;
- Results in a take of migratory bird species as defined by the MBTA (16 US.C §703-712);
- Results in take of bald or golden eagles as defined under the Bald and Golden Eagle Protection Act; or
- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means.

The evaluation of adverse effects to biological resources is based on survey results, desktop review, and a comprehensive examination of the Project Site and the extent of habitats, potential wetlands, and the potential for presence of listed species.

Habitats and Wetlands/Waters of the U.S.

Alternative A would disturb approximately 3.7 acres of ruderal/developed areas and 10.6 acres of Ozark hardwood forest. Ruderal/developed habitat is not considered sensitive as it has previously been modified from its original state and provides little value to wildlife species. Vegetation in this area is limited to weedy species and remnant landscaping. Similarly, Ozark hardwood forest is not considered a sensitive habitat and is not afforded special protection at the state or federal level. Although forested habitat generally provides a greater value to plants and wildlife, this habitat type is not considered sensitive or of limited distribution. Approximately 13.9 acres of this habitat will be avoided by Alternative A.

The perennial stream does not contain continuous flowing water or the substrate necessary to support aquatic species identified by the USFWS Information for Planning and Consultation (IPaC) and MDC. Therefore, the perennial stream does not contain the necessary habitat to support listed or proposed listed species. Because the perennial stream drains into a tributary of the Ozark River, the perennial stream is likely a water of the U.S. subject to USACE jurisdiction. As described in **Section 2.1**, construction of Alternative A would avoid the perennial stream that is located near the western edge of the Project Site, and a 25-foot buffer or setback would be established. Alternative A would avoid the 25-foot buffer. In the event that full stream avoidance is not feasible, including during construction of the service drive in the vicinity of the stream segment, mitigation included in **Section 4** would require consultation with the USEPA and/or USACE regarding the need to obtain a CWA Section 404 permit. Avoidance of impacts or adhering to permitting conditions would reduce impacts to the perennial stream to a less than significant level.

Listed Species

Based on biological desktop review and survey results, three federally listed species have the potential to occur on the Project Site: northern long-eared bat, Indiana bat, and tricolored bat. State listed species generally are not afforded specific protection on tribal trust land, although only one species that is only state-listed may occur on the Project Site: eastern spotted skunk, which may den or forage in the Ozark hardwood forest. Approximately 70 percent of the suitable habitat for this species has been avoided in project design.

The Indiana bat, northern long-eared bat, and tricolored bat may roost in trees on the Project Site, should trees on site contain features such as sloughing bark or cavities. Roosting bats may be disturbed or injured during construction if a potential roost tree is removed while occupied. As discussed in **Section 2.1**, project BMPs include reducing impacts to trees by limiting native tree removal as possible and minimizing impacts to the dripline of preserved trees. By preserving trees where possible, potential impacts to roosting habitat would be limited. However, in order to prevent accidental injury or death to roosting bats within trees that cannot be preserved, mitigation included in **Section 4** would be implemented. Mitigation would limit tree removal activities to occur between November 1 and March 31, which is outside the active season of roosting bats.

To facilitate FESA Section 7 consultation with the USFWS, a Biological Assessment (BA) was prepared and submitted to the USFWS Missouri Ecological Services Field Office (Acorn Environmental, 2024). On November 13, 2024, the USFWS concurred with the determination in the BA that proposed development would have no effect on gray bat, pink mucket (pearly mussel), scaleshell mussel, and the spectaclecase mussel, and that proposed development may affect but is not likely to adversely affect Indiana bat, northern long-eared bat, and tricolored bat with consideration of avoidance and minimization measures included in **Section 4** (**Appendix H**). With mitigation, potential impacts to listed species would be less than significant.

Nesting Migratory Birds

Nesting migratory birds may occur on and in the vicinity of the Project Site. The general nesting season occurs between February 15 and September 15. Should active nests occur on or within 500 ft of the Project Site, ground disturbance associated with construction of Alternative A could adversely affect nesting birds. Mitigation included in **Section 4** would avoid impacts through a preconstruction nesting bird survey and establishment of a disturbance free buffer around active nests. With implementation of the mitigation measures identified in **Section 4**, potential adverse effects to nesting migratory birds would be reduced to a less than significant level.

Critical Habitat

Designated or proposed Critical Habitat does not occur within or adjacent to the Project Site. Waterways or hydrological connections to waters that support EFH do not occur within the Project Site. Alternative A would not affect Critical Habitat or EFH.

Reasonably Foreseeable Cumulative Effects

Other reasonably foreseeable future projects in the vicinity of the Project Site are generally located in urban development areas, and are not anticipated to result in cumulative effects to sensitive habitats or listed species. Similar to Alternative A, other future developments in the region would be required to comply with the CWA and to adhere to permit conditions for unavoidable impacts to waters of the U.S. As the project would provide compensatory mitigation at least equal to the level of impacts of Alternative A, cumulative impacts would be less than significant.

3.2.5 Cultural Resources

Regulatory Setting

The cultural resources regulatory setting information is summarized in **Table 14,** and more detailed information can be found in **Appendix F**.

Environmental Setting

A cultural resources study was prepared and included a literature search, field survey, and Tribal consultation to identify and evaluate any prehistoric and historic-period resources within or adjacent to the Project Site that may be impacted by Alternative A (**Appendix I**). As part of the cultural resources study, an archaeological survey of the Project Site was conducted in November 2021 using a combination of a pedestrian survey of the previously disturbed hotel footprint and forested steep hillslopes and shovel testing on 2.91 acres of a comparatively undisturbed terrace. It is assumed that any portion of the Project Site may be used for project construction, staging, or material stockpiles, and therefore the entire Project Site is considered the Area of Potential Effects (APE). Because of the slopes in the APE, it is presumed that construction may go to 20 ft below ground surface. The site plan for Alternative A is shown in **Figure 4**.

TABLE 14: REGULATORY POLICIES AND PLANS RELATED TO CULTURAL RESOURCES

Regulation	Description
Federal	
Section 106 of the NHPA	▪ Federal agencies must identify cultural resources that may be affected by actions involving federal lands, funds, or permitting actions. ▪ Significance of the resources must be evaluated for National Register of Historic Places (NRHP) eligibility. ▪ If an NRHP-eligible resource will be adversely affected, measures to avoid or reduce adverse effects must be taken.
Archaeological Resources Protection Act	▪ Archaeological resources and sites on public and Indian lands are protected resources.
Native American Graves Protection and Repatriation Act (NAGPRA)	▪ 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.
Paleontological Resources Preservation Act	▪ Paleontological resources on federal lands are protected resources.
Osage Nation	
Osage Nation Historic Preservation Office NHPA Section 106 Protocol and Standards	▪ Includes professional qualifications for leading an archaeological survey.
Osage Nation Historic Preservation Office Archaeological Survey Standards	▪ Includes surface and subsurface testing requirements. ▪ Includes documentation standards.
State	
MDNR Division of State Parks SHPO Section 106 Project Information Form	▪ Requires a summary of project information and documentation standards.
MDNR's Guidelines for Phase I Archaeological Surveys and Reports	▪ Provides baseline procedures for field methodology.

Osage Nation

The Osage are identified as a Dhegiha Siouan language speaking nation along with the Omaha, Ponca, Kaw, and Quapaw. According to Osage and Dhegiha Siouan oral tradition, the origin of the Dhegiha Siouan Nations is in the Ohio River valley. During the Middle Woodland period, A.D. 200 to A.D. 400, the Dhegiha as a group started migrating down the Ohio River valley to the confluence of the Mississippi and Ohio rivers. During the Late Woodland period, A.D. 400 to A.D. 500, the Dhegiha Nations (minus the Quapaw) migrated up the central Mississippi River valley settling in the St. Louis area as well as traveling outward from the valley following the various river drainages into the interior of what are now Missouri and Illinois. During the latter part of the Late Woodland (A.D. 900) and Emergent Mississippian (A.D. 1000) periods, larger groups of the Dhegiha Siouan Nations focused their settlement strategy in the Cahokia/St. Louis area. At the onset of the Mississippian period, A.D. 1000, those who would later become the Omaha and Ponca Nations separated from the other two remaining Dhegiha Siouan Nations. At some point after the Omaha and Ponca departure, the Kaw separated and traveled up the Missouri River during the Middle Mississippian period, A.D. 1200 to A.D. 1250. Those who would later become the Osage were the last remaining Dhegiha Siouan Nation in the Cahokia/St. Louis area. At the end of the Mississippian period, A.D. 1300, the Osage shifted their settlement pattern and moved westward to focus primarily within the central and western portions of the state of Missouri. At the onset of the historic period large groups of the Osage were located along the Missouri and Osage rivers (Hunter, 2022).

Historic Overview

The Union Electric Light and Power Company began construction on Bagnell Dam in 1929, which was completed in 1931. Named after William Bagnell, who moved from St. Louis County to set up a railroad tie business along the Osage River, the dam was built of earth and concrete, and the construction cost was approximately $30 million. When the 2,543-foot-long, 100-foot-high dam closed its locks, it impounded the Osage River and created the "Osage Reservoir," which became the largest body of water in Missouri and the largest man-made lake in the world at the time. The name of the lake went through a number of iterations as attempts were made to name it after politicians and local landowners. By 1932, the present name had been adopted. For years after the Lake's completion, its recreational potential lay untapped. A few fishing camps developed, and little cabins slowly began to dot the Lake's shoreline. But it was only after World War II that the area began to realize it's recreational potential, with increasing visitation and the development of resorts, hotels, and other amenities (Wolff, 2021).

Native American Consultation

The BIA, as federal lead agency, sent consultation letters in accordance with Section 106 of the NHPA to the Missouri SHPO, Osage Nation Tribal Historic Preservation Officer (THPO), and the Apache Tribe of Oklahoma. Letters were sent out in early November 2024, with consultation ending December 23, 2024. To date no response has been received from any of the listed parties above.

Paleontological Resources

During the Paleozoic, warm, shallow seas covered Missouri up until the Late Carboniferous. The underlying geology of the Project Site dates to the Ordovician, part of the Paleozoic. Fossils of trilobites, brachiopods, mollusks, echinoderms, corals, and bryozoans are common in many of the state's Paleozoic rocks (Paleoportal, 2022). No fossils from Miller County, Missouri have been included on the online database from the University of California Museum of Paleontology (UCMP, 2022).

Impact Analysis

For historic properties, impacts could be significant if the alternative resulted in one of the following effects to cultural resources that are listed, or eligible for listing, on the NRHP:

- Physical destruction of or damage to all or part of the resource
- Alteration of a resource
- Removal of the resource from its historic location
- Change of the character of the resource's use or of physical features within the resource's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the resource's significant historic features
- Neglect of a resource that causes its deterioration
- Transfer, lease, or sale of the property

Paleontological resources are considered important for their scientific and educational value. Fossil remains of vertebrates are considered significant. Invertebrate fossils are considered significant if they function as index fossils. Index fossils are those that appear in the fossil record for a relatively short and known period of time. This allows geologists to interpret the age range of the geological formations in which they are found.

Impacts to cultural and paleontological resources were evaluated using a combination of background research, a pedestrian survey, and shovel testing program completed in 2021. A background record search and archaeological survey were completed by Luke A. Morris, MA and Jess G. Hendrix, MA, RPA in November 2021 (**Appendix I**).

The record search found that there were no NRHP properties within one mile of APE. The nearest NRHP resource is Bagnell Dam and Osage Power Plant, approximately 1.6 miles from APE. Adjacent properties are commercial food and retail businesses.

The field inventory included a pedestrian survey of the entire APE, most of which was characterized as excessively steep or previously disturbed by construction. Past disturbance on the Project Site includes the 1995 demolition of a hotel erected in the late 1970s, and construction of a Quality Inn in 1996. The Quality Inn was demolished in 2022 following the pedestrian survey. In addition to the pedestrian survey, 2.91 acres were shovel tested where an undisturbed terrace was located. All shovel tests were negative; no materials were identified that were more than 50 years old.

Morris and Hendrix noted that the built environment consists of a closed Quality Inn constructed in 1996 and an associated parking lot. The existing hotel building and parking lot have since been demolished. Much of the proposed casino building and parking lot will be constructed within the limits of the demolition, with the remainder on steep slopes to the northeast. The depth of ground disturbance associated with demolition and construction is not yet known. However, given the shallow soils within the project area, Morris and Hendrix suggested that it is likely that past disturbance associated with previous construction reached a depth below culturally sterile subsoils and so ground disturbance associated with the Alternative A is not anticipated to disturb any intact soils likely to contain cultural deposits. Some features, particularly the proposed detention basin, will be constructed in previously undisturbed areas; however, the steep slopes that exist there limit the potential for cultural resources, and none were identified during the site survey.

On December 9, 2021 the Osage Nation Tribal Historic Preservation Officer submitted the findings of the cultural resource identification efforts to the Missouri SHPO, summarizing identification efforts and recommending a determination of *No Historic Properties Affected* for Alternative A. In a letter dated January 12, 2022, the Missouri SHPO concurred that identification efforts were adequate and concurred with the determination of *No Historic Properties Affected*.

The APE is located in a low sensitivity area for cultural resources, however there is always a possibility that cultural or paleontological resources may be uncovered during construction. Mitigation included in **Section 4** would lessen the potential impacts to cultural or paleontological resources by requiring testing, documentation, removal, or other measures as appropriate.

Reasonably Foreseeable Cumulative Effects

No cultural or paleontological resources were identified within or adjacent to the Project Site, and background research indicates that the Project Site has a low potential for these resources. If cultural resources are uncovered during construction, impacts to these resources are potentially significant; significant impacts to cultural or paleontological resources could occur if sites continued to be lost, damaged, or destroyed without appropriate recordation or data recovery. Mitigation for potential impacts to unknown cultural and paleontological resources has been specified in **Section 4**. Implementation of these measures would ensure that impacts remain less than significant.

3.2.6 Socioeconomic Conditions

Environmental Setting

Demographic Data

The Project Site is located in the City of Lake Ozark in Miller County, approximately 0.4 miles north of the Miller/Camden County border. Demographic data for the two counties in the vicinity of the Project Site is presented in **Table 15** and **Table 16**. The Project Site is situated within Census Tract 9628.01 in Miller County.

Census Tract 9628.01 (Project Site) in Miller County evidences the lowest household income, with a median income of $46,682 (**Table 17**).

TABLE 15: SOCIOECONOMIC DATA

	Miller County	Camden County	Missouri State
Demographics			
Population April 1, 2010[1]	24,748	44,002	5,988,927
Population April 1, 2020[1]	24,722	42,745	6,154,913
Population, 10-year growth	-0.1%	-2.9%	2.8%
Race and Ethnicity[1]			
Minority population[2]	5.7%	6.7%	21.3%
Employment[3]			
Employment July 2022 (seasonally adjusted)	12,300	21,200	2,978,000
Unemployment rate July 2022 (not seasonally adj.)	2.4%	2.4%	2.5%
Housing[4]			
Housing units, 2020	12,942	41,985	2,804,664
Vacant units, 2020	2,490	24,685	364,452
Margin of error	+/- 284	+/-646	+/-6,009
Vacancy rate	19.2%	58.8%	13.0%

1. Source: U.S. Census Bureau, 2021 (with the exception of the numbers referenced by footnote 2).
2.Calculated as 100% less the *White alone, not Hispanic or Latino* percentage.
3. Source: U.S. Bureau of Labor Statistics, 2022 and 2022a. Note that the unemployment rate for the Jefferson City Metropolitan Statistical Area is used as a proxy for Miller and Camden counties. Employment for the two counties was estimated from total 2020 population, by applying the Missouri Employment to Population ratio of 49.7% to the populations of the two counties.
4. Source: U.S. Census Bureau, 2020a.

TABLE 16: POPULATION DEMOGRAPHICS, AS OF 2020

Location	Total Population (1)	White Alone, not Hispanic or Latino	Black or African American	American Indian and Alaskan Native	Asian	Native Hawaiian and Other Pacifica Islander	Two or More Races	Hispanic or Latino	Minority Percent (2)
Census Tract 9628.01 (Project)	2,920	2,557	0	0	0	0	125	238	12.4%
Census Tract 9628.02	3,572	3,403	33	18	70	0	30	18	4.7%
Census Tract 9509	4,277	4,237	0	0	0	0	19	21	0.9%
Census Tract 9506	4,557	4,252	39	64	2	0	65	135	6.7%
Census Tract 9502.01	3,426	3,119	9	75	0	0	59	164	9.0%
Census Tract 9511.01	1,589	1,588	1	0	0	0	0	0	0.1%
Census Tract 9501.02	1,914	1,832	4	0	0	0	35	43	4.3%
Census Tract 9627.01	2,650	2,447	35	37	0	0	113	18	7.7%

Source: U.S. Census, 2020b. Census tracts adjacent to the Project Site are listed in a clockwise direction from the Project.
1. Note that individual columns do not add to *Total Population* because of double counting in some categories.
2. Calculated as 100% less the *White alone, not Hispanic or Latino* percentage.

TABLE 17: HOUSEHOLD INCOME – PROJECT ALTERNATIVE SITE AND VICINITY, AS OF 2020

Census Tract or Location	Median Household Income (1)	Average Household Size (2)	Poverty Threshold (3)
Project Site			
Census Tract 9628.01	$46,682	2.33	$21,720
Vicinity			
Census Tract 9628.02	$78,233	2.59	$21,720
Census Tract 9509	$56,688	2.91	$21,720
Census Tract 9506	$69,566	2.86	$21,720
Census Tract 9502.01	$70,407	2.75	$21,720
Census Tract 9511.01	$74,737	2.43	$21,720
Census Tract 9501.02	$71,324	1.97	$17,240
Census Tract 9627.01	$73,438	2.52	$21,720
Miller County	$63,363	2.39	$21,720
Camden County	$68,892	2.61	$21,720
Missouri State	$72,834	2.44	$21,720

1. Source: U.S. Census, 2020c.
2. Source: U.S. Census, 2020d.
3. Source: U.S. Department of Health and Human Services, 2020. Average household size is conservatively rounded up to the nearest person for purposes of this calculation.

As of 2022, the poverty thresholds for the United States range from $13,590 for a household of one up to $32,470 for a household of five (U.S. Department of Health and Human Services, 2022). The median household income levels of Census Tract 9628.01 and other relevant census tracts are all above the poverty threshold.

Property Taxes

The Project Site is comprised of 1 parcel, Assessor Parcel Number 129032000000012000. A total of $56,840 in property taxes and special assessments were due for fiscal year 2022 (Property Radar, 2022).

Gaming

Gaming facilities in the vicinity of the Project Site are described in **Appendix C**. The main gaming hubs in the State of Missouri are centered in the Kansas City and St. Louis markets. These cities are approximately 165 miles and 175 miles from the Project Site, respectively. The only casino/hotel of moderate size in the market area of the Project Site is the Isle of Capri Casino Hotel in Boonville, Missouri. This facility is owned and operated by Caesar's Entertainment (Caesar's Entertainment, 2022) and is located approximately 72 miles north of the Project Site. Driving time from the Project Site is approximately 1 hour and 20 minutes. Gaming revenue for this facility was approximately $88.5 million for the fiscal year which ended June 30, 2022 (Missouri Gaming Commission, 2022). The Missouri Lottery is the only other form of legalized gaming in the state and was established in 1990.

Hotels

The Lake of the Ozarks is a popular regional tourist and vacation destination. Because of the area's popularity as a vacation destination, there are a large number of hotels and resorts in proportion to the local population. Because of the popularity of Lake of the Ozarks as a vacation destination, there are many private homes and condominiums available to rent by vacationers. There are an estimated seven hotels and an additional 600 housing rentals in the vicinity (**Appendix C**, Table 8).

Schools

A number of school districts operate within Miller and Camden counties. For example, the Project Site is located within the School of the Osage School District, in which approximately 2,060 students are enrolled. Miller County and Camden County have a total K-12 school age population of approximately 11,000 school age children.

Parks

There are several public recreational areas (not all of which are parks) located approximately 1 mile north of the Project Site. These are clustered around the Bagnell Dam. There is a scenic overlook of the Lake of the Ozarks and the Bagnell Dam. The dam itself is considered a historic site. There is a children's playground at this location.

Impact Analysis

Expenditures on goods and services (calculated from estimated costs for construction; investment in furniture, fixtures and equipment; various business and consulting fees; and pre-opening expenses) for construction and operational activities would generate substantial direct economic output, as well as indirect and induced economic output. Output is defined as the total value of all goods and services produced at the establishment or construction site. Direct output would result from money spent on activities for construction and operational activities of Alternative A. Indirect output would result from expenditures on goods and services by businesses that receive funds directly from the construction and operation of an alternative. Induced output would result from expenditures on goods and services by employees directly generated from construction and operation of an alternative. Indirect and induced output would be dispersed and distributed among a variety of different industries and businesses throughout the local economy.

To determine the potential effects associated with socioeconomic conditions, the economic effects of temporary construction and ongoing operational activities of each alternative were evaluated. Because socioeconomic effects would be most pronounced in the vicinity of the Project Site, the scope of the analysis focuses on impacts to the sites and surrounding areas of Miller County and Camden County. Impacts from construction would be a one-time occurrence while those from operation would be generated continuously after opening. An adverse economic, fiscal, or social impact would occur if the effect of the alternative would negatively alter the ability of governments to perform at existing levels, alter the ability of people to obtain public health and safety services, or negatively affect employment.

Economy and Employment

Alternative A would result in a variety of benefits to the regional economy. Effects of Alternative A would include increases in overall economic output, and employment opportunities. Construction and operation of Alternative A would generate temporary and ongoing employment opportunities and wages that would be primarily filled by the available labor force in both Miller and Camden counties.

New one-time employment opportunities would be generated during the construction phase of the project. An estimated 1,968 jobs would be temporarily created within Miller County and Camden County from the construction of Alternative A, including 1,431 direct jobs (**Appendix C**). Wages generated within the counties by the construction of Alternative A are estimated at $53.7 million. Construction would create an estimated 2,176 jobs and generate approximately $74.4 million of wages within the State.

It is estimated that once Alternative A reaches stabilized capacity, operations would create 455 jobs within Miller County and Camden County, including 297 direct positions. Annual operational wages generated within the counties are estimated at approximately $18.0 million, including $13.0 million of wages directly generated by Alternative A. Operations would create an estimated 510 jobs and generate approximately $24.6 million of wages within the State.

The operational jobs created by Alternative A would be filled by a combination of persons who currently reside in Miller County, Camden County, Morgan County and other areas within commuting distance who are unemployed and underemployed, plus some persons, potentially including members of the Nation, who may in-migrate to the area. The increase in employment opportunities within Miller and Camden Counties (and to a lesser extent, Morgan County) would result in employment and wages for persons previously unemployed, that would increase the ability of the population to obtain health and safety services and would contribute to the alleviation of poverty among lower income households.. Alternative A would also balance the seasonal nature of the Lake Ozark economy, because the gaming sector is less seasonal in comparison to the existing tourist businesses. Overall, Alternative A would result in beneficial impacts to the local employment and unemployment. Alternative A would also result in increased economic activity, which would benefit the residents of the region and the Nation. Construction of Alternative A would stimulate construction spending, most of which would accrue to the residents, businesses and governments of Miller and Camden Counties. It is estimated that operation of Alternative A would generate approximately $100.6 million of economic output (i.e., revenues) within Miller County and Camden County during the first year of stabilized operations (**Appendix C**). Economic output within the State is estimated at $117.1 million during the first full year of stabilized operations. A portion of revenues would facilitate the ability of the Nation to satisfy its unmet needs by funding tribal governmental expenditures and providing important services to the Nation's citizens. Overall, Alternative A would result in beneficial impacts to the local economy. Alternative A would have a significant beneficial impact to the local Miller and Camden Counties, given the size of Alternative A in the context of the counties' economic output.

Property Taxes

Once in federal trust, the Nation would no longer pay approximately $56,840 in annual property taxes on the Project Site. Total fiscal year 2017 Miller County expenditures were approximately $10.4 million (Missouri State Auditor, 2018). Accordingly, the forgone property taxes would represent approximately 0.5 percent of the Miller County budget. However, Alternative A would result in increased tax revenues at the county level, resulting from the secondary economic activity (i.e., indirect and induced effects).

Law Enforcement Services

Alternative A would result in an increased number of patrons and employees traveling and commuting to the Project Site on a daily basis. As a result, the demands on law enforcement would increase in the vicinity of the Project Site. This would be consistent with a similar size development of any type. The Miller County Sheriff's Department (Sheriff) and the Nation entered into a Mutual Aid and Assistance Agreement in September of 2023 (**Appendix D**). Pursuant to this agreement, the Sheriff would provide emergency response services, incident control and other law enforcement services, in the event of requests from the emergency 911 system or upon request from the Nation. The Nation shall make annual payments of $50,000. The term of the agreement is three years, commencing with the opening of a casino. Because the Project Site resides within the City of Lake Ozark city limits, some portion of law enforcement services to the Project Site would likely be provided by the Lake Ozark Police Department (Lake Ozark PD). The 2022 Budget for the City of Lake Ozark describes the projected revenues for the City's General Fund and the restricted funds. The police department is funded by the General Fund. 2022 budgeted expenditures for the General Fund are listed in **Table 18**. The Nation and the City are in the process of negotiating an agreement for law enforcement services.

Fire and Emergency Medical Services

Fire and Emergency Medical Services (EMS) would be provided by the Lake Ozark Fire Protection District (LOFPD). The LOFPD responded to over 1,700 calls for service during calendar year 2021 (LOFPD, 2022). Similar to law enforcement, Alternative A would result in an increase in LOFPD calls for service. The Nation and LOFPD are in the process of negotiating an agreement for fire and EMS.

TABLE 18: CITY OF LAKE OZARK 2022 BUDGET – GENERAL FUND EXPENSES

Description	Amount
Administrative	$1,255,649
Police	$1,184,064
Dispatch	$310,831
Court Costs	$101,850
Planning & Zoning	$131,085
Total	**$2,983,478**
Source: City of Lake Ozark, 2022a.	

Water and Wastewater

The City and Nation are in the process of negotiating an agreement for the provision of water and wastewater. The parties have reached a tentative agreement whereby the Nation will be charged higher rates than what most commercial users pay for water and wastewater (Osage Nation, 2023).

Total Fiscal Impacts

The Project Site parcels would no longer be assessed property taxes and the use of local law enforcement, fire, EMS and other public services would increase as a result of Alternative A. The combination of these factors would be a significant impact. The Nation has entered into an agreement with the Sheriff to provide law enforcement services and is in the process of establishing additional agreements with various local public entities to compensate them for services that would be provided as a result of the construction and operations of the project (**Appendix C**). The mitigation measures described in **Section 4** include the establishment of one or more service agreements, which would reduce fiscal impacts to less than significant levels.

Problem and Pathological Gambling

The American Psychiatric Association describes a person with a gambling disorder as someone who features a continuous loss of control over gambling. Furthermore, this gambler illustrates a progression in the following areas: gambling frequency and the amounts wagered, preoccupation with gambling, and obtaining monies with which to gamble (American Psychiatric Association, 2022). Problem gambling prevalence is anticipated to increase as a result of Alternative A because there is limited availability of casino gaming in the local market. However, local residents are currently exposed to gaming in the form of the Missouri Lottery. In addition, the Capri Casino Hotel (owned and operated by Caesar's Entertainment) is located approximately 1 hour and 20 minutes of drive time from the Project Site. BMPs regarding problem gambling to be implemented during the operation of the casino resort described in **Section 2.1** would reduce the likelihood of problem gambling at the casino resort. As a preemptive measure, when the gaming facility opens, the Nation will become a member of the Missouri Gaming Association which sponsors programs and initiatives that promote responsible gambling. Additionally, the Nation currently maintains contact information for the problem gambling hotline on the Osage Casino website. For these reasons, 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 Alternative A on existing facilities are analyzed below. The magnitude of the substitution effect can generally be expected to vary by how many and what type of other establishments are within the same market area, as well as other economic and psychological factors affecting the consumption decisions of local residents.

Gaming

As described above, the Isle of Capri Casino Hotel is located approximately 72 miles north of the Project Site and is the only casino facility that may experience significant substitution effects. **Appendix C** estimates substitution effects to the Isle of Capri Casino Hotel at $1.8 million during the first full year of Alternative A operations, with effects declining to zero in subsequent years. The Isle of Capri Boonville facility is one of at least 52 properties owned and operated by Caesar's Entertainment (Caesar's Entertainment, 2022). Caesar's Entertainment generated net revenue of approximately $9.6 billion during the year ended December 31, 2021 (Caesar's Entertainment, 2021). Because there are no tribal casinos within the State of Missouri, substitution effects on existing tribal casinos would be less than significant.

Substitution effects are anticipated to diminish after the first year of Alternative A operation because local residents would have experienced the casino and would gradually return to more typical and more diverse spending patterns. Substitution effects also tend to diminish after the first full year 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. This results in higher revenue received by businesses, which offsets or diminishes substitution effects. Missouri Lottery revenues were approximately $1.8 billion during 2022 (**Appendix C**). Lottery revenues have increased over 800 percent since the 1990 introduction of the program and also appear to have been unaffected by the 1994 opening of the first casino and subsequent growth of the Missouri casino sector. For these reasons, substitution effects resulting from Alternative A to competing gaming facility revenues, including Caesar's Entertainment, are not expected to significantly impact these facilities, or to cause their closure. No physical environmental effects would occur. Substitution effects would not significantly impact the Missouri Lottery.

Hotel

It is estimated that there would be a reduction in demand at competitive lodging properties of approximately 9,900 room nights during the first year of stabilized Alternative A operations (**Appendix C**). This correlates to a market-wide reduction in occupancy levels at competitive lodging properties of 1.5 percent and a revenue decrease of approximately 3 percent or $1.1 million in annual revenue. Substitution effects tend to diminish after the first full year 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, including lodging. This results in higher revenue received by local hotels, which offsets or diminishes substitution effects. The substitution effects resulting from Alternative A to competing lodging business revenues are not expected to significantly impact these facilities, or to cause their closure. No physical environmental effects would occur. Substitution effects on local hotels would be less than significant.

Housing

As described above, the operation of Alternative A would create approximately 455 direct, indirect and induced jobs in Miller and Camden counties. Because of the relatively low level of unemployment (see above) and the fact that the combined population of these counties is less than 100,000, a portion of the operational jobs would be filled by persons who in-migrate to the area. There are approximately 27,200 vacant homes in the combined Miller and Camden counties (U.S. Census Bureau, 2020). The number of vacant homes in Camden County in particular is much larger than a typical county, because many homes are vacation homes. The number of vacant homes is more than sufficient to house the employees (and their families) who in-migrate to the counties, as a result of employment opportunities at the Project Site. Impacts on housing would be less than significant.

Schools

Similar to housing, potential effects to schools relate to the number of workers who in-migrate to the local area.

As described above, Miller County and Camden County have a total K-12 school age population of approximately 11,000 school age children. Only a portion of the 455 jobs created in Miller and Camden counties would be filled by persons who in-migrate to the area. Assuming 40 percent of employees in-migrate (a conservative assumption) and one K-12 school age child per in-migrating household, the number of school age children in-migrating to the area is estimated at 455 multiplied by 40 percent or 182. This represents 1.7 percent of the estimated population of school age children in Miller and Camden counties. Thus, the number of employees with children who in-migrate would not have a significant impact on the number of students in the local school districts. In addition, families that relocate to Miller and Camden Counties would pay local taxes and local school districts would receive additional tax revenue from the families of new students. For these reasons, the impact on schools would be less than significant.

Parks and Libraries

Effects to area parks and libraries could occur if the employees or patrons of Alternative A significantly increase the demand on these resources. Due to the limited number of employees expected to relocate due to Alternative A, it is expected that these effects would be negligible. Additionally, it is not anticipated that patrons would frequent local parks and libraries. Therefore, there would be a less than significant effect to parks and libraries.

Socioeconomic Effects to Tribes

Alternative A would generate new income to fund the operation of the Nation's government. This income is anticipated to have a beneficial effect on Tribal quality of life, health, education, culture, and expectations by funding tribal programs that serve tribal members. This is a positive effect. Impacts to other tribes would be minimal, as described in the Substitution Effects section above. A disproportionate and adverse effect would not occur.

Employment

Alternative A is anticipated to result in 2,176 new one-time construction jobs and 510 new permanent employment positions for the operation of the facility. Approximately 455 of these jobs would occur in Miller and Camden counties. Most of these employment positions would be filled by persons who are either unemployed or underemployed. Job creation under Alternative A would result in employment and wages for unemployed and underemployed persons and would contribute to the alleviation of poverty among lower income households. This may also benefit persons above the age of 64, who wish to remain in the workforce. This is a positive effect.

Problem and Pathological Gambling

As stated above, it is anticipated that there will be a growth in problem gambling as a result of Alternative A due to limited availability of casino gaming in the local market. However, local residents are currently exposed to gaming in the form of the Missouri Lottery. BMPs regarding problem gambling to be implemented during the operation of the casino resort described in **Section 2.1** would reduce the likelihood of problem gambling at the casino resort. As a preemptive measure, when the gaming facility opens, the Nation will become a member of the Missouri Gaming Association which sponsors programs and initiatives that promote responsible gambling. Additionally, the Nation currently maintains contact information for the problem gambling hotline on the Osage Casino website. A significant adverse effect would not occur.

Reasonably Foreseeable Cumulative Effects

The Project, when considered in combination with other reasonably foreseeable future projects, would provide a beneficial impact to the socioeconomic condition of the Nation and the surrounding community. Potential future projects include The Waters (28 single family homes), the Oasis at Lakeport (a resort and amusement park), an entertainment complex at Bagnell Dam, and the Preserve at Sycamore Creek (250 apartment units).

Alternative A, when considered in combination with other anticipated projects, would have a beneficial impact on the local economy and employment. The Waters, the Oasis at Lakeport, the entertainment complex at Bagnell Dam, and other future developments would be developed on land owned in fee simple status. Consequently, the owners and developers of these properties will pay future property taxes. Developers will also pay appropriate development fees and mitigation payments (as warranted).

The hotel element of Alternative A is not intended to compete with existing hotels in the area. However, there is a small incidental competitive element of the Alternative A hotel. The Oasis at Lakeport appears to be targeting customers who would not otherwise visit the region, and therefore substitution effects would be limited. Consequently, substitution effects to hotels resulting from Alternative A, in combination with the Oasis at Lakeport, would be less than significant. Additionally, Alternative A includes gaming and a hotel, and the proposed entertainment complex at Bagnell Dam would provide non-gaming activities and does not include a hotel, therefore, competitive effects would be minimal. Alternative A, when considered in combination with other projects, would not lead to a significant adverse cumulative impact on socioeconomic conditions.

3.2.7 Transportation and Circulation

Regulatory Setting

The transportation and traffic regulatory setting is summarized in **Table 19**, and additional information on the regulatory setting can be found in **Appendix F.**

TABLE 19: REGULATORY POLICIES AND PLANS RELATED TO TRANSPORTATION NETWORKS

Regulation	Description
Federal	
Federal Transportation Improvement Program	▪ Identifies a plan to allocate funding for long-term capital improvement projects
State and Local	
Missouri Department of Transportation (MoDOT)	▪ The managing agency over permitting and regulation of state roadways

Environmental Setting

Transportation Networks and Intersections

Intersections surrounding the Project Site were analyzed within a TIA produced for Alternative A (**Appendix E**). Intersections were analyzed for the Friday evening peak hour (4:00 PM – 6:00 PM) and the Sunday peak hour (12:15 PM – 2:15 PM). The TIA evaluated the following four intersections in the vicinity of the Project Site:

- Osage Beach Pkwy & Bagnell Dam Blvd (signalized)
- Osage Beach Pkwy & Access P2 / Kestrel Lane (one-way stop-controlled)
- Osage Beach Pkwy & Horseshoe Bend Pkwy (signalized)
  Access P1 & Bagnell Dam Blvd (one-way stop-controlled)

Level of Service

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 traffic conditions in terms of factors such as speed, travel time, delays, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. **Table 20** shows the corresponding average delay per vehicle and a description of vehicular conditions at unsignalized intersections for each LOS category from A to F.

Existing Intersection Traffic Volumes and Levels of Service

Intersection turning movement counts were obtained for the study intersections in July 2022 during the Friday evening peak hour (4:00 – 6:00 PM) and the Sunday peak hour (12:15 – 2:15 PM). The intersection turning movement counts are included in **Appendix E**. **Table 21** provides a summary of existing (2022) intersection operations. As shown in **Table 21**, the existing study intersections currently operate at acceptable levels.

TABLE 20: LOS FOR UNSIGNALIZED INTERSECTIONS

LOS	Average Total Delay (seconds/vehicle)	Traffic Condition
A	<10	No Delay
B	>10 – 15	Short Delay
C	>15 – 25	Moderate Delay
D	>25 – 35	Long Delay
E	>35 – 50	Very Long Delay
F	>50	Volume > Capacity
SOURCE: **Appendix E**		

TABLE 21: EXISTING (2022) INTERSECTION OPERATIONS

Intersection		Friday		Sunday	
		Delay	LOS	Delay	LOS
1.	Osage Beach Pkwy. & Bagnell Dam Blvd.	24.6	C	23.8	C
2.	Osage Beach Pkwy. & Kestrel Lane	0.9	A	1.5	A
3.	Osage Beach Pkwy. & Horseshoe Bend Pkwy.	23.9	C	23.8	C
SOURCE: **Appendix E**					

Existing Bicycle, Pedestrian, and Transit System

There are no existing pedestrian or bicycle facilities on the study roadways in the vicinity of the Project Site. There are no existing fixed-route transit services in the vicinity of the Project Site and study intersections.

Impact Analysis

Impacts to the transportation system would be significant if Alternative A increased traffic volumes to the point where traffic exceeds operating standards adopted by the respective transportation authorities after implementation of feasible mitigation measures.

Trip Generation and Assignment

Table 22 summarizes the average daily, Friday, and Sunday peak hour traffic generated to and from Alternative A, based on trip rates provided in **Appendix E**. A trip distribution pattern was developed considering the development location, major trip attractors in the area, as well as regional travel patterns. The trip distribution pattern and corresponding peak hour trip assignments are shown in **Appendix E**.

TABLE 22: TRIP GENERATION

Land Use	Size	Variable	24-Hour	Friday Peak		Sunday Peak	
			Weekday	In	Out	In	Out
Casino	750	Slot Machines	7,448	235	208	254	226
SOURCE: **Appendix E**							

Opening Year 2025 Total Conditions

The opening year 2025 total traffic conditions were derived by first estimating 2025 traffic conditions from 2022 background traffic conditions, assuming existing traffic increases by 2 percent per year, and then adding the traffic assignment for Alternative A. **Table 23** provides a summary of opening year (2025) total intersection operations. As shown in **Table 23**, the study intersections are expected to operate at acceptable levels in the opening year (2025) total conditions. As described in the turn lane analysis provided in **Appendix E**, the intersection of Access P1 & Bagnell Dam Boulevard will require a designated westbound right turn lane. Construction of access points consistent with the TIA is included as mitigation (**Section 4**). With implementation of this mitigation measure, described in **Section 4**, impacts to intersections and roadways would be less than significant.

TABLE 23: OPENING YEAR (2025) TOTAL INTERSECTION OPERATIONS

Intersection		Friday		Sunday	
		Delay	LOS	Delay	LOS
1.	Osage Beach Pkwy. & Bagnell Dam Blvd.	29.8	C	30.0	C
2.	Osage Beach Pkwy. & Access P2 / Kestrel Lane	1.3	A	2.3	A
3.	Osage Beach Pkwy. & Horseshoe Bend Pkwy.	28.4	C	28.9	C
4.	Access P1 & Bagnell Dam Blvd.	4.7	A	4.8	A
SOURCE: **Appendix E.**					

Bicycle, Pedestrian, and Transit Networks

Alternative A would not generate a large number of new pedestrian trips, bicycling activity, or transit riders along public roads in the area. Thus, no significant impacts are projected to these networks as a result of Alternative A.

Reasonably Foreseeable Cumulative Effects

Approved projects in the vicinity of the Project Site would be required to comply with applicable traffic standards during operation. Consistent with the 2 percent annual growth factor used in the TIA, it is expected that future plus project traffic conditions at roadways in the vicinity of the Project Site would not exceed acceptable levels of operation. Therefore, Alternative A would not contribute towards adverse impacts associated with traffic levels.

3.2.8 Land Use

Regulatory Setting

The land use regulatory setting is summarized in **Table 24**, and additional information on the regulatory setting is provided in **Appendix F**.

Environmental Setting

Existing Land Use and Zoning

Intended future land uses for the Project Site identified in the 2006 Comprehensive Plan include parks/open space, water features, low density residential, medium-high density residential, office/institutional, commercial, mixed use, and light industrial. These land uses are considered when making zoning recommendations (City of Lake Ozark, 2006). The Project Site is zoned C-2 Business-General per the City's zoning map (City of Lake Ozark, 2022b) (**Figure 9**) and referred to as "C-2 General Commercial District" in the City's Municipal Code.

TABLE 24: REGULATORY POLICIES AND PLANS RELATED TO LAND USE

Regulation	Description
Federal	
Farmland Protection Policy Act (FPPA)	▪ Minimize the impacts that federal programs have on the conversion of farmland. ▪ The NRCS identifies significant farmland for preservation.
State	
City of Lake Ozark Comprehensive Plan 2006	▪ Goals that outline the community's vision for the future. ▪ Provides guidance for the development and implementation of specific ordinances and regulations affecting the physical environment of the community.
City of Lake Ozark Municipal Code	▪ Provides regulations for land use zoning and development within the City of Lake Ozark. Zoning regulations are in Chapter 405.

The purpose of this zone is to provide for commercial uses, which require large lots and access to major streets. Permitted uses include parking garages, laundry and drycleaners and all uses permitted in a C-2 district. These include retail, hotels, and restaurants. With a permit, this zone also allows for special uses including "commercial amusement and recreation" (City of Lake Ozark, 2022c). There are several different zoning designations for parcels surrounding the Project Site. Parcels to the north and south are zoned commercial/business, parcels to the west are zoned residential and parcels to the east are classified as PUD Planned Development. Existing land uses in the vicinity of the Project Site include:

- North: Undeveloped woodland.
- East: Large commercial shopping plaza.
- South: Legend Land Services Inc, small commercial buildings, undeveloped woodland
- West: Undeveloped woodland followed by Big Thunder Speed and Luxury Showroom

Airport Compatibility

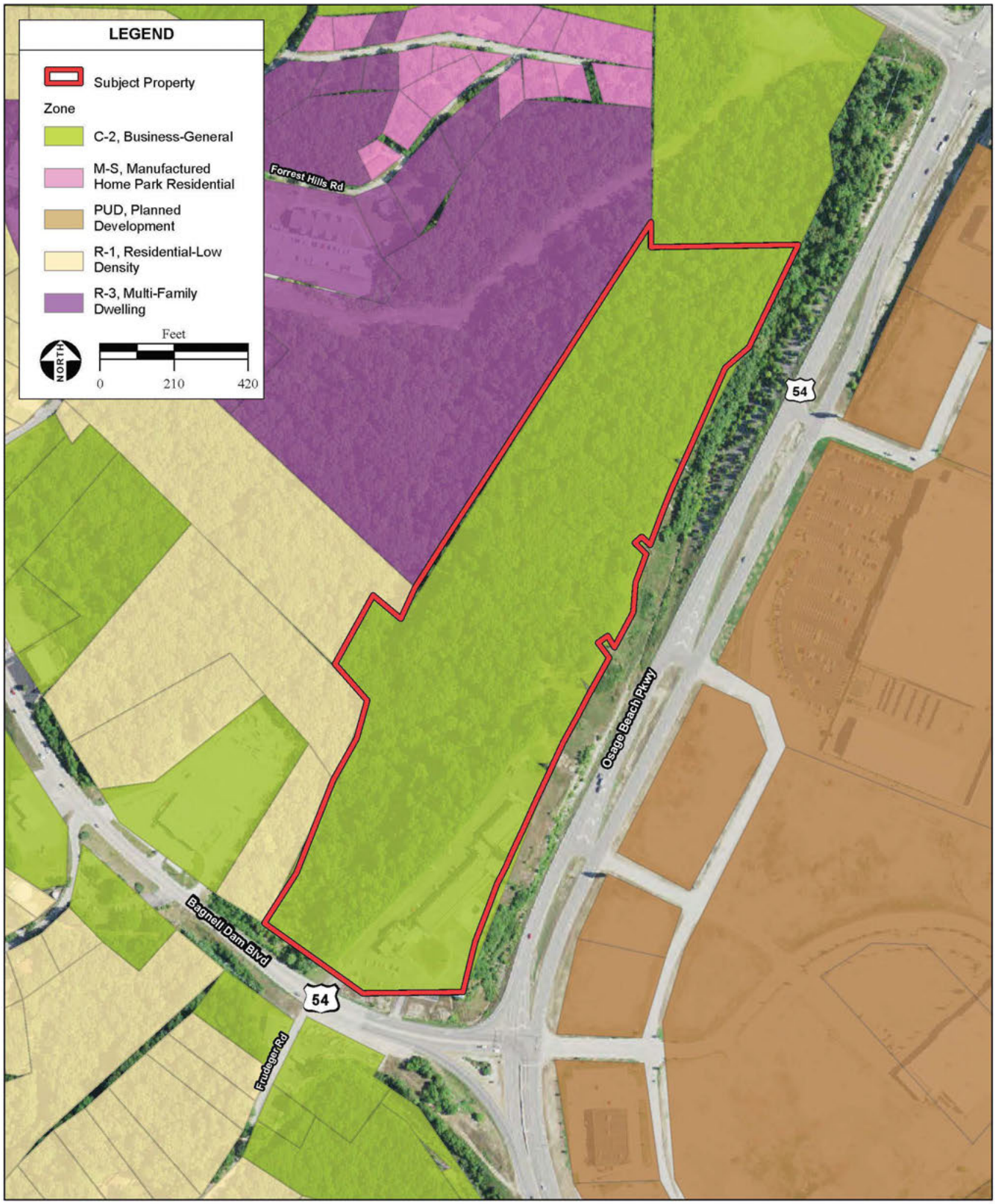
The closest airport to the Project Site is located in Rolla, Missouri, approximately 47 miles to the southeast. The Project Site is not located in an Airport Compatibility Safety Zone.

Agriculture

Projects are subject to the FPPA requirements if they may irreversibly convert farmland to nonagricultural use. According to the NRCS, the Project Site is partially designated as Farmland of Statewide Importance (NRCS, 2022). However, per 7 CFR § 658.2, the definition of farmland does not include land currently in or committed to urban development, including land within an "Urbanized Area" on a Census Bureau Map. The Project Site is located within the Village of Four Seasons MO Urban Area (UA 90631) as identified in the 2020 Census dataset (US Census Bureau, 2023). Furthermore, per the NRCS, commercial land cover/use designations are considered urban and built-up areas (NRCS, 2020). The site is zoned Commercial under the City of Lake Ozark Zoning Map, it is located within the City boundary, and agricultural production is not included as one of the ten Zoning Districts in the City (City of Lake Ozark, 2022b). Finally, as the Project Site was formerly occupied by a hotel, the site has already experienced development.

Impact Analysis

Impacts to land use could be significant if the alternative resulted in development incompatible with existing land use designations and zoning, land use plans, airport compatibility documents, or conversion of prime or unique farmland.



SOURCE: Miller County Parcels, 2021; USDA NAIP aerial photograph, 7/24/2020; City of Lake Ozark Zoning data, 2022; ESRI, 2024; AES-Montrose, 10/11/2024

Figure 9
Zoning Designations

Land Use and Zoning

The City's Comprehensive Plan is a statement of existing environments and provides a guide to the future development of the community. It acknowledges the importance of land use and zoning to influence future growth and examines how much of the land in each zone will be developed. Alternative A would not conflict with the future growth and land uses envisioned within the Comprehensive Plan. Existing land use zoning for the Project Site is discussed under the environmental setting above. 22Adjacent zoning includes C-2 Business-General, PUD Planned Development, R-3 Multi-Family Dwelling and R-1 Residential-Low Density. Alternative A would not preclude the use of these surrounding parcels from being developed consistent with their designated zoning. Once the Project Site is brought into federal trust, local land use goals and ordinances would no longer apply; however, Alternative A would be consistent with the current land uses permitted within the City of Lake Ozark's zoning designation. While Alternative A would be consistent with allowable uses of the Project Site zoning, the hotel tower may exceed the allowable structure height of 126 ft specified for C-2 zoning. The purpose of the height limitation is to prevent development of structures too tall to adequately provide fire protection services. Per Section 405.170(E) of the City's municipal code, this height may be exceeded if an agreement is signed between the developer, City, and Fire Protection District that sufficient water sources are available at a site to provide adequate fire protection services. Agreements with service providers, including fire protection providers, will occur as discussed below for Public Services and would ensure that structures are appropriately provided fire protection services with sufficient water availability. There are no other land use plans that apply to the Project Site. Consequently, impacts associated with land use and zoning would be less than significant.

Airport Compatibility

The Project Site is not located near an airport and is not within an airport land use plan. There would be no impact.

Agriculture

Development of Alternative A would result in the development of land classified as Farmland of Statewide Importance. However, such development is consistent with the City of Lake Ozark Zoning Code (as discussed above) and the anticipated development and land use categories described within the Comprehensive Plan. Additionally, per 7 CFR § 658.2, farmland is not defined to include land already in or committed to urban development, with land "already in urban development" including lands identified as urbanized areas by the Census Bureau. The Project Site is zoned commercial, has previously undergone development and is located within the city boundary. Per the NRCS's National Resources Inventory, commercial land cover/use designations are considered urban and built-up areas (NRCS, 2020). Agricultural activities have not occurred on the Project Site historically, and the City lacks an agricultural zoning designation. Finally, the Project Site is located within the Village of Four Seasons MO Urban Area (UA 90631) (US Census Bureau, 2023). Therefore, the Project Site would not be classified as farmland for the purposes of the FPPA. There would be no impact.

Reasonably Foreseeable Cumulative Effects

Reasonably foreseeable projects would be required to abide by local zoning and land use requirements. Therefore, no cumulatively considerable impacts would occur with respect to land use and zoning.

3.2.9 Public Services and Utilities

Regulatory Setting

The regulatory setting for public services is summarized in **Table 25** and further discussed in **Appendix F**.

Environmental Setting

Water Supply

Water is supplied to the Project Site via a municipal connection to City water services. The City of Lake of the Ozark's Public Works department is responsible for installing and maintaining the City's water delivery system (Lake Ozark Public Works, 2022). The City's water supply is derived from three groundwater wells (Lake Ozark Public Works, 2021). Groundwater is then transferred into water tanks, prior to delivery to customers (City of Lake Ozark, 2021). Total capacity is approximately 1.2 MGD (MDNR, 2022e).

TABLE 25: REGULATORY POLICIES AND PLANS RELATED TO PUBLIC SERVICES

Regulation	Description
Federal	
Safe Drinking Water Act	▪ Sets minimum national drinking water standards and groundwater protection.
State and Local	
Missouri Clean Water Law	▪ Sets forth the state's drinking water regulations, the Water Safety and Security Act, Water Resource Law, and regulations related to water supply and sewer systems.
Missouri Water Resources Plan	▪ A long-range comprehensive state water plan. Intended to help to identify future deficits in the water supply and identify options to address those needs.
City of Lake Ozark Comprehensive Plan 2006	▪ Discusses city's existing public utilities and future plans.
City of Lake Ozark Municipal Code	▪ Outlines policies and requirements regarding connecting to and using public utilities including water, wastewater and solid waste.

Wastewater Service

Before being closed and demolished, the former hotel on-site was connected to the City's municipal sewer system. The City of Lake Ozark shares a WWTP with the neighboring City of Osage Beach. The Lake Ozark/Osage Beach Joint Sewer Treatment Plant collects, treats and disposes of approximately 2 million gallons of sewage per day (Osage Beach, n.d.). The WWTP is administrated by the Lake Ozark/Osage Beach Joint Sewer Board and is operated by Alliance Water Resources (City of Lake Ozark, 2022). Approximately 15-18 percent of the total flow is from the City of Lake Ozark (OBLOJSB, 2022). In 2020 the average combined daily flow was approximately 1.5 million gallons (mg), which dropped in 2021 to about 1.3 million gallons per day (MGD) (OBLOJSB, 2022). The WWTP has a design capacity of approximately 3.0 MGD (Lyons, 2010).

Solid Waste Service

Solid waste collection services in the City of Lake Ozark are provided by Green for Life (GFL), formerly known as Solid Waste – Waste Corp of America (GFL Environmental Inc., 2022). Solid waste removed by GFL is directed to the Ozarks Transfer Station on Olathe Drive, Lebanon MO (GFL Environmental Inc, 2022a). GFL transfers waste to over 40 different landfills near their service area (GFL Environmental Inc, 2022b). The existing sanitation contract with GFL was due to expire in 2022 but was extended through March 2023 as a request for proposals for a new solid waste contract has been issued (City of Lake Ozark, 2022d). Waste Watchers provides free recycling services to residents of the City of Lake Ozark (City of Lake Ozark, n.d.).

Electricity and Natural Gas

Ameren Missouri provides electricity to the Project Site, and Summit Natural Gas provides natural gas services (City of Lake Ozark, 2022e). Ameren Missouri uses the nearby Bagnell Dam as a source of electricity for its Missouri customers. It provides sufficient electricity to meet the needs of 42,000 average households, which is more than 500 million kilowatt hours (Ameren Missouri, 2022).

Summit Natural Gas sources its gas domestically and, through its parent company, provides services to more than 625,000 customers in Arkansas, Colorado, Missouri, Maine, Oklahoma and Texas (Summit Natural Gas, 2022a).

Law Enforcement

Law enforcement services for the City of Lake Ozark are provided by the Lake Ozark Police Department. The Patrol Division is primarily responsible for law enforcement activities within the local community, including traffic enforcement (City of Lake Ozark, 2022f). The Police Department is located at 3162 Bagnell Dam Boulevard, approximately 0.3 miles to the northwest of the Project Site.

Fire Protection and Emergency Medical Services

LOFPD provides fire suppression, public education, prevention, emergency medical services, and rescues to the local community (LOFPD, n.d.). The district has four stations and a marine unit located in and around the City of Lake Ozark and the neighboring Village of Four Seasons (LOFPD, n.d.1). Station 1 is the closest facility to the Project Site, located approximately 1.7 miles to the southwest. The Project Site is also located approximately 1.3 miles north of the neighboring Osage Beach Fire Protection District Station 1. The nearest medical center is Central Ozarks Medical Center - Osage Beach at 3870 Colombia Avenue, approximately 1.3 miles southeast of the Project Site. The nearest hospital is Lake Regional Hospital on US-54, approximately 3.4 miles southwest of the Project Site. It is a state-designated Level III Trauma Center (Lake Regional Health System, 2022).

Impact Analysis

Impacts related to public services and utilities could be significant if the alternative generated demands on public services or utilities such that system capacities would be exceeded and would result in significant effects to the physical environment.

Water Supply

Alternative A would connect to municipal water services in order to meet both potable and non-potable (i.e. landscape irrigation) water demands of Alternative A. A hotel was previously located on the Project Site. While the former hotel was smaller than Alternative A, the municipal supply was adequate to provide for the former hotel development. Alternative A would have an average daily water demand of approximately 38,000 gallons (**Table 26**), which represents approximately 3.2 percent of the 1.2 MGD water supply capacity. This number would decrease through use of water-saving appliances and practices identified as project BMPs (**Section 2.1**). Impacts to groundwater are analyzed further in **Section 3.2.2.** As described in **Section 3.2.6**, the Nation and City have reached a tentative agreement regarding the provision of water and wastewater. Mitigation in **Section 4** would ensure that the Nation enters into a service agreement with the City to receive municipal water and to compensate the City for the proportional cost of providing services for Alternative A. It is anticipated that the existing service connection on the Project Site would serve Alternative A and would not exceed service capacity and therefore would not require expansion of infrastructure that could impact the environment.

Wastewater Service

Alternative A would connect to the existing City wastewater service on site. As discussed in **Section 2.0**, Alternative A would generate approximately 31,000 gallons of wastewater per day, or 1.0 percent of the capacity of the WWTP. Average flows to the WWTP in 2020 and 2021 were less than 1.5 MGD and capacity was approximately 3.0 MGD, indicating that there is sufficient capacity to service Alternative A. Alternative A would not exceed service capacity and therefore would not require expansion of infrastructure that could impact the environment.

Mitigation in **Section 4** would ensure that the Nation enters into a service agreement with the City to receive municipal wastewater treatment and to compensate the City for the proportional cost of providing services for Alternative A.

TABLE 26: ESTIMATED WATER AND WASTEWATER USAGE

	Alternative A			Alternative B		
	Casino	**Hotel**	**Total**	**Casino**	**Hotel**	**Total**
Water						
Average daily patrons	1,760			NA		
Average daily occupied rooms		128			85	
GPD usage, per unit	9	175			175	
Average GPD	15,840	22,313	38,153		14,875	14,875
Wastewater						
Average daily patrons	1,760			NA		
Average daily occupied rooms		128			85	
GPD usage, per unit	7	150			150	
Average GPD	12,320	19,125	31,445		12,750	12,750
SOURCE: Montrose Environmental.						

Solid Waste

Solid waste from construction may include paper, wood, glass, aluminum and plastics. Production of construction waste would be limited and temporary in nature and would not exceed capacity of waste collection facilities. GFL collects solid waste in the vicinity of the Project Site and transfers waste to over 40 different landfills (GFL Environmental Inc, 2022b). GFL services millions of service addresses (GFL Environmental, 2022c), and addition of Alternative A would constitute a negligible increase compared to the waste stream currently collected and managed by GFL and would not exceed the capacity of solid waste collection services. The Nation would enter into a service agreement for solid waste services prior to operation of Alternative A.

Electricity and Natural Gas

Electrical and natural gas infrastructure on the Project Site serviced the former hotel and would be utilized for Alternative A. The Nation would coordinate with service providers to facilitate provision of electrical and natural gas services to the Project Site. As existing on-site connections would be utilized, additional impacts would not occur.

Law Enforcement

The City of Lake Ozark Police Department would continue to provide services to the Project Site. The planned facilities would result in an increase in demands on the City of Lake Ozark Police Department due to the size and scope of Alternative A. While the increase in police services is not anticipated to trigger the need to construct new facilities, this would nonetheless constitute a significant impact. The Nation has entered into an agreement with the sheriff to provide law enforcement services to the project site once in trust and is in the process of establishing additional agreements with various local public entities to compensate them for services that would be provided as a result of the construction and operations of the Proposed Project (**Appendix D**). The mitigation measures described in **Section 4** include the establishment of service agreements, which would reduce impacts associated with law enforcement services to less than significant levels. See **Section 3.2.6** for further information and analysis of fiscal impacts.

Fire Protection and Emergency Medical Services

Construction-related impacts include the potential fire threat associated with equipment and vehicles coming into contact with vegetated areas. Construction vehicles and equipment such as welders, torches, and grinders may accidentally spark and ignite vegetation or building materials. The increased risks of fire during the construction of Alternative A would be similar to that found at other construction sites in the area. BMPs to reduce fire risks, such as prohibition of open flames near refueling areas during construction, are included as part of the project design (**Section 2.1**). Additionally, operation of Alternative A has the potential to generate additional fire protection and emergency medical service demands on the Project Site compared to existing conditions. While the increase in service demands is not anticipated to trigger the need to construct new facilities, this would nonetheless constitute a significant impact. The mitigation measures described in **Section 4** include the establishment of one or more service agreements, which would reduce impacts associated with fire protection and emergency medical services to less than significant levels. See **Section 3.2.6** for further information and analysis of fiscal impacts.

Reasonably Foreseeable Cumulative Effects

Alternative A would be accommodated by existing and planned public services. As development of other areas of the City and County continues, the combined need for public services may create an impact. However, future projects would be subject to approvals by local governments, and would include provisions for public services, including payment mechanisms such as development fees and mitigation payments (if warranted). Mitigation for Alternative A would ensure that the appropriate payments for proportional impacts would occur in order to address Alternative A's contribution to public services demands. Alternative A would not result in significant cumulative impacts to public services.

3.2.10 Noise

Regulatory Setting

The noise regulatory setting is summarized in **Table 27**, and additional information on the regulatory setting can be found in **Appendix F**.

TABLE 27: REGULATORY POLICIES AND PLANS RELATED TO NOISE

Regulation	Description
Federal	
Federal Highway Administration (FHWA) Construction Noise Thresholds[1]	▪ Industrial areas: (Daytime) 82 A-weighted decibel (dBA) average sound level (Leq) or Baseline + 5 dBA Leq (whichever is louder)
Noise Abatement Criteria (NAC)[2]	▪ Applicable to traffic and other project-related noise sources ▪ Park and residential areas threshold: 67 dBA Leq ▪ Developed areas threshold: 72 dBA Leq
Vibration Standards[3]	▪ Peak particle velocity (PPV) is the maximum instantaneous peak (inches per second) of the vibration signal ▪ The Federal Transportation Administration's (FTA) guideline vibration damage criteria for structures is 0.5 PPV and 0.1 PPV for annoyance of people
Local	
City of Lake Ozark Municipal Code Section 510.330	▪ Prohibits use of heavy machinery during building or construction operations between the hours of 10:00 PM and 7:00 AM, Monday through Saturday and all day Sunday within one thousand (1,000) ft of a residence, except with the express written permission of the Street Superintendent or in case of an emergency
Source: [1] FHWA, 2006; [2] FHWA, 2011; [3] FTA, 2006.	

Environmental Setting

Dominant noise sources in the vicinity of the Project Site consist of traffic along Osage Beach Parkway and US Route 54 (US-54) and other adjacent commercial uses. The estimated ambient noise level in the vicinity of the Project Site is approximately 70 to 76 decibel (dB). This range was developed from measurements taken from projects under similar environmental conditions located in close proximity to roadways and assuming standard highway traffic noise as assessed by the FHWA (FHWA, 2003). Some land uses are considered more sensitive to noise than others due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and other outdoor recreation areas generally are more sensitive to noise than commercial or industrial land uses. A sensitive receptor is defined as any living entity or aggregate of entities whose comfort, health, or well-being could be impaired or endangered by the existence of the excessive noise. The nearest sensitive noise receptor in the vicinity of the Project Site is a multifamily apartment complex located approximately 700 ft northwest of the Project Site. There are no schools, medical facilities, or other sensitive receptors in the vicinity of Alternative A.

Impact Analysis

An ambient noise level of 82 dBA, Leq is generally considered to be acceptable during construction (FHWA, 2006). The FHWA Noise Abatement Criteria (NAC) provides an operational noise threshold of 72 dBA, Leq for projects located near or within developed areas.

Construction Noise

Noise within the Project Site during construction would result from construction equipment and 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 85 dBA at a distance of 50 ft, as indicated in **Table 28**. These noise levels may vary depending on the particular type, number, and duration of use of various pieces of construction equipment. During construction, a maximum of approximately 23 worker automobile and truck trips would occur per day (**Appendix G**). Non-worker visits by deliveries and other vendors would be approximately 37 trucks and automobiles per day. Material trips have the potential to raise ambient noise levels along haul routes depending on the number of haul trips made and the types of vehicles used. It is estimated that 10 material trips would occur each day during construction. Because trucks are louder than passenger cars, a passenger car equivalence (PCE) multiplier of 10 cars per truck was used to assume 100 PCE material hauling trips per day. The majority of truck trips would occur during the day outside the traffic peak hours and would therefore occur when other traffic noise would be less than during peak hours.

Existing traffic volumes on Osage Beach Parkway total approximately 10,000 daily trips. Construction of Alternative A would introduce 150 trips, or a 1.5 percent increase. In general, a doubling of traffic volumes results in an increase in ambient noise levels of 1.0 dBA (FHWA, 2018). As construction trips would far less than double traffic on nearby roadways, the increase in ambient noise levels would be less than 1.0 dBA. Additionally, construction would be temporary. For these reasons, construction traffic would not result in a significant increase in the existing ambient noise level.

Noise from stationary point sources such as construction equipment attenuates (lessens) at a rate of six to nine dBA per doubling of distance from the source, depending on environmental conditions (e.g., atmospheric conditions, noise barriers). An attenuation factor of 6.0 dBA per doubling of distance is appropriate for areas with relatively flat topography and lack of ground cover. Although the Project Site is within an area of hilly topography and significant vegetative cover, an attenuation factor of 6.0 dBA per doubling distance has been conservatively used.

Assuming up to three of the loudest pieces of construction equipment operating at one time, the highest noise level would be 89 dBA at 50 ft. Based on the estimates of construction noise described above, the maximum construction noise level at the Project Site would be 89 dBA. Using an attenuation factor of 6.0 dBA, the noise level at the nearest sensitive noise receptor, located approximately 700 ft from the Project Site, would be 66 dBA. This noise level would be below the federal noise construction threshold of 78 dBA. Additionally, noise BMPs identified in **Section 2.1** would reduce noise during construction activities and would limit construction to daytime hours to reduce the potential for sleep disturbance, which is consistent with the City's Municipal Code. Therefore, because of the short term and temporary nature of construction noise, and implementation of BMPs to reduce construction noise levels to the extent feasible, effects associated with noise due to construction would not be significant.

TABLE 28: TYPICAL CONSTRUCTION NOISE LEVELS

Construction Equipment	Maximum Noise Level at 50 ft (dBA)
Crane (mobile or stationary)	85
Dozer	85
Excavator	85
Grader	85
Paver	85
Scraper	85
Tractor	84
Generator (more than 25 kilo-volt-amperes)	82
Backhoe	80
Compressor (air)	80
Front end loader	80
Pickup truck	55
Source: FHWA, 2006	

Construction Vibration

The vibration levels of typical construction equipment at a distance of 25 ft from the equipment are shown in **Table 29**. With the exception of vibratory rollers, vibrations associated with construction equipment are below the thresholds for structural damage (90 vibration decibels (VdB)) at a distance of 25 ft. However, vibration levels associated with the equipment in **Table 29** are above the threshold for annoyance of humans at a distance of 25 ft. The nearest residential receptor to on-site construction is approximately 700 ft northwest of the Project Site. Excessive vibration is usually only an issue when construction requiring the use of equipment with high vibration levels (compactors or large dozers) occurs within 25 to 100 ft of a structure. Construction activity would be at a distance from residential structures where vibration levels would not be a concern. Therefore, vibration associated with on-site construction under Alternative A would not have a significant adverse effect on nearby sensitive receptors.

TABLE 29: 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: FTA, 2006	

Operation Noise

The level of traffic noise is dependent on three variables: (1) volume of traffic, (2) speed of traffic, and (3) number of trucks in the flow of traffic. Traffic speed or the mix of trucks in the area would not significantly change during the operational phase; however, implementation of Alternative A would increase traffic volumes. The primary traffic stressors and producers of noise occur along Osage Beach Parkway (US-395). The segment of Osage Beach Parkway in the vicinity of the Project Site currently experiences approximately 10,000 daily trips. Alternative A would add approximately 7,448 daily trips to existing roadways (**Appendix E**). As operational trips would less than double traffic on nearby roadways, the increase in ambient noise levels would be less than 1.0 dBA and FICON thresholds for ambient noise increase would not be exceeded (FHWA, 2018). Therefore, Alternative A would not result in significant adverse effects associated with traffic noise.

Operational activities under Alternative A would occur indoors and would not include activities that would generate significant noise beyond the Project Site. Buildings would be equipped with heating, ventilation, and air conditioning (HVAC) units that would most likely be roof mounted. The HVAC equipment would have noise shielding and other industry-standard noise abatement measures installed per project BMPs identified in **Section 2.1**. Noise levels produced by HVAC systems vary substantially by unit capacity as well as unit design but generally result in a noise level of 55 dBA Leq at a distance of 20 ft (Berger et al., 2015). HVAC noise would be less than 24 dBA at the nearest residential receptors from the Project Site, which is below local and federal noise thresholds. 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. Additionally, BMPs listed in **Section 2.1** for noise would be implemented. Therefore, operational noise impacts would be less than significant.

Reasonably Foreseeable Cumulative Effects

Reasonably foreseeable projects in the vicinity of the Project Site would be required to comply with applicable noise regulations during construction and operation. Construction of Alternative A would be temporary and would not exceed noise thresholds and would therefore not generate a noise impact. Noise from operations would be generated by traffic. Potential future traffic effects are analyzed in **Section 3.2.7**. As described in that section, future traffic impacts from operations would not significantly exceed 2025 baseline plus project impacts. Therefore, Alternative A would not contribute towards adverse cumulative impacts associated with traffic noise levels. Other operational activities under Alternative A would be limited to the Project Site and would not exceed noise thresholds and would not contribute towards adverse cumulative impacts associated with noise.

3.2.11 Hazardous Materials

Regulatory Setting

The hazardous materials regulatory setting is summarized in **Table 30**, and additional information on the regulatory setting can be found in **Appendix F**.

Environmental Setting

A Phase I Environmental Site Assessment (Phase I ESA) was prepared for the Project Site to determine if Recognized Environmental Conditions (REC) occur (**Appendix A**). RECs refer to the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of a property.

TABLE 30: REGULATIONS FOR HAZARDOUS MATERIALS

Regulation	Description
Federal	
Resource Conservation and Recovery Act	▪ Grants the USEPA the authority to manage hazardous waste throughout its life cycle, including storage, treatment, transportation, production, and disposal. ▪ Establishes a management framework for non-hazardous solid wastes. ▪ Authorizes the USEPA to respond to environmental problems related to underground hazardous substance storage tanks, including petroleum.
Federal Food, Drug, and Cosmetic Act	▪ 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.
Hazard Communication Standard	▪ Ensures that 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 for hazardous chemicals. ▪ 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.
Federal Hazardous Substances Act (FHSA)	▪ 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. ▪ Enables the Consumer Product Safety Commission to prohibit severely dangerous products and products with hazards that cannot be labeled accordingly to FHSA standards.
Federal Insecticide, Fungicide, and Rodenticide Act	▪ Mandates that all 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.
Toxic Substance Control Act	▪ Authorizes the USEPA to require record keeping, reporting, test requirements, and restrictions associated with certain chemicals and/or mixtures. ▪ Addresses the production, importation, use, and disposal of certain chemicals (e.g., lead paint).
Emergency Planning and Community Right-to-Know Act	▪ Requires industry to report on the use, storage, and release of hazardous substances to federal, state, and local governments. ▪ Requires federal, state and local governments to utilize the information to prepare communities for potential risks.
State	
10 CSR 25-18.010 Risk-Based Corrective Action Process	▪ The Missouri Risk-Based Corrective Action sets out a framework of requirements for the Department of Natural Resources to make cleanup decisions of contaminated or potentially contaminated sites, excluding petroleum storage tank sites.

The term (RECs) includes hazardous substances or petroleum products even under conditions in compliance with relevant laws. The Phase I ESA was conducted in accordance with BIA Guidelines (602 DM Chapter 2) and the American Society for Testing and Materials Standard Practice E 1527-21. The Phase I ESA included a review of relevant database listings of hazardous material sites, waste generators, and underground storage tanks (UST), review of historical topographic maps and aerial photographs of the Project Site, and interviews with owners, operators, occupants, and/or local government officials to determine if RECs existed on the Project Site or within a one-mile radius. As part of the Phase I ESA, three site visits were conducted on May 7, 2021, June 25, 2022, and October 24, 2024. The Phase I ESA concluded that prior to 1964, the Project Site was undeveloped and forested. Aerial photography indicates that the Project Site was developed with the construction of a hotel sometime between 1964 and 1978. This hotel was demolished in early 2022, and all debris has since been removed from the Project Site.

Infrastructure related to the on-site water and wastewater system used by the hotel before it moved to a municipal connection were abandoned in place and are non-operational. Abandoned infrastructure includes two groundwater wells. The most recent site reconnaissance survey of the Project Site did not identify signs of potential contamination. The Phase I ESA database searches, in addition to the onsite observations, revealed no RECs or Controlled Recognized Environmental Conditions (CREC) that would limit the use of the Project Site. Two Historical Recognized Environmental Conditions (HREC) were identified in the vicinity of the Project Site, associated with the removal of USTs at two off-site locations. However, these were both issued "No Further Action" letters from the MDNR.

Impact Analysis

Impacts associated with hazardous materials could be significant if the site has existing hazardous materials onsite that would require remediation or mitigation prior to development of the alternative. Additionally, impacts could be significant if the alternative results in the use, handling, or generation of a controlled hazardous material in excess of what is permitted, which would increase the potential risk of environmental contamination or human exposure that results in the reduction in the quality of life or in loss of life.

Construction

No RECs or CRECs have been identified on the Project Site or within a 0.5-mile radius (**Appendix A**). Two HRECs were identified in the vicinity of the Project Site but have since been closed and pose no threat to the Project Site (**Appendix A**). Hazardous materials used during construction of Alternative A would include common construction materials such as gasoline, diesel fuel, motor oil, hydraulic fluid, solvents, cleaners, sealants, welding flux, various lubricants, paint, paint thinner, and other products. During handling or usage of a hazardous material, the potential for an accidental release exists. In general, common construction materials pose a limited risk of accidental release when handled in accordance with manufacturer's protocols. Construction BMPs identified in **Section 2.1**, including adherence to the NPDES General Construction Permit and required SWPPP (**Table 3**), would minimize the potential of such accidental releases and would prevent accidental releases from escaping the Project Site or entering into a surface water. Additional BMPs listed in **Section 2.1** for hazardous materials and water quality would be implemented to minimize the possible hazards associated with any potentially undiscovered contamination. Therefore, there would be a less than significant impact.

Operation

The routine transport, use, and disposal of hazardous materials associated with the operation of Alternative A would be limited to common substances used in routine maintenance of the casino and resort, such as paint and commercial cleaners. These substances would be handled in accordance with the directions from the manufacturer. Use of limited quantities of common materials would not create significant impacts. There would be a less than significant impact.

Reasonably Foreseeable Cumulative Effects

Developments of similar scope would typically require implementation of BMPs similar to those listed in **Section 2.1** regarding hazardous materials. Additionally, such developments would be required to adhere to applicable federal, State, and municipal regulations regarding the delivery, handling, and storage of hazardous materials, thereby reducing the risk to the environment and the public's health and welfare due to accidental exposure. As discussed above, when properly handled, common construction materials and maintenance materials pose little risk to the environment and public health. Therefore, there would be no significant cumulative hazardous materials impacts associated with Alternative A.

3.2.12 Visual Resources

Regulatory Setting

The visual resources regulatory setting is summarized in **Table 31**. Additional information about the regulatory setting can be found in **Appendix F**.

TABLE 31: REGULATORY POLICIES AND PLANS RELATED TO VISUAL RESOURCES

Regulation	Description
Federal	
National Scenic Byway Program	▪ Administered by the FHWA and was established to preserve scenic but less-traveled roadways
Local	
City of Lake Ozark Municipal Code	▪ Regulates the allowable lighting, size, and design of business signage ▪ States that the line of sight offered by highway corridors and local street corridors can be considered Visual Resource Zones when the viewshed captures the characteristic identity of the City ▪ Outlines zoning districts and allowable land uses

Environmental Setting

The Project Site consists of a mixture of undeveloped, heavily wooded land and development. Heavily wooded areas occur in the northern portion of the Project Site. A hotel used to exist on the Project Site but has since been demolished, and all debris has been removed. Paving and access drives are still present on the Project Site and are visible from Bagnell Dam Boulevard. The topography of the Project Site is relatively flat with gentle to moderately steep slopes in the undeveloped areas. Flat areas are generally located in the southern portion of the Project Site where grading previously occurred to accommodate the hotel and associated infrastructure. Heavily wooded, undeveloped land occurs to the north of the Project Site, intermixed with roadways and development. Commercial land uses and major roadways occur to the east, west, and south. Examples of commercial business located in the immediate vicinity of the Project Site include retail shops, restaurants, and home improvement businesses.

Visual resources surrounding the Project Site include views of gently rolling wooded foothills to the north and east. Views of the Osage River and Lake of the Ozarks are available from nearby public-access roads, parks, and businesses. The viewsheds surrounding the Project Site are intermixed with existing development, specifically commercial and recreational development with associated roadways and parking lots. Due to the topography and surrounding vegetation, public views of the Project Site are generally limited to passers-by traveling along Osage Beach Parkway or Bagnell Dam Boulevard. Views of the lake or river are not provided by the Project Site, and the Project Site is not visible from the lake, river, or nearby parks. Traffic volumes fluctuate seasonally, therefore the number of people viewing the Project Site from the roadways varies throughout the year.

Osage Beach Parkway, which provides north to south vehicular access to the Lake of the Ozarks and connects to both Highway 54 and Highway 42, provides the greatest number of vehicular travelers' views of the Project Site. Viewsheds including the Project Site visible from Osage Beach Parkway are partially obstructed by topography and vegetation. There are no scenic byways in the vicinity of the Project Site (FHWA, 2022). The Project Site is not visible from nearby highways and the character of the viewshed from local roadways is a mixture of ridgelines, dense forested vegetation, and development. Bagnell Dam Boulevard and Osage Beach Parkway provide brief views of the Project Site to passing motorists (**Figure 2**).

Impact Analysis

Impacts related to visual resources would be considered significant if the alternative were to substantially alter or interrupt protected or locally important scenic vistas, or create sources of excessive glare or nighttime illumination, especially ones that could affect flight patterns. The proposed visual layout of the Project Site is shown in **Figure 4** and **5**. The viewshed is shown in **Figure 10**. Please note that **Figure 10** image has been modified by manually removing the former hotel located on the Project Site. Architectural renderings are included in **Figure 6**. The Project Site is not located in the vicinity of a federally designated scenic highway (FHWA, 2022).

The Project Site is not visible from nearby highways and would not alter the character of the viewshed from local roadways. Alternative A would be consistent with existing tourism development on the Lake of the Ozarks and with the zoning of the Project Site, further discussed above for Land Use. Alternative A would not interrupt or substantially alter important local views or create excessive glare or nighttime illumination (**Figure 5**). Alternative A would not include features that would interfere with flight patterns. The design, lighting, and nature of Alternative A would be consistent with other development in the region. Additionally, BMPs listed in **Section 2.1** for visual resources would be incorporated into project design. BMPs include the following: outdoor light fixtures will be fully or partially shielded and filtered to the extent feasible, and a minimum of 15 percent of the Project Site will be landscaped or left as undeveloped native vegetation. Although the height of the hotel tower would generally exceed the height of nearby structures, the hotel tower would not alter or obstruct a scenic vista. Therefore, with the inclusion of BMPs, adverse effects associated with visual resources would be less than significant.

Reasonably Foreseeable Cumulative Effects

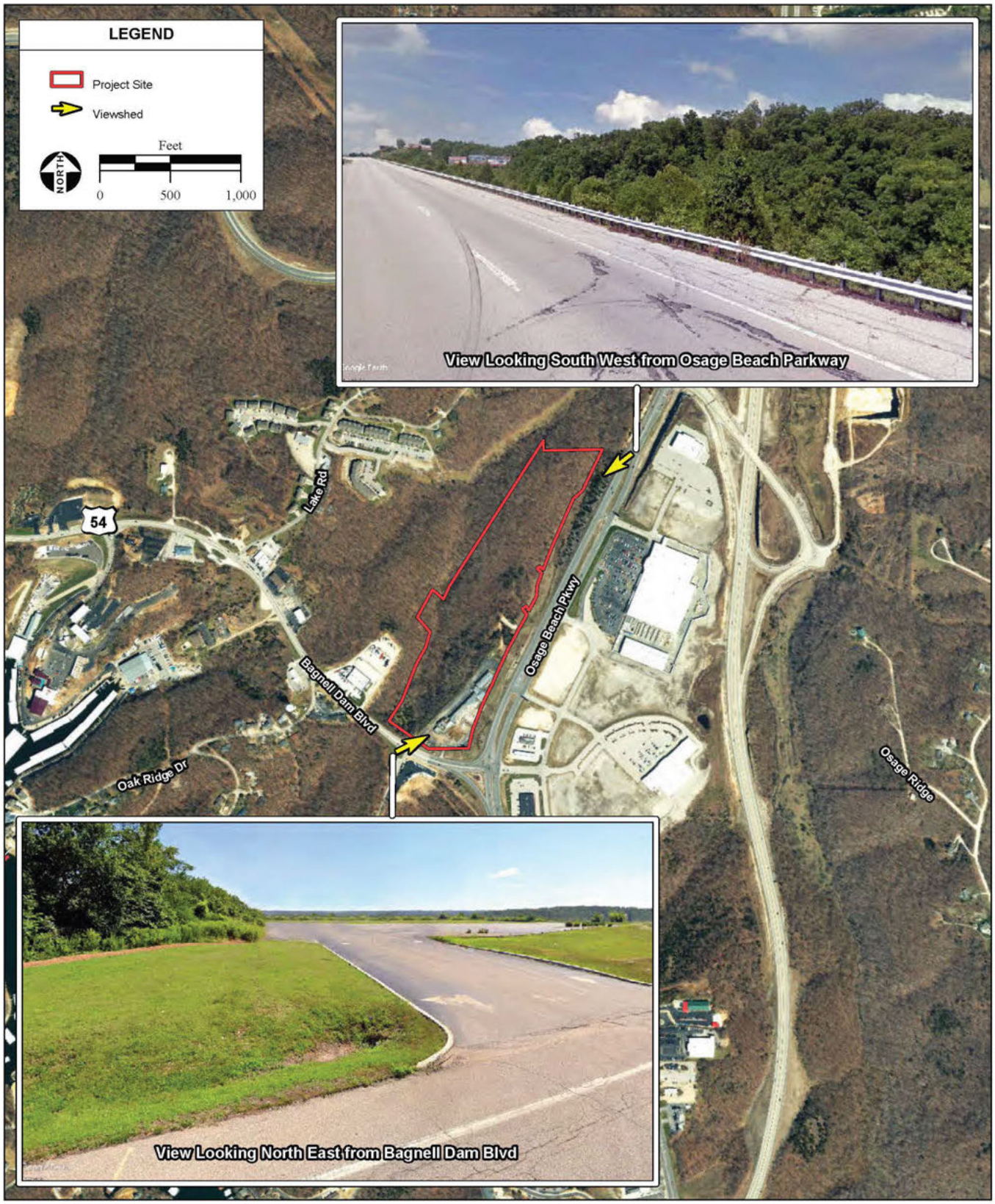
Development of Alternative A would be generally consistent with other development in the area with no significant impacts to important scenic views or features. Other development in the area would be subject to local review and approval. Therefore, Alternative A, when considered in combination with other past and reasonably foreseeable future actions, would not result in a significant impact to visual resources.

3.2.13 Indirect and Growth-inducing Effects

Indirect effects are those that are caused by the action and are later in time or farther 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. Direct growth inducement could result, for example, if a project included the construction of a new residential development. Indirect growth inducement could result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises) or if it removed obstacles to population growth (e.g., expansion of a WWTP to increase the service availability).

Indirect Effects

Indirect effects could occur if the alternative were to result in off-site utility or infrastructure upgrades with the potential to cause significant environmental impacts. Alternative A would require frontage access improvements and off-site traffic mitigation improvements, as detailed in **Section 2.1** and **Appendix E**. Alternative A will connect to existing utilities on-site including water, wastewater, electricity, and natural gas. Off-site utility work is not anticipated. Construction of access improvements and traffic mitigation improvements would be limited to areas of existing development and pavement and would not result in significant environmental impacts. Indirect socioeconomic impacts include job creation and economic growth, which are beneficial effects. Potential indirect fiscal effects, housing effects and impacts to schools are analyzed above in **Section 3.2.6** and would be less than significant.



SOURCE: Google Earth, 2022; Maxar aerial photograph, 3/4/2017; Miller County Parcels, 2021; ESRI, 2024; AES-Montrose, 10/11/2024

Figure 10
Viewsheds

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. Local land use plans provide for development patterns and growth policies that allow for orderly development supported by adequate public services and utilities such as water supply, roadway infrastructure, sewer services, and solid waste disposal services. A project that would induce "disorderly" growth (i.e., would conflict with local land use plans) could indirectly cause adverse environmental or public service impacts.

Alternative A would result in development of a site that has previously been developed as a hotel. Alternative A is generally consistent with the zoning and planned development on the Project Site and would therefore not induce disorderly or unplanned growth. Additionally, infrastructure improvements would be limited to infrastructure necessary for orderly access to the Project Site and, as improvements would be limited to access to the Project Site, would not facilitate regional growth. Similarly, existing utility connections on-site would be utilized and connections would only serve Alternative A and would therefore not facilitate regional growth.

Alternative A would temporarily employ personnel during construction of Alternative A. Operational employment opportunities would be limited to hotel, office, retail, and casino personnel. As detailed in **Section 2.1,** permanent employment opportunities would be generated by operation of Alternative A. It is anticipated construction of Alternative A would generate 510 jobs, including 297 direct positions. Construction of the project is estimated to create 1,968 temporary jobs, including 1,431 direct jobs. As discussed in **Section 3.2.6**, most employment opportunities, including growth-induced opportunities are anticipated to be filled by those residing locally,. Therefore, generation of new employment opportunities would not induce significant growth in the region. Growth-inducing impacts would be less than significant.

3.3 ALTERNATIVE B – HOTEL WITH NO CASINO

This section analyzes the potential for Alternative B to generate a significant environmental impact. The regulatory setting, environmental setting, and significance criteria under Alternative B are the same as Alternative A.

3.3.1 Land Resources

Under Alternative B, the Project Site would be taken into federal trust and developed with a 100-room hotel, parking lot, and associated infrastructure. Construction of Alternative B would result in a disturbed area of approximately 6.1 acres of the partially developed Project Site (**Appendix B**). New areas of hardscape would be introduced and additional grading would occur on the Project Site, but on a smaller scale than Alternative A. The construction, operation, and nature of Alternative B would be consistent with other development in the region and previous development on the Project Site. Alternative B would follow similar design standards as Alternative A and would adhere to BMPs outlined in **Section 2.1**. Additionally, Alternative B would not impede building standards, increase the likelihood of liquefaction, or impact mineral resources. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. There would be a less than significant impact.

3.3.2 Water Resources

Under Alternative B, a 100-room hotel and associated amenities would be constructed. BMPs relating to the protection of water resources outlined in **Section 2.1** would be adhered to, including development of an ECP and SWPPP. Similar to Alternative A, Alternative B would be constructed within Flood Zone X and would include a detention basin sized to accommodate a 100-year storm event.

Therefore, Alternative B would not generate impacts related to flooding or flood control. Alternative B would avoid the perennial stream and, therefore, would not result in direct construction impacts to surface waters. Similar to Alternative A, water supply and wastewater treatment would be provided by the City and would not result in impacts to surface waters.

Although Alternative B would introduce new hardscape to the Project Site, the detention basin would be sized to accommodate a 100-year storm event and would allow for collected runoff to percolate into the groundwater table. Groundwater demands for water supply under Alternative B would be less than under Alternative A and similar to historical water demands on the Project Site. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Impacts to water resources would be less than significant.

3.3.3 Air Quality

Construction emission totals for Alternative B would be less than the emissions resulting from Alternative A because less development is proposed. A detailed list of the proposed equipment and emissions resulting from the equipment is located in **Appendix G**. Emissions of individual CAPs from construction of Alternative B would not exceed *de minimis* levels; therefore, no conformity determination is required and project-related emissions would be less than significant. However, to further reduce project-related construction CAPs and DPM, BMPs are provided in **Section 2.1**.

Buildout of Alternative B would result in the generation of operational emissions lower than Alternative A as a smaller, less intensive development is proposed. A detailed inventory of operational emissions is located in **Appendix G**. Additionally, Alternative B would not result in stationary source emissions of any one pollutant in excess of the federal minor NSR thresholds or Class I Areas major source thresholds. BMPs provided in **Section 2.1** would minimize CAP emissions resulting from operation of Alternative B. With implementation of 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 would not conflict with adopted air quality plans or regulations . Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Impacts would be less than significant.

3.3.4 Living Resources

Alternative B is within the impact area of Alternative A and would impact a total of 3.1 acres of ruderal/developed habitat and 3.0 acres of Ozark hardwood forest. Consistent with Alternative A, the perennial stream would not be impacted. Therefore, Alternative B would result in fewer impacts to habitats and would not require mitigation. Similarly, as the perennial stream would be avoided under Alternative B, there would be no impacts to wetlands or waters of the U.S. As there is no Critical Habitat or EFH on the Project Site, Alternative B would not impact these resources. The potential for Alternative B to impact listed species is similar to Alternative A and is limited to potential bat roosting habitat and nesting birds. Therefore, mitigation in **Section 4** related to roosting bats and nesting birds would apply to Alternative B, and impacts would be less than significant with inclusion of mitigation. Off-site improvements under Alternative B would be limited to site access improvements. These improvements would occur along existing site access points or adjacent existing roadways in areas that lack sensitive biological resources. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Impacts to biological resources would be less than significant.

3.3.5 Cultural Resources

Under Alternative B, the Project Site would only be developed as a hotel located largely within previously disturbed areas. Morris and Hendrix suggested that it is likely that past disturbance associated with previous construction reached a depth below culturally sterile subsoils and so ground disturbance associated with Alternative B is not anticipated to disturb any intact soils likely to contain cultural deposits. As with Alternative A, the APE is located in a low sensitivity area for cultural resources, however there is always a possibility that cultural or paleontological resources may be uncovered during construction. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Mitigation included in **Section 4** would lessen the potential impacts to cultural or paleontological resources by requiring testing, documentation, removal, or other measures as appropriate.

3.3.6 Socioeconomic Conditions

Economy and Employment

Alternative B is smaller in scope than Alternative A, both in terms of the number of employees and economic output. Operations of Alternative B would generate approximately 41 full-time equivalent jobs within Miller and Camden counties, and 47 jobs within the State. This compares to the estimated Alternative A jobs, which are estimated at 455 and 510 created within Miller/Camden Counties and the State, respectively. The total number of construction jobs to develop Alternative B would be less than one half the jobs created by the construction of Alternative A and would only be temporary. Thus, in terms of employment, Alternative B is a fraction of Alternative A. This would result in a less than significant impact on local employment and unemployment. Similar to the employment measure described above, direct economic output from Alternative B would be a fraction of Alternative A. It is estimated that operation of Alternative B would generate approximately $11.3 million of annual economic output (i.e., revenue) within Miller County and Camden County (**Appendix C**), whereas operation of Alternative A would generate an estimated $100.6 million. Consequently, Alternative B would result in a less than significant impact on local economic activity.

Fiscal Impacts

Impacts to local property taxes would be identical to Alternative A, because the parcel comprising the Project Site would be removed from the Miller County property tax roll once it goes into federal trust. However, Alternative B would result in increased tax revenues at the county level, resulting from the secondary economic activity (i.e., indirect and induced effects). Because Alternative B would draw only a fraction of the patrons as compared to Alternative A, impacts to law enforcement, fire and emergency medical services (EMS) would be substantially smaller than Alternative A.

The combination of forgone property tax revenues and the increased cost of services would be a potentially significant impact. As described above in **Section 3.2.6**, The Nation has entered into an agreement with the Sheriff to provide law enforcement services; however, this agreement does not apply to Alternative B as it only becomes effective upon the opening of a casino. The Nation is in the process of establishing additional agreements with various local public entities in order to compensate for services as a result of the construction and operations of the project alternatives (**Appendix D**). The mitigation measures described in **Section 4** include the negotiation of one or more service agreements, which would reduce fiscal impacts to less than significant levels.

Hotel Substitution Effects

Because the Alternative B hotel is of a similar but slightly smaller size as the hotel under Alternative A, substitution effects to local hotels would be similar to those under Alternative A. Substitution effects on local hotels would be less than significant.

Housing

The number of operations jobs created by Alternative B within Camden and Miller Counties is estimated at 41, versus 455 under Alternative A, or 9%. . The number of employees and employee families that in-migrate to Miller and Camden counties would be at most 9% of the employee families that would in-migrate under Alternative A. In-migration would likely be less than 9% because local residents who are currently unemployed could easily fill the job positions created by Alternative B. Incremental demand for housing would be very small, and thus less than significant.

Schools

Similar to housing, potential effects to schools relate to the number of workers who in-migrate to the local area. Employees with children who in-migrate would be less than 9% of those that would relocate under Alternative A. The impact on schools would be less than significant.

Parks and Libraries

Due to the very small number of employees expected to relocate due to Alternative B, there would be a negligible increase in utilization of parks and libraries. Impacts would be negligible.

Reasonably Foreseeable Cumulative Effects

Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Alternative B, when considered in combination with other projects, would not lead to a significant adverse impact to socioeconomic conditions.

3.3.7 Transportation and Circulation

Traffic levels associated with operation of Alternative B would be substantially lower than the traffic levels associated with Alternative A because a lower intensity development is proposed. As the hotel proposed under Alternative B is approximately the same size as the hotel demolished in early 2022, Alternative B would generate traffic at volumes similar to previous development on the Project Site and would be a source of minimal new traffic in the region. Therefore, as described in **Appendix E**, traffic levels associated with the operation of Alternative B would not cause any of the study intersections to operate below acceptable conditions. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Impacts to intersections and roadways would be less than significant.

3.3.8 Land Use

Under Alternative B, the Project Site would be taken into federal trust and developed with a 100-room hotel, parking lot, and associated infrastructure. As discussed above, development of a hotel and associated infrastructure would be consistent with existing zoning and would not preclude ongoing surrounding land use or development of surrounding land consistent with its zoning. The size of the hotel under Alternative B would be similar to the hotel that existed previously on the Project Site. Alternative B would follow similar design standards as Alternative A, which are consistent with C-2 zoning standards. Additionally, Alternative B would not exceed the height requirements of the Project Site zoning. Therefore, Alternative B would be consistent with existing land use and zoning. As stated above, the Project Site is not in agricultural use and is not within an airport land use plan or other land use plan. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. There would be a less than significant impact.

3.3.9 Public Services and Utilities

Alternative B would result in the construction of a hotel of approximately the same size as existed on the Project Site until early 2022 and would be similar in size and scope as other lodging facilities located in the Lake Ozark region. Existing on-site utility connections would be utilized and new public services infrastructure would not be necessary. It is possible that existing service connections on the Project Site would need to be extended or re-aligned within the Project Site. Mitigation in **Section 4** would ensure that the Nation would be financially responsible for re-orientation of utility connections on the Project Site. No off-site utility improvements would be necessary. Alternative B would have a similar demand for public services and utilities as the previous hotel on the Project Site and would not introduce a new or increased source of utilities or public services demands. Because the Project Site would not introduce a new or increased source of utility or public services demands, impacts to public services would be less than significant. However, because the Project Site would be in federal trust, it would be necessary to enter into new service agreements. See **Section 3.3.6** where potential fiscal impacts are analyzed. Potential impacts related to public services and utilities would be limited to potential re-orientation of on-site utility connections. As discussed above, the Nation would be financially responsible for such activities. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. As Alternative B would not generate a new or increased demand on utilities or public services, impacts would not occur.

3.3.10 Noise

Noise levels associated with construction and operation of Alternative B would be lower than the noise levels associated with Alternative A because a lower intensity development is proposed and traffic volumes would be less under Alternative B. Alternative B would generate similar noise as the previous development on the Project Site as both the previous development and Alternative B consist of a hotel approximately 100 rooms in size. Therefore, noise levels associated with the construction and operation of Alternative B would not exceed federal or local noise standards and noise impacts would be less than significant. Additionally, to further reduce noise from construction and operation of Alternative B, the BMPs listed in **Section 2.1** for noise would be implemented. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Alternative B would not exceed noise thresholds and would not contribute towards adverse impacts associated with noise.

3.3.11 Hazardous Materials

Under Alternative B the Project Site would be taken into federal trust and developed with a 100-room hotel, parking lot, and associated infrastructure that would be smaller in scope than Alternative A. The potential for impacts associated with hazardous materials during construction of Alternative B is similar to that of Alternative A. As with Alternative A, construction of Alternative B would adhere to the BMPs identified in **Section 2.1**, including adherence to the NPDES General Construction Permit and required SWPPP (**Table 3**). Adherence to BMPs would minimize the potential of accidental releases. During operation, the amount of hazardous materials used would be less than Alternative A to account for the smaller floor plan and fewer amenities. Hazardous materials would similarly be limited to commonly used substances, which would be handled in accordance with manufacturer directions. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. Therefore, Alternative B would have a less than significant impact.

3.3.12 Visual Resources

Under Alternative B, the Project Site would be taken into federal trust and developed with a 100-room hotel, parking lot, and associated infrastructure.

The size of the hotel under Alternative B would be similar to the hotel that existed previously on the Project Site. The height, lighting, and nature of Alternative B would be consistent with other development in the region and previous development on the Project Site. Alternative B would follow similar design standards as Alternative A and would adhere to BMPs outlined in **Section 2.1**. Additionally, Alternative B would not impede flight traffic, create excessive glare or illumination, or alter a scenic vista or protected byway. Reasonably foreseeable effects resulting from Alternative B in combination with future development would be similar to those described for Alternative A. There would be no impact.

3.3.13 Indirect and Growth-Inducing Effects

Indirect Effects

Potential indirect effects of Alternative B would have similar characteristics as those under Alternative A, but would be substantially less in magnitude, due to the substantially reduced scope of Alternative B. Consistent with Alternative A, significant indirect effects would not occur.

Growth-Inducing Effects

Alternative B would temporarily employ construction personnel during construction. As discussed above, Alternative B is substantially less in scope in comparison with Alternative A. Temporary jobs created by the construction of Alternative B would be less than half the number of jobs created by the construction of Alternative A. The number of jobs created by the operation of Alternative B would be approximately 10 percent of Alternative A jobs. Thus, consistent with Alternative A, generation of new employment opportunities would not induce growth in the region. Growth-inducing impacts would be less than significant.

3.4 ALTERNATIVE C – NO ACTION

Under Alternative C, the Project Site would remain in its current condition. The Project Site would not be taken into federal trust and development would not take place in the near term. Jurisdiction of the Project Site would remain with the City. It is possible that the Project Site could eventually be developed in accordance with federal, state, and local requirements. However, it would be speculative to forecast the exact timing and nature of potential development. Therefore, Alternative C only considers ongoing existing use of the Project Site, which is limited to vacant land. As no action would occur under Alternative C, Alternative C would not result in impacts to the environment. However, this alternative would not meet the stated purpose and need or the Nation's objectives of providing economic opportunities for Tribal members.

Section 4 | Mitigation Measures

Mitigation measures to address potentially significant impacts that could result from implementation of a federal action consist of the following:

- 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 32**. Mitigation is enforceable because it is (1) inherent to the project design; and/or (2) required by federal or tribal regulations. Implementation of mitigation measures listed in **Table 32** would be overseen by the Osage Nation in accordance with the Osage Tribal Code and the Osage Nation Constitution. Additionally, in accordance with the Indian Affairs Manual; Part 59, Chapter 3.3(D), it is the policy of the BIA to:

- Take the appropriate steps to ensure negative environmental effects are prevented, minimized or mitigated whenever possible.
- Monitor for and assess the effectiveness of mitigation measures identified to mitigate adverse environmental impacts in EAs.

TABLE 32: MITIGATION MEASURES

Resource Area	Mitigation Measure
Living Resources	The following measures are recommended for Alternatives A and B to avoid and/or reduce the potential for significant impacts to living resources. **Waters of the U.S.** ▪ If a jurisdictional Water of the U.S. is to be impacted, the Nation shall obtain a CWA Section 404 permit from the USACE. All permit terms and conditions shall be adhered to. The following measures are recommended for Alternatives A and B to avoid and/or reduce the potential for significant impacts to living resources. **Federally Listed Bats** ▪ Tree removal shall occur outside the active season of roosting bats (April 1 – October 31). **Nesting Migratory Birds** ▪ Should work occur during nesting season (February 15 – September 15), a preconstruction nesting bird survey of the Project Site shall be conducted no more than five days prior to the start of vegetation removal or ground disturbing activities. ▪ Should an active nest be identified, a "disturbance-free" buffer shall be established based on the needs of the species identified. The buffer shall be maintained until a biologist determines that the nest has been abandoned or the young have fledged. ▪ If a gap in construction activities longer than seven days occurs, an additional nesting bird survey shall be conducted.
Cultural Resources	The following measures are recommended for Alternative A and B to avoid and/or reduce the potential for significant impacts on previously unknown cultural or paleontological resources uncovered during construction.

Resource Area	Mitigation Measure
	▪ Work within 50 ft of a potential find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR § 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA, the Nation, and other appropriate agencies. ▪ If a find is determined to be significant by the archaeologist or paleontologist, a Tribal representative shall meet with the archaeologist or paleontologist to determine the appropriate course of action, including the development of a treatment plan and implementation of appropriate provisions, if necessary. ▪ If human remains are discovered during ground-disturbing activities on Tribal lands, the County Coroner, the Nation, and the BIA shall be contacted immediately. If the coroner determines that the remains are Native American, the provisions of NAGPRA shall apply. No further disturbance shall occur in the vicinity of the find until the Nation and BIA have consulted regarding treatment and disposition of the remains.
Transportation and Circulation	The following measures are recommended for Alternative A to avoid and/or reduce the potential for significant impacts associated with transportation/circulation and are consistent with recommendations in the transportation impact study (**Appendix E**). ▪ Access P1 and Bagnell Dam Boulevard: The Nation shall install or fund the installation of a designated westbound right turn lane.
Socioeconomic Conditions and Public Services and Utilities	The following measures are recommended for Alternatives A and B. ▪ The Nation has entered into an agreement with the Sheriff to provide certain law enforcement services. The Nation shall enter into additional agreements with local agencies to address the delivery of municipal services to the Project Site. Services may include but are not limited to fire suppression, paramedic and ambulance services, law enforcement, court services, street frontage, storm water, and sewer and water services. ▪ If existing utilities cannot be avoided, the Nation shall work with the City, Ameren Missouri, and/or Summit Natural Gas to avoid or relocate existing utilities to accommodate new construction.

Section 5 | Consultation and Preparers

5.1 LEAD AGENCY

Bureau of Indian Affairs

5.2 TRIBES CONSULTED

The Osage Nation THPO and the Apache Tribe of Oklahoma were mailed consultation letters in accordance with Section 106 of the NHPA in November 2024, with consultation ending December 23, 2024. No responses were received.

5.3 AGENCIES CONSULTED

Agency	Details
Missouri State Historic Preservation Officer (SHPO)	A Section 106 consultation letter was mailed to the SHPO in November 2024. No response was received.
U.S. Department of Agriculture NRCS	A custom Soil Resource Report of soil types on the project area was obtained. A copy of the search results is included in **Appendix H.**
U.S. Environmental Protection Agency	A Notice to Prepare an Environmental Assessment was sent to the USEPA as part of the informal scoping process for this EA (**Appendix J**). No response was received.
U.S. Fish & Wildlife Service, Missouri Field Office	The USFWS IPaC was consulted to obtain a list of federally listed species with the potential to occur in the project area. A BA was submitted to USFWS for review and concurrence in accordance with Section 7 of the Endangered Species Act (**Appendix H**). Additionally, the USFWS NWI was reviewed to identify potential wetlands and waters on the project site (**Appendix H)**.
MDC	The MDC Field Guide was consulted to obtain a list of endangered species recognized throughout the state. A copy of the search results is included in **Appendix H**.
Missouri Department of Natural Resources	A Notice to Prepare an Environmental Assessment was sent to the Missouri Department of Natural Resources as part of the informal scoping process for this EA (**Appendix J**). No response was received.
Missouri Department of Transportation, Central Region, Central District	A Notice to Prepare an Environmental Assessment was sent to the Missouri Department of Transportation, Central Region, Central District as part of the informal scoping process for this EA (**Appendix J**). No response was received.
City of Lake Ozark	A Notice to Prepare an Environmental Assessment was sent to the City of Lake Ozark as part of the informal scoping process for this EA (**Appendix J**). On November 15, 2024, comments were received from the City of Lake Ozark and were considered in the preparation of this document.
City of Osage Beach	A Notice to Prepare an Environmental Assessment was sent to the City of Osage Beach as part of the informal scoping process for this EA (**Appendix J**). No response was received.
Miller County	A Notice to Prepare an Environmental Assessment was sent to Miller County as part of the informal scoping process for this EA (**Appendix J**). No response was received.
Camden County	A Notice to Prepare an Environmental Assessment was sent to Camden County as part of the informal scoping process for this EA (**Appendix J**). No response was received.
Miller County Sheriff's Department	A Notice to Prepare an Environmental Assessment was sent to the Miller County Sheriff's Department as part of the informal scoping process for this EA (**Appendix J**). No response was received.

Agency	Details
Lake Ozark Fire Protection District	A Notice to Prepare an Environmental Assessment was sent to the Lake Ozark Fire Protection District as part of the informal scoping process for this EA (**Appendix J**). No response was received.

5.4 ENVIRONMENTAL CONSULTANTS

Acorn Environmental

Name	Qualifications/Role
Ryan Sawyer, AICP	BA, 20 years of experience, Project Director
Kt Alonzo	BS, 10 years of experience, Project Manager/Senior Biologist
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Kimberly Fuchs	BS, 20 years of experience, Senior Environmental Analyst
Kelli Raymond	BS, 10 years of experience, Senior Environmental Analyst/Biologist
Kimberlina Gomez	BS, 4 years of experience, Biologist
Emma Miller	BS, 3 years of experience, Environmental Analyst
Dana Hirschberg	24 years of experience, GIS specialist

Montrose Environmental

Name	Role
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Jennifer Schulte	Technical Analyst
Bryana Clark	Environmental Analyst
Alex Fraser	Environmental Planner
Kyle Trisler	Environmental Analyst

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CJW Transportation Consultants, LLC: Traffic Impact Assessment and Preliminary Engineering Report Grading and Drainage

References

References cited in the EA and **Appendix F** are included below.

Acorn Environmental, 2024. Biological Assessment for the Osage Nation Lake Ozark Casino Resort Project. November 2024.

American Psychiatric Association, 2022. Available online at: https://www.psychiatry.org/patients-families/gambling-disorder. Accessed November 25, 2022.

Ameren, 2022. Outage Map (with service area boundary). Available online at: https://outagemap.ameren.com/?_gl=1*17ab23w*_ga*ODIzMDYwNTYuMTY2MDY3NTY1Ng..*_ga_8C6F435CY5*MTY2MDY3NTY1Ni4xLjEuMTY2MDY3NTY3Mi4w. Accessed August 2022.

Ameren Missouri, 2022. Bagnell Dam, Available online at https://www.ameren.com/missouri/residential/lake-of-the-ozarks/bagnell-dam Accessed October 2022.

Berger, Elliot, Rick Neitzel, and Cynthia A. Kladden, 2015. Noise Navigator Sound Level Database Version 1.8. Available online at: http://multimedia.3m.com/mws/media/888553O/noise-navigator-sound-level-hearing-protection-database.pdf. Accessed May 2022.

Caesars Entertainment, 2021. 2021 Form 10-K. Available online at: https://investor.caesars.com/annuals-and-proxies. Accessed November 26, 2022.

Caesars Entertainment, 2022. List of Caesar's Properties. Available online at: https://investor.caesars.com/caesars-properties. Accessed November 26, 2022.

City of Lake Ozark, 2006. Comprehensive Plan 2006. Available online at: https://cityoflakeozark.net/wp-content/uploads/2021/12/2006-LOMO-Comprehensive-Plan-compressed.pdf. Accessed September 2022.

City of Lake Ozark, 2021. Keeping your water safe to drink. Update online at: https://cityoflakeozark.net/wp-content/uploads/2021/02/Keeping-your-water-safe.pdf Accessed October 6 2022.

City of Lake Ozark, 2022. Joint Sewer Board; Wastewater Treatment Plant. Available online at: https://cityoflakeozark.net/joint-sewer-board/. Accessed August 12, 2022.

City of Lake Ozark, 2022a. Budget for the City of Lake Ozark, Fiscal Year 2022. Available online at: https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fcityoflakeozark.net%2Fwp-content%2Fuploads%2F2022%2F04%2F2022-Proposed-Budget-Text-to-Board-121021.doc&wdOrigin=BROWSELINK. Accessed November 25, 2022.

City of Lake Ozark, 2022b. City of Lake Ozark Zoning Map. Available online at: https://www.arcgis.com/apps/instant/basic/index.html?appid=208545a621134100809fecfec3aee14f . Access November 8, 2022.

City of Lake Ozark, 2022c. Chapter 405 Zoning Regulations. Available online at: https://ecode360.com/28169951 . Accessed September 22, 2022.

City of Lake Ozark, 2022d. City Services to be Bid. Available online at: https://cityoflakeozark.net/2022/06/30/city-services-to-be-bid/ Accessed October 4, 2022.

City of Lake Ozark, 2022e. Resources. Available online at https://cityoflakeozark.net/resources/. Accessed September 22, 2022

City of Lake Ozark, 2022f. Patrol Division. Available online at: https://cityoflakeozark.net/patrol-division/ Accessed September 27, 2022.

City of Lake Ozark, n.d. Recycling in Lake Ozark. Available online at: https://cityoflakeozark.net/wp-content/uploads/2021/02/Recycling-in-Lake-Ozark.pdf. Accessed October 3, 2022.

Federal Emergency Management Agency (FEMA), 2009. FEMA Flood Map Service Center. Map 29131C0250D, effective 5/18/2009. Available online at: https://msc.fema.gov/portal/search?AddressQuery=lake%20of%20the%20ozarks%2C%20missouri#searchresultsanchor. Accessed September 2022.

Federal Highway Administration (FHWA), 2003. Living with Noise. Available online at: https://highways.dot.gov/public-roads/julyaugust-2003/living-noise. Accessed May 2022.

FHWA, 2006. Construction Noise Handbook. Available online at: https://rosap.ntl.bts.gov/view/dot/8837/dot_8837_DS1.pdf . Accessed May 2022.

FHWA, 2011. Highway Traffic Noise Analysis and Abatement Policy and Guidance. Available online at: https://www.fhwa.dot.gov/environMent/noise/regulations_and_guidance/polguide/polguide04.cfm. Accessed May 2022.

FHWA, 2018. Techniques for Reviewing Noise Analyses and Associated Noise Reports. Available online at: https://rosap.ntl.bts.gov/view/dot/54067. Accessed November 2022.

FHWA, 2022. Federal Scenic Byways Map. Available online at: https://www.scenic.org/wp-content/uploads/2022/09/MO-Official-One-Pager_2022.pdf. Accessed November 3, 2022.

Federal Transportation Administration (FTA), 2006. Transit Noise and Vibration Impact Assessment. Available online at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf. Accessed May 2022.

GFL Environmental Inc., 2022. Welcome, WCA Waste Customers. Available online at: https://gflenv.com/welcome-wca-waste/. Accessed October 4, 2022.

GFL Environmental Inc., 2022a. Ozarks Transfer Station. Available online at: https://gflenv.com/ozarks-transfer/. Accessed November 2022.

GFL Environmental Inc., 2022b. Our Facilities. Available online at: https://gflenv.com/our-facilities/ Accessed November 2022.

GFL Environmental Inc., 2022c. Residential Trash Collection Services. Available online at: https://gflenv.com/our-services/for-home/residential-solid-waste/waste-collection/ Accessed November 2022.

Hunter, Andrea, Ph.D., 2022. Osage Cultural History. Available online at: https://www.osagenation-nsn.gov/who-we-are/historic-preservation/osage-cultural-history. Accessed September 2022.

KY3 Staff, 2022. Multi-million-dollar project planned for Lake of the Ozarks, Available online at: https://www.ky3.com/2022/10/28/multi-million-dollar-project-planned-lake-ozarks/ Accessed November 2022.

Lake Expo, 2024a. For 2024, Here's What Could be on Lake of the Ozarks' Horizon. Available online at: https://www.lakeexpo.com/real_estate/for-2024-heres-what-could-be-on-lake-of-the-ozarks-horizon/article_18e367ec-a8e4-11ee-b578-8baf126bcfed.html. Accessed January 25, 2024.

Lake Expo, 2024b. Five-Level Entertainment Complex Near Bagnell Dam Set To Open In 2026. Available online at: https://www.lakeexpo.com/real_estate/five-level-entertainment-complex-near-bagnell-dam-set-to-open-in-2026/article_963fe7da-b345-11ef-bcd1-5bb30249d39f.html#:~:text=LAKE%20OF%20THE%20OZARKS%2C%20Mo,still%20working%20out%20some%20details. Dec 26, 2024. Accessed April 2025.

Lake Ozark Public Works, 2021. 2021 Annual Water Quality Report. Available online at: https://dnrservices.mo.gov/ccr/MO3010441.pdf. Accessed August 11, 2022.

Lake Ozark Public Works, 2022. Public Works; Our Mission. Available online at: https://cityoflakeozark.net/public-works/. Accessed August 11, 2022.

Lake Ozark Realty, 2022. The Waters Real Estate. Available online at: https://www.lakeozarkrealty.com/listings/subdivision/The+Waters. Accessed November 2022.

Lake Ozark Fire Protection District (LOFPD), 2022. Lake Ozark Fire Project District, 2021 Year in Review. Available online at: http://www.lofpd.com/pdfs/2021%20Year%20End%20Report.pdf. Accessed November 25, 2022.

LOFPD, n.d. Call to Date. Available online at: http://www.lofpd.com/index.asp Accessed September 27, 2022.

LOFPD, n.d.1 Station 1. Available online at: http://lofpd.com/equipment.asp. Accessed September 27, 2022.

Lake Regional Health System, 2022. Emergency Care. Available online at: https://www.lakeregional.com/services/emergency-care/. Accessed September 29, 2022.

Lake of the Ozarks Regional Economic Development Council, (LOREDC) 2020. Central Missouri's Lake of the Ozarks Demographic Profile 2020. Available online at: https://www.lakeareachamber.com/pdf/LOREDC%20Demographic%20Profile%202020.pdf. Accessed November 23, 2022.

Lyons, 2010. Lake Ozark/Osage Beach Joint Sewer Treatment Plant – Protecting Water Quality at The Lake of the Ozarks - Attorney General's Symposium. Available online at: https://www.yumpu.com/en/document/read/29731813/lake-ozark-osage-beach-joint-sewer-treatment-plant-missouri- Accessed November 2022.

Marnell Architecture, 2022. Concept Study Lake of the Ozarks Casino Resort.

Miller County Health Center, 2022. Onsite Wastewater Treatment System Requirements. Available online at: http://millercountyhealth.com/wastewater-system-requirements. Accessed August 2022.

Missouri Department of Conservation (MDC), 2018. Show-Me Natural Communities. Available online at: https://mdc.mo.gov/sites/default/files/2020-12/Show-Me_NaturalCommunities.pdf. Accessed October 2022.

MDC, 2025. Field Guide: Endangered. Available online at: https://mdc.mo.gov/field-guide/statuses?status=994. Accessed January 2025 2022.

Missouri Department of Natural Resources (MDNR), 2002. Missouri Drought Plan. Available online at: https://dnr.mo.gov/document-search/2002-missouri-drought-plan. Accessed November 2022.

MDNR, 2013. Geologic Hazards Map of Region F Missouri State Emergency Management Agency, Available online at https://info.mo.gov/gis/AUX_GIS/PDFs/natural_hazards/OFM-13-0621-GS-RegionF.pdf Accessed November 2022.

MDNR, 2020. Missouri Water Resources Plan Update 2020. Available online at: https://dnr.mo.gov/document-search/missouri-water-resources-plan-update-2020. Accessed November 2022.

MDNR, 2022. Missouri Geological Survey. Available online at: https://modnr.maps.arcgis.com/apps/webappviewer/index.html?id=3ac3a61da4af4834811503a24a3cb935. Accessed October 16, 2022.

MDNR, 2022a. Industrial Minerals and Metallic Mineral Waste Management Areas. Available at: https://modnr.maps.arcgis.com/apps/webappviewer/index.html?id=9ce9dbcc86a04cd78cd5554799155ac2. Accessed November 2022.

MDNR, 2022b. Interstate Waters. Available online at: https://dnr.mo.gov/water/hows-water/state-water/surface-water/interstate-waters. Accessed September 2022.

MDNR, 2022c. Groundwater Observation Wells. Available online at: https://modnr.maps.arcgis.com/apps/webappviewer/index.html?id=85207c111127406b84de60aee804fc02. Accessed November 2022.

MDNR, 2022d. Missouri Source Water Protection and Assessment. General System Information. Available online at: https://customreports.engagementnetwork.org/report/va.aspx?sysid=3010441&status=Active&status=Emergency&maptype=dsGI. Accessed November 2022.

MDNR, 2022e. Missouri Source Water Protection and Assessment. Well/Intake Data. Available online at: https://customreports.engagementnetwork.org/report/va.aspx?sysid=3010441&status=Active&status=Emergency&maptype=dsGI. Capacity was estimated from well production figures (in gallons per minute), multiplied by 60 minutes, and further multiplied by 24 hours. Accessed November 2022.

MDNR, 2022f. Missouri Source Water Protection and Assessment. Land Use Statistics. Available online at: https://customreports.engagementnetwork.org/report/va.aspx?sysid=3010441&status=Active&status=Emergency&maptype=dsGI. Accessed November 2022.

Missouri Gaming Commission, 2022. Monthly Financial Reports for FY 2022. Available online at: https://www.mgc.dps.mo.gov/Casino_Gaming/rb_financials/rb_Fin_main.html. Accessed November 23, 2022.

Missouri State Auditor, 2018. The County of Miller, Independent Auditor's Report and Financial Statements for the years Ended December 31, 2017 & 2016. Available online at: https://auditor.mo.gov/AuditReport/ViewReport?report=2018101. Accessed November 25, 2022.

National Resource Conservation Service (NRCS), 2020. 2017 National Resources Inventory Summary Report. Available online at: https://www.nrcs.usda.gov/sites/default/files/2022-10/2017NRISummary_Final.pdf Accessed November 2022

NRCS, 2025. Web Soil Survey Custom Soil Report. U.S. Department of Agriculture. Available online at: https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm. Accessed January 2025.

National Wild and Scenic Rivers System, 2022. Explore Designated Rivers. Available online at: https://www.rivers.gov/missouri.php. Accessed September 2022.

Osage Beach, n.d. Sewer Department. Available online at https://osagebeach-mo.gov/915/Sewer-Department . Accessed October 4, 2022.

Osage Beach/Lake Ozark Joint Sewer Board (OBLOJSB), 2022. Sewer Board Meeting Agenda September 20, 2022. Available on online at http://mo-osagebeach2.civicplus.com/ArchiveCenter/ViewFile/Item/3245. Accessed September 27, 2022.

Osage Nation, n.d. Ancestral Map. Osage Ancestral Territory. Available online at: https://www.osageculture.com/culture/geography/ancestral-map. Accessed August 2022.

Osage Nation, 2024. Email correspondence dated December 2023 and April 2024 Draft Fee-to-Trust Application.

Paleoportal, 2022. Missouri, US. Available online at: http://paleoportal.org/kiosk/sample_site/state_31.html. Accessed October 2022.

Property Radar, 2022. Property profile obtained from Property Radar. Available online at: https://www.propertyradar.com/. Subscription may be required. Accessed November 23, 2022.

Summit Natural Gas, 2022. Service Area Map. Available online at: https://summitnaturalgas.com/service-areas. Accessed August 2022.

Summit Natural Gas, 2022a. Who we Are. Available online at: https://summitnaturalgas.com/who-we-are. Accessed November 2022.

University of California, Davis, 1997. Transportation Project-Level Carbon Monoxide Protocol. Revised December 1997. Available online at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/co-protocol-searchable-a11y.pdf. Accessed May 2022.

University of California Museum of Paleontology (UCMP), 2022. Online database. Available at: https://ucmp.berkeley.edu/. Accessed November 2022.

U.S. Bureau of Labor Statistics, 2022. United States Bureau of Labor Statistics Data Tools, Economy at a Glance. Mountain-Plains Information Office, Jefferson City MSA. Available online at: https://www.bls.gov/regions/mountain-plains/mo_jeffersoncity_msa.htm. Accessed November 24, 2022.

U.S. Bureau of Labor Statistics, 2022a. United States Bureau of Labor Statistics Data Tools, Economy at a Glance. State of Missouri. Available online at: https://www.bls.gov/regions/mountain-plains/missouri.htm#tab-1. Accessed November 24, 2022.

U.S. Census Bureau, 2021. United States Census Bureau QuickFacts. Miller County (Missouri), Camden County (Missouri) and the State of Missouri. Available online at: https://www.census.gov/quickfacts/fact/table/millercountymissouri,camdencountymissouri,MO/PST045221. Accessed November 23, 2022.

U.S. Census Bureau, 2020. Census tracts in the vicinity of the Project Site obtained from the Census Demographic Map Viewer. Available online at: https://www.census.gov/library/visualizations/2021/geo/demographicmapviewer.html. Demographic data then obtained from the United States Census Bureau American Community Survey (ACS) data, Table DP04. Available online at: https://data.census.gov/table?q=DP04&g=0400000US29_0500000US29029,29131_1400000US29029950102,29029950201,29029950600,29029950900,29029951101,29131962701,29131962801,29131962

802&tid=ACSDP5Y2020.DP04. Accessed November 23, 2022.
U.S. Census Bureau, 2020b. ACS Demographic and Housing Estimates, Table DP05. Available online at: https://data.census.gov/table?q=DP05&g=1400000US29029950102,29029950201,29029950600,29131962802,29131962801,29029951101,29131962701,29029950900_050XX00US29131,29029_040XX00US29&tid=ACSDP5Y2020.DP05. Accessed July 25, 2023.
U.S. Census Bureau, 2020c. Selected Economic Characteristics, Table DP03. Available online at: https://data.census.gov/table?q=DP03&g=1400000US29029950102,29029950201,29029950600,29131962802,29131962801,29029951101,29131962701,29029950900_050XX00US29131,29029_040XX00US29&tid=ACSDP5Y2020.DP03. Accessed July 25, 2023.
U.S. Census Bureau, 2020d. Selected Social Characteristics in the United States, Table DP02. Available online at: https://data.census.gov/table?q=DP02&g=1400000US29029950102,29029950201,29029950600,29131962802,29131962801,29029951101,29131962701,29029950900_050XX00US29131,29029_040XX00US29&tid=ACSDP5Y2020.DP02. Accessed July 25, 2023.
U.S. Census Bureau, 2023. 2020 Census Urban Area TIGER/Line Shapefile. Available online at: https://www2.census.gov/geo/tiger/TIGER_RD18/LAYER/UAC20/. Accessed August 28, 2023.
U.S. Department of Health and Human Services, 2020. 2020 Poverty Guidelines. Available online at: https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references. Accessed January 19, 2022.
U.S. Energy Information Administration, 2017. Commercial Buildings Energy Consumption Survey. Available online at: https://www.eia.gov/consumption/commercial/reports/2012/water/. Accessed August 2022.
USEPA, 2004. Final Regulatory Analysis: Control of Emissions from Nonroad Diesel Engines. May 2004. Available online at: https://www.epa.gov/sites/default/files/2020-07/documents/nonroad_ria_final-nonroad-diesel-engines_2004-05.pdf.
USEPA, 2011. AP-42 Compilation of Air Emissions Factors – Chapter 1.4. Available online at: https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-fifth-edition-volume-i-chapter-1-external-0. Accessed May 2022.
USEPA, 2022. How's My Waterway? Available online at: https://mywaterway.epa.gov/community/102901110203/overview. Accessed September 2022.
USEPA, 2022a. Lake of the Ozarks Waterbody Report. Available online at: https://mywaterway.epa.gov/waterbody-report/MDNR/MO_7205.00/2020. Accessed September 2022.
USEPA, 2022b. Osage River Waterbody Report. Available online at: https://mywaterway.epa.gov/waterbody-report/MDNR/MO_1031.00/2020. Accessed September 2022.
USEPA, 2023. MOVES4Motor Vehicle Emission Simulator: MOVES4. Office of Transportation and Air Quality. US Environmental Protection Agency. Ann Arbor, MI. August 2023. Available online at: https://www.epa.gov/moves/latest-version-motor-vehicle-emission-simulator-moves. Accessed January 2024.
USEPA, 2024a. Green Book Missouri Nonattainment/Maintenance Status for Each County by year for all Criteria Pollutants. Available online at: https://www3.epa.gov/airquality/greenbook/anayo_mo.html. Accessed March 2024.
USEPA, 2024b. National Ambient Air Quality Standards for PM. Available online at: https://www.epa.gov/pm-pollution/national-ambient-air-quality-standards-naaqs-pm. Accessed March 12, 2024.
USEPA, 2024c. NAAQS Table. Available online at: https://www.epa.gov/criteria-air-pollutants/naaqs-table. Accessed March 2024.
U.S. Fish and Wildlife Service (USFWS), 2025a. Information for Planning and Consultation (IPAC). Available online at: https://ipac.ecosphere.fws.gov/location/index. Accessed January 2025.

USFWS, 2025b. USFWS Critical Habitat Mapper. Available online at: https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77. Accessed January 2025.

USFWS, 2025c. National Wetlands Inventory Online Mapper. U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation. Available at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/. Accessed January 2025.

United State Geological Survey (USGS), 2022. United States Landslide Inventory Map. Available at: https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=ae120962f459434b8c904b456c82669d. Accessed October 11, 2022.

USGS, 2022a. United States Quaternary Faults Map. Available at: https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf. Accessed October 11, 2022.

USGS, 2022b. Mineral Recourses Data System. Available at: https://mrdata.usgs.gov/mrds/map-us.html. Accessed October 11, 2022.

USGS, 2022c. National Water Information System: Map. Available online at: https://maps.waterdata.usgs.gov/mapper/index.html. Accessed September 2022.

Wolff, 2021. Deanna Wolff. The Strange History of Naming 'Lake of the Ozarks," and the 4 Names that Didn't Stick. Available online at: https://www.lakeexpo.com/boating/history_of_boating/the-strange-history-of-naming-lake-of-the-ozarks-and-the-4-names-that-didnt/article_8aae4b92-fe3e-11eb-bf96-8b0d87ec4eeb.html. Accessed September 2022.