



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

October 15, 2012

Chet McGhee
Regional Environmental Scientist
Bureau of Indian Affairs
U.S. Department of Interior
545 Marriott Drive, Suite 700
Nashville, TN 37214

Re: Seminole Tribe of Florida Free-to-Trust 8-2012

Dear Sir:

The U.S. Environmental Protection Agency (EPA) has reviewed the Seminole Tribe of Florida (STOF), Fee-to-Trust (FOT) Draft Environmental Impact Statement (DEIS) 8-2012, in accordance with our responsibilities under Section 309 of the Clean Air Act and Section 102(2) (C) of the National Environmental Policy Act (NEPA). The purpose of our review is to assess the environmental effects of transferring approximately 45-acres of real property owned by STOF, in the City of Coconut Creek, Florida. The transfer would convey fee ownership to federal trust (Proposed Action) and the subsequent development of a hotel/resort and other ancillary uses by STOF (Proposed Project). The Bureau of Indian Affairs (BIA) has discretionary federal authority when taking land into federal trust pursuant to 25 CFR Part 151. EPA understands that although the property is adjacent to the existing STOF Coconut Creek Casino and would support the casino operations, neither the proposed project nor any of the alternatives considered would expand gaming activities. The BIA serves as the Lead Agency for compliance, with NEPA. Cooperating agencies include STOF, the City of Coconut Creek, and Broward County. The "land into trust" decision constitutes the Proposed Action. The Proposed Project consists of the foreseeable consequences of the federal action, namely the mixed-use development of a hotel/resort complex with entertainment, conference venues, and retail facilities.

The DEIS proposes three (3) alternatives for the Proposed Project. The alternatives are listed as A thru C, with alternative C being the No-build or No-action alternative. There are two (2) proposed sub-alternatives they are titled; A-1 and C-1. Impacts for the two (2) sub-alternatives are approximately the same as Alternatives A & C. Alternative A consist of phased construction of a hotel/resort facility, spa, conference center, a multi-story parking garage, and a retail village on 45-acres of land. Alternative B is labeled as "Reduced Intensity Project" which refers to the over-all size, or height, of the proposed structures. The impact to the land for both alternatives is relatively the same, where Alternative B would impact less acreage than

alternative A. Alternative B proposes construction on the FOT land and would not require utilities approval from Coconut Creek. Utilities for this alternative would be provided from outside providers. Sub-alternative A-1 impacts are relatively the same as Alternative A with the exception to utilities being performed on-site. Impacts from Sub-alternative C-1 would be the same as Alternative C, the No-build alternative. The alternatives address construction issues such as the location and size of the buildings, as well as, the issue of Coconut Creeks permitting approvals. This project is located on tribal land and environmental permits would therefore be required by federal agencies with the proper permitting authority. Environmental permitting issues would be addressed through the permitting process. EPA recommends that Green-building principals be used in the construction phases of this project. EPA Region 4 Office of Pollution Prevention and Innovation (OPPI) vision is to use innovation to promote and fully integrate the principles of Pollution Prevention and Environmental Stewardship. Please see additional and detailed comments about Green-building design and principals.

EPA is rating this project as Lack of Objections (LO). Thank you for the opportunity to comment on this project. We appreciate your continued coordination as this project progresses and we look forward to reviewing the Final Environmental Impact Statement (FEIS) for this project. Please contact Larry Long of my staff at (404) 562-9460, if you would like to discuss this project.

Sincerely,



Heinz J. Muller, Chief
NEPA Program Office
Office of Environmental Accountability

Enclosures

CC: Lisa Berrios, EPA Tribal

EPA Review and Comments for
STOF Fee-to Trust DEIS 8-2012

EPA's Maneuver Center of Excellence DEIS comments

Green Building Designs and Principles

Green-building principles include the efficient use of energy, water, and other resources, the reduction of waste, pollution, and environmental degradation during a building's lifecycle by considering building location, design, construction, operation, maintenance, and removal. Moreover green building designs and principles are consistent with Executive Order 13423 goals for federal agencies to improve energy efficiency and reduce green house gas emissions.

Buildings in the United States account for 40-percent of total energy use, 12-percent of the total water consumption, 68-percent of total electrical consumption, 38-percent of total CO₂ emissions, and 60-percent of total non-industrial waste generation. On average, green buildings reportedly reduce energy use by approximately 30-percent, CO₂ emissions by 35-percent, water use by 30 to 50-percent, and results in a waste cost savings of 50 to 90-percent.¹ Additionally, Executive Order 13423 directs agencies to ensure that new building construction and major renovations comply with the *Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings*.

Recycle Building-Demolition Waste

One aspect of green building is the reduction of waste and environmental degradation associated with land filling construction and demolition debris without recycling usable construction and demolition debris, e.g., the use of recycled materials in lieu of raw. Construction and demolition debris includes waste from building and transportation-related construction, renovation, and removal including land-clearing debris.

Use Recycled Building Materials in New Building Construction

The EPA recommends the applicant consider using recycled materials in its proposed construction projects. Recycled materials are energy efficient, e.g., recycled polystyrene and wood block building products have energy efficiency ratings above that of conventional insulation and building materials. Recycled building products save materials from the landfill. Plastics that would otherwise go into a landfill can be recycled and turned into building blocks, reducing the need to harvest lumber from forests. Recycled wood building projects save wood from being wasted and decrease the need to harvest forests. Many recycled wood or polystyrene building materials are more fire resistant than conventionally built houses. Recycled materials include: polystyrene, concrete, and wood cement building forms.

¹ <http://climateintel.com/?s=Greening+of+affordable+housing>

Parking Lots

Green asphalt reflects a process that reclaims or recycles up to 50-percent of the existing asphalt pavement and mixes it with new materials at a lower temperature than previously achievable in the industry. The process results in reduced green-house gas emissions. This asphalt mix is alleged to be equal to or better than the mixes now being used and could save eleven-percent of fuel costs over existing production methods.

Consider Energy-Efficiency

Executive Order 13423 directs agencies to improve energy efficiency and reduce greenhouse gas emissions (GHG) through reduction of energy intensity. Energy efficiency also includes reducing heat flow in and out of buildings, using windows to maximize solar lighting and reducing the need for electrical lighting, using self-dimming lights and energy-efficient light bulbs when natural lighting is unavailable, incorporating a heat-reflecting roof (or green roof) and windows, and using other energy efficient products and practices, e.g., the ENERGY STAR program.² The EIS is silent on the incorporation of these types of energy.

Water Stewardship

Water management and drought mitigation plans should take known natural variability in the climate system.

According to the Climatologist, drought has occurred, will occur, and no evidence of future change is expected. What has changed and is expected to continue to grow is the state's population. Additionally, Executive Order 13423 directs agencies to reduce water consumption intensity through life-cycle cost-effective measures and requires acquisition of goods and services to use sustainable environmental practices, including water-efficient products. Consequently, the proposed action may represent an opportunity to initiate installation of a drought-tolerant or water conservation infrastructure, e.g., collecting rain water, minimizing landscapes requiring watering, and minimizing storm-water runoff associated damage from parking lots and other impervious surfaces.

EPA encourages all federal agencies to include *WaterSense*³ products and services in their implementation strategies.⁴ EPA launched the *WaterSense* program in 2007 to promote water-efficiency and protect the future of the nation's water supply. For example, *WaterSense* is helping consumers identify high performance, water-efficient toilets that can reduce water. Toilets account for nearly 30 percent of residential indoor water consumption and are a major source of wasted water due to leaks and/or design inefficiency.

² ENERGY STAR is a joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy, see: http://www.energystar.gov/index.cfm?c=about.ab_index

³ <http://www.epa.gov/watersense/>

⁴ National Water Program Strategy: Response to Climate Change, Office of Water, U.S. EPA, September 2008, see: <http://www.epa.gov/water/climatechange/index.html>

The *WaterSense* program sets specifications for the labeling of products that are at least 20% more efficient than the current standards while performing as well or better than their less-efficient counterparts. Once a manufacturer's product is certified to meet *WaterSense* specifications by an independent third party, they can use the label on their product. All water savings realized through the use of *WaterSense* labeled products and services have a corresponding reduction in energy consumption, associated greenhouse gas emissions and energy and water costs.

Reduce landscapes requiring watering

EPA recommends limiting the amount of new landscaping requiring watering. EPA also encourages the use of water that is not treated to drinking water quality standards. Using treated potable water for any landscape irrigation may not be the best approach in light of water efficiencies and drought conditions. By using other water sources, e.g., grey water⁵ and storm water, the demand for treated water could be decreased. Any decrease in treated water used could realize a decrease in the associated energy used as less water is required to be pumped and treated. The corresponding decrease in energy needs may also facilitate reduced GHG emissions associated with the proposed action in addition to reduced energy and water costs, particularly during those economic cycles when these supplies are expensive and limited.

Storm-Water Management

The SOTF could also consider designing pervious parking lots and unpaved roads and tank trails to allow storm-water infiltration into the ground without runoff into the neighboring surface-water bodies. One option would be the strategic use of rain gardens, planted depressions designed to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas.

A rain garden facilitates storm water soaking into the ground instead of flowing into storm drains and surface waters and minimizes erosion, water pollution, flooding, and diminished groundwater. Rain gardens can cut down on the amount of pollution reaching creeks and streams by up to 30 percent. Rain gardens could be strategically situated to minimize surface runoff associated with all of the proposed construction projects.

EPA recommends SOTF consider developing an infrastructure that will facilitate the appropriate use of storm-water runoff for landscaping irrigation, which could contribute toward meeting landscape-irrigation needs and ground-water recharge and thereby serving to cleanse the storm water prior to recharging both ground and surface water bodies.

⁵ EPA has prepared *Guidelines for Water Reuse* that examines opportunities for substituting reclaimed (or grey) water where potable water quality is not required. These guidelines are available in PDF format at two locations: <http://www.epa.gov/ord/NRMRL/pubs/625r04108/625r04108.pdf> and <http://www.epa.gov/region09/water/recycling/index.html>

EPA Information Sources

EPA has links on its web pages to a multitude of information resources for technical assistance to sustainability efforts. These include:

The EPA Region 4 Office of Pollution Prevention and Innovation (OPPI) vision is to use innovation to promote and fully integrate the principles of Pollution Prevention and Environmental Stewardship into Region 4's actions, policies and employee ethic.
<http://www.epa.gov/Region4/p2/> The Region 4 P2 contact is Pam Swingle, who can be reached at either 404-462-8482 or swingle.pam@epa.gov.

Sustainability means "meeting the needs of the present without compromising the ability of future generations to meet their own needs." This site provides information on scores of EPA programs supporting sustainability that focus on the Built Environment; Water, Ecosystems and Agriculture; Energy; and Materials & Toxics. <http://www.epa.gov/Sustainability/index.htm>

EPA's *Climate Change* Site offers comprehensive information on the issue of climate change in a way that is accessible and meaningful to all parts of society – communities, individuals, business, states and localities, and governments. <http://www.epa.gov/climatechange/>

Environmentally Preferable Purchasing Program: Paving the Road to Success, EPA742-R-97-007 (November 1997), can be found at www.epa.gov/epp/pubs/case/eppdod1.pdf

EPA's *Recycle - Construction & Demolition Materials* web site - EPA has compiled an extensive list of success stories, documents, factsheets, case studies, and international resources related to construction and demolition materials management.
http://www.epa.gov/epawaste/conserves/rrr/imr/cdm/pub_nav.htm