



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF THE
REGIONAL ADMINISTRATOR

January 16, 2014

Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville, Tennessee 37214

RE: Comments on the Bureau of Indian Affairs Draft Environmental Impact Statement
Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and Casino Project
Mashpee and Taunton, Massachusetts (CEQ# 20130334)

Dear Mr. Keel:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the November, 2013 Draft Environmental Impact Statement (DEIS) for the Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and Casino Project in Mashpee and Taunton, Massachusetts. The DEIS was prepared by the Bureau of Indian Affairs (BIA) to evaluate the potential impacts of transferring 151 acres of land in Taunton, Massachusetts and 170 acres of land in Mashpee, Massachusetts to the United States to be held in trust for the beneficial use of the Mashpee Wampanoag Tribe (the Tribe) for subsequent development of a destination resort casino and ancillary facilities in Taunton and tribal related facilities in Mashpee.

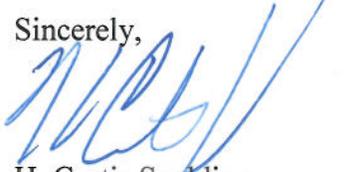
According to the DEIS the proposed project will include a 400,000 square-foot casino, three 300-room hotels, various restaurant options, retail space, a water park, a parking garage with 4,431 spaces and approximately 1,940 surface parking spaces. The casino project is proposed within the existing Liberty and Union Industrial Park in East Taunton, Massachusetts. Offsite public safety improvements and improvements to surrounding roadway, water and sewer infrastructure are also proposed as part of the project and are described in an Intergovernmental Agreement between the Tribe and the City of Taunton.

Based on our review of the DEIS we have identified a number of areas of concern (described in the attachment to this letter) that require additional analysis related to wetland impacts and mitigation, wastewater, stormwater/water quality, secondary and cumulative impacts, air quality, mitigation for anticipated traffic and health impacts. We continue to encourage the BIA and its consultants to work closely with our agency during the development of the FEIS to address our comments.

Based on our review of the DEIS and our outstanding concerns we have rated the EIS "EC-2 – Environmental Concerns-Insufficient Information" in accordance with EPA's national rating system, a description of which is attached to this letter. We look forward to continued work with you as you work to address our comments on the DEIS.

We appreciate the opportunity to comment on this DEIS. Please feel free to contact me or Timothy Timmermann, Associate Director of the Office of Environmental Review at 617/918-1025 if you wish to discuss these comments further.

Sincerely,



H. Curtis Spalding
Regional Administrator

Attachment

cc:

Quan Tobey, Environmental Director, Mashpee Wampanoag Tribe
Jessie Baird, Vice Chairwoman, Mashpee Wampanoag Tribe

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Detailed EPA Comments on the BIA DEIS for the Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and Casino Project

Wetlands

General

Based on our review of the DEIS we have several questions and comments related to the potential for on and off site wetland impacts, mitigation for expected wetland impacts, and the importance of future coordination regarding these issues as the project advances through NEPA and the Corps of Engineers Clean Water Act permitting process.

Impacts

The DEIS describes the no-action alternative and three casino development scenarios and associated effects on wetlands. Wetland impacts from development of the casino site are associated with site access and development of the site. They include:

- Alternative A (the proposed development): Would result in approximately 6,318 square feet (s.f.) of on-site permanent direct wetland impact and approximately 5,526 s.f. of temporary wetland impact. Off site impacts to wetlands would occur with: Option 1 – Route 140 Northbound Entrance Ramp from Stevens Street (9,115 s.f. permanent and 3,180 s.f. temporary impacts); Option 3 – Slip ramp to Route 140 Northbound from Route 24 Southbound (35,700 s.f. permanent and 7,930 s.f. temporary impacts; and Option 4 – Route 24/140 intersection improvements (6,655 s.f. of permanent and 7,630 s.f. temporary impacts).
- Alternative B: The Reduced Intensity I scenario would result in the same approximately 6,318 square feet of permanent direct wetland impact and approximately 5,526 square feet of temporary wetland impact as Alternative A. Offsite wetland impacts for this alternative are reduced as compared to Alternative A, as Alternative B would not involve the significant off-site improvements to the Route 24/140 interchange and New Rt. 140 Northbound ramp.
- Alternative C: The Reduced Intensity II scenario results in a reduced potential for indirect wetland impacts by eliminating construction of the water park and related facilities north of the railroad tracks. Alternative C results in permanent direct wetland impacts of 4,387 s.f. and 4,583 s.f. of temporary wetland impacts. This alternative avoids all direct and indirect impact to the vernal pool in wetland 7 and preserves habitat along the Cotley River.

The FEIS should explain how the project will comply with EPA's regulations issued under Section 404 (b) (1), referred to as "EPA's 404 Guidelines" (40 CFR Part 230). The Guidelines require the following: that there be no practicable, less environmentally damaging practicable alternative to the proposed action; that the activity not cause or

contribute to violations of state water quality standards or jeopardize endangered or threatened species; that the activity not cause or contribute to significant degradation of waters of the United States; and that all practicable and appropriate steps be taken to minimize potential adverse impacts to the aquatic ecosystem (Section 230.10). We strongly encourage the BIA and its consultants to work closely with appropriate state and federal agencies (including EPA and the Corps) to develop relevant information for NEPA, Section 404 and relevant state permitting (where state permits are required for work on property outside the limits of the proposed land-in-trust).

The Clean Water Act Section 404(b)(1) Guidelines also require sequencing to reduce project impacts on the aquatic environment through avoidance of aquatic resources, minimization of unavoidable impacts, and lastly, compensating for remaining impacts to aquatic resources. The FEIS discussion should be expanded to explain how the project design and site development/site access alternatives have been developed to be consistent with the Guidelines in this regard. For example, we believe that more information is necessary to explain whether indirect impacts to wetlands and an important vernal pool in the northern region of the site can be avoided entirely, or reduced through changes in the project scale and design.

As described in the DEIS, the project will generate a significant number of vehicle trips that could affect local and regional traffic flow. Construction of necessary infrastructure to allow for appropriate site access/egress represents the greatest potential source of direct wetland impact from the project. The DEIS describes two general ways traffic could access the project site (regardless of the alternative that is ultimately developed). The first includes construction of a new ramp serving Route 140 Northbound from the intersection of O'Connell Way and Stevens Street while the second option does not connect directly to Route 140 and improves Stevens Street through widening and geometric improvements to provide additional turn-lanes.

Development of a new ramp from the site to Route 140 north bound, would involve new permanent wetland fill (9,115 s.f.) and a bridge span of the Cotley River. There would also be some temporary wetland impacts to construct this ramp (3,180 s.f.). The FEIS should include detailed information about this potential ramp. Viaduct construction techniques for the ramp at this location may offer advantages to conventional fill design or wall construction due to the large grade difference between the elevation of Stevens Street Connector and Route 140. The Stevens Street improvements avoid new wetland fill as all work occurs in uplands.

The DEIS also describes two additional off site access improvements that may be necessary to accommodate the traffic generated by the project which would provide Access to Route 140 Northbound via Route 24 Southbound. They include a new ramp between Route 24 SB and Route 140 NB and an option that improves the Exit 12 exit-ramp from Route 24 SB to provide better access to Route 140 NB and Route 140 SB. The new ramp option (Option 3) would fill 35,700 s.f. of wetland while the improvements to Exit 12 (Option 4) would fill 6,655 s.f. of wetland. Both of these actions also require temporary wetland impacts for construction. The FEIS should

include further details for the design alternatives of these improvements to minimize impacts to wetlands including the higher quality forested portion of this wetland. The relocation of the adjacent MassDOT maintenance facility, if practicable, may offer a disturbed upland for ramp construction and therefore avoid or minimize wetland impacts.

In addition, EPA understands from our inspection that the improvements to Exit 12 (Option 4), may increase wetland impacts if a MassDOT design for the Exit 12 improvements is proposed. That alternative, which was not presented in the DEIS, increases wetland impacts to 0.79 acres by modification of the geometry of the ramp and relocating the entrance further north on Route 140.

Vernal Pool Impacts

The DEIS appears to understate the importance of the cumulative effect of development on critical terrestrial habitat associated with vernal pool 7. While the project would only fill 2.8 acres of the land area within the 750 ft zone of adjacent habitat to vernal pool 7 (as referenced in the July 20, 2010 U.S. Army Corps of Engineers, *New England District Compensatory Mitigation Guidance*), there is already other development south of the railroad tracks. The 25% threshold referenced in the Corps Mitigation Guidance is a cumulative threshold, so pre-existing development should be taken into consideration to determine the extent of secondary impact to the vernal pool. Based on the information provided in the DEIS it appears that that guidance threshold may have already been exceeded by the existing development and will certainly be exceeded with the additional fill proposed for Alternatives A and B. Additionally, because of the physical barrier represented by the existing train tracks to the south, it is likely that migrating amphibians are utilizing most of the habitat north of the railroad tracks extending to the Cotley River. The construction of the water park could create an additional barrier preventing amphibians from accessing important overwintering habitat.

EPA is concerned that wetland 5, while not identified as a vernal pool, may be used at least periodically by breeding amphibians based on its proximity to a known vernal pool breeding population and its geophysical characteristics. EPA recommends that this wetland be revisited this spring and that observations about hydroperiod and suitability for amphibian breeding at this wetland be included in the FEIS. The results of this supplemental investigation should be incorporated into the impacts analysis for the project for NEPA purposes and to support permit and mitigation discussions.

No Action

We note that the No Action alternative describes the full build out condition of the Liberty Union Industrial Park (LUIP) pursuant to prior authorizations. In the interest of a complete understanding of the cumulative impacts EPA suggests the FEIS should include additional information concerning past permits for wetland impacts at the LUIP including a graphic showing areas of wetland fill and mitigation. Ideally, this graphic will allow a comparison between the past work and impacts associated with the proposed development alternatives. The FEIS should also explain whether any of the direct wetland alteration areas (shown in Figure 8.2-12) are already counted as part of previous

mitigation for wetland impacts or are otherwise protected by other permit conditions of local, state or federal wetland permits already issued for this site.

Wetland Mitigation

The DEIS explains that "...compensatory mitigation for unavoidable impacts to wetlands and other waters of the U.S. will be provided in accordance with the ratios contained in the "Revision of New England District Compensatory Mitigation Guidance (Corps; July 20, 2010)" and that the "preferred (mitigation) approach would be to create or enhance wetlands on the Project Site and/or proximate to each impact location at the proposed Route 140 Northbound Entrance Ramp and Route 24/140 Intersection at an agreed upon mitigation ratio." However, creating new wetlands adjacent to the highway interchanges would not be an appropriate mitigation strategy and would not comply with the New England District Compensatory Mitigation Guidance which requires a consideration of wetland mitigation banks or In Lieu Fee programs as a priority over applicant provided mitigation plans. EPA suggests that on-site water quality features will be needed for mitigation of water quality impacts, however, off-site and watershed based mitigation would be preferable to creating new wetlands adjacent to the highway interchange.

Wastewater

EPA believes that on-site wastewater alternatives should be investigated further in the FEIS. The DEIS states, "The proposed flow is within the WWTF's [Wastewater Treatment Facility] current available capacity. The City of Taunton's Final CWMP, anticipated to be issued in 2014, will provide dedicated WWTF capacity for the Project." However the DEIS also notes that the City's Comprehensive Wastewater Management Plan (CWMP) "includes a 1.82 MGD plant expansion to 10.22 MGD," signaling that there is not sufficient existing capacity to accommodate project's flows in addition to other identified needs areas and new sources. EPA notes that the final CWMP has not been submitted and a flow increase has not been approved either through the CWMP process or subsequent modification of National Pollution Discharge Elimination System (NPDES) permit conditions. Any flow increase is subject to antidegradation review potentially requiring a showing that there are no feasible alternatives to such an increase. As such, a discussion of on-site wastewater options for the project development should be provided in the FEIS.

In addition, the FEIS should include alternatives to reduce wastewater flows beyond the use of "industry standard" low flow devices noted in the DEIS, including higher standards for low flow devices and water reuse/greywater recycling. EPA notes that greywater recycling has been discussed in numerous previous documents and that the Intergovernmental Agreement with the City of Taunton, May 2012, required that "[t]he tribe shall investigate developing on-site wastewater reclamation capacity to reduce sewage flows to the City's publicly owned treatment works facility." We believe that a serious exploration of water reuse/greywater recycling would be consistent with this agreement.

The FEIS should also include discussion of how wastewater flows from the project might affect the ability of the Taunton WWTF to meet permit limits, including new permit limits for nitrogen, as also discussed in both the ENF and DEIR Certificate. The July 19, 2013 DEIR Certificate notes, "Given the proposed changes in nitrogen limits for WWTF discharges, the FEIR must specifically discuss technologies or mitigation measures that the Tribe may implement on-site, or off-site mitigation measures directly related to casino wastewater flows, to reduce nutrient flows in wastewater discharges, thereby assisting the City of Taunton in meeting these anticipated enhanced nutrient limits." We recommend a much more complete discussion along these lines in the FEIS.

Stormwater/Water Quality

The DEIS describes a number of Proposed Low Impact Development (LID) techniques for the project that are intended to reduce stormwater volume and increase infiltration. The measures described do not include the use of pervious pavement. We believe the project should incorporate pervious pavement wherever technically feasible for parking and/or pedestrian areas. Pervious pavement has been shown to result in reduced stormwater volumes and increased infiltration as well as likely reduction of deicing chemical loading.

In addition, the proposed stormwater mitigation plan lists only conventional BMPs with an emphasis on the 80% TSS reduction. No mention is made of the likely stormwater dissolved-phase contaminants typically created by this kind of development: chloride and other ions, PAHs from pavement and asphalt sealers, metals such as copper, zinc, cadmium, etc, and phosphorus or pesticides for vegetation management. The FEIS analysis should describe these, as well as the relative efficiencies of the proposed mitigation measures to reduce their concentrations into surrounding water resources.

The Cotley River, which flows through the project site, is described in the DEIS primarily in terms of drainage and flood management. The discussion could have been expanded to provide information to describe current water quality conditions in the river and whether recent relevant sampling information is available for parameters germane to stormwater contaminants. The DEIS also lacked information to explain how well the river will handle additional stormwater pollution and the likely impacts from stormwater to benthic fish and macro-invertebrate communities during construction and operation of the project.

To help answer these questions we strongly recommend that the FEIS include a commitment by the proponent to monitor the Cotley River's water quality before and after construction. EPA is available to help with the development of a plan and to help develop strategies to address issues that arise as a result of ongoing monitoring.

Lastly, it is not clear what the plan is for snow and ice management on the project site. The FEIS should describe the kind of deicing chemicals to be used, how they will be stored and how snow removal and disposal will be managed.

Secondary and Cumulative Impacts

We acknowledge the work that has been done to evaluate secondary and cumulative impacts associated with offsite development the casino would catalyze and have a number of comments that we believe should be addressed in the FEIS.

The DEIS contains assertions that underpin the analysis that we believe should be confirmed by further analysis. First, the assumption that the majority of project related jobs will be filled by people currently living in the area should be supported by data or other information (e.g., based on experiences at other casinos), and not simply be based on assertions that the number of unemployed is greater than the number of jobs that will be available, and that most of the available jobs will not require specific skill sets that could not be obtained through basic employee training. As noted in the recently-published Western Massachusetts Casino Health Impact Assessment, barriers in that region to employment can include workforce readiness skills, transportation access, and basic education skills including proficiency in English language. The Spectrum Gaming Group developed casino impact projections for the Commonwealth of Massachusetts indicating that annual casino employee turnover rates of 25% are likely, with rates as high as 40% in certain job categories such as unskilled, entry-level positions. Issues such as these can affect whether jobs will be filled by people living in the area or whether the casino will induce people to move to the region. Similarly, the assumption that any new people moving to the area will live in the available vacant housing should be based on supportable information.

The DEIS does not contain an analysis of likely *environmental* impacts of induced growth in housing and commercial development (e.g., food wholesale warehouses and linen services, both of which underwent an expansion in CT following establishment of the casinos there). We believe that more can be done to address this issue and that indicating that that growth and its impacts will be subject to local or state regulation is not sufficient. The analysis done for the South Coast Rail project provides a good model for this type of secondary impacts analysis.

The timeframe for the cumulative impacts analysis is too limited, since (with the exception of the traffic analysis) it only extends to 2022, which is just 8 years away. By contrast, time horizon for the traffic analysis is 2032, which would better serve as the timeframe for the entire analysis. While we acknowledge that the DEIS highlights concerns associated with looking beyond a ten year timeframe we believe the eight year time frame to be too short. A common temporal scope for the consideration of cumulative impacts in an EIS is the life of the project. In this case, a reasonable effort should be made to determine if there are cumulative impacts that are likely to be dramatically different if a larger temporal scope was applied. In addition, it appears that the only projects evaluated in the Cumulative Impacts analysis are those that have recently or are currently under MEPA review. This is too narrow a universe since there may be projects being planned that are not captured by MEPA. Regional Planning Agencies and local planning departments are two sources of information that could be

consulted regarding other projects that may occur during the time horizon for the analysis.

Mitigation for Traffic Impacts

The DEIS discussion of mitigation for increased traffic from the project identifies various levels of commitment to implement particular measures. We believe firm commitments should be made to enhance the public transportation connection to the proposed facility for the benefit of employees and patrons. In addition, we support the inclusion of traffic calming measures for the City of Taunton and encourage the BIA and the Tribe to provide a firm commitment to address anticipated and unforeseen congestion and safety issues that may arise during project construction and operation. Finally, we note that the project will require offsite infrastructure improvements to address the significant increase in anticipated vehicle trips to and from the project site. Given the current fiscal limitations at both the state and federal level, it would be prudent for the FEIS to describe more fully how offsite roadway infrastructure limitations further stressed by the project will be addressed by the Tribe prior to establishment of the project.

Air Quality

General Conformity

As pointed out in EPA's September 6, 2012 scoping comments, General Conformity requirements remain in place for the Boston-Lawrence-Worcester (Eastern) Massachusetts eight-hour ozone nonattainment area (1997 ozone standard) until such time as EPA revokes the 1997 eight-hour ozone National Ambient Air Quality Standard. On June 6, 2013 (78 FR 34178), EPA published its proposed rule for "*Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements*," where EPA proposed revocation of the 1997 ozone standard. EPA has not yet finalized this regulation. Therefore, General Conformity requirements currently remain in place.

The DEIS does not currently acknowledge the General Conformity requirement, associated with the proposed Mashpee Wampanoag Tribe's fee-to-trust acquisition and casino project located in both Mashpee and Taunton, Massachusetts. While General Conformity can be satisfied outside of the NEPA process, the applicability of General Conformity and the commitment to conduct any required General Conformity evaluation should be disclosed within the EIS.

Should General Conformity be applicable, (i.e. if the project is started prior to revocation of the 1997 eight-hour ozone standard), we request that the NEPA Record of Decision include a commitment to satisfy the provisions of Section 176 (c) of the Clean Air Act, (the General Conformity requirements), prior to "take or start the Federal action." Furthermore, we request that the Bureau of Indian Affairs define the project milestone associated with "take or start the Federal action." The general conformity regulations at 40 CFR 93.152 defines "*take or start Federal action*," as the date that the Federal agency signs or approves the permit, license, grant or contract or otherwise physically begins the Federal action that requires a conformity evaluation under this subpart.

After determining whether the project is located in a nonattainment area or attainment area with a maintenance plan in place, the second step in evaluating General Conformity is to determine if the total of direct and indirect emissions of volatile organic compounds (VOCs) or nitrogen oxides (NOx), the two precursors of ozone, associated with the action would equal or exceed the applicability rates in 40 CFR 93.153. For the Boston-Lawrence-Worcester (Eastern) Massachusetts eight-hour ozone nonattainment area, the applicability rates are fifty tons per year for VOCs, and 100 tons per year for NOx. A yearly emission analysis must be prepared for the year expected to have the greatest project emissions in accordance with 40 CFR 93.159(d)(3), whether construction, operation or a year of combined construction and operation.

Should General Conformity be applicable, we point out that General Conformity has specific public participation requirements set forth in 40 CFR 93.156 requiring the Bureau of Indian Affairs to make public its draft conformity determination by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action and by providing 30 days for written public comment prior to taking any formal action on the draft determination. The final conformity determination must also be made public by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action within 30 days of the final conformity determination. If the action would have multi-regional or national impacts, the Federal agency, as an alternative, could publish the notice in the Federal Register.

Motor Vehicle Emission Modeling

EPA's scoping comments stated that EPA's Motor Vehicle Emission Simulator (MOVES) emissions model should be used to generate onroad motor vehicle emissions needed in the project's mesoscale air quality analysis. However, we note that regional analyses started during the MOVES grace period (i.e., before March 2, 2013), are allowed to use EPA's MOBILE emission factor model. Therefore, we recommend the FEIS document the date of the start of the air quality analysis, and if the date is March 2, 2013 or after, then we recommend coordination with EPA occur on re-calculating the mobile emissions with MOVES2010.

Appendix E (the Air Quality Technical Appendix) states that mobile model input and output files are available on digital media upon request (due to excessive file size for CAL3QHC and MOBILE6.2 data). Our September 6, 2012 scoping letter requested that input and output files for mobile modeling be submitted to EPA. Please contact Donald Cooke at (617) 918-1668 or cooke.donald@epa.gov to arrange transmission of the mobile modeling files.

Emissions for Stationary Sources

It appears from the statement in Section 8.11.1.3 that emissions from stationary sources ("boilers, emergency generators, and or other potential stationary sources of emissions") will be evaluated later in the design process. We point out that these stationary source

emissions, and project construction emissions need to be quantified and included in any required General Conformity air quality analysis.

Construction Impacts

As we identified in our scoping letter, diesel exhaust from heavy duty diesel trucks and other heavy duty construction equipment is a public health concern. EPA continues to encourage implementation of measures to reduce fine particle emissions from diesel engines during construction. Emissions from older diesel engines can be controlled with cost-effective retrofit pollution control equipment (oxidation catalysts) that can be installed on the exhaust of the diesel engine. Retrofit technologies may include EPA verified emission control technologies and fuels and CARB-verified emission control technologies. This equipment is designed to reduce particulate matter, hydrocarbon and carbon monoxide emissions. Cleaner burning fuels such as emulsified diesel are also an option that can be used to reduce various pollutants from diesel engines, including oxides of nitrogen which contribute to ground-level ozone smog production. Implementation of these measures would clearly benefit air quality at the construction sites and surrounding areas.

Health Impact Assessment

The recently released “Western Massachusetts Casino Health Impact Assessment Report, January 2014” (referenced above) provides a comprehensive discussion of the potential positive and negative health impacts related to many of the topics discussed in the BIA DEIS including jobs, traffic, and crime/public safety. While the Health Impact Assessment (HIA) was prepared based on the potential for impacts associated with casino development in Western Massachusetts it would be helpful to know whether the major findings and recommendations are transferable to the analysis of health impacts for the proposed Mashpee Wampanoag Casino development. We encourage the BIA to work closely with the Mashpee Wampanoag Tribe, the City of Taunton, and the Southeastern Regional Planning & Economic Development District to explore how the analysis and recommendations in the Western Massachusetts HIA can inform the discussion of measures to mitigate health impacts to the Tribe and the region as a result of casino development.