



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

July 26, 2016

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

Re: EPA Review Comments on Seminole Tribe of Florida Fee-to-Trust Final
Environmental Impact Statement (FEIS), Coconut Creek, Florida; CEQ No.: 20160149

Dear Mr. McGhee:

The U.S. Environmental Protection Agency (EPA) has reviewed the Seminole Tribe of Florida (STOF), Fee-to-Trust FEIS 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 potential environmental effects of transferring approximately 45-acres of real property owned by the STOF in the City of Coconut Creek, Florida. The transfer would convey fee ownership to federal trust (the 'Proposed Action') and the subsequent development of a hotel/resort and other ancillary uses by the STOF (the 'Proposed Project'). The Bureau of Indian Affairs (BIA) has discretionary federal authority when taking land into federal trust pursuant to 25 CFR Part 151. The 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 Federal Agency with respect to compliance with NEPA. Cooperating agencies for the proposed action include the STOF, the City of Coconut Creek, and Broward County. The Proposed Project consists of the foreseeable consequences of the federal action, namely the proposed mixed-use development of a hotel/resort complex with entertainment, conference venues, and retail facilities.

The Draft EIS was rated as Lack of Objections (LO) and it proposed three (3) alternatives for the Project. The alternatives are listed as A, B, and C, with alternative C being the No-Build or No-Federal Action alternative. The BIA has selected Alternative A as the Preferred Alternative. 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 the "Reduced Intensity Project" which refers to the over-all size, or height, of the proposed structures. The environmental impact to the land for both alternatives A and B is relatively the same. Alternative B would be expected to impact less acreage than alternative A. Under Alternative C, STOF would retain fee ownership of the 45-acres and there would be no land transferred into a Federal Trust. This project is located on tribal land and environmental permits

would, therefore, be required by federal agencies with the appropriate permitting authority. The EPA recommends that 'green-building principals' be used in the construction phases of this project. 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. Please see the detailed comments about green-building design and principals in the enclosure to this letter.

Thank you for the opportunity to comment on this proposed project. We appreciate your continued coordination as this project progresses, and we request a copy of the Record of Decision (ROD) when it becomes available. Please contact Mr. Larry Long of my staff at (404) 562-9460 or by e-mail at long.larry@epa.gov if you would like to discuss this project further.

Sincerely,



Christopher A. Militscher
Chief, NEPA Program Office
Resource Conservation & Restoration Division

Enclosure

CC: Lisa Berrios, EPA Region 4 Tribal Coordinator

Enclosure
EPA Review Comments on Seminole Tribe of Florida Fee-to-Trust Final Environmental Impact
Statement (FEIS) Coconut Creek, Florida
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The EPA recommends that BIA and STOF consider the information provided and the suggested 'best practices' for the proposed project's land development activities.

Green Building Design and Principals

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 greenhouse gas (GHG) 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 principals 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 materials). 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 that the applicant (STOF) 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, thus 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

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

wood or polystyrene building materials are more fire resistant than conventionally built houses. Recycled materials include: polystyrene, concrete, and wood cement building forms.

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 GHG emissions. This asphalt mix is alleged to be equal to or better than the mixes now being used and could save eleven (11) percent of fuel costs over existing production methods.

Consider Energy Efficiency Measures

Executive Order 13423 directs agencies to improve energy efficiency and reduce GHG emissions through the 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 program²). The FEIS does not address the incorporation of these types of energy efficiency measures that might be considered during the design phases of the proposed project.

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’s associated impacts from parking lots and other impervious surfaces).

The EPA encourages all federal agencies to include *WaterSense*³ products and services in their implementation strategies.⁴ The 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 inefficiencies.

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 GHG emissions and energy and water costs.

The EPA also recommends limiting the amount of new landscaping requiring watering. The EPA 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 potentially expensive and/or limited.

The SOTF might also consider designing pervious parking lots and unpaved roads and 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 potentially reduce 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.

The 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.

EPA Information Sources

The EPA has links on its web pages to a number of information resources for technical assistance to promote sustainability efforts that the STOF might wish to consider. Some of 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 ethics. Please see:

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>

<http://www.epa.gov/Region4/p2/> The Region 4 'P2' contact is Ms. 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 numerous EPA programs supporting sustainability that focus on the *Built Environment*; *Water, Ecosystems and Agriculture*; *Energy*; and *Materials & Toxics*. Please see: <http://www.epa.gov/Sustainability/index.htm>

The 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. Please see: <http://www.epa.gov/climatechange/>

Another source of information includes: *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

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