

# ***SECTION 9.0***

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## **MITIGATION MEASURES**

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## MITIGATION MEASURES

### 9.1 INTRODUCTION

The CEQ NEPA regulations require that mitigation measures be developed for all of a proposed project's effects on the environment where it is feasible to do so (40 CFR Sections 1502.14(f) and 1502.16(h); CEQ 40 Most Asked Questions, 19a). The NEPA regulations define mitigation as

*...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 (40 CFR Section 1508.20).*

These principles have been applied to guide design for the alternatives. Where potential effects on the environment were identified in early stages of project design and in EIS preparation, appropriate changes in the project description were made to avoid or minimize them. Other applications of mitigation have been incorporated into the design of the alternatives and have been mentioned throughout the EIS, including those compensatory mitigation measures to which the Tribe agreed in the Intergovernmental Agreement (IGA) with the City of Taunton. The following section summarizes the measures to mitigate specific effects identified in the preparation of the EIS or to further reduce the impacts to less than significant levels.

### 9.2 MITIGATION MEASURES

#### 9.2.1 TRANSPORTATION

##### Construction Impacts

The following measures would be implemented to mitigate traffic during construction, as described in **Section 8.19.4**, under Alternatives A, B, and C:

- A. The Tribe will work with the City of Taunton to develop a comprehensive Construction Traffic Management Plan, which will include the definition of designated routes for all associated construction truck traffic developed in close coordination with MassDOT and City staff prior to start of construction. A separate TMP will be developed specific to roadway improvements and the construction of the new water main and sewer extension, which will take place partly in public roadways.
- B. Construction equipment, material deliveries and personnel vehicular travel to the Project Site in connection with construction activities will use only the designated service road from Route 140 onto Stevens Street rather than accessing Stevens Street from the Middleboro Avenue side.

C. Construction workers will have off-site parking and will be shuttled to/from the Project Site. They will be encouraged to carpool, and will be able to store tools and equipment on Site.

D. Should a partial street closure be necessary in order to transport or off-load construction materials and/or to complete construction-related activities, the closure will be limited to off-peak periods.

The following mitigation measures would be implemented under Alternative D:

E. Developers would construct temporary service roads and staging/waiting areas for construction vehicles as appropriate for each building project.

F. Developers would create plans for construction worker parking, shuttling, public transit and carpool access, and on-site storage as appropriate for each building project.

G. Developers would undertake traffic flow minimization and safety measures as appropriate for each building project.

## Operational Impacts

The following measures would be implemented to mitigate traffic impacts during operation, as described in **Section 8.1.3**, under Alternatives A and C:

E. Galleria Mall Drive South/County Street/Route 140 SB Ramps (Exit 11A) Improvements

F. Overpass Connector/Route 140 NB Ramps/Stevens Street Intersection Improvements

G. Route 140 NB widened between Exit 11 and Exit 12

H. O'Connell Way/Stevens Street Improvements

I. Secondary service road constructed north of the parking garage to accommodate service vehicles generated by casino and Crossroads Center

J. Route 24 SB Ramp (Exit 12B) / County Street (Route 140) improvements, including new slip ramp

K. Route 24 NB (Exit 12A) / County Street (Route 140) ramp improvement

L. Mozzone Boulevard/County Street (Route 140) Improvements

M. Bristol-Plymouth High School Drive/County Street (Route 140) Improvements

N. Erica Drive/County Street (Route 140) Improvements

O. Hart's Four Corners [Hart Street/County Street (Route 140)] Improvements

- P. County Street (Route 140)/Gordon M. Owen Riverway Extension Improvement
- Q. High Street/Winthrop Street Improvements
- R. Winthrop Street (Route 44) at Highland Street Evaluation and Improvement
- S. Thirteen existing traffic signals to be outfitted with emergency vehicle priority equipment to allow rapid response from firehouse to Project Site
- T. Bristol-Plymouth HS Drive/Hart Street/Poole Street Improvements
- U. Stevens Street/Middleboro Avenue Improvements
- V. Stevens Street/Pinehill Street Improvements
- W. Middleboro Avenue/Pinehill Street/Caswell Street Improvements
- X. Middleboro Avenue/Old Colony Avenue/Liberty Street Improvements
- Y. East Taunton Elementary Driveway at Stevens Street Improvements

The following mitigation measures would be implemented under Alternative B:

- Z. O'Connell Way/Stevens Street/Revolutionary Road (Main Driveway) Improvements
- AA Overpass Connector/Route 140 NB Ramps/Stevens Street Improvements
- AB. Route 24/Route 140 Interchange SB Off-Ramp Improvements
- AC. Secondary site driveway to be constructed on Stevens Street for passenger vehicles wanting to exit the Project Site to travel northbound on Stevens Street and all trucks entering the Site

## 9.2.2 FLOODPLAIN, WETLANDS AND OTHER WATERS OF THE U.S.

### Construction Impacts

The following mitigation measures would be implemented to minimize impacts to wetlands during construction, as described in **Section 8.19.4**, under Alternatives A, B, and C:

- A. The Tribe will implement a Stormwater Pollution Prevention Plan (SWPPP) to prevent impacts to the wetlands during the construction of the Preferred Development. The program will incorporate Best Management Practices (BMPs) specified in guidelines developed by the EPA and will comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges for Construction Activities.
- B. The contractor will establish site trailers and staging areas to minimize impacts on natural resources.

- C. The Construction Manager (CM) will establish an “environmental safety” zone establishing a 10-foot buffer zone around the wetland areas on the site.
- D. Any refueling of construction vehicles and equipment will take place outside of the 10-foot wetlands buffer zone and will not be conducted in proximity to sedimentation basins or diversion swales.
- E. No on-site disposal of solid waste, including building materials, will be allowed in the 10-foot buffer zone. Stumps will be removed from the site.
- F. No materials will be disposed of into the wetlands or existing or proposed drainage systems. All subcontractors, including concrete suppliers, painters and plasterers, will be informed that the cleaning of equipment will be prohibited in areas where wash water will drain directly into wetlands or stormwater collection systems.
- G. The contractor will establish a water resource, e.g., “cistern supply area,” to supply a “water truck,” or other means, to provide moisture for dust control and irrigation. Water will not be withdrawn from wetland areas.

It can be assumed that site preparation, construction staging steps, and vehicle fueling and storage requirements for Alternative D would be similar those described above. Under Alternative D, any developers’ projects that involve the disturbance of more than one acre of land would be subject to the provisions of NPDES. The SWPPP would be implemented during construction to comply with the requirements of the NPDES General Permit.

## Direct Impacts

The following mitigation measures would be implemented to minimize direct impacts to wetlands, as described in **Section 8.2**, under Alternatives A, B, and C:

- H. In compliance with Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands), and EPA Section 404(b)(1) review by the Corps, impacts to wetlands, floodplain, and other waters of the U.S. were avoided and minimized to the maximum extent practicable in project design.
- I. Compensatory flood storage would be provided for all flood storage that would be lost within the 100 year floodplain so as not cause an increase, incremental or otherwise, in the horizontal extent and level of flood waters during peak flows. Approximately 20,900 sf of compensatory flood storage volume will be created on the Project Site to offset fill within the 100-year floodplain.

The following mitigation measure would be added to the above under Alternatives A and B:

J. 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 “New England District Compensatory Mitigation Guidance (Corps; July 20, 2010). Wetland creation to mitigate off-site impacts will be developed at an approximately 2:1 ratio. Creation will take place on the Project Site in the same general watershed and reach of the affected wetlands.

The following mitigation measure would be implemented under Alternative D:

K. In compliance with the Massachusetts Wetlands Protection Act and the Taunton Wetlands Protection Bylaw, impacts to Bordering Vegetated Wetlands would be mitigated by creating new Bordering Vegetated Wetlands in the vicinity of the impact areas.

## Secondary Effects

The following mitigation measure would be implemented to minimize secondary effects under Alternatives A, B, and C:

L. In compliance with Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands), and EPA Section 404(b)(1) review by the Corps, impacts to wetlands, floodplain, and other waters of the U.S. were avoided and minimized to the maximum extent practicable in project design.

The following mitigation measure would be implemented under Alternative D:

M. It can be assumed that developers would comply with the Massachusetts Wetlands Protection Act and the Taunton Wetlands Protection Bylaw as necessary, and impacts would be minimized and mitigated to the maximum extent practicable.

### 9.2.3 STORMWATER

#### On-site Impacts

The following mitigation measure would be implemented to handle stormwater runoff, as described in **Section 8.3**, under Alternatives A, B, and C, though Alternative C would not involve any work north of the railroad tracks on the Project Site:

A. Stormwater from the majority of the existing (and proposed) roadways will be collected in a closed conduit piping system fitted with 4-foot, deep-sump catch basins with hooded outlets.

B. Runoff from the roadway and parking areas, once routed through the initial pollutant attenuation stage of the collection system, will be conveyed to the existing extended detention basin located at the end of O’Connell Way.

- C. For the areas currently flowing to the large combined existing extended detention basin, runoff from a portion of the roadway, parking/loading areas and building, once routed through the initial pollutant attenuation stage of the collection system, will be conveyed to the existing sediment forebay.
- D. A level spreader sump will be provided down gradient of all stormwater management BMPs to reduce the channeled flow velocities and induce non-erosive sheet flow conditions prior to discharge to the receiving wetland.
- E. Where feasible, roof drainage from the proposed building structures will be serviced by individual subsurface recharge systems. In areas where unsuitable soils and/or groundwater conditions prohibit the proper placement of subsurface recharge systems, above ground retention storage will be provided.
- F. A multi-cell water quality swale will intercept runoff from parking areas.
- G. Stormwater from much of the paved remote surface parking areas will discharge directly to bioretention areas.

The following mitigation measure would be implemented under Alternative D:

- H. Developers of new commercial, industrial, warehouse, and office buildings resulting in increased impervious areas would expand and create stormwater management measures as necessary and would comply with the MassDEP Standards.

## Off-site Impacts

The following mitigation measures would be implemented under Alternatives A and C:

- I. Design development will meet MassDEP Stormwater Standards to the extent possible. The recommended approach to addressing stormwater requirements consists of providing additional treatment at BMP # 2 and treating existing stormwater on Route 24 using potential BMPs # 4 and # 5 as shown on **Figure 8.3-4**.

### 9.2.4 GEOLOGY AND SOILS

Impacts of each Alternative to geology and soils on the Project Site would be minimized and less than significant, as described in **Section 8.4**. Off-site, under Alternatives A and C, existing topography would be altered to include a constructed fill landform for the new ramp, associated steep fill slopes and a retaining wall. Roadway improvements located adjacent to steep slopes and embankments would be protected during construction utilizing stormwater best management practices. Slopes would be permanently armored, and permanent stormwater closed drainage systems would be constructed to protect the steep slopes from future erosion. As a result of construction and permanent sediment and erosion control best management practices, impacts to the existing topography would be minimal and, therefore, less than significant. No further mitigation would be required.

### 9.2.5 RARE SPECIES AND WILDLIFE HABITAT

Impacts of each Alternative to rare species and wildlife habitat would be minimized and less than significant, as described in **Section 8.5**, and no mitigation would be necessary.

### 9.2.6 HAZARDOUS MATERIALS

#### Risk of Encounter

The following mitigation measures would be implemented to minimize the risk of a hazardous materials encounter, as described in **Section 8.6**, under Alternatives A, B, and C:

- A. Prior to construction, the Tribe will further investigate the potential to encounter OHM on the Project Site. Should any OHM be found to be present on the Project Site, it will be remediated in full compliance with all applicable regulations.
- B. In the event that contaminated soil and/or groundwater or other hazardous materials are encountered during construction-related earth-moving activities, all work shall be halted until a qualified individual can assess the extent of contamination. The release will be evaluated and responded to in a manner consistent with the requirements of the MassDEP and the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000).

The following mitigation measure would be implemented under Alternative D:

- C. For each project on the site, each developer would ensure compliance with all applicable regulations, guidelines, and standard operating procedures (SOP).

#### Risk of Release

The following mitigation measures would be implemented to minimize the risk of a hazardous materials release under Alternatives A, B, and C:

- D. All hazardous materials necessary for the operation of the facilities shall be stored and handled according to State, Federal, and manufacturer's guidelines. All flammable liquids shall be stored in a labeled secured container, encircled within a secondary containment enclosure.
- E. Personnel shall follow written SOPs for filling and servicing construction equipment and vehicles.

The following mitigation measure would be implemented under Alternative D:

- F. For each project on the site, each developer would ensure compliance with all applicable regulations, guidelines, and SOPs.

### 9.2.7 WATER SUPPLY

The following mitigation measures to meet the needs of the water system, described in **Section 8.7**, would be implemented under Alternatives A, B, and C:

- A. The proposed water system improvements include upgrading the Stevens Street water main from a 12 inch main to a 16-inch water main and replacing the 12-inch water main and 8-inch water main on Pine Hill Street with one 16-inch water main.
- B. The second point of connection for the Project Site would be at the emergency entrance on Middleboro Avenue/Hart Street. This would then provide a 12-inch water main through the Project Site, which would be connected to the existing 12-inch water main in O'Connell Way. This measure would be unnecessary and eliminated under Alternative C.
- C. Hydrants, valves and other appurtenances would be installed as part of the new water main construction.

The following mitigation measure would be implemented under Alternative D:

- D. Water service would be provided to the new buildings off the existing 12-inch water main in O'Connell Way or off the existing water mains surrounding the Project Site.

### 9.2.8 WASTEWATER

The following mitigation measure to meet the needs of the wastewater treatment system, described in **Section 8.8**, would be implemented under Alternative A:

- A. The Tribe will contribute to the City's infiltration and inflow (I/I) removal program at a ratio of 5:1 (i.e. 5 gallons of I/I removed for each gallon of wastewater added) to remove 1.125 million gallons of peak I/I from the sewer collection system. This would reduce the frequency of combined sewer overflows (CSOs) and create an effective increase in WWTF capacity. The Tribe will also rehabilitate the existing Route 140 Pumping Station.

The following mitigation measure would be implemented under Alternative B:

- B. The Tribe would remove 0.5 million gallons of peak I/I from the sewer collection system. This would reduce the frequency of CSOs and create an effective increase in WWTF capacity. The Route 140 Pumping Station would be rehabilitated.

The following mitigation measure would be implemented under Alternative C:

- C. The Tribe would remove 0.88 million gallons of peak I/I from the sewer collection system. This would reduce the frequency of CSOs and create an effective increase in WWTF capacity. The Route 140 Pumping Station would be rehabilitated.

The following mitigation measure would be implemented under Alternative D:

- D. A total of 115,000 gallons of peak I/I would be removed from the sewer collection system. Rehabilitation of the Route 140 PS would be by the City of Taunton. The Route 140 Pumping Station could be rehabilitated by the City.

### **9.2.9 UTILITIES**

#### **Impacts to Electric Utility**

The following mitigation measure to address electricity use, as described in **Section 8.9**, would be implemented under Alternatives A, B, and C:

- A. A new substation will be constructed on the Project Site to fulfill electrical demand.

The following mitigation measure would be implemented under Alternative D:

- B. Infrastructure updates would be undertaken by the City of Taunton as necessary.

#### **Impacts to Gas Utility**

The following mitigation measures to address gas use would be implemented under Alternatives A, B, and C:

- C. Columbia Gas has made a preliminary determination that the gas mains in the vicinity of the Project Site are capable of supplying the estimated gas demand. A portion of the gas leading to the area in Route 140 would be upgraded to meet the project requirements.
- D. Gas service would be extended from Middleboro Avenue to provide for the water park. This measure would be unnecessary and eliminated under Alternative C.

The following mitigation measure would be implemented under Alternative D:

- E. Infrastructure updates would be undertaken by the City of Taunton as necessary.

### **9.2.10 SOLID WASTE**

As described in **Section 8.10**, solid waste impacts of each Alternative would be minimized and less than significant, and no mitigation would be necessary.

### **9.2.11 AIR QUALITY**

#### **Construction Impacts**

The following mitigation measures would be implemented to address air quality impacts during construction, as describe in **Section 8.19.4**, under Alternatives A, B, and C:

A. Subcontractors will be required to adhere to all applicable regulations regarding control of dust and emissions. This will include maintenance of all motor vehicles, machinery, and equipment associated with construction activities and proper fitting of equipment with mufflers or other regulatory-required emissions control devices.

B. Dust generated from earthwork and other construction activities will be controlled by spraying with water. If necessary, other dust suppression methods will be implemented to ensure minimization of the off-site transport of dust. There also will be regular sweeping of the pavement of adjacent roadway surfaces during the construction period.

The following mitigation measure would be implemented under Alternative D:

C. Adherence to all applicable regulations regarding dust control and emissions would minimize the impact to air quality during construction.

## Regional Mesoscale Emissions

As described in **Section 8.11**, mitigation of Alternatives A, B, and C would be addressed by the transportation mitigation measures described in **Section 9.2.1** above. These measures would reduce VOCs and NOx emissions during operation.

Under Alternative D, mitigation would be the responsibility of individual developers, owners and tenants. Mitigation measures could vary widely.

## Stationary Sources

The following mitigation measures would be implemented under Alternatives A, B, C, and D:

D. Equipment subject to the Massachusetts Environmental Results Program (ERP) would meet emissions standards and other performance and maintenance requirements.

E. Carbon monoxide monitors would be installed within loading docks and parking garages.

### 9.2.12 Greenhouse Gas

#### Direct and Indirect GHG Emissions

The following mitigation measures would be implemented to address direct and indirect greenhouse gas emissions, as described in **Section 8.12**, under Alternatives A, B, and C:

A. A condenser heat recovery system will use a heat recovery exchanger to allow the reclamation of heat energy that is typically wasted and rejected via the chiller condenser.

B. High-efficiency water cooled chillers will use enhanced controls, enlarged and improved condenser sections, and high-efficiency compressors.

- C. Air and water side economizers will allow the use of ambient air for cooling when outside temperatures are low enough.
- D. Variable air volume systems, variable speed pumping, and variable speed cooling tower fans will reduce the energy use during periods when full motor capacity is not required.
- E. Kitchen exhaust will be demand controlled to reduce unnecessary operation.
- F. Improved air filtration will allow the system to meet indoor air quality requirements with less outdoor air makeup, reducing the energy needed to heat or cool the outdoor air makeup.
- G. A high efficiency building shell generally includes greater insulation values in the building shell and glazing selection that combines functionality and high insulating properties. The casino design will include a high efficiency shell to minimize the energy required to maintain desired interior conditions.
- H. Green roofing will provide insulation.
- I. Reflective roofing aids in reducing urban heat island effect in summer and so will be utilized on most roof surfaces except where green roofing is employed.
- J. By shading building structures, exterior shading devices can reduce the cooling requirements for those structures.
- K. Premium electric motors are more efficient than standard motors and will be specified for all significant uses such as HVAC equipment and elevators.
- L. For ventilation systems where a large percentage of fresh air makeup must be used, a heat exchanger will use exhaust air to pre-warm incoming air on cold days, and pre-cool incoming air on hot days.
- M. Ventilation systems will be demand controlled to reduce unnecessary operation.
- N. Room occupancy sensors will be used in offices, conference rooms, bathrooms and storage areas to turn off or reduce lighting when the space is not occupied. Similarly, HVAC will be designed to minimize energy use when hotel rooms are unoccupied.
- O. Building shells will maximize daylight penetration, reducing the need for indoor electric lighting during the daytime.
- P. High-efficiency lighting and dimmer lighting will be installed to reduce electricity use.
- Q. Low flow fixtures will provide an energy benefit by reducing the amount of water that needs to be treated and pumped to the Site.
- R. Energy Star appliances will be utilized wherever they are available for the intended function.

S. Rainwater harvesting will provide an energy benefit by reducing the amount of water that needs to be treated and pumped to the Site for irrigation.

T. An energy management system will provide the operators with real-time data on system performance, allowing optimization of the system to reduce energy demand and cost.

U. To ensure proper implementation of energy-saving measures, enhanced commissioning will include additional oversight of the construction and startup phases.

V. Because refrigerants can be GHGs, an enhanced refrigerant management will ensure that the systems used have the minimum feasible global warming potential, and that leaks are prevented.

Under Alternative D, mitigation would be the responsibility of individual developers, owners and tenants. Mitigation measures could vary widely.

## Transportation-Related GHG Emissions

Mitigation of Alternatives A, B, and C would be addressed by the transportation mitigation measures described in **Section 9.2.1** above. These measures would reduce GHG emissions from transportation.

Under Alternative D, mitigation would be the responsibility of individual developers, owners and tenants. Mitigation measures could vary widely.

### 9.2.13 CULTURAL RESOURCES

The following mitigation measures would be implemented to address potential impacts to cultural resources, as described in **Section 8.13**, under Alternatives A and B:

A. If the Tribe, in consultation with the MHC and BIA, determines that avoidance of the First Light 2-4 sites is not possible, then further investigations at the site examination level will be undertaken to collect sufficient information on site characteristics to determine if the sites meet the National Register criteria to be eligible for listing. If any of the sites are determined eligible for listing, the Tribe will consult with the MHC and BIA to consider alternatives to avoid, minimize or mitigate adverse effects to the sites under Section 106. If avoidance is not possible, the Tribe, through its THPO, will consult with the MHC and BIA under Section 106 to enter into a Memorandum of Agreement (MOA) that will include a data recovery program to mitigate the adverse effects to the sites.

B. It is anticipated the MHC will determine the East Taunton Industrial Park 2 Site (19-BR-500) as eligible for listing on the National Register. If, following consultation, it is determined avoidance of the Site is not possible, the Tribe, through its THPO, will consult with the MHC and BIA under Section 106 to enter into an MOA that will include a data recovery program to mitigate the adverse effects to the site.

C. In the event of discovery of human remains during ground disturbing activities, stop work and implement appropriate mitigation measures.

Off-site traffic improvements under Alternatives A and C may affect previously unidentified archaeological resources. The following mitigation measures would be implemented under those Alternatives:

D. Define in an MOA appropriate resolutions of adverse effects to previously unidentified archaeological resources in the offsite roadway improvements area, if determined eligible, and implement the proposed measures.

E. In the event of discovery of human remains during ground disturbing activities, stop work and implement appropriate mitigation measures.

The following mitigation measure would be implemented under Alternative D:

F. The project proponent(s) for the site build-out would be required to comply with State Register Review and/or Section 106 if state and/or federal funding, licensing, permits and/or approvals were required. The project proponent(s) would be required to conduct a site examination for First Light 1-4 to determine if any of the sites meet the criteria for National Register eligibility, and conduct a site examination if avoidance is not possible. The project proponent(s) would be required to avoid the East Taunton Industrial Park 2 Site (19-BR-900) that was recommended as eligible for listing in the National Register. If avoidance is not possible, the site would be subject to data recovery.

## 9.2.14 NOISE

### Construction Impacts

The following mitigation measures would be implemented to address noise construction impacts, as described in **Section 8.19.4**, under Alternatives A, B, and C:

A. Construction equipment will be required to have installed and properly operating appropriate noise muffler systems.

B. All exterior construction activities will typically be limited to normal working hours. Off-hour work will be minimized, to the extent practicable, to avoid excess noise generating work at sensitive times.

C. Appropriate traffic management techniques to mitigate roadway traffic noise impacts will be implemented during the construction period.

D. Excessive idling of construction equipment engines will be prohibited.

E. All exhaust mufflers will be in good working order, and regular maintenance and lubrication of equipment will be required.

Although mitigation would be the responsibility of individual developers under Alternative D, mitigation measures would most likely be the same as Alternative A.

## **Operational Impacts**

Operational noise impacts from mechanical equipment associated with Alternatives A, B, and C, as described in **Section 8.14**, would not be significant and would not require mitigation. Operational noise impacts under Alternative D cannot be predicted due to the potential variability of equipment needs of potential building owners and tenants.

### **9.2.15 VISUAL**

Impacts of each Alternative relating to regional visibility, architectural aesthetics, shadow, and light would be minimized to the extent practicable, as described in **Section 8.15**.

### **9.2.16 SOCIOECONOMIC**

The following mitigation measures would be implemented to address the socioeconomic impacts, as described in **Section 8.16**, under Alternatives A:

A. The Tribe will pay a one-time cost of approximately \$2.982 million and annual costs of \$2.5 million to fund the creation of a new police substation to accommodate the increased daily population in East Taunton, the purchase of new patrol cars, and the hiring of additional officers.

B. The Tribe will support problem gambling education, awareness, and treatment through a one-time contribution of \$60,000 and annual contributions of \$30,000 to a local center for the treatment of compulsive gambling. The Tribe will provide training to front line staff in recognizing compulsive gamblers and make information available and accessible for such individuals seeking assistance.

C. The Tribe would pay the City a one-time cost of \$2.14 million for Phase 1 of the Preferred Development, a one-time cost of \$720,000 for Phase 2, and annual costs of \$1.5 million for fire protection infrastructure improvements.

D. The Tribe would pay the City of Taunton \$370,000 annually as increased local contribution to the Taunton School District. The Taunton School District could use these additional funds as needed based on any new burdens that result from an increased student population.

E. The Tribe would provide the City of Taunton with payments in lieu of property taxes (PILOTs) based on the assessed valuation of the Project Site.

Under Alternatives B and C, payments from the Tribe to the City of Taunton would be equivalent to those described under Alternative A

### **9.2.17 ENVIRONMENTAL JUSTICE**

Negative impacts to an Environmental Justice Community would be limited to increases in traffic in the vicinity of in Census Tract 6141.01 Block Group 3 under Alternatives A, B, and C, as described in **Section 8.17**. Transportation improvements described above in **Section 9.2.1** would mitigate this undue burden under each Alternative.

# ***SECTION 10***

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## **RESPONSES TO COMMENTS**

## **SECTION 10.0**

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### **RESPONSES TO COMMENTS**

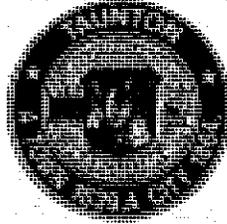
The 64 comment letters and public hearing statements are addressed below. Once an issue has been responded to, subsequent responses to similar comments may reference the initial response. If necessary, the Final EIS has been modified in response to issues that have been raised, and the nature and the location of the modification is identified in the response. In those instances where the issue is not specifically discussed in the Final EIS, the response given in this section is incorporated by reference into the EIS.

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December 3, 2013

Mr. Franklin Keel  
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**RE: Support for the Mashpee Wampanoag Tribe's Draft Environmental Impact Statement for the Tribe's LIT Application/Project First Light Destination Resort Casino in the City of Taunton**

Dear Mr. Keel,

Thank you for the opportunity to comment today and welcome to the City of Taunton. As Mayor of the City of Taunton, I greatly appreciate the opportunity to express my support of the Draft Environmental Impact Statement for the Mashpee Wampanoag Tribe's land into trust application for the proposed Project First Light destination resort casino in the City of Taunton.

Almost 20 months ago, the City of Taunton and the Mashpee Wampanoag Tribe announced that they were commencing discussions about the possibility of locating a casino development in our City that would bring much needed jobs, development and economic opportunity.

At the time, we knew that locating a tribal casino in Taunton would be difficult given the number of significant steps that had to be accomplished under Section 91 of the Massachusetts Expanded Gaming Act. Section 91 of the Act granted the Governor and the Tribe until July 31, 2012 – only 5 months from when we initially commenced discussions with the Tribe - to secure all necessary land, enter into a mutually agreed-upon compact, obtain the General Court's approval of such compact, enter into an Intergovernmental Agreement between the Tribe and our City and obtain approval of both our City Council and our residents by way of the referendum.

Despite this tight timeframe, through the efforts and hard work of the Tribe, the members of my Administration, the members of our City Council, and with the affirmative and overwhelming support

of our residents, I am pleased and proud that all of these steps were accomplished on-time, in accordance with the Expanded Gaming Act and in a true partnership with the Tribal leadership.

The City of Taunton's Intergovernmental Agreement with the Tribe protects the City and its residents from potential adverse environmental impacts of the casino project and requires the Tribe to make substantial payments to the City in lieu of property taxes. Further, the Intergovernmental Agreement provides for local hiring and purchasing preferences, requires that the Tribe consult with the City on project siting and design and calls for the formation of an advisory committee that will allow community input on matters encompassed by our Intergovernmental Agreement. Our Taunton Municipal Council voted 6 to 1 in favor of the Intergovernmental Agreement. I also wanted to point out that several members wanted to be here this evening, but we have a very busy City Council agenda this evening, which prevents them from being here tonight.

Since entering into the Intergovernmental Agreement, we have continued to monitor the Tribe's progress and have remained in contact with the Tribe and the Governor's office. The Tribe has continued its efforts toward bringing its casino development to fruition including entering into the new gaming compact with the Commonwealth, completing a draft of its environmental impact report required under the National Environmental Protection Act which is the subject of today's public hearing, and further developing and refining its architectural, design and construction plans.

1-1.1 | The purpose of appearing before you this evening is to express the continued support of my Administration for this project. I also wish to state as I have at other public hearings regarding the Tribe and this project, that the Tribe has fulfilled all of its promises made to the City including paying all of the City's expenses incurred by the City for its legal, mitigation and other consultants.

I and my advisors are impressed by the thoroughness of the Draft Environmental Impact Statement. It is voluminous and provides substantial details on a wide range of potential impacts that the project may have on various aspects of the environment. The residents of our City need to be informed as to the project's potential impacts on our traffic, wetlands, groundwater, air quality, water supply and a myriad of other factors that affect our quality of life in our City.

Because quality of life issues are so central to our residents, I have tasked our City's consultants and our various City departments with reviewing the draft report in detail and providing written comments to the BIA by the stated deadline. In addition, our consultants have been requested to provide my Administration with their views on the proposed alternatives to best mitigate any potential adverse environmental impacts in order to assure my Administration that our Intergovernmental Agreement with the Tribe appropriately protects the City from these potential adverse impacts.

1-1.2 | I think it is important to point out that the land proposed to be taken into trust in Taunton comprises 151 acres located within and adjacent to the Liberty & Union Industrial Park. In contrast to a "green field" project in which previously undeveloped and unzoned land is proposed as the site for a major project, the Tribe's proposed casino resort project will be located within an already existing commercial/industrial park created in 2003. Although certainly a major casino resort project was not contemplated back in 2003, the preliminary development plans demonstrate that the project site has ample public infrastructure – roads, power and sewer, to accommodate this major project while minimizing environmental impacts.

I wish to thank the BIA in its role as leading agency in the Tribe's fee-to-trust application for its diligence and thoroughness in analyzing the potential environmental impacts of the Tribe's casino

resort project. The City will continue to review and evaluate the DEIS in order to assure our residents that their quality of life will be protected and not adversely affected by this project.

Thank you also for giving me the opportunity to speak with you this evening, and if you have any questions please feel free to contact me directly at 508-821-1000.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Hoyer".

Thomas C. Hoyer, Jr.

Mayor

## **10.1 GOVERNMENT AGENCY AND ELECTED OFFICIAL COMMENTS**

### **LETTER 1-1: MAYOR THOMAS HOYE, CITY OF TAUNTON, DECEMBER 3, 2013**

#### **Response to Comment 1-1.1**

Comment noted.

#### **Response to Comment 1-1.2**

Comment noted.



# TOWN OF DIGHTON

## Board of Selectmen

979 Somerset Avenue · Dighton, MA 02715

(508) 669-6431

REGIONAL DIRECTOR  
BIA-ERO

2013 JAN 13 A 9:16

RECEIVED

January 6, 2013

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

Subject: Comments on DEIS for Proposed Mashpee Wampanoag Tribe  
Property Trust and Development

Dear Director Keel,

Dighton, the geographic center of Bristol County is a historic, rural community with a population of 7086 and a total land area of 22.6 square miles.

The Town is bordered by Rehoboth, population 11,600 to the west, Swansea, population 16,173 to the southwest, Somerset, population 18,165 to the south, the Taunton River and the town of Berkley, population 6,411 to the east, and the city of Taunton, population 55,874 to the north.

Dighton is also the site of the **Dighton-Berkley Bridge**, currently a one-lane temporary bridge serving as a link to route 24 between Dighton and the abutting communities mentioned above. The bridge at this location is the only span crossing over the Taunton River between the Veterans Memorial Bridge in Fall River and the Weir Street Bridge (Plain St) in Taunton a drive of approximately 12 miles. The driving distance from Veterans Memorial Bridge to Dighton-Berkley Bridge is 8.1 miles, while the distance from the Dighton-Berkley Bridge to the Weir Street Bridge is 4 miles.

The Massachusetts Highway Department (MHD) is now replacing the previous Berkley-Dighton Bridge because it was seriously structurally deficient, its gears often jammed in the open position, forcing travelers miles to the north or south. The MHD estimates (2001 data)

that 6,200 cars crossed the bridge each day. Commercial trucks were not allowed to use the old bridge due to a 3 ton maximum weight limit.

Since August 2010, a temporary one lane bridge with no weight limit has been in use while the new bridge is built. Construction on the bridge began in July 2012 Completion of the new bridge is expected in spring 2015.

The new bridge will be wider than the previous bridge by a total of approximately 12 feet for a total of 32 feet and will contain two traffic lanes plus a 5.5-foot sidewalk on the south side of the bridge, similar to the previous bridge. Other improvements include ADA-compliant sidewalks, wheelchair ramps, and driveway transitions, as well as better drainage, curbing, signage, guardrail, and pavement markings.

In very close proximity to the bridge, situated on the Taunton River is the Bristol County Agricultural High School which has been at its present location for 100 years. The school was founded by an act of the Massachusetts Legislature in November of 1912. A Board of Trustees and a Director were appointed in 1913. Land was then purchased near the center of Bristol County, on Center Street in the Town of Dighton. Since then through purchases, gift, and legacy, the school's campus and outlying areas now comprise more than 280 acres on four, closely located, properties.

Of great concern is the safety of the students at Bristol County Agricultural High School. As mentioned above the school campus contains nearly 300 acres located on both sides of Center St. in Dighton at the Dighton-Berkley Bridge and Taunton River. The student population of 450 crosses Center St. at least one to two times daily for either classes or lunch.

At present, the school has 27 buildings. Many of these buildings were built by students as projects. All buildings on campus have been maintained and or modified to adopt them to the ever changing educational needs of the county and nearby cities and towns.

Also, within 1/4 mile of the intersection at Center St. and Route 138 which leads to the Dighton-Berkley Bridge are the Dighton Elementary School and the Dighton Middle School. The Dighton Elementary School contains grades K-4, has a capacity of 400 students with an enrollment for 2013-2014 school year of 398 students. The Dighton Middle School contains grades 5-8, has a capacity of 480 students with an enrollment for 2013-2014 school year of 445 students. Our first concern is the safety of the students due to increased traffic flow and proximity to this intersection. Secondly, as you can see, any sudden increase in population which results in an increase in student enrollment due to the construction of this facility will certainly place a burden on our school system and our public safety divisions.

1-2.1

1-2.2

1-2.3

We find this entire process addresses and focuses only on the City of Taunton and not on the impact on surrounding communities and the region. Dighton directly abuts the city the proposed host city to the South being located within 6 miles of the proposed site. The extensive transportation study was done for Taunton intersections only.

The proposed mitigations do not adequately deal with the increase in traffic the casino will bring to the area. 1.2-3  
cont.

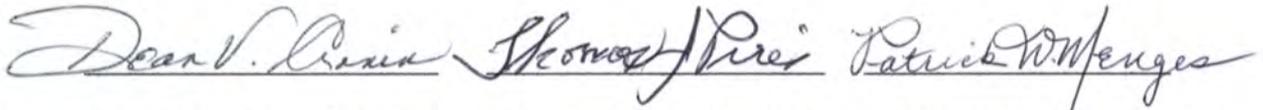
The fact that Dighton directly abuts four communities with a total population of over 100,000 and the Dighton-Berkley bridge is the only Taunton River crossing within 12 miles that accesses a major highway (Route 24) already makes this area an extremely congested traffic area during peak commuting times in the morning and late afternoon.

Once the Casino is constructed, we fully expect this intersection will become one of the primary access points to Route 24 from a large percentage of our abutting communities since it is unlikely patrons will utilize Routes 44 or 140 due to traffic congestion. It is likely patrons will want to travel the least congested route with easy off access to the casino. 1.2-4

Finally, we believe we will have a significant impact in the area of public safety due to the increased traffic we anticipate. Thus, in our opinion, the Town of Dighton should be considered as a surrounding community for the purpose of impact mitigation. 1.2-5

Sincerely,

Dighton Board of Selectmen



Dean V. Cronin, Chairman

Thomas J. Pires, Member

Patrick W. Menges, Clerk

cc:

1. Senator Marc Pacheco
2. Representative Patricia Haddad

**LETTER 1-2: TOWN OF DIGHTON BOARD OF SELECTMEN, JANUARY 6, 2014****Response to Comment 1-2.1**

Based on an analysis conducted in collaboration with the Southeastern Regional Planning and Economic Development District (SRPEDD), the total number of casino trips from Berkley, Dighton, Rehoboth, Somerset, and Swansea area during the PM peak hour is approximately 25 vehicles entering and 19 vehicles exiting. This analysis is shown in **Appendix B-9**. The associated trips will be distributed via Route 44, Route 138, and Route 24, having minimal impact to the intersection of Route 138/Centre Street adjacent to the Dighton Elementary and Middle Schools. It is not anticipated that these volumes will impact the safety of these schools.

**Response to Comment 1-2.2**

As described in **Section 8.20.3.1**, based on previous studies conducted for new casino development through the NEPA process, it is estimated that 10 percent of the Project's 3,500 new employees would be individuals relocating into Bristol or Plymouth County. Prioritization of local recruitment and the area's existing level of unemployment will keep population growth in towns surrounding Taunton relatively low.

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

**Response to Comment 1-2.3**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed through more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 1-2.4**

Based on an analysis conducted in collaboration with the Southeastern Regional Planning and Economic Development District (SRPEDD), the total number of casino trips from Berkley, Dighton, Rehoboth, Somerset, and Swansea area during the PM peak hour is approximately 25 vehicles entering and 19 vehicles exiting. The associated trips will be distributed via Route 44, Route 138, and Route 24. This analysis is shown in **Appendix B-9**.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

### **Response to Comment 1.2-5**

The EIS describes any significant adverse impacts caused by the proposed gaming facility. Construction of the proposed gaming facility is not anticipated to create any significant adverse impacts on the Town of Dighton. However, as described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.



# TOWN OF BERKLEY

MASSACHUSETTS

BOARD OF  
SELECTMEN

BIA-ERO  
REGIONAL DIRECTOR

2013 JAN 13 P 2:02

RECEIVED

Two North Main Street 02779  
Office: 508-824-6794  
Fax: 508-822-4603  
E-mail: berkleybos@yahoo.com

January 9, 2014

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

Subject: Comments on the EIS concerning the Proposed Mashpee Wampanoag Tribe Property Trust & Development in East Taunton, MA

Dear Mr. Keel:

The Town of Berkley, Massachusetts has concerns about this project. First we would like to say that we feel we have been ignored. Attached is one of the two letters we sent to you and the BIA asking for "Interested Party Status". The reasons for this are in the attached letter. No-one has responded back to us concerning this. 1-3.1

Concerning the EIS, we echo the comments of our State Representative, Keiko Orrall who said that the EIS doesn't take into consideration traffic and water impacts in the neighboring communities that she represents in the Massachusetts legislature.

We have written at least four letters concerning this project to either you or the Massachusetts Secretary of Energy and Environmental Affairs and have never received any comments or replies. We do not think the EIS adequately answers our concerns. Berkley is not even mentioned in the EIS and we are the nearest community next to the proposed project (1 mile from the proposed casino).

Please read the attached four previous letters that we have sent regarding this project. They explain our numerous concerns.

Sincerely,  
**Berkley Board of Selectmen:**

  
George F. Miller, Chairman

  
Linda Howerton, Clerk

  
Stephen R. Castellina, Member



# TOWN OF BERKLEY

MASSACHUSETTS

BOARD OF  
SELECTMEN

One North Main Street 02779-1336  
Office: 508-824-6794  
Fax: 508-822-4603  
E-mail: berkleybos@yahoo.com

June 28, 2012

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

Subject: Request for "Interested Party Status" concerning the Proposed Mashpee Wampanoag Tribe Property Trust & Development

Dear Mr. Keel:

1-3.2 | The Town of Berkley, Massachusetts is requesting "Interested Party Status" in regards to the proposed Mashpee Wampanoag Tribe casino and development for East Taunton, Massachusetts.

We have already commented to the BIA twice concerning this project. We are including the two previous letters with this letter. We will not repeat what is in the letters now. Please read these letters as they show how we are interested and why we should be given status.

The most obvious reason, as mentioned in the letters, is that Berkley is only 1 mile from this \$500 million dollar casino complex. That pretty much says it all.

1-3.3 | After we receive the interested party status, we plan to introduce threshold issues. One such issue we would like addressed early on is the recent Supreme Court decision. We don't want to expend a lot of effort, time and money for something that has little chance of success. As you may know, there also is a Federal Appeals Court case concerning the Massachusetts Gaming Law.

1-3.4 | Another threshold issue concerns whether the Mashpee have a "significant historical presence" to the lands in Taunton. There is a research report concerning this issue that we may submit to you at a later date.

Sincerely,  
Berkley Board of Selectmen:

George F. Miller, Chairman

Stephen R. Castellina, Clerk

Linda Howerton, Member

CC: Donald Laverdure, Asst. Secretary (Acting) for Indian Affairs



# TOWN OF BERKLEY

MASSACHUSETTS

BOARD OF  
SELECTMEN

One North Main Street 02779-1336  
Office: 508-824-6794  
Fax: 508-822-4603  
E-mail: berkleybos@yahoo.com

Scoping Comments for Proposed Mashpee Wampanoag Tribe Property Trust & Development  
Additional comments - 1st comments were included in our June 20, 2012 correspondence.

June 28, 2012

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

Dear Mr. Keel:

As was stated in our previous letter dated June 20th, the Town of Berkley has many concerns regarding the casino project in addition to those expressed in our earlier correspondence. We are taking the opportunity to address additional tangential concerns in this correspondence. As we previously stated we are the closest town to this proposed casino. Our Board of Selectman has been closely monitoring the progress of the Mashpee Wampanoag tribe's proposed development of a resort casino less than one mile from the Town of Berkley on the 135 acre site in East Taunton.

The City of Taunton had signed a contract with a consulting group that produced a study that analyzed the impact a resort casino could have on Taunton's infrastructure, schools, public safety resources, traffic, sewer and water lines and businesses. The City used the information from the consultants' studies to negotiate a local agreement with the Mashpee, which included mitigation measures and an annual PILOT payment to the City in lieu of taxes.

The fact that the contracted study neglects to consider the impact that a resort casino could have on the Town of Berkley has caused us significant concern.

1-3.5

We forwarded correspondence to the Governor's Office that served as our request that the impact to the Town of Berkley be addressed in any compact negotiated by the Commonwealth with the Mashpee Wampanoag tribe.

As you may be aware, under the state legislation, private casino developers must negotiate agreements with neighboring communities to provide money to deal with traffic and other potential spillover problems. As you may also be aware, the Mashpee are not required by state legislation to negotiate agreements with neighboring communities. Due to our tenuous position, we had requested that Taunton's study include an analysis of the impact that a resort casino could have on the Town of Berkley to ensure that, as selectman, we will have a rational basis for seeking reasonable compensation from the developers of the casino. As mentioned before, we were not included in the study, even though we asked to be. The Town of Berkley cannot afford to commission its own study and we are requesting that the Mashpee provide us with the funds to do so. We have also requested that the Mashpee pay for this study prior to receiving the authority to develop their casino in Taunton and that they be required to do so as a provision of the compact with the Commonwealth.

1-3.6

As stated above, state law requires any private casino to mitigate the impact that a casino has on neighboring cities and towns. We request that the same standards and requirements be required for any casino developed and operated

1-3.7

1-3.7 cont. by the Mashpee. It is imperative that a study be completed to determine the extent of the impact that the proposed Taunton casino will have on the Town of Berkley. We would appreciate it if you would give us your input as to how this casino would impact our Town.

As mentioned above, if the Mashpee casino is built at the proposed location, it would be located one mile from our border with Taunton. In fact, homes in Berkley are located closer in proximity to the proposed casino than 75% of the land in the city of Taunton. This fact alone provides overwhelming rational for our request that the impacts to Berkley be mitigated by the Mashpee as part of the compact. Our initial review of the potential impacts to our community are significant. We believe that a resort casino will cause the Town of Berkley to suffer the same impacts that the City of Taunton will sustain, and to some extent, even greater impacts as a result of our Town's chronic limited resources.

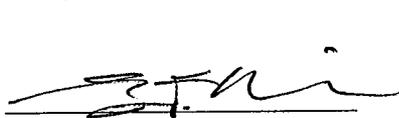
1-3.8 We anticipate that our police department, fire department and ambulance service will be overburdened with increased calls to respond to automobile accidents. Our police department will experience increased calls as result of elevated criminal activity and traffic stops. We currently have five Police Officers but according to FBI statistics, 1-3.9 a town our size should have 12. Our roads will suffer additional wear and tear due to increased traffic through our town by casino patrons who will use our town roads as a "cut through" to reach the casino. Our schools will be impacted by families that will move to Berkley because of its close proximity to the casino. At the present time, we 1-3.10 do not have any students that require "English as a second language". Just one of these students would require hiring another teacher.

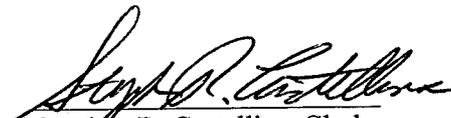
The Massachusetts Municipal Association has recommended that "Any new gaming law must include strong provisions to identify immediate and long-term infrastructure and local government service-delivery impacts of any casino proposal and to provide adequate impact mitigation for the host community and affected cities and towns in the area."

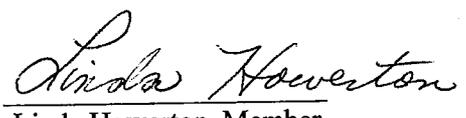
We hope that the Bureau of Indian Affairs will consider and protect the interests of theTown of Berkley during the evaluation and implementation processes. We hope that you will encourage negotiations between the Commonwealth and the Mashpee tribe. It is imperative that the Commonwealth ensure that we are able to determine the mitigation measures and compensation that will be needed to abate the impacts that the proposed resort casino will have on our town. We propose that this be done in conjunction with the Commonwealth's negotiation of a compact with the Mashpee Wampanoag Tribe so that the environmental impacts will all be addressed. If they are not, then it is up to you.

We would also refer you to a 79 page commentary sent to you by the Commonwealth of Massachusetts dated 2-5-2008. It was entitled 'Comments on the Mashpee Wampanoag Tribe's Land-In -Trust Application to the United State's Department of the Interior, Bureau of Indian Affairs". It was the Commonwealth's response to a proposed Mashpee casino in Middleboro,MA. If you no longer have the commentary, then please contact us and we will mail it to you. You could also contact us and provide us with your email address to send it to. The commentary includes many valid comments about the environment in Southeastern Massachusetts and it references Massachusetts environmental policies and procedures that should be followed. These safeguards that we have in Massachusetts should be considered in order to lessen the impact of this casino. These laws, rules and regulations still apply today and should be considered in your evaluation process.

Sincerely,  
Berkley Board of Selectmen:

  
George F. Miller, Chairman

  
Stephen R. Castellina, Clerk

  
Linda Howerton, Member



# TOWN OF BERKLEY

MASSACHUSETTS

BOARD OF  
SELECTMEN

One North Main Street 02779-1336  
Office: 508-824-6794  
Fax: 508-822-4603  
E-mail: berkleybos@yahoo.com

## Scoping Comments for Proposed Mashpee Wampanoag Tribe Property Trust & Development

June 20, 2012

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

Dear Mr. Keel:

One of our major concerns relates to the protection of our town's groundwater supply. Ninety eight percent of the residents and businesses in Berkley use private wells for their drinking water. Our town's water supply is provided by the Taunton River Basin. There is only so much water that can be safely withdrawn from the basin before it is shut down from any future large withdrawals. A watershed can be shut down for any future large withdrawals. The Jones River Basin is an example of a watershed that has been prohibited from any future large withdrawals. If a water withdrawal moratorium was placed on the Taunton River Basin, any future large commercial development in the area as well as the quality and quantity of Berkley's groundwater would be threatened. It is important to note that Berkley's border is located one mile from the proposed location of the Taunton casino.

1-3.11

It should also be noted that this area has many operational cranberry bogs. The bogs use significant amounts of water and they are permitted by the State to withdraw large amounts of water. Unfortunately, some bog operators do not apply for the required permit and these bogs withdraw large amounts of water which is not accounted for and therefore not tracked by the Massachusetts DEP.

In December of 2011, the Massachusetts Metropolitan Area Planning Council issued a policy statement in which they estimated that a casino complex will use in excess of 300,000 gallons of water a day. This estimate did not include the water consumption of a water park which is included in the plans for the Taunton casino.

1-3.12

A full hydrogeological study/analysis should be completed in order to determine the effects of such a large scale project. We believe that you should insist on some degree of limited water withdrawal. For instance, we hope that you would recommend that gray water be used for landscaping.

1-3.13

1-3.14

The impact of the casino project on our town's water supply must be considered and addressed. Will the large amount of construction affect water quality? Construction projects in Berkley have affected neighboring wells. You must also consider and address the impact on Berkley if future large water withdrawals become prohibited. What hotel or other large business would want to locate in Berkley if this happens?

1-3.15

The impact on our wetlands and waterways must also be considered and addressed. The Cotley River is located in close proximity to the casino location. A mile for the casino project on Macomber Street in Berkley/Taunton, there is an area designated as home to rare and endangered species. Will these species be threatened by the casino project or by the water withdrawals? Natural Heritage should be contacted regarding this issue.

1-3.16

The impact on traffic must also be considered and addressed. The traffic safety issues caused by the hundreds of thousands of cars and buses that will travel to the casino yearly must be analyzed as they relate to our town. The infra-structure around the Rt. 24/ Rt. 140 interchange is not sufficient for the traffic that uses these roads currently. There are numerous accidents and back-ups there on a daily basis. At certain times of the day, it is actually a choke point and cars are backed up on the highway in an attempt to exit Rt. 24 from the North to get onto Rt. 140. Also, at times, traffic backs up when attempting to merge onto Rt. 24 from Rt. 140 coming from New Bedford. We have been advised of estimates of many hundreds of thousands of dollars to many millions of dollars to address the problems associated with traffic for this location. We must address the real possibility that vehicles will travel through our town to avoid traffic problems on the highways caused by the casino project.

1-3.17

1-3.18

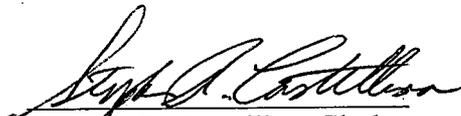
The proximity of the Pilgrim Nuclear Plant to the the casino project and the impact said project may have on evacuation plans must also be addressed.

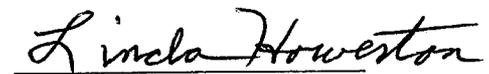
1-3.19

The Town of Berkley has many concerns regarding the casino project in addition to those expressed in this correspondence and we insist on having the opportunity to address all issues of concern.

**Berkley Board of Selectmen:**

  
George F. Miller, Chairman

  
Stephen R. Castellina, Clerk

  
Linda Howerton, Member

LETTER BOS 12 CASINO 3



# TOWN OF BERKLEY

MASSACHUSETTS

BOARD OF  
SELECTMEN

One North Main Street 02779-1336  
Office: 508-824-6794  
Fax: 508-822-4603  
E-mail: berkleybos@yahoo.com

Attention: MEPA Office – Holly Johnson, EEA#14924

## Scoping Comments for Proposed Mashpee Wampanoag Tribe Property Development

July 26, 2012

Secretary Richard K. Sullivan, Jr.  
Secretary of Energy & Environmental Affairs  
100 Cambridge St., Ste. 900  
Boston, MA 02114

Dear Mr. Sullivan:

Berkley has significant concerns regarding how the Mashpee casino in East Taunton will impact us in socio-economic ways. We are a normal small quiet rural community. A casino of this magnitude is a big deal. Everyone would agree on this. That is why we want to establish some facts about our Town at this point for you to consider. We were told by the Governor's Office that the results of the NEPA and MEPA reports would be used to determine mitigation for surrounding Towns by the Massachusetts's Gaming Commission. Because of this, we need you to also determine the socio-economics effects that the casino will have on us.

As a reminder while reading this, please remember that Berkley's border is one mile from the proposed casino site. Also, most land in Berkley is closer to the casino site than 75% of the land in the host community of Taunton. This, in our opinion, should mean that our Town needs substantial mitigation. Please look at what Taunton is receiving for mitigation and consider this while remembering how close we are to the proposed casino.

For the last five years, Berkley has had a population of about 6,400 people. The population has remained fairly constant during this period. As with everything else we say here, if the population increases at the time the casino comes in, it will impact us in many ways. In the last five years, there have been about 12 new houses built each year. At the same time approximately 6 houses are destroyed/lost each year. Again, we are a very stable Town now after all the building that had occurred in the past. Please note that Taunton's population has remained constant for the last ten years also and they expect 300 new households there as a result of the casino.

1-3.20

We believe that we will have significant impact in the area of public safety. As mentioned previously, we are very concerned about traffic. Highway congestion will cause people to use our backroads to avoid traffic problems. This will increase the need for more public safety vehicles and personnel. Also, it is well

1-3.21

1-3.22 know that crime increases in a 25 mile radius of a casino and the closer you are the more of an increase there will be. We have had between five and six policemen in Town since 2000. FBI statistics say we should have twelve. We are barely getting by now and we can't handle increased traffic or crime with what we currently get by with now. Between 2006 and 2011 our crime rate has been between 1.5% and 2.3% per thousand residents. This averages below the National average even with our depleted force. If we have to hire more Police then we will also have to have more Police cars. We only send out one Policeman in each car. Berkley does not have street lights but right on our border, Taunton does have street lights.

1-3.23 Our Police and Fire assist the State Police on Route 24 that goes through Town. Casino traffic will increase traffic on this road. The casino estimate projects an increase of 22,000 vehicle trips per day for the facility. Our Fire and Police help out on Route 24 frequently. Every week they are out there. Since January of this year, the Police have been out to Route 24 for 93 calls. Increase traffic will increase calls. We also only have one ambulance in Town so when it is out there on the highway, townspeople have to wait for its return or we have to call for mutual aid from other Towns. This lengthens the response time. We can't handle more calls without additional resources. This Town has a mostly residential base for taxes. We have very little commercial property. Hiring more people or buying/leasing more vehicles will have a larger impact on us because of the Town's chronic limited resources. We just put on another Fireman/Paramedic last year. We now have three.

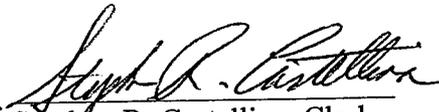
1-3.24 In Taunton, we notice that they expect 105 new students as a result of the casino. We are right next door so we wonder how many more students we will get. Taunton is a big City and can absorb more students. They, for instance, have English as a second language programs. Berkley does not. It is recognized that casinos bring in people with families that need English as a second language programs. You see this in the Connecticut casinos. If we have to hire staff for English as a second language it will cost us \$53,000 per teacher and \$30,500 per teacher's aide. Our school student population has been decreasing. In grades pre-K to 8th grade, we have lost about 20 students each year since 2006. In 2006 we had 1052 students in these grades and now we have 903 students. We are concerned about the increased cost that we may have if we are impacted by students from casino families. We have not been hiring new teachers 1 for 1 to replace those teachers leaving for many years now. We are also concerned about any new social problems are that are associated with casinos and wonder how that may affect the schools as well as the general population in Town.

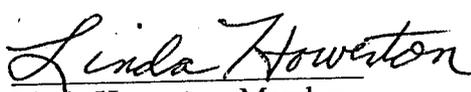
A great concern to us is our High School costs. We have just Regionized with the Town of Somerset for High School only. We are assessed by Somerset Berkley Regional High School a cost per student. The more students then the higher the cost for Berkley. We had been counting on a lower enrollment and therefore less cost. Increased students because of the casino population shouldn't be borne by Berkley. Even more troubling in this regard is that we have approved construction of a new High School. For the next 20 to 30 years will be paying off the bond to construct the new High School and Berkley's cost of that will be determined yearly by Berkley's percentage of enrollment at the High School. Any extra Berkley students to the High School because of the casino will add substantial cost to our payment of the bond.

If you need more information, please contact us at the above address and phone number. Thank you

**Berkley Board of Selectmen:**

  
George F. Miller, Chairman

  
Stephen R. Castellina, Clerk

  
Linda Howerton, Member



# TOWN OF BERKLEY

MASSACHUSETTS

BOARD OF  
SELECTMEN

One North Main Street 02779-1336  
Office: 508-824-6794  
Fax: 508-822-4603  
E-mail: berkleybos@yahoo.com

Attention: MEPA Office

## Scoping Comments for Proposed Mashpee Wampanoag Tribe Property Trust & Development

July 24, 2012

Secretary Richard K. Sullivan, Jr.  
Secretary of Energy & Environmental Affairs  
100 Cambridge St., Ste. 900  
Boston, MA 02114

Dear Mr. Sullivan:

The Town of Berkley is a rural town with a population of 6,500. It is important to note that Berkley's border is located one mile from the proposed location for the Taunton Casino. We are south of the proposed casino and most of the land in Berkley is closer to the proposed casino than 75% of the land in Taunton.

We find the ENF only addresses the City of Taunton and not the impact on surrounding towns. Regional impacts have to be addressed. The ENF lacks specifics and leaves much unanswered. It also seems to underestimate issues such as with water usage and the traffic problems. We believe that the limited crash/accident data collected is inaccurate. Rte. 140 and Rte. 24 both go through Berkley and we frequently send emergency vehicles to highway problems on these roads. We will not be able to handle increased incidents without mitigation.

One of our major concerns relates to the protection of our town's groundwater supply. Ninety eight percent of the residents and businesses in Berkley use private wells for their drinking water. Our town's water supply is provided by the Taunton River Basin. There is only so much water that can be safely withdrawn from the basin before it is shut down from any future large withdrawals. A watershed can be shut down for any future large withdrawals. The Jones River Basin is an example of a watershed that has been prohibited from any future large withdrawals. If a water withdrawal moratorium was placed on the Taunton River Basin, any future large commercial development in the area as well as the quality and quantity of Berkley's groundwater would be threatened.

1-3.25

It should also be noted that this area has many operational cranberry bogs. The bogs use significant amounts of water and they are permitted by the State to withdraw large amounts of water. Unfortunately,

some bog operators do not apply for the required permit and these bogs withdraw large amounts of water which is not accounted for and therefore not tracked by the Massachusetts DEP.

In December of 2011, the Massachusetts Metropolitan Area Planning Council issued a policy statement in which they estimated that a casino complex will use in excess of 300,000 gallons of water a day. A copy of their policy statement is attached to this letter. This estimate did not include the water consumption of a water park which is included in the plans for the Taunton casino. The 220,000 gallons of water that the ENF states the casino will use seems low.

1-3.26

A full hydrogeological study/analysis should be completed in order to determine the effects of such a large scale project. We believe that you should insist on some degree of limited water withdrawal. For instance, we hope that you would recommend that gray water be used for landscaping.

1-3.27

1-3.28

The impact of the casino project on our town's water supply must be considered and addressed. Will the large amount of construction affect water quality? Construction projects in Berkley have affected neighboring wells. You must also consider and address the impact on Berkley if future large water withdrawals become prohibited. What hotel or other large business would want to locate in Berkley if this happens?

1-3.29

The impact on our wetlands and waterways must also be considered and addressed. The Cotley River is located in close proximity to the casino location. How will the herring run in the Cotley River be protected? A mile from the casino project on Macomber Street in Berkley/Taunton, there is an area designated as home to rare and endangered species. Will these species be threatened by the casino project or by the water withdrawals? The Natural Heritage and Endangered Species Program has identified this area of the Taunton River a priority habitat. The Taunton River watershed has 12 rare species. The Nature Conservancy has identified some of these as globally rare.

1-3.30

The impact on traffic must also be considered and addressed. We cannot stress enough that the congestion at the Rte. 24 and Rte. 140 interchange problem should be completely and adequately fixed from day 1. The ENF has only commented on Taunton and not other roads within a mile of Taunton. The traffic safety issues caused by the 7 million additional vehicles that will travel to the casino yearly must be analyzed as they relate to our town and region. The infra-structure around the Rte. 24/ Rte. 140 interchange is not sufficient for the traffic that uses these roads currently. There are numerous accidents and back-ups there on a daily basis. At certain times of the day, it is actually a choke point and cars are backed up on the highway in an attempt to exit Rte. 24 from the North to get onto Rte. 140. Also, at times, traffic backs up when attempting to merge onto Rte. 24 from Rte. 140 coming from New Bedford.

1-3.31

We have been told of an estimate of 28 to 29 million dollars to address the problems associated with just the Rte. 24 / Rte. 140 interchange. Also, Rte. 24 south should be three lanes from the Rte. 140 interchange to Rte. 495. We must address the real possibility that vehicles will travel through our town to avoid traffic congestion on the highways caused by the casino project. People will use alternate routes if the highways are not sufficient. We believe that the proposed changes for the Rte. 24 / Rte. 140 interchange in the ENF are insufficient.

1-3.32

The proximity of the Pilgrim Nuclear Plant to the the casino project and the impact said project may have on evacuation plans must also be addressed.

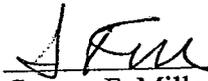
1-3.33

We would also refer you to a 79 page commentary by the Commonwealth of Massachusetts dated 2-5-2008. It was entitled 'Comments on the Mashpee Wampanoag Tribe's Land-In -Trust Application to the United State's Department of the Interior, Bureau of Indian Affairs". It was the Commonwealth's response to a proposed Mashpee casino in Middleboro, MA. The commentary includes many valid comments

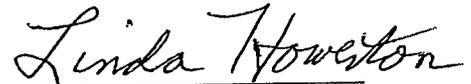
about the environment in Southeastern Massachusetts and it references Massachusetts environmental policies and procedures. These safeguards that we have in Massachusetts must be followed in order to lessen the impact of this casino. These laws, rules and regulations still apply today and should be considered in your evaluation process.

As mentioned at the beginning of this statement, we are a small town. We do not have a Town Planner or Town Manager/Administrator. It was hard to gather information with such a short time frame because of our limited resources. We believe that you should extend the deadline for comments and we request that there be another 30 days for such comments.

**Berkley Board of Selectmen:**

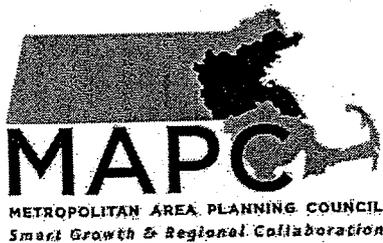
  
George F. Miller, Chairman

  
Stephen R. Castellina, Clerk

  
Linda Howerton, Member

CC: Lisa Mead, Town Counsel

LETTER BOS 12 CASINO 8



**Amanda Linehan**  
**Communications Manager**  
Metropolitan Area Planning Council  
617-451-2770 ext. 2030  
Cell 617-388-1556

## **LOCATING A CASINO: MUCH AT STAKE FOR HOST COMMUNITY AND REGION**

**A POLICY STATEMENT BY THE METROPOLITAN AREA PLANNING COUNCIL  
DECEMBER 22, 2011**

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The recent press coverage about the Foxborough casino proposal reminds us all that Massachusetts faces some challenging decisions about where to locate up to three casinos, how to maximize the benefits of these developments, and how to address adverse impacts that could be serious and long-lasting. The Metropolitan Area Planning Council (MAPC), the regional planning agency for Metro Boston,<sup>1</sup> believes that the location of a new casino — not just its size or format — will in large part determine its transportation and environmental impacts, secondary economic effects, necessary public infrastructure investments, and social welfare consequences. The process of permitting a casino should involve a clear discussion of likely negative impacts, steps to eliminate or minimize such impacts, and the best approaches to assuring that short and long-term mitigation strategies reflect the priority concerns of the host municipality and the surrounding area.

As we prepare for this process, MAPC would like to provide some advice based on close to 50 years of experience in dealing with the impacts of major developments.

### **Pursue a transparent public process from beginning to end**

MAPC values transparency in public process and community dialogue to ensure respectful, candid and straightforward communication among local stakeholders and casino proponents. Development proposals should be shared publicly as soon as they are ready, and whenever critical details or changes are added. The process should involve not only the local and state agencies whose approval is required; it should also engage the residents of neighboring communities that will be seriously impacted by a casino, but are unlikely to receive any of the new tax dollars. The process should involve a clear discussion of what likely negative impacts will be, how to minimize those impacts, and how to mitigate any impacts that cannot be eliminated. Focusing primarily on what a developer will

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<sup>1</sup> The mission of MAPC is to promote smart growth and regional collaboration in Metropolitan Boston. Our work is guided by our regional plan, "[MetroFuture: Making a Greater Boston Region](#)." A critical component of MAPC's mission is to advance equity and cultural competency both internally and in our work throughout the region.

**MAPC POLICY STATEMENT: LOCATING A CASINO**

**December 22, 2011**

impacts for the host and nearby communities would be less onerous. It could also be less costly for taxpayers who would be asked to fund fewer proposals for new interchanges, roadway widening projects, additional traffic signals, etc. There is also strong reason to believe that the presence of a casino leads to an increase in alcohol-related traffic accidents and fatalities.<sup>3</sup> Locating a casino that is transit-accessible could not only decrease these types of traffic accidents but also conserve police, fire, and medical resources.

Transit availability is especially important for employees, not only during typical commuting hours, but also at other times of the day and week when casino employees are likely to arrive at and leave work. Out-of-area commutes for employees can increase their costs (negatively affecting workers' incomes) and contribute to traffic congestion. A range of transit options (e.g., subway, trains, buses, and limousine vans) could mitigate traffic generated by guests if it is provided in an appropriate manner and with sufficient frequency. In regard to both roadways and transit (including pedestrian facilities), it is important that any casino developer dedicate adequate resources — both at the time of development and over the longer-term — to appropriately upgrade service without burdening either municipal or state resources.

### **Think about water as well as cars**

Hotels, restaurants, and gaming facilities consume large volumes of drinking water. Looking at examples of other casino complexes, water use can exceed 300,000 gallons per day. A municipal water (and wastewater) system that can handle such use would help to make a location more suitable. Many municipal systems would find it difficult or impossible to meet such a demand without taking extraordinary and costly measures.

### **Access to a labor force is a distinct advantage**

This is especially true if that labor force can provide both high skilled and service workers needed for a casino operation. If the casino is built in an area where few workers currently live, it will require long and costly commutes. Additional residential development may be needed to provide local housing for casino workers in the host and surrounding municipalities. While housing production is usually an advantage for a community, large housing developments in small communities can add service demands. There is also the risk of isolating casino workers and their children in developments that are segregated from the community at large. If adequate housing is not built, for-sale and rental costs could rise. Alternatively, locating such a facility near a concentration of workers may provide an opportunity to help some of our more disadvantaged residents to rejoin the economic mainstream.

In conclusion, MAPC is neither for, nor against, casino gambling. Our members include communities and individuals who support casino gambling, and others who oppose it. However, now that the Commonwealth has adopted a statute governing the siting and regulation of such facilities, the question of where to place a casino in Eastern Massachusetts constitutes a major and complicated civic decision for the state, the host community, and surrounding cities and towns. MAPC stands ready to participate in these discussions to choose the best possible location, and to quantify and address all negative impacts.

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<sup>3</sup> Buckhurst Fish & Jacquemart Inc. (2001). *Bridgeport Casino Traffic Impacts on the South Western Region of Connecticut, Final Report: July 2001*. (pp. 2-3) New York: Buckhurst Fish Jacquemart, Inc.

## **LETTER 1-3: TOWN OF BERKLEY BOARD OF SELECTMEN, JANUARY 9, 2014**

### **Response to Comment 1-3.1**

The BIA has complied with the NEPA requirements concerning public commentary and public hearings.

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.2**

Please see the response above.

### **Response to Comment 1-3.3**

This issue is outside the scope of an Environmental Impact Statement.

### **Response to Comment 1-3.4**

In accordance with 25 CFR 292.6 (d), Tribes must demonstrate significant historic connections to an area in order for the property to qualify as an “initial reservation.” By letter dated February 7, 2013, the Assistant Secretary of Indian Affairs determined that the lands in Taunton and Mashpee meet the requirements of 25 CFR 292.6(d) and will qualify as the Tribe’s initial reservation if they are acquired in trust.

### **Response to Comment 1-3.5**

The BIA has complied with the NEPA requirements concerning public commentary and public hearings.

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.6**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.7**

The BIA has complied with the NEPA requirements concerning public commentary and public hearings.

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.8**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.9**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed through more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

### **Response to Comment 1-3.10**

As described in **Section 8.20.3.1**, based on previous studies conducted for new casino development through the NEPA process, it is estimated that 10 percent of the Project's 3,500 new employees would be individuals relocating into Bristol or Plymouth County. Prioritization of local recruitment and the area's existing level of unemployment will keep population growth in towns surrounding Taunton relatively low.

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.11**

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit.

Further, as described in **Section 8.18.3.2**, the Preferred Development will be designed to minimize the use of potable water through strategic landscaping and efficient devices. Recycled water will be used in elements including the water park to the extent possible.

### **Response to Comment 1-3.12**

**Section 8.7** summarizes the water use for the Project. Landscape design on the Project Site will limit, if not eliminate the need for, the use of potable water for landscape irrigation. Irrigation area is also very limited overall in the development. The small amount of landscaping incorporated will be irrigated with stormwater captured in the large underground stormwater retention systems required for the Project. With the limited need for potable water for irrigation, any potable water requirements can be addressed within the 0.309 MGD presented in **Section 8.7.2** for the Preferred Development.

Comparisons have been made between the water use for this Project and the anticipated water use for the proposed Middleborough casino. This Project in Taunton is approximately half the size of the proposed Middleborough casino and does not include a golf course. The site of this Casino will have minimal landscaping due to the site constraints. The water use summarized in **Section 8.7** accurately represents the anticipated water use for this Project.

### **Response to Comment 1-3.13**

Since this project can be supplied without an increase in the City of Taunton's Water Management Act Permit as discussed above, no hydrogeological study/analysis is required.

### **Response to Comment 1-3.14**

Landscape design on the Project Site will limit, if not eliminate the need for, the use of potable water for landscape irrigation. Irrigation area is also very limited overall in the development. The small amount of landscaping incorporated will be irrigated with stormwater captured in the large underground stormwater retention systems required for the Project. With the limited need for potable water for irrigation, any potable water requirements can be addressed within the 0.309 MGD presented in **Section 8.7.2** for the Preferred Development.

### **Response to Comment 1-3.15**

Regional water supply and quality are not anticipated to be negatively impacted by this Project. The entire Project will be supplied potable water by the City of Taunton. City water comes from the Assawompsett Pond Complex and Dever Wells, as described in **Section 8.7.1**, and no wells will be installed to provide water for the Project. As shown in **Table 8.21-3**, the City of Taunton is currently permitted a withdrawal that is conservatively estimated to be sufficient until the year 2030. Therefore, the water demand of the Preferred Development is not expected to have any significant cumulative effects with regard to water supply.

As described in **Section 8.19.4**, planned earthwork and construction of this Project are not anticipated to put groundwater at risk.

### **Response to Comment 1-3.16**

No work is proposed in the Town of Berkley and the Preferred Alternative will not result in any impacts to wetland resource areas located in that community.

As described in **Section 7.5.3** and **Figure 7.2-4**, the Study Area does not contain any areas of Priority Habitat or Estimated Habitat for state-listed species. According to available U.S. Fish and Wildlife Service (USFWS) data, there are no known federally-listed species located on or near the Study Area.

The Preferred Development results in the replacement of an existing concrete culvert that carries the Cotley River beneath the electric distribution line right-of-way access road with a new culvert that complies with the U.S. Army Corps of Engineers Stream Crossing Standards. This work, in conjunction with the Barstows Dam Removal Project being proposed by others, could enhance fish passage and open up previously inaccessible habitat for anadromous fish species migrating to and from the Cotley River and Taunton River located to the northeast. Water and sewer services for the entire Project will be provided by the City of Taunton. Anticipated withdrawals for the Project will be within Taunton's Water Management Act Permit, as described in **Section 8.7.2**. No on-site wells or other withdrawals will be necessary.

### **Response to Comment 1-3.17**

Significant improvements are planned for the Route 24/140 Interchange that will help alleviate existing traffic congestion issues and mitigate the future impacts from the casino. These improvements include the addition of a slip ramp for Route 24 SB onto Route 140, traffic signal improvements and roadway widening on Route 24 SB and Route 140. Refer to the FEIS **Section 8.1.3.4**.

### **Response to Comment 1-3.18**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed though more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

### **Response to Comment 1-3.19**

As the Project is further developed, the Tribe will work with local officials from the Massachusetts Emergency Management Agency (MEMA) to identify and resolve evacuation plans related to the Project.

### **Response to Comment 1-3.20**

As described in **Section 8.20.3.1**, based on previous studies conducted for new casino development through the NEPA process, it is estimated that 10 percent of the Project's 3,500 new employees would be individuals relocating into Bristol or Plymouth County. Prioritization of local recruitment and the area's existing level of unemployment will keep population growth in towns surrounding Taunton relatively low.

### **Response to Comment 1-3.21**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed through more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

### **Response to Comment 1-3.22**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.23**

Please see the two responses above.

### **Response to Comment 1-3.24**

As described in **Section 8.20.3.1**, based on previous studies conducted for new casino development through the NEPA process, it is estimated that 10 percent of the Project's 3,500 new employees would be individuals relocating into Bristol or Plymouth County. Prioritization of local recruitment and the area's existing level of unemployment will keep population growth in towns surrounding Taunton relatively low.

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-3.25**

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City

of Taunton can supply the Project without an increase in its Water Management Act Permit. [REDACTED]

Since this project can be supplied without an increase in the City of Taunton's Water Management Act Permit, no hydrogeological study/analysis is required.

### **Response to Comment 1-3.26**

**Section 8.7** summarizes the water use for the Project. Landscape design on the Project Site will limit, if not eliminate the need for, the use of potable water for landscape irrigation. Irrigation area is also very limited overall in the development. The small amount of landscaping incorporated will be irrigated with stormwater captured in the large underground stormwater retention systems required for the Project. With the limited need for potable water for irrigation, any potable water requirements can be addressed within the 0.309 MGD presented in **Section 8.7.2** for the Preferred Development.

Comparisons have been made between the water use for this Project and the anticipated water use for the proposed Middleborough casino. This Project in Taunton is approximately half the size of the proposed Middleborough casino and does not include a golf course. The site of this Casino will have minimal landscaping due to the site constraints. The water use summarized in **Section 8.7** accurately represents the anticipated water use for this Project.

### **Response to Comment 1-3.27**

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit. [REDACTED]

Since this project can be supplied without an increase in the City of Taunton's Water Management Act Permit, no hydrogeological study/analysis is required.

### **Response to Comment 1-3.28**

Landscape design on the Project Site will limit, if not eliminate the need for, the use of potable water for landscape irrigation. Irrigation area is also very limited overall in the development. The small amount of landscaping incorporated will be irrigated with stormwater captured in the large underground stormwater retention systems required for the Project. With the limited need for potable water for irrigation, any potable water requirements can be addressed within the 0.309 MGD presented in **Section 8.7.2** for the Preferred Development.

### **Response to Comment 1-3.29**

Regional water supply and quality are not anticipated to be negatively impacted by this Project. The entire Project will be supplied potable water by the City of Taunton. City water comes from the

Assawompsett Pond Complex and Dever Wells, as described in **Section 8.7.1**, and no wells will be installed to provide water for the Project. As described in **Section 8.19.4**, planned earthwork and construction of this Project are not anticipated to put groundwater at risk.

### **Response to Comment 1-3.30**

No work is proposed in the Town of Berkley and the Preferred Alternative will not result in any impacts to wetland resource areas located in that community.

As described in **Section 7.5.3** and **Figure 7.2-4**, the Study Area does not contain any areas of Priority Habitat or Estimated Habitat for state-listed species. According to available U.S. Fish and Wildlife Service (USFWS) data, there are no known federally-listed species located on or near the Study Area.

The Preferred Development results in the replacement of an existing concrete culvert that carries the Cotley River beneath the electric distribution line right-of-way access road with a new culvert that complies with the U.S. Army Corps of Engineers Stream Crossing Standards. This work, in conjunction with the Barstows Dam Removal Project being proposed by others, could enhance fish passage and open up previously inaccessible habitat for anadromous fish species migrating to and from the Cotley River and Taunton River located to the northeast. Water and sewer services for the entire Project will be provided by the City of Taunton. Anticipated withdrawals for the Project will be within Taunton's Water Management Act Permit, as described in **Section 8.7.2**. No on-site wells or other withdrawals will be necessary.

### **Response to Comment 1-3.31**

Significant improvements are planned for the Route 24/140 Interchange that will help alleviate existing traffic congestion issues and mitigate the future impacts from the casino. These improvements include the addition of a slip ramp for Route 24 SB onto Route 140, traffic signal improvements and roadway widening on Route 24 SB and Route 140. Refer to the FEIS **Section 8.1.3.4**.

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed through more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

### **Response to Comment 1-3.32**

Please see the response above.

### **Response to Comment 1-3.33**

As the Project is further developed, the Tribe will work with local officials from the Massachusetts Emergency Management Agency (MEMA) to identify and resolve evacuation plans related to the Project.



ENGINEERING SUCCESS **TOGETHER**

January 14, 2014

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

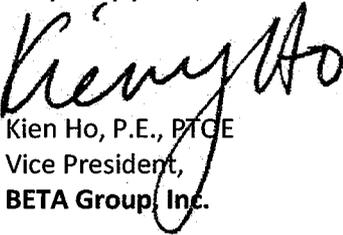
Subject: Peer Review of DEIS  
Project First Light Casino  
Taunton, Massachusetts

Dear Mr. Keel:

ON behalf of the City of Taunton, BETA Group, Inc. (BETA), has reviewed the Draft Environmental Impact Study (DEIS) submitted for the Mashpee Wampanoag Tribe-Fee to Trust Acquisition in Taunton, Massachusetts. Please find our comments attached to this letter in our memorandums dated January 9, 2014 and October 7, 2013.

If we can be of any further assistance regarding this matter, please contact us at our office.

Very truly yours,

  
Kien Ho, P.E., PTCE  
Vice President,  
BETA Group, Inc.

Cc: Jason Buffington, City Solicitor, City of Taunton  
Fred Cornaglia, DPW Director, City of Taunton  
Michael J. Schaller, Partner, Taft Stettinius & Hollister LLP

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REGIONAL DIRECTOR



Date: January 9, 2014  
To: Jason Buffington, City Solicitor, City of Taunton  
From: Kien Ho, P.E., PTOE BETA Project #: 4242  
Subject: Project First Light 25% Design Peer Review

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BETA Group, Inc. (BETA), on behalf of the City of Taunton (City), has prepared this technical memorandum to document our peer review of the Draft Environmental Impact Statement (DEIS) submitted by the Bureau of Indian Affairs (BIA) to the National Environmental Policy Act (NEPA) for the casino project known as the "Project First Light" (Project). The following information was provided to BETA as part of this review:

- Mashpee Wampanoag Tribe DEIS Fee-to-Trust Acquisition and Casino Project, Mashpee and Taunton, Massachusetts, November, 2013

BETA has reviewed the information presented in the DEIS, specifically related to the transportation and wastewater impacts as a result of the proposed Project. Our comments for each discipline are outlined below:

#### Transportation Comments

Prior to submission of the DEIS, the proponent had submitted an Environmental Notification Form (ENF) and a Draft Environmental Impact Report (DEIR) to the Massachusetts Environmental Policy Act (MEPA). BETA had previously reviewed these documents related to transportation impacts on behalf of the City. Our review comments related to the proposed transportation impacts and its design are documented in our October 7, 2013 memorandum.

Based on our review of the DEIS, the majority of transportation concerns have been addressed and were incorporated in the 25% design with the exception of the Hart Street and County Street intersection. While the DEIR and DEIS include an expanded study area, these intersections are not located in the City of Taunton and therefore they are not relevant to this review. The following comments were developed as part of this review.

- 1-4.1 | 1. Section 8.1.2.2 – Should the MassDOT rail ROW be used in the future for passenger service as part of the South Coast Rail project (or others), the feasibility of a station at the casino should be investigated. A station at this location would promote mass transit use to visit the site, resulting in less vehicular traffic impact on the roadway network system in Taunton.
- 1-4.2 | 2. Section 8.1.2.2 – The inclusion of the proposed site as part of the regional transit system should be fully investigated and promoted. The proponent should coordinate and consider providing funding source to the local transit agencies to enhance or expand existing service. The use of the local regional transit system will further reduce vehicular traffic impact to the local roadway network system.
3. Section 8.1.2.3 – The trip generation of the potential build-out of the LUIP property within the casino site (in place of the proposed casino) was calculated for comparison purposes. The build-out would result in approximately 370 vehicle trips during the critical weekday evening peak hour, which is significantly less than the proposed casino as noted in Comment 4.

4. Section 8.1.3.1 – The casino project will generate approximately 1,720 vehicle trips during the weekday evening peak hour. This is consistent with previous analysis.
5. Sections 8.1.3.4 – The transportation concerns in this section were addressed as part of the 25% design submittal and our comments are documented in the October 7, 2013 memorandum (attached for reference).

**Wastewater Comments**

Upon review of the DEIS, the following comments relating to wastewater generation and disposal were developed. In general, the information that was presented accurately reflects our understanding of the project and the anticipated impacts on Taunton’s wastewater collection system and treatment facility.

6. Section 7.8.1 – the peak hourly design capacity of the Taunton Wastewater Treatment Facility (WWTF) is incorrectly stated at 15 mgd. The peak hourly design capacity is 17.4 mgd while the main lift pumping station can convey 22.4 mgd to the WWTF during wet weather events. The additional flow under wet weather conditions can be bypassed around the biological treatment process. 1-4.3
7. Section 7.8.1 and Section 8.21.6.8 - Design of the plant upgrade to meet new discharge limitations is not expected to occur until 2015 not 2014 as indicated. 1-4.4
8. Section 7.8.2 – The current conditions of the wastewater collection system in the vicinity of the proposed project are correctly stated. Current wastewater at the site is served by the O’Connell Way Pump Station, which pumps to the 10-inch Stevens Street sewer. Stevens Street in turn discharges to the Red Lane Pump Station, which discharges to the 15-inch sewer in Hart Street. The Stevens Street sewer and the Red Lane Pump Station are operating at near capacity.
9. Sections 7.8.1 and 8.8.2.1 – The annual average daily flows to the Taunton WWTF for 2012 and 2013 were 6.40 mgd and 6.45 mgd, respectively. 1-4.5
10. Section 8.8.2.1 – Taunton will consider allowing the Water Park pump station to discharge directly to the 12-inch forcemain from the Red Lane Pump Station. Safeguards will have to be incorporated into the design to avoid excess velocity in the forcemain in the event that multiple pumps from other contributing pump stations are simultaneously called to duty. 1-4.6
11. Section 8.8.2.2 – Taunton’s Comprehensive Wastewater Management Plan has not been finalized as new total nitrogen limits were recently imposed in Taunton’s new NPDES permit. Future flow projections will be re-evaluated. However, expansion of plant capacity is still anticipated to a level that will accommodate the proposed project. The CWMP will provide dedicated capacity up to 0.225 mgd for the proposed project. 1-4.7  

Taunton had previously allocated a flow capacity of 0.4 mgd to the Town of Easton. Easton has indicated they no longer have need for this allotment, which provides the necessary capacity for the proposed project. 1-4.8
12. Section 8.8.2.3 and Section 9.2.8 – Taunton’s acceptance of the project is contingent on the implementation of the commitments to remove infiltration and inflow at a rate of 5 times the average daily flow from the proposed project and to rehabilitate the Route 140 Pump Station. 1-4.9



Date: October 7, 2013

To: Jason Buffington, City Solicitor, City of Taunton

From: Kien Ho, P.E., PTOE  
William P. McGrath, P.E.

BETA Project #: 4242

Subject: Project First Light 25% Design Peer Review

1-4.10 BETA Group, Inc. (BETA), on behalf of the City of Taunton (City), has prepared this technical memorandum to document our peer review of the 25% design of the transportation mitigation associated with the resort casino "Project First Light" (Project). The review was performed in conjunction with the mitigation commitments outlined in the Intergovernmental Agreement (IGA) dated May 17, 2012. The design plans reflect the City owned intersections/infrastructures included in the IGA. This review does not include the Route 24 at Route 140 interchange as it falls under MassDOT jurisdiction. It is our understanding that this interchange is not completed to the 25% design threshold at this time. Upon completion, we request that these plans be submitted to the City for review.

The following information was provided to BETA as part of this review:

- 25% Plans titled "Project First Light Off-Site Transportation Mitigation, 25% Plan and Profile of Citywide Neighborhood Improvements, in the City of Taunton, Bristol County (dated 9/2013)

We are aware these are 25% design plans and expect many of our comments will be addressed in future submittals as the design advances. The following comments address elements of the design associated with the City owned intersections.

### Roadway Design Comments

1. General – Dimensions from the baseline to the curblines, particularly at PC's/PT's, should be added to the construction plans to verify that adequate width is available for the proposed lane configurations. Also dimension turning lanes at islands and add curb radii.
2. General – Has a pavement design been performed for the proposed full depth pavement areas at various locations?
3. Sheet 6 – Typical Sections and Pavement Notes - in several instances the typical sections do not match the Construction plans.
  - a. The typical section for Stevens Street from Station 103+75 to 106+50 does not show the median located at approximately Sta. 103+75 to Sta. 106+30 on the plan.

- b. The typical section for Stevens from Sta. 93+00 to Sta. 99+00 shows proposed vertical granite curb but the note on the plans for Sta. 90+00 to approximately Sta. 96+50 states “retain existing granite curb (typical)”.
4. Sheet 7 – Typical Sections and Pavement Notes – in several instances the typical sections do not match the Construction plans.
  - a. Stevens Street from Sta. 107+50 to Sta. 113+00 should show the full depth construction through the median as shown on the plans.
  - b. Show area of full depth construction on the Stevens Street section from Sta. 114+50 to Sta. 117+00 to match the plans.
5. Sheets 12-14, 32, 52 – Construction plans –WCR data tables and details should be included for Stevens Street Step 1 (without the proposed Route 140 Northbound on ramp), Stevens Street Step 2 (with the proposed Route 140 Northbound on Ramp) and Harts Four Corners.
6. Sheet 13-15, 51-54 – Construction Plans - Driveway details should be included for Stevens Street Step 1 and Harts Four Corners.
7. Sheet 13 – Construction Plans – Proposed CB’s 5 and 6 are not located to the profile low point shown at Sta. 103+03 (Sheet 17). These basins should be relocated.
8. Sheet 13 – Construction Plans – CB 5 is shown connecting to an existing DMH located at approximately Sta. 102+63. There are multiple existing pipes in this MH at the same invert. It may be difficult to accommodate the proposed pipe from CB 5 without impacting the integrity of the existing MH. (CB 5 should be relocated to the low point so it may not connect to this structure).
9. Sheet 13 – Construction plans – CB 8 is shown connecting an existing DMH at approximately 105+00. The angle of the proposed pipe may make it difficult to connect to the MH. Consider moving the CB further east to allow for a simpler connection.
10. Sheet 13 – Construction Plans – The connection from CB 9 to the drain system should be shown.
11. Sheet 13 – Construction Plans – The configuration for WCR 6 and 7 on the island seems confusing. Consider whether a cut-through may be more appropriate.
12. Sheet 13 – Construction Plans – The existing CB located in the area of Proposed CB 10 should be removed rather than abandoned since a proposed pipe is shown passing through it.
13. Sheet 13 – Construction Plans – Clarify whether the existing CB located in the area of CB 11 will be removed or abandoned.

## First Light Casino 25% Design Peer Review

October 7, 2013

Page 3 of 9

14. Sheet 13 – Construction Plans – It appears a new CB should be added to replace an existing CB upstream of WCR 5. Also, clarify if the existing will be removed or abandoned.
15. Sheet 14 - Construction Plans – Show the connection from CB 12 to the drain system. Also consider moving CB 12 to the upstream side of Cotley Street East to pick up drainage before reaching that road.
16. Sheet 14 – Construction plans – the existing utility pole at 111+40± Rt is called to be retained. It appears to be in the middle of the proposed sidewalk. Verify that adequate clearance for ADA can be provided at the pole.
17. Sheet 14/15 – Construction Plans – Why is a limit of grading shown behind the stone wall to remain from 110+40± Rt. to 117+20± Rt.?
18. Sheet 30 – Typical Sections and Pavement Notes - Suggest revising the typical sections to match the Construction plans. The typical section for Stevens Street from Station 100+50 to 101+50 should include the striping/median located the plan.
19. Sheet 31 –Typical Sections – Why is vertical curb proposed instead of sloped edging for the ramp? Also, ramp widths are generally 22 feet wide, not 21 feet.
20. Sheet 31 –Typical Sections – The ramp sections are labeled as mill and overlay, but shown as full depth construction. Revise the sections/labeling as necessary to agree with the plans.
21. Sheet 31 – Typical Sections – The maximum slope for loam and seed should be 2:1. Rock fill should be used for steeper slopes.
22. Sheet 31 – Typical Sections – A typical section should be provided for the work on Route 140 NB showing lane widths, barrier location, cross slope, guardrail and pavement construction.
23. Sheet 32 –Construction Plans – More details is required for the work under the Stevens Street overpass crossing Route 140. It appears the proposed work may require alternation of the existing sloped paving.
24. Sheet 32 – Construction Plans – Label proposed CB's and DMH's on the plan. Also show where CB 6 and 7 will connect to the drain system.
25. Sheet 32- 37 – Construction plans – Add dimensions to the plans to verify the width of the ramp. Also label curb radii.
26. Sheet 35 – Construction plan – More detail is needed for the work on Route 140 under the Galleria Mall Drive bridge. It appears the proposed work is very close to the existing

headwall. Is guardrail adequate to protect traffic at this location or is concrete barrier required?

27. Sheet 35 – Construction Plans – Clarify where CB 10, 11 and 12 where connect to the drainage system.
28. Sheet 35, 36 – Construction Plans – A profile is needed for Proposed Route 140 Ramp.
29. Sheet 36 – Construction Plans – Additional detail should be shown on Route 140 to the limit of the proposed work.
30. Sheet 46 – Cross Sections – it is not clear what this sheet is intended to show.
31. Sheet 47 – Typical Sections and Pavement Notes - Suggest revising the typical sections to match the Construction plans. The typical section for County Street from Station 110+00 to 113+00 shows full depth construction the entire section where the plan shows mill and overlay on the left side.
32. Sheet 51-54 – Construction plans – Dimensions from the baseline to the curblines, particularly at PC's/PT's, should be added to the construction plans to verify that adequate width is available for the proposed lane configurations. Also dimension turning lanes at islands and add curb radii.
33. Sheet 51 – Construction Plans – Clarify how DMH 1 ties into drain system. Is there an existing drain pipe? Also does DMH 10 connect to DMH 13 on Sheet 52? Please clarify.
34. Sheet 51 – Construction Plans – Access around the front of Count Crossing building will be eliminated by the proposed widening on County Street. Traffic entering from Hart Street will not be able to circulate around the building. Is the proposed driveway at 107+50± Rt. One-way or restricted to right turn out only? It appears the proposed work will significantly impact the property.
35. Sheet 52 – Construction Plans – the limit of grading is shown to extend to the edge of the CVS parking lot. Has any consideration been given to installing a low retaining wall to limit the grading impacts?
36. Sheet 52 – Construction Plans – Is the existing drain line in the area of Sta. 108+75 to remain?
37. Sheet 52 – Construction Plans - Check to ensure that the existing DMH located at approximately Sta. 109+10 can accommodate the proposed pipe from DMH 13.
38. Sheet 52 – Construction Plans – Suggest connecting CB 18 to DMH 20 (instead of to the existing MH at Sta. 114+50).

## First Light Casino 25% Design Peer Review

October 7, 2013

Page 5 of 9

39. Sheet 52 – Construction Plans - Consider moving proposed CBs or adding CBs to the low point shown at Sta. 114+10.55.
40. Sheet 52 – Construction Plans – Can structures 21, 22 and 23 be constructed as shown with the existing telephone line in the same area? Also, will the existing structure located at Sta. 114+50 RT be removed? Please clarify.
41. Sheet 53 – Construction Plans – Please clarify if CB 31 can be constructed as shown with the existing gas line in the same area. Clarify if the existing structure located at Sta. 18+37 RT will be removed.
42. Sheet 54 – Construction Plans – Check the separation between DMH 37 and the existing water line to ensure that the DMH can be constructed. Check the separation between DMH 36 and the existing sewer service. Why is only one CB proposed at Sta. 12+43? Consider adding a second CB to the left side of the road.
43. Sheets 65-80 – Cross Sections – Remove extra lines shown on the plans. Suggest labeling the street names for the cross sections for clarity. In several instances the cross sections do not match the Construction plans.
  - a. Where driveways are located within a cross section they should be shown on the cross section to match the construction plans.
  - b. The cross section for Sta. 107+50 shows a 4:1 slope tying into the existing grade. It is not clear if the cross section is consistent with the plan grading.
  - c. The cross sections from Sta. 110+00 to 112+00 do not show the proposed grading tying into the existing grading. The cross sections should be extended to show this. Consider adding a wall in this area since there is up to a 4' cut.
44. Sheet 111 – Construction Plans – Label “Retain Curb” on Middleboro Avenue. Label “Mill and Overlay” and “retain existing berm” on Stevens Street for clarity.
45. Sheet 113 – Typical Sections and Pavement Notes – Suggest revising the typical section for Stevens Street to show that the left side shoulder varies from 1-2' as shown on the plan.
46. Sheet 114 – Construction Plans – Label “Retain Existing Berm” on Stevens Street and label “retain existing edging” on Pinehill Street for clarity. WCR 1 in the table appears to show the incorrect stationing; please revise.
47. Sheet 116 – Typical Sections and Pavement Notes - Suggest revising the typical section for Stevens Street to show that the right side shoulder varies from 2-3' as shown on the plan.
48. Sheet 116 - Typical Sections and Pavement Notes – Revise the spelling of ‘School’ in the typical section. The Typical Section should end at the limit of work (Sta. 600+50).

## First Light Casino 25% Design Peer Review

October 7, 2013

Page 6 of 9

49. Sheet 117 - Construction Plans – Label “Retain Existing Berm” and “Mill and Overlay” on Stevens Street for clarity.
50. Sheet 119 – Typical Sections and Pavement Notes – Verify the dimensions for Middleboro Avenue Sta. 103+75 to 104+79; the plans are labeled with 12’ lanes.
51. Sheet 120 – Construction Details – WCR 1 appears to be missing from the WCR tables. WCR 4 in the lower table appears to be a typo as it also appears in the upper table. There are no WCRs located at Sta. 106+55 on Middleboro Avenue. WCR 5 in the lower table appears to be a typo and should be labeled at WCR 7. Please clarify.
52. Sheet 126 – Typical Sections and Pavement Notes - Check the dimensions for the left lane on Middleboro Avenue between Sta. 104+26 to 105+30; the plans are labeled with 13’ lanes.
53. Sheet 127 – Typical Sections and Pavement Notes – The typical section for Liberty Street Sta. 201+08 to Sta. 202+31 should show the proposed sidewalk (instead of the HMA driveway) to match the plans.
54. Sheet 127 – Typical Sections and Pavement Notes - Check the dimensions for the right lane on Liberty Street Sta. 200+50 to 201+08; the plans show a 12’ lane.
55. Sheet 128 – Typical Sections and Pavement Notes – Check the dimensions for the right turning lane on Old Colony Avenue Sta. 301+82 to Sta. 302+61; the plans shows a widening lane to an 11’ maximum, not 12.5 feet.
56. Sheet 129 – Construction Details – WCR 2 references the stationing on Liberty Street (not Middleboro); revise either the station or the street.
57. Sheet 130 – Construction Details – Suggest adding details for Driveways 2 and 6.
58. Sheet 133 – Construction Plans – It appears that Structure No. 1 and 2 are switched in the Drainage Structure Data table. Revise as applicable. Label “Retain Curb” on both sides of Old Colony Avenue for clarity.
59. Sheet 137 – Typical Sections and Pavement Notes – Revise the stations for BPHS Driveway to correspond with the new driveway (Sta. 130+00 to 134+00 +/-). Level areas for the guardrail installation should be provided in accordance with standard E 401.1.1 of the MassDOT Construction Standard Details. Add/label the wood guardrails to BPHS Driveway. Label the sidewalks on the Poole Street section. Review Hart Street Sta. 103+37 to 104+04; there appears to be a proposed guardrail (not existing) on the right side and no guardrail on the left side.

## First Light Casino 25% Design Peer Review

October 7, 2013

Page 7 of 9

60. Sheet 140 – Construction Plans – Label the proposed vertical curb on Hart Street Sta. 104+00 to match the typical section.
61. Sheets 144-147 – Cross Sections – Confirm whether there is adequate level area provided for the proposed guard rail and show on the cross sections.

### Traffic Design Comments

62. Sheet 25 – Traffic Sign and Pave Marks – The pavement markings for the double left turn out of the site should place existing vehicles into the double left turn on Stevens Street to Route 140 northbound. The current design has double lefts leading to one left turn lane and the through lane. This will cause lane utilization issues.
63. Sheet 25 – Traffic Sign and Pave Marks – Please explain why one exit lane is 14 feet wide and the other is 10 feet wide.
64. Sheet 41, 42 – Traffic Sign and Pave Marks – A pavement marking plan is necessary for Step 2 showing Stevens Street between O'Connell Way and the Route 140 Northbound Ramps. The pavement markings will not be the same as Step 1.
65. Sheet 22, 40 – Traffic Signal Data – The time space diagrams include coordinated movements that arrive at the downstream intersection during the clearance time of the signal cycle. The coordinated bands should only include green times.
66. Sheet 27 – Traffic Sign and Pave Marks – At the intersection of Stevens Street at the Secondary Driveway, the southbound approach pavement markings do not provide a consistent and smooth path for vehicles traveling through the intersection. Pavement markings should provide more guidance for motorists.
67. Sheet 23, 24 – Traffic Sign and Pave Marks – Advance guidance and lane utilization signs should be provided on Stevens Street northbound prior to the Route 140 Northbound Ramp intersection.
68. Sheet 62 – Traffic Sign and Pave Marks – Add dimensions to area of Sta. 113+25 to match typical section. It appears that minimum bike accommodations are met on Hart Street with 4' shoulders. Consideration should be given to adding a 5' bike lane between the through lane and the turn lane from Hart Street onto County Street in both directions to allow for through bike traffic while vehicles are turning. Clarify the line located at the intersection of Hart Street and County Street around Sta. 110+25.
69. Sheet 62, 63 – Traffic Sign and Pave Marks – The westbound Harts Street approach no longer includes a left turn lane. This is not consistent with the design included in the IGA

which included a left turn lane. Under the current (25%) design, the approach and the overall intersection are expected to operate at LOS D during the critical period (the weekday evening peak hour) compared to LOS C in the IGA concept. The current design no longer reflects the large ROW impact of the previous (IGA) design. Instead the westbound right turn lane has been lengthened to approximately 350 feet. While this is longer than the 50<sup>th</sup> percentile left/through queue length (167 feet) expected during the peak hour, it is shorter than the 95<sup>th</sup> percentile queue (470 feet) for the through movement. Hence, the through will block access to the right turn lane during the weekday evening peak hour. The design should be modified to extend the right turn lane with a minimum of 18 feet roadway width at the 470 feet queuing area. This will prevent the right turn lane traffic from being blocked by the through traffic movement.

70. Sheet 62, 64 – Traffic Sign and Pave Marks – The eastbound Harts Street approach no longer includes a left turn lane. This is not consist with the design included in the IGA. Under the current (25%) design, the approach is expected to operate at LOS C during the critical hour (the weekday evening peak hour) compared to LOS B in the IGA concept. In addition, the current design no longer reflects the large ROW impact of the previous design in the IGA. The eastbound right turn lane has been lengthened to 145 feet so that the 50<sup>th</sup> percentile left/through queue length (139 feet) during periods of the peak hour. However, there is not much additional length to accommodate any queue storage longer than the 50<sup>th</sup> percentile queues. The 95<sup>th</sup> percentile queue (385 feet) for the through movement will block the right turn movement. Therefore, the eastbound approach needs to be addressed so that the right turn lane is not blocked. We want to note that this is a very heavy right turn movement with over 300 VPH during the commuting peak period.
71. Sheet 112 – Traffic Sign and Pave Marks – Apex wheelchair ramps should be avoided if possible. Can the apex WCR at the intersection of Middleboro Avenue and Stevens Street be eliminated by moving the crosswalk on Stevens Street further south?
72. Sheet 118 – Traffic Sign and Pave Marks – Show the alignment for Stevens Street on the plan for clarity. Add the dimensions for East Taunton Elementary School to match the typical section.
73. Sheet 125 – Traffic Sign and Pave Marks - Consider avoiding the apex WCR 2 at the intersection of Middleboro Avenue and Caswell Street. Label the dimensions for the lane on Middleboro Avenue at Sta. 201+25 and Caswell Street.
74. Sheet 136 – Traffic Sign and Pave Marks – The crosswalks at the intersection of Middleboro Avenue, Old Colony Avenue and Liberty Street should be revised. It appears that the proposed crosswalks generally match the existing layout. However this requires the use of apex ramp and may not represent the most effective layout. Has consideration been given to relocating the Middleboro Avenue crosswalk to east of Old Colony Avenue? Add

**First Light Casino 25% Design Peer Review**

October 7, 2013

Page 9 of 9

dimensions to Old Colony Avenue at intersection, at Sta. 105+30 on Middleboro Avenue and at Sta. 102+20 on Middleboro Avenue to match the Typical Sections.

75. Sheet 143 – Traffic Sign and Pave Marks – Add lane dimensions to Hart Street, Poole Street and BPHS Driveway.

**LETTER 1-4: BETA GROUP, INC. ON BEHALF OF CITY OF TAUNTON, JANUARY 14, 2014****Response to Comment 1-4.1**

The Massachusetts Bay Transportation Authority (MBTA)'s South Coast Rail project is intended to restore passenger rail service from South Station in Boston to Fall River and New Bedford in southeastern Massachusetts. The three proposed rail alternatives via Attleboro, Stoughton, or Whittenton include stops in Taunton at Taunton Depot, Taunton (Dean Street) and Downtown Taunton. There are no current plans for the MassDOT rail ROW to be used for passenger service as a part of the South Coast Rail project.

**Response to Comment 1-4.2**

The Tribe has coordinated with regional transit agencies to discuss expansion of services. These services include additional transit lines, rerouting of line into the Project Site, and shuttle bus service. Refer to the FEIS Sections 8.1.2.2 and 8.1.3.9.

**Response to Comment 1-4.3**

The peak hourly design capacity of the Taunton Wastewater Treatment Facility (WWTF) has been updated to 17.4 mgd in Section 7.8.1.

**Response to Comment 1-4.4**

The anticipated date to begin design of the plant upgrade/expansion has been updated to 2015 in Section 7.8.1.

**Response to Comment 1-4.5**

Annual flow from the plant varies depending on rainfall received. As a result, FST, a member of the Third Party Consultant Team preparing this EIS, and BETA, consultant to the City of Taunton, have agreed to a three-year average as a representative average annual flow. The current average flow received by the WWTF has been updated to 7.1 mgd in Section 7.8.1.

**Response to Comment 1-4.6**

Safeguards (e.g. discharge pressure sensor) will be incorporated into the design to avoid excess velocity in the force main in the event that multiple pumps from other contributing pump stations are simultaneously called to duty. See Section 8.8.2.1.

**Response to Comment 1-4.7**

In accordance with the BETA Group's DEIS January 14, 2014 comment letter, the City of Taunton has re-evaluated future flow projections. Based on the results of two recent sewer projects, the City no longer considers sewers to be the solution in three designated needs areas. The revised flow projections include

0.225 MGD for the proposed project allocated under the category “Planned Development.” Most importantly, flows from the proposed project are now allocated within the current WWTF annual discharge limit of 8.4 MGD and not dependent on future plant expansion.

The Final NPDES permit for the Taunton WWTF has not been issued. However, in accordance with the BETA Group’s April 4, 2014 letter, provided in **Appendix F**, process upgrades are anticipated to accomplish nitrogen removal. The letter further states that based on the wastewater concentrations anticipated to be generated by the proposed project, pretreatment for nitrogen removal will not be required prior to discharge into the Taunton collection system.

### **Response to Comment 1-4.8**

In accordance with the BETA Group’s DEIS January 14, 2014 comment letter, the City of Taunton has re-evaluated future flow projections. Based on the results of two recent sewer projects, the City no longer considers sewers to be the solution in three designated needs areas. The revised flow projections include 0.225 MGD for the proposed project allocated under the category “Planned Development.” Most importantly, flows from the proposed project are now allocated within the current WWTF annual discharge limit of 8.4 MGD and not dependent on future plant expansion. See Section 8.8.2.2.

### **Response to Comment 1-4.9**

The Tribe has committed to remove infiltration and inflow at a rate of five times the average daily flow and to rehabilitate the Route 140 Pumping Station. See Section 8.8.2.3.

### **Response to Comment 1-4.10**

These issues are outside the scope of the Environmental Impact Statement. Revisions and responses to these comments will be made under separate cover.



Analyze. Advise. Act.

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## MEMORANDUM

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**To:** Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs

**CC:** Jason Buffington, City Solicitor, City of Taunton;  
Michael Schaller, Partner, Taft (City Gaming Attorney)

**From:** HR&A Advisors, Inc.

**Date:** January 13, 2014

**Re:** HR&A Review of Mashpee Wampanoag Tribe Fee-to-Trust and Casino Project Draft Environmental Impact Study

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On behalf of the City of Taunton, HR&A Advisors, Inc. (HR&A) conducted a review of the *Mashpee Wampanoag Fee-to-Trust and Casino Project Draft Environmental Impact Study (DEIS)* dated November 2013. HR&A is an industry leader in economic development, real estate and public policy consulting. Headquartered in New York City, the firm has served a diversity of clients since 1976, and the firm's professionals play a critical role in many of the leading public-private and economic development projects throughout the country.

HR&A's review focused on the Socioeconomic sections of the DEIS relating to the project in the City of Taunton, including sections 7.16, 8.16, 8.24.16, and 9.2.16. The purpose of the review was to confirm the reasonableness of the assumptions used in the DEIS and ensure that the study is consistent with mitigation measures agreed to with the City and documented in the Intergovernmental Agreement dated May 17, 2012. This memorandum summarizes our findings.

### PROPOSED PROJECT

With this DEIS, the Mashpee Wampanoag Tribe (the Tribe) is seeking to take two parcels into trust – 170 acres in Mashpee, MA and 151 acres in Taunton, MA. The DEIS states that impacts in Mashpee are expected to be minimal and thus focuses on impacts in Taunton. The Tribe is proposing the construction of a resort-style casino in the Liberty & Union Industrial Park in Taunton.

The following table summarizes the three build scenarios considered in the DEIS. Scenario A is the largest and the most similar to the scenario HR&A considered in its May 2012 Fiscal Impact and Mitigation Study. Alternative B considers the development of a smaller casino, one hotel, but includes the waterpark. Alternative C considers the development of a casino that is the same size as Alternative A, two hotels, and no waterpark.

Figure 1: Program Summary

	Alternative A	Alternative B	Alternative C
<b>Casino Floor (SF)</b>	132,156	78,000	132,156
<b>Gaming Positions</b>	4,400	2,330	4,400
<b>F&amp;B (SF)</b>	41,165	12,000	41,165
<b>Retail (SF)</b>	7,872	1,160	7,872
<b>Back of House (SF)</b>	101,052	90,740	101,052
<b>Events Center (SF)</b>	23,423	-	23,423
<b>Water Park (SF)</b>	25,000	25,000	-
<b>Hotel Rooms</b>	900	300	600
<b>Structured Parking (Spaces)</b>	4,431	3,012	4,431

**SECTION 7.0: EXISTING CONDITIONS**

Section 7.16 of the DEIS covers existing socioeconomic conditions in the study area. HR&A confirmed the figures cited in the US Census, American Community Survey, and the Massachusetts Office of Labor and Workforce Development.<sup>1</sup> Overall, HR&A found the assessment to be comprehensive and consistent with the data we reviewed. The following sections identify a few items that appear to be minor errors:

- 1-5.1 | 1) Table 7.16-2 "Housing Characteristics: 2000, 2010" appears to contain incorrect information for the "Percent of Vacant Housing Units for Seasonal/Recreational Use" for the Commonwealth of Massachusetts for years 2000 and 2010. Reported figures in the report for Massachusetts (4.1% in 2010) are significantly lower than the figures for either Bristol or Plymouth Counties (15.2% and 53.4% in 2010, respectively). This is surprising as these counties are representative of the state overall in other trends, including change in housing units and percentage of overall vacancy). HR&A suggest the Massachusetts data be confirmed as it appears that the total number of housing units as opposed to the number of vacant housing units was used in the denominator.

According to table H005 of the 2000 US Census and table H5 of the 2010 US Census reviewed by HR&A, the figures should be 52.6% and 44.3% respectively.

<sup>1</sup> The majority of the figures appear to be correct according to information publicly available on <http://factfinder2.census.gov> and <http://www.mass.gov/lwd/economic-data/data-and-statistics/>.

Figure 2: DEIS Table 7.16-2  
HOUSING CHARACTERISTICS: 2000, 2010

Percent of Vacant Housing Units for Seasonal/Recreational Use		
Massachusetts	DEIS Figure	HR&A Figure
2000	3.6%	52.6%
2010	4.1%	44.3%
Source: 2000 US Census, Table H005; and 2010 US Census, Table H5		

- 2) HR&A found slightly different statewide numbers for “Percent of population with high school diploma or higher (25 years and over)” and “Percent of population with bachelor’s degree or higher (25 years and over)” than shown in table 7.16-7 “Characteristics of the Labor Pool, 2006-2010.” The table appears to contain incorrect information for the Commonwealth of Massachusetts for both Social Characteristics; According to Table S1501 of the 2006-2010 American Community Survey on educational attainment, the figures should be 88.7% and 38.3%, respectively.

1-5.2

Figure 3: DEIS Table 7.16-7  
CHARACTERISTICS OF THE LABOR POOL, 2006-2010

Massachusetts	DEIS Figure	HR&A Figure
Percent of population with high school diploma or higher (25 years and over)	94.7%	88.7%
Percent of population with bachelor's degree or higher (25 years and over)	40.5%	38.3%
Source: US Census, 2006-2010 American Community Survey, Table S1501		

- 3) Table 7.16-8 “Unemployment” states that over 3.2 million people in Massachusetts were unemployed in 2001 and 2011, which amounts to nearly half of the Commonwealth’s population 6.6 million. HR&A’s review of data from the Massachusetts Executive Office of Labor and Workforce Development website suggests that the correct figures should be 126,000 in 2001 and 253,600 in 2011. HR&A suggests these figures be reviewed and corrected as appropriate.

1-5.3

Figure 4: DEIS Table 7.16-8

UNEMPLOYMENT

Massachusetts	DEIS Figure	HR&A Figure
2001	3,275,350	126,000
2011	3,202,267	253,600
Source: Massachusetts Executive Office of Labor and Workforce Development		

## SECTION 8.0: POTENTIAL IMPACTS

Section 8 of the report provides an overview of potential socioeconomic impacts. HR&A specifically reviewed sections 8.16 and 8.24.16.

### Section 8.16.1.1 Alternative A: Proposed Development

This section describes the impacts to community infrastructure, including police, fire, criminal justice system, schools, emergency medical services, and hospitals for Alternative A, which is the largest proposed program on the development site. Overall, HR&A found the section to be comprehensive, thoughtfully constructed, and, except where noted below, consistent with HR&A's previous work that informed the development of the Intergovernmental Agreement (IGA).

HR&A comments include the following:

- 1) Section 8.16.1.1 includes the following statement: *Because tax revenues generated by the Project Site parcels represent a small portion of the total property tax revenues for the City and the Tribe has committed to impact payments as described below, the removal of the Project site parcels from the tax roll would not have an adverse impact on the City of Taunton.*

1-5.4

The following paragraphs in the DEIS discusses impacts on various city departments. It omits, however, the payment-in-lieu-of-taxes (PILOT) that the Tribe agrees to pay annually described in Section 5A of the IGA from its list of impact payments. HR&A agrees that the property as currently developed is only a small percentage of the total city tax roll. However, HR&A suggests that the DEIS be revised to more specifically describe the PILOT as the mitigation measure for the property's removal from the tax rolls.

- 2) HR&A is comfortable with the description of the estimated impacts on the police, fire, and schools departments as described in the rest of Section 8.16.1.1.
- 3) HR&A did not previously assess the impacts on hospitals as part of its 2012 mitigation study. However, per a follow up conversation with Morton Hospital President Kimberly Bassett on January 8, 2014, HR&A confirmed the accuracy of the numbers used in the report. The hospital administration is comfortable with the information as it is presented and is planning an expansion of its emergency room that would help meet any demand generated by the project.

### Section 8.16.1.2 Alternative B: Proposed Development

This section of the DEIS reviews the impact of Alternative B, which is described as a reduced intensity proposal. The DEIS states that:

*Alternative B would reduce the casino size by 54%, the number of hotel rooms and parking spaces by two-thirds, and the number of restaurant seats by half. As a result, fewer employees would be needed to staff the Alternative B development and annual visitation to the Project Site would be less than anticipated for Alternative A. Due to the decrease in the number of project-related jobs and visitors under this Alternative, demand for community services and infrastructure including police and fire protection, criminal justice system, emergency medical services and hospitals, and schools would be less compared with*

*Alternative A. Under this Alternative, payments from the Tribe to the City of Taunton, which are based on estimated services necessitated by the project-induced demand, would be reduced in proportion to the reduction in size of the development program.*

1-5.5

HR&A confirmed with the City Solicitor and City gaming attorneys that the current Intergovernmental Agreement (IGA) does not include a provision for reduced payments if the Tribe builds a smaller Project. The DEIS appears to be inaccurate in this regard. HR&A also does not agree with the DEIS's proposed approach for modifying payments if Alternative B is constructed:

- The DEIS does not comment on visitation numbers and whether they would be reduced in proportion with the reduction in development. Visitation is a key driver of incidents and use of police and emergency services. A 54% decline in the casino size may not generate a corresponding decline in visitation.
- HR&A used a marginal cost analysis to estimate costs for police and fire services. The mitigation payments assume the creation of a new police sector and addition of a ladder company to service the project. Even if a smaller program is developed, the costs of providing a minimum level of service could stay the same as a minimum number of staff would still be needed for the police sector and fire ladder company.

1-5.6

1-5.7

HR&A recommends that the language in the DEIS be modified to say that the Tribe is committed to the payments it negotiated under the IGA. The impacts of a smaller development program would need to be more comprehensively studied and the IGA modified based on discussions between the City and the Tribe.

1-5.8

#### Section 8.16.1.3 Alternative C: Proposed Development

This section raises the same concerns elaborated in the previous paragraphs. The current IGA contains no provisions for a lower mitigation payment if the Tribe builds a smaller project. HR&A recommends the language be revised as suggested previously.

1-5.9

#### 8.16.1.4 Alternative D: No Action

HR&A reviewed the information in this section and agrees with the approach and analysis.

#### 8.16.2 Effects of Employees

HR&A reviewed the information in this section and agrees with the approach and analysis.

#### 8.16.3 Effects of Casino Resort Visitors

HR&A reviewed the data presented in this section and agrees with the analysis of visitor draw, outside spending potential, and substitution effects for Alternative A (section 8.16.3.1). While we recognize that this study was completed prior to the expansion of resort casinos in New York State, it would enhance the timeliness if this change could be mentioned in the final draft, specifically with regard to whether the potential for gaming in New York State was considered as part of the market assessment.

1-5.10

1-5.11 | HR&A found the analysis of Alternatives B and C (sections 8.16.3.2 and 8.16.3.3) to be somewhat vague. It would be helpful to have more specific estimates of the change in visitation that would result from changes to the proposed program.

#### 8.16.4 Economic Benefits Analysis

HR&A reviewed the approach and data used compared to the economic benefits analysis it conducted in May 2012, recognizing that in the past year and a half there have been changes to the program and budgets that would alter the assumptions. One key difference is that the DEIS analyzed the impacts on Bristol and Plymouth counties, whereas the HR&A study only looked at the impacts on the City of Taunton and Bristol county.

HR&A found that overall this study takes a thoughtful and comprehensive approach to the economic impact analysis.

- For the construction analysis, it takes an appropriately conservative approach by assuming some soft costs and FFE would be imported from outside of Massachusetts and are, thus, not included in the analysis. The estimates of employment differ from the HR&A study because the DEIS shows job-years, instead of jobs. However, the numbers appear to be reasonable.
- The analysis of ongoing annual impacts is also comprehensive and based on a well-grounded methodology. This study provides slightly higher employment numbers than the HR&A study, but it reports full-time and part-time jobs, whereas the HR&A study reported FTEs. Similarly, this study reports compensation, which is slightly higher than HR&A's estimate of wages. However, the numbers appear to be consistent and reasonable.

#### 8.16.4.5 Economic Benefits of Alternatives

1-5.12 | The assessment of the economic benefits of the alternatives provided only a qualitative analysis and did not quantify any impacts. While it is HR&A's opinion that this section is vague, if the level of detail is appropriate for the requirements of the DEIS, HR&A is comfortable with the discussion.

#### 8.24.16 Unavoidable Adverse Effects (Socioeconomic)

This section summarizes information discussed earlier in Section 8.16. HR&A reviewed the summary and is comfortable with the presentation of information.

### **SECTION 9.0 MITIGATION MEASURES**

1-5.13 | Section 9.2.16 discusses summarizes the mitigation measures for Alternative A initially raised in Section 8.16. HR&A reviewed the numbers for police, fire, and schools and finds them to be consistent with the IGA. As discussed earlier in these comments, the DEIS is missing discussion of the payment-in-lieu of taxes.

1-5.14 | This section of the DEIS also states that the mitigation payments under Alternatives B and C would be reduced in proportion to the reduction in the size of the program. As discussed earlier in these comments, this statement is not consistent with the current IGA that does not vary payments based

on the size of the final development proposal. HR&A recommends that this language be modified to be consistent with the IGA.

#### **CONCLUSION**

For the most part, HR&A finds the information presented in the Socioeconomic sections of the DEIS evaluating Alternatives A and D to be accurate and consistent with previous studies. HR&A believes that the language describing the mitigation payments under Alternatives B and C is inconsistent with the IGA and should be reviewed and revised accordingly.

**LETTER 1-5: HR&A ADVISORS, INC. ON BEHALF OF CITY OF TAUNTON, JANUARY 13, 2014****Response to Comment 1-5.1**

Housing vacancy statistics have been updated in **Section 7-16.2.2** and **Table 7-16.2**.

**Response to Comment 1-5.2**

Education statistics have been updated in **Section 7-16.3.2** and **Table 7-16.7**.

**Response to Comment 1-5.3**

Unemployment statistics have been updated in **Section 7-16.3.2** and **Table 7-16.8**.

**Response to Comment 1-5.4**

Discussion of Payments in Lieu of Taxes was added to **Section 8-16.1.2**.

**Response to Comment 1-5.5**

This comment is correct in stating that mitigation payments would not be reduced under Alternatives B or C based on the current IGA. These statements have been corrected in **Section 8-16.2**.

**Response to Comment 1-5.6**

This comment is correct in its assertion that change in visitation may not be proportional to a decline in casino size. As stated in **Section 8.16.1.2**, mitigation payments from the Tribe to the City of Taunton would remain the same as the terms of the IGA regardless of the scope of development and any potential decrease in visitation.

**Response to Comment 1-5.7**

As stated above in Response to Comment 1-5.5, mitigation payments could not be reduced under Alternatives B or C based on the current IGA. These statements have been corrected in **Section 8-16.2**.

**Response to Comment 1-5.8**

Please see the response above.

**Response to Comment 1-5.9**

This comment is correct in its assertion that change in visitation may not be proportional to a decline in casino size. As stated in **Section 8.16.1.2**, mitigation payments from the Tribe to the City of Taunton would remain the same as the terms of the IGA regardless of the scope of development and any potential decrease in visitation.

As stated above in Response to Comment 1-5.5, mitigation payments could not be reduced under Alternatives B or C based on the current IGA. These statements have been corrected in **Section 8-16.2**.

### **Response to Comment 1-5.10**

The Tribe's preliminary market analysis included potential competition due to Enhanced Gaming in New York State, which is stated in **Section 8.16.3.1**.

### **Response to Comment 1-5.11**

This comment is correct in its assertion that change in visitation may not be proportional to a decline in casino size. As stated in **Section 8.16.1.2**, mitigation payments from the Tribe to the City of Taunton would remain the same as the terms of the IGA regardless of the scope of development and any potential decrease in visitation.

### **Response to Comment 1-5.12**

The level of analysis provided in the DEIS meet the requirements of the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 et seq. (NEPA) and the Council on Environmental Quality (CEQ) Guidelines for Implementing NEPA, 40 C.F.R. Parts 1500-1508.

### **Response to Comment 1-5.13**

Discussion of Payments in Lieu of Taxes was added to **Section 9.2.16**.

### **Response to Comment 1-5.14**

As above, this comment is correct in stating that mitigation payments would not be reduced under Alternatives B or C based on the current IGA. These statements have been corrected in **Section 9.2.16**.



## Town of Middleborough

Massachusetts

Board of Selectmen

January 14, 2014

Mr. Franklin Keel, Regional Director  
Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriot Drive, Suite 700  
Nashville, TN 37214

Re: Comments on DEIS for Proposed Mashpee Wampanoag Tribe Property Trust and Development

Dear Mr. Keel,

The Town of Middleborough submits the within comments in regards to the DEIS for the proposed Mashpee Wampanoag Tribe Property Trust and Development for the Project First Light Casino in Taunton. The Town submitted a 10 page comment letter dated June 29, 2012, with respect to the project's NEPA Draft EIS Scope. Review of the DEIS reveals that the project's stated impacts and mitigation have not substantially changed since the project was first proposed and the DEIS does little, if anything, to address the concerns raised by Middleborough in the Town's Scoping Comments.

### ALTERNATIVES

The DEIS contains a section entitled "Alternatives" describing other financial ventures and proposed sites that were studied, prior to selecting the Taunton location for a Mashpee Wampanoag Casino project. The DEIS identifies that the Tribe explored a potential casino site in the Town of Middleborough and "began negotiations to develop a casino with the Town" in 2007. The DEIS fails to reveal that the Mashpee Wampanoag Tribe entered into an Intergovernmental Agreement with the Town in July 2007 for the development of a gaming facility, hotel and ancillary facilities (the Project) pursuant to IGRA, which was ratified by both the Mashpee Wampanoag Tribal Council and Middleborough Town Meeting and fully executed. That IGA remains in full force and effect today and specifically restricts a Mashpee Wampanoag Tribal casino to the Middleborough "Project Site" specified in the IGA unless there is further negotiations with the Town of Middleborough to amend the IGA. It states "If the Tribe acquires additional lands beyond those described as the Project Site in Exhibit A and subsequently seeks to place such lands into trust status with the United States, the parties agree to reopen and negotiate in good faith an amendment to this agreement to mitigate any impacts of the Tribe's acquisition and development of such lands..." It is Middleborough's position that the Mashpee Wampanoag are not able to place land in trust for the purpose of gaming in Taunton unless the IGA with Middleborough is amended to allow for it.

1-6.1

The DEIS identifies that the project in Middleborough was to be substantially larger than what the Tribe is considering in Taunton (almost twice as large). It then goes on to say that the wetland impacts and generation of traffic were also larger and the cost for infrastructure improvements was "inordinate" making the Middleborough site not economically viable and for that reason the Tribe "officially" ended its pursuit of the Middleborough site. If the casino resort project in Middleborough was reduced to the size that is currently being proposed in Taunton, the project impacts would similarly have been reduced. In addition, the Tribe agreed to address transportation infrastructure improvements on Route 44, to allow adequate access to the casino site by patrons and employees

1-6.2

- 1-6.3 without significantly impacting the already stressed regional roadways. This is not being done at the Taunton site as is clear from the lack of mitigation for Route 24.

## TRANSPORTATION ISSUES

The Alternatives section states that the fundamental reason for choosing a casino project was to provide the Tribe with economic self-sufficiency and that "*A casino resort would also provide the highest economic benefit to the region and provide the best vehicle for infrastructure improvements*". If this statement has any validity, then the benefits to the "region" and the infrastructure improvements in the "region" should be of foremost concern in the DEIS. However as identified below in the comments on transportation, the DEIS traffic analysis, is mostly limited to the City of Taunton and does not address, minimize, eliminate or mitigate regional impacts from the project.

- 1-6-4 This project is subject to the Massachusetts Environmental Policy Act (MEPA) and has submitted a Draft Environmental Impact Report (DEIR) to the Commonwealth. That report acknowledges broader Casino traffic impacts on the regional roadways and explores more extensive mitigation than is discussed within the DEIS. We respectfully request that the proponent be required to legitimately respond to all comments submitted on this project and minimize or eliminate the project impacts through appropriate mitigation. Attached you will find MADOT's MEPA DEIR comment letter for the Taunton Resort Casino dated July 12, 2013. The Town assumes that similar comments will be submitted by MADOT for the DEIS, however, rather than the Town restating all of these concerns, we feel that MADOT's comments, including but not limited to those relating to Route 24, reflect our concerns as well.
- 1-6-5 The DEIS is insufficient with respect to the identified traffic impacts and mitigation. Impacts from the project and proposed improvements have been identified at a number of locations within the City of Taunton; however it does not appear that any significant analysis is conducted beyond those locations particularly with respect to surrounding communities. This project will have far reaching impacts due to its size, location, and intended use, specifically as it relates to its proposed location adjacent to Route 24, a highway that according to MADOT is already at capacity today. Route 24 is inadequate to serve a facility of this nature without widening. If Route 24 is not widened to increase capacity, specifically between Routes 140 and I-495, to accommodate Casino traffic, current motorists, casino patrons and employees will seek alternative cut through routes in surrounding communities to avoid the Route 24 gridlock. The applicant must address the project impacts in all affected study areas. The DEIS should
- 1-6-6 evaluate adding a third lane to Route 24 in each direction as the MEPA DEIR did, which concluded that the added capacity would create better traffic operations and improve the projected congestion during the peak hours to a LOS C in both directions. Although there are challenges for adding a third lane, a more robust evaluation of this mitigation should be performed before this very large project is introduced to this specific location without the necessary mitigation to accommodate it.
- 1-6-7 The Town's Scoping Comments requested that the study identify and evaluate the impacts to routes that are alternates to Route 24 that will be used by patrons, employees and regional commuters if Route 24 is not widened. This issue of alternate routes utilized in lieu of a congested Route 24 has not been acknowledged or addressed in the EIS. Under existing conditions drivers experience extensive delays on a regular, daily, basis during the weekday afternoon commuter peak, as well as on Fridays. Route 24 southbound experiences long delays and congestion from I-495 to Route 140. This congestion results from the lane drop and substandard interchange designs. Levels of service and actual operations of a freeway are much more defined by the road's operation at an interchange and lane drop than along a freeway segment. It is clear that this project would push an already congested roadway well over capacity and create congestion that affects the entire region. The existing delays on Route 24 result in drivers seeking alternate routes on local roadways and we expect that situation will be exacerbated by the proposed project.

Given the existing and projected delays on Route 24, the project needs to reevaluate arrival and departure routes to the facility to account for existing and projected travel times. We request that the proponent perform travel time runs on potential arrival and departure routes to the facility under existing conditions and project those travel times to future conditions. That information should be factored into the trip distribution for the development to accurately reflect likely travel routes. We expect that many of the local roads would see higher traffic volume increases than projected due to the excessive delays that will occur on Route 24. Real time travel analysis using Google Maps indicates that often during the PM peak hour, routes that would not have been the fastest ways to the casino during the mid-day become the fastest and preferred routes during the PM peak.

1-6.8

The Town has identified concerns with the trip distribution of vehicles from the South Shore and Cape Cod traveling through Middleborough to reach the casino. Not only does the DEIS maintain the original "Overall Regional Trip Distribution" figure 8.1-30 that was previously presented upon which we have raised concerns and continue to raise them; the project proponents have determined that there will be no usage of Routes 18 or 28 by patrons or employees to access the casino. Currently Route 18/28 is a primary route for travel from Middleborough and towns to the north such as Bridgewater and East Bridgewater to Route 44 and points west. Given the concerns over congestion on Route 24, which will certainly increase with this project, we find it unlikely that vehicles will not seek alternate routes on other roadways, such as Routes 18, 28, 105, 79 and Middleborough Ave, since a Google Maps travel time analysis reveals that during the PM peak these routes often represent the shortest time to reach the casino and avoid Route 24's congestion. Additionally it appears that the project proponent has assumed that no one will utilize Middleborough Ave at Route 18 to travel to the casino, despite the fact that many Middleborough residents regularly use this route today to reach the Galleria Mall and stores on County Street such as Target and Home Depot. Again, during our PM peak hour desktop travel time analysis from towns as far away as Abington, Scituate and Manomet, Google Maps consistently directed vehicles through the Middleborough Rotary and south on Route 18 to Middleborough Ave as the shortest route; confirming that vehicle GPS will do the same.

1-6.9

1-6.10

The Town of Middleborough is concerned with the inaccuracies presented in Section 8.1.2.2 regarding the Middleboro Rotary improvements. It states that construction on this project is anticipated to start in 2016, which is not consistent with information provided by MADOT to the Town of Middleborough or SRPEDD, the Regional Planning Agency. In addition, the cost for this project is expected to be in the range of \$25 to \$35 million, not the \$13.8 million presented in the DEIS. Middleborough is concerned that the Casino's full impacts on Route 44 and the Middleborough Rotary are not being presented through the DEIS traffic analysis because of deficiencies in trip distribution and the impact of drivers seeking alternate routes to Rte. 24, and this lack of evaluation may adversely impact any improvements that are being designed for the Rotary which does not include casino generated traffic in its counts.

1-6.11

The Taunton Casino will impact evacuation from the Pilgrim Nuclear Power Plant and impact the routes that will be taken to the designated Taunton High School Evacuation Center. This should be addressed through the NEPA process and not delayed to later. The EIS should also evaluate how the increased traffic from the Taunton Casino will impact evacuation pursuant to SRPEDD's 2006 Regional Hurricane Evacuation Plan. It is clear that evacuation during a hurricane or an accident/event at the Pilgrim Nuclear Power Plant should be part of the EIS assessment of traffic impacts, alternatives and mitigation with respect to the proposed Taunton Casino and its impacts on regional roads and surrounding communities.

1-6.12

## **WATER SUPPLY MANAGEMENT AND ANADROMOUS FISHERIES ISSUES**

The City of Taunton's source of drinking water supply is the Assawompsett Pond Complex (APC), consisting of Assawompsett, Pocksha, Great Quittacus, Little Quittacus and Long Ponds, located in the Towns of Middleborough, Lakeville, Freetown and Rochester. It is also the drinking water supply for the City of New Bedford. The APC is the largest natural water body in the State and the spawning grounds for the most prolific

Mr. Franklin Keel, Regional Director

January 14, 2014

Page 4

herring/alewife run on the east coast of the United States according to the Herring Alliance. Taunton manages the APC's water levels through control of an earthen dam located on the north end of Assawompsett Pond at the headwaters of the Nemasket River. In recent years the ponds have experienced catastrophic flooding as well as low flow drought conditions impacting public infrastructure and private properties in the four host communities as well as base stream flow to the Nemasket River identified by MADEP as a "medium stressed basin". Currently, there is no scientific basis, let alone a sustainable water management strategy, for the operation and management of the pond levels by the City of Taunton at the Assawompsett dam.

1-6.13 According to the DEIR the City of Taunton's registered WMA water withdrawal, good through 2017, is 5.87 MGD average day demand plus an additional 1.42 MGD approved through its 5/24/11 Water Management Act Permit. MA DEP continues to utilize Interim Safe Yield determinations for Water Management Act Permits based on current allocations. Once DEP establishes a Long Term Safe Yield methodology, the permitted water withdrawal from existing sources may be modified. **The Safe Yield of the APC has never been established.** The casino's impact and dependence on the APC for long term water supply should be fully evaluated through establishment of the ponds' safe yield and determination of base flow needs of the herring and alewife fishery of the Nemasket and Taunton Rivers. The DEIS should address these issues.

1-6.14 The Taunton Casino has the potential to cause direct, indirect and cumulative impacts to the Nemasket and Taunton Rivers. The Taunton River is a federally designated Wild & Scenic River. Water withdrawn from the APC at the headwaters of the Nemasket River is discharged from Taunton's Wastewater treatment plant, well down stream on the Taunton River. Increase in water withdrawal or change in management strategies resulting from the Casino's unique water needs could cause impairments to water quality and reductions in stream flow in these rivers which would adversely impact fisheries resources, including but not limited to anadromous fisheries and should be fully evaluate in the DEIR.

Again, this project will have far reaching impacts due to its size, location, and intended use. The applicant must address the project impacts in all affected study areas. We respectfully request that the proponent be required to respond to all comments submitted on this project in a cohesive and legitimate fashion.

Thank you in advance for your consideration.

Sincerely,

For BOARD OF SELECTMEN



Stephen J. McKinnon, Chairman

xc: Governor Patrick  
Senator Warren  
Senator Markey  
Congressman Keating  
Senator Pacheco  
Representative Calter  
Representative Orrall  
Representative Gifford  
Massachusetts Gaming Commission  
Neighboring Communities

**LETTER 1-6: TOWN OF MIDDLEBOROUGH BOARD OF SELECTMEN, JANUARY 14, 2014****Response to Comment 1-6.1**

This issue is outside the scope of an Environmental Impact Statement.

**Response to Comment 1-6.2**

This issue is outside the scope of an Environmental Impact Statement.

**Response to Comment 1-6.3**

Significant improvements are planned for the Route 24/140 Interchange that will help alleviate existing traffic congestion issues and mitigate the future impacts from the casino. These improvements include the addition of a slip ramp for Route 24 SB onto Route 140, traffic signal improvements and roadway widening on Route 24 SB and Route 140. Refer to the **FEIS Section 8.1.3.4**.

**Response to Comment 1-6.4**

MassDOT's comments are addressed below as Letter 1-10.

**Response to Comment 1-6.5**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed though more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 1-6.6**

Significant improvements are planned for the Route 24/140 Interchange that will help alleviate existing traffic congestion issues and mitigate the future impacts from the casino. These improvements include the addition of a slip ramp for Route 24 SB onto Route 140, traffic signal improvements and roadway widening on Route 24 SB and Route 140. Refer to the **FEIS Section 8.1.3.4**.

**Response to Comment 1-6.7**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips

were distributed though more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

### **Response to Comment 1-6.8**

The Tribe has been coordinating with MassDOT on the improvements for Route 24/140 Interchange. MassDOT has not requested travel time runs as a part of the traffic study. The proposed improvements will improve traffic flows and reduce delays to mitigate impacts from the additional casino trips.

### **Response to Comment 1-6.9**

The trip distribution has been approved by both MassDOT and the peer reviewers for the project. At the completion of construction and full opening of the casino, a monitoring program will be conducted to determine if any other surrounding areas have been impacted by casino traffic. Refer to **Section 8.1.3.12** for information on the Traffic Monitoring Program.

### **Response to Comment 1-6.10**

Please see the response above.

### **Response to Comment 1-6.11**

The schedule and cost for the Middleborough Rotary improvements have been updated in FEIS **Section 8.1.2.2** to match the MassDOT database.

### **Response to Comment 1-6.12**

As the Project is further developed, the Tribe will work with local officials from the Massachusetts Emergency Management Agency (MEMA) to identify and resolve evacuation plans related to the Project.

### **Response to Comment 1-6.13**

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit.

### **Response to Comment 1-6.14**

Please see the response above. The City of Taunton can supply the Project without an increase in its Water Management Act Permit and therefore no change in the management of water levels of the Assawompset Pond Complex is anticipated.



**TOWN OF LAKEVILLE**  
*Town Office Building*  
*346 Bedford Street*  
*Lakeville, MA 02347*

**OFFICE OF THE SELECTMEN**  
TELEPHONE (508) 946-8803  
FAX (508) 946-0112

**Facsimile Transmittal**

**Date:** January 16, 2014

**Fax To:** Franklin Keel

**Fax From:** Rita Garbitt

Bureau of Indian Affairs

**Telephone Number:** (508) 946-8803

**Fax #:** (615) 564-6701

**Fax Number:** (508) 946-0112

**Number of Pages Transmitted, including cover:** 5

**Special Instructions or Messages:**

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*Please notify the sender if you receive this transmission in error. Thank you.*

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REGIONAL DIRECTOR



**Town of Lakeville**  
**Town Office Building**  
**346 Bedford Street**  
**Lakeville, Massachusetts 02347**

OFFICE OF  
SELECTMEN  
TELEPHONE 508-946-8803  
FAX 508-946-0112

January 16, 2014

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

Reference: Comments on DEIS for Proposed Mashpee Wampanoag Property Trust and  
Development

Dear Mr. Keel:

On behalf of the Lakeville Board of Selectmen and the Lakeville Casino Advisory Board, I would like to offer the following comments and questions regarding the proposed scope for Project First Light, the destination resort casino proposed by the Mashpee Wampanoag Tribe in Taunton, MA.

1. The scope of the DEIS does not consider the impacts this project will have on Lakeville and the region. Lakeville is a direct abutter to the City of Taunton, so we are very concerned about the potential impacts on our community. The proposed entrance to the casino is 2.8 miles from the Lakeville Town Line. This is closer than downtown Taunton (see attachment). The interests of Lakeville and the surrounding communities should not be excluded from the planning and mitigation process of the project. 1-7.1
2. The proposed mitigations in the DEIS do not adequately deal with the increase in traffic the casino will bring to Lakeville and the area. Failure to address these issues will have a negative impact on Lakeville and other neighboring Towns. The traffic study of the project needs to be expanded to adequately evaluate the traffic impacts beyond Taunton, including County Street, Precinct Street, Taunton Street, Routes 18, 44, 79, 105, 140 and Route 24 between I495 and Route 140. The current congestion on Route 24 for commuters, combined with the vehicles traveling to the proposed casino, will adversely 1-7.2

impact surrounding communities with commuters seeking alternate routes through our towns.

- 1-7.3 3. How is this project dealing with the additional traffic and environmental impacts on the region of the South Coast Commuter Rail Project? The Transportation Study did not include the County Street/Taunton Depot Driver Intersection, which will serve the rail station.
- 1-7.4 4. Expected population growth in Lakeville is estimated between 10% and 17%, which will impact the Lakeville school system.
- 1-7.5 5. All mitigation for public safety discussed in the DEIS deals with Taunton. Lakeville is almost 30 square miles with approximately 11,000 residents. We have two (2) Police officers and two (2) Firefighters/Paramedics on each shift. Our Police Chief anticipates there will be a significant increase in traffic on our local roads: Precinct Street, Taunton Street, and Route 79, and on our State Roads: Route 105, Route 140 and County Street. The Lakeville Police Department is primary backup for the State Police on Route 140, as well as a provider of mutual aid, to the Taunton Police Department in the East Taunton area for incidents that border Lakeville, which will further increase our demands. With the increase in traffic, the need for enforcement will intensify. The threat of more alcohol related incidents will surely increase with the closeness of the casino. An Operating under the Influence Arrest can tie up a patrol officer for over two (2) hours, which will shorten the shift response to other locations within the Town of Lakeville. Other quality of life issues, such as complaints from citizens regarding additional traffic, will increase calls for service. Also, alcohol consumption increases the possibility of domestic disturbances or other disturbance type incidents that will undoubtedly spill into Lakeville and require Police response. We provide mutual aid to the Taunton Fire Department and Emergency Medical Service in the East Taunton area. The 250 foot height of some of the proposed buildings in the casino project will require additional fire apparatus in Lakeville to provide mutual aid. There will be a significant need for additional law enforcement personnel and equipment, and additional fire and EMS personnel and equipment. We expect this proposed casino will force us beyond our fiscal limitations. Mitigation must address the impact on surrounding communities.
- 1-7.6 6. The water usage figures in the DEIS, 309,000 gallons per day (gpd), appear to be low. The casino the Mashpee Wampanoag Tribe proposed in Middleborough in 2008 also included a water park and listed water use of 750,000 gpd and up to 1.5 million during peak use periods. Mohegan Sun in CT uses an average of 750,000 gpd with a peak of 950,000 gpd in the summer. In the 1890s, Assawompset Pond, which is located in Lakeville and is the largest fresh water pond in the State, was established as a water supply source for the Cities of Taunton and New Bedford. Today, over 200,000 residents

rely on the Assawompset Pond Complex (APC) for clean drinking water. The full impact of the casino's demand at full build-out on Taunton's public water supply system and the APC needs to be evaluated. An in-depth study needs to be done to determine the "firm" yield or the daily withdrawal rate, in order to properly manage the water supply needs. Also, there is no agreement to allow water from the Assawompset Pond Complex (APC) in Lakeville to supply water to another nation.

1-7.7

1-7.8

7. It is not possible to comment on the full impact to natural resources at this time.
8. The name of this project "First Light", indicates the importance of the sky to the Tribe. In order to see First Light and all the splendor of the night sky, a dark sky is necessary. With an increase of 225 feet in building height, if not carefully designed, light pollution will be a serious problem.

1-7.9

The goal of the proponent, as stated in the Project First Light Transportation Study, is to work with the City of Taunton to deliver a successful project with minimum impacts on local Taunton roads and intersections. We ask the BIA consider impacts of this project to Lakeville and all surrounding communities.

If you have any questions regarding our review of this project, please do not hesitate to contact me at 508-946-8803 or [rgarbitt@lakevillema.org](mailto:rgarbitt@lakevillema.org). Thank you for your consideration.

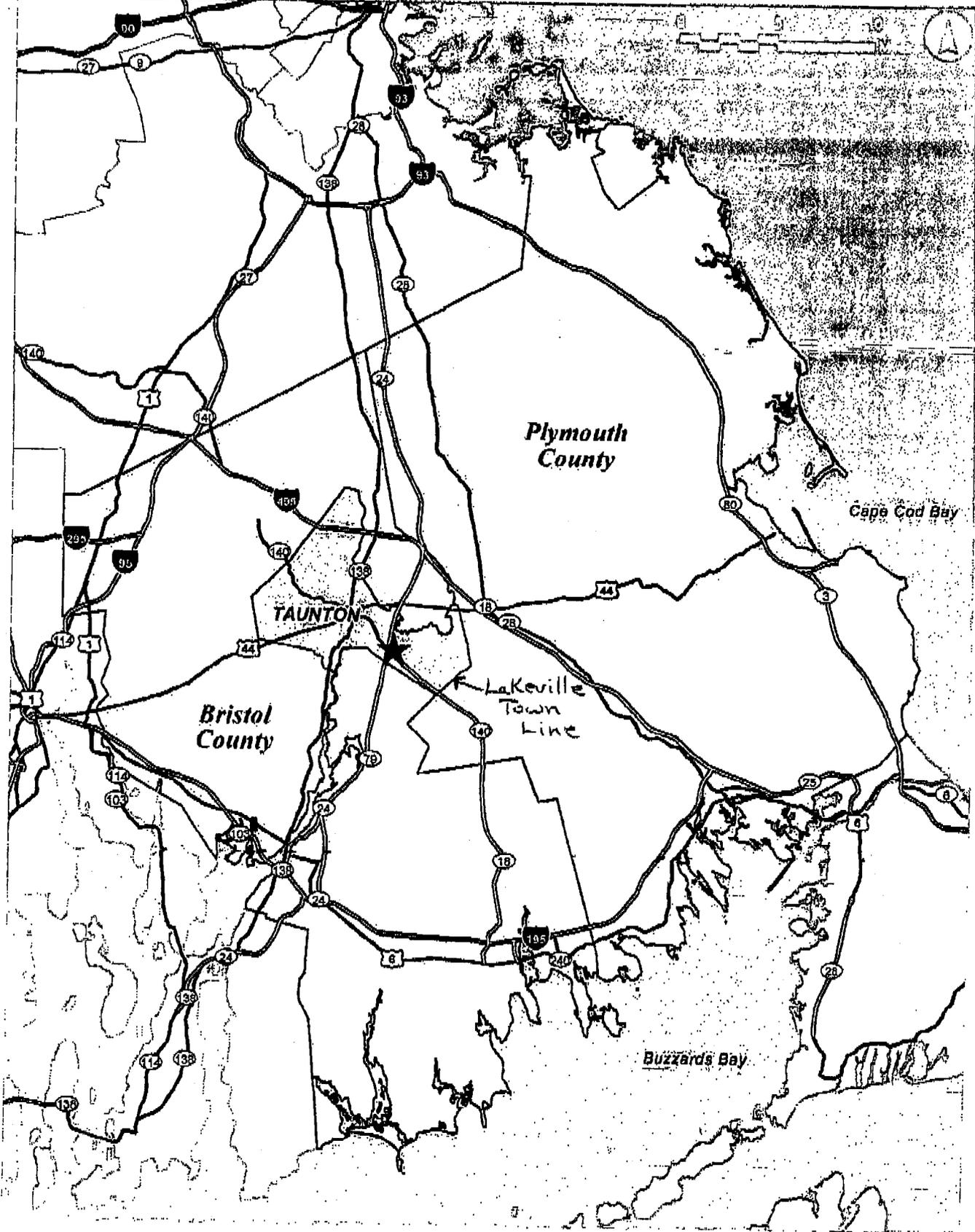
Sincerely,



Rita A. Garbitt  
Town Administrator

CC: Representative Keiko Orrall  
Senator Michael Rodrigues

G:\Projects\MAIT\TAUNTON\2012\GIS\workspace\study\_area.mxd



SOURCE: 2010 Vector Data, ESRI

Mashpee Wampanoag Tribe - Fee to Trust Acquisition - Draft EIS

**Figure 7.16-1**  
Socioeconomic Study Area

**LETTER 1-7: TOWN OF LAKEVILLE OFFICE OF SELECTMEN, JANUARY 16, 2014****Response to Comment 1-7.1**

The EIS describes any significant adverse impacts caused by the proposed gaming facility. Construction of the proposed gaming facility is not anticipated to create any significant adverse impacts on the Town of Lakeville. However, as described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

**Response to Comment 1-7.2**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed though more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 1-7.3**

Erika Drive and Taunton Depot Drive are used synonymously. The main driveway for the Taunton Depot Station was considered in the analysis. The impacts for the Taunton Depot Station are being done separately as a part of the South Coast Rail Project. However, it is anticipated that the commuter rail station will help to reduce regional trips. See Section 8.1.2.2.

**Response to Comment 1-7.4**

As described in **Section 8.20.3.1**, based on previous studies conducted for new casino development through the NEPA process, it is estimated that 10 percent of the Project's 3,500 new employees would be individuals relocating into Bristol or Plymouth County. Prioritization of local recruitment and the area's existing level of unemployment will keep population growth in towns surrounding Taunton relatively low.

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 1-7.5**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

### **Response to Comment 1-7.6**

Comparisons have been made between the water use for this Project and the anticipated water use for the proposed Middleborough casino. This Project in Taunton is approximately half the size of the proposed Middleborough casino and does not include a golf course. The site of this Casino will have minimal landscaping due to the site constraints. The water use summarized in **Section 8.7** accurately represents the anticipated water use for this Project.

### **Response to Comment 1-7.7**

The Massachusetts Department of Environmental Protection has issued a Water Management Act Registration and Permit to the City of Taunton for allocated water withdrawals from the Assawompset Pond Complex. The City of Taunton can supply the Project without an increase in its Water Management Act Permit.

### **Response to Comment 1-7.8**

The City of Taunton will be supplying water to this Project through a metered service connection similar to other water customers within the City.

### **Response to Comment 1-7.9**

Visual impacts of the Preferred Development's design, including lighting, are described in **Section 8.15**.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

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.

1-8.1 | 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.

1-8.2

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.

1-8.3

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

- 1-8.4 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

- 1-8.5 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.

- 1-8.6 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

- 1-8.7 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.

1-8.7  
cont.

#### 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.

1-8.8

#### **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.

1-8.9

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.

1-8.10

- 1-8.11 | 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.

- 1-8.12 | 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.

- 1-8.13 | 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.

- 1-8.14 | 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.

- 1-8.15 | 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.

1-8.16

1-8.17

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.

1-8.18

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

1-8.19

1-8.20

1-8.20 | consulted regarding other projects that may occur during the time horizon for the  
cont. | analysis.

### **Mitigation for Traffic Impacts**

1-8.21 | The DEIS discussion of mitigation for increased traffic from the project identifies various  
1-8.22 | levels of commitment to implement particular measures. We believe firm commitments  
1-8.23 | 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.

1-8.24 | 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.

1-8.25 | 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.

1-8.26

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](mailto:cooke.donald@epa.gov) to arrange transmission of the mobile modeling files.

1-8.27

#### 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

1-8.28 | 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**

1-8.29 | 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.

Letter 1-8 (12 pages)

**LETTER 1-8: U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 1, JANUARY 16, 2014****Response to Comment 1-8.1**

**Section 8.2.2** explains that the on-site work no longer involves a discharge of dredged or fill material in wetlands or other waters of the U.S. requiring review under the 404(b)(1) guidelines **Section 8.2.3** addresses off-site impacts. The project has been carefully revised to ensure that the activity will not cause or contribute to violations of state water quality standards or significant degradation of waters of the U.S. **Section 8.5** identifies rare species; no federally-listed threatened or endangered species are present within the Project Site or the vicinity. The BIA and the Tribe have worked closely with the U.S. EPA and Army Corps of Engineers to find the least environmentally damaging practicable alternative (LEDPA) for the Proposed Action.

**Response to Comment 1-8.2**

Please see the response above. **Section 8.2.2** includes information explaining how impacts to the vernal pool and its adjacent upland terrestrial habitat have been further avoided or minimized.

**Response to Comment 1-8.3**

As described in **Section 4.2.4**, the proposed ramp from Stevens Street to Route 140 NB has been removed from the proposed mitigation. Refer to the FEIS **Section 8.1.3.4** for the proposed traffic mitigation measures.

**Response to Comment 1-8.4**

The Tribe is continuing to work with MassDOT on permitting the full Option 1D from their previous study. Improvements discussed in the FEIS **Section 8.1.3.4** are mitigation to be completed prior to the full opening of the casino.

**Response to Comment 1-8.5**

**Section 8.2.2** provides an update on potential on-site Secondary Effects to the vernal pool following the guidance outlined by the U.S. EPA in its comment letter. The Tribe will continue to work closely with the Corps and EPA on this project element.

**Response to Comment 1-8.6**

On April 10, 2014, met to review Wetland 5 as per this request. It is unlikely that this wetland with its highly permeable sandy soil is able to hold water long enough to support breeding amphibians. As such, no further analysis was included for this wetland. See **Section 7.2.4.4** for further detail.

### **Response to Comment 1-8.7**

**Section 8.21.4.1** addresses past wetlands fill and mitigation associated with the LUIP prior authorizations.

### **Response to Comment 1-8.8**

For a detailed description of compensatory mitigation for off-site impacts to wetlands and other waters of the U.S., please see **Section 8.2.4**. While there are currently no wetland mitigation banks or In Lieu Fee programs available within the Taunton River Watershed or Commonwealth of Massachusetts, the compensatory mitigation identified is consistent with the Corps' "Compensatory Mitigation Guidance" Document dated July 20, 2010 and does not include wetland creation areas adjacent to the highway interchanges, as requested by the Corps and EPA. Preliminary locations to create replacement wetlands on the site of the proposed casino are described in **Section 8.2.4** and depicted on **Figure 8.2-16**. The Tribe will continue to consult with the Corps, MassDEP, and the Taunton Conservation Commission regarding appropriate mitigation for direct off-site impacts. A detailed wetland mitigation plan will be developed in accordance with MassDEP's "Inland Wetland Replication Guidelines" (2002) and the Corps' "Compensatory Mitigation Guidance" document.

### **Response to Comment 1-8.9**

In accordance with the BETA Group's DEIS January 14, 2014 comment letter, the City of Taunton has re-evaluated future flow projections. Based on the results of two recent sewer projects, the City no longer considers sewers to be the solution in three designated needs areas. The revised flow projections include 0.225 MGD for the proposed project allocated under the category "Planned Development." Most importantly, flows from the proposed project are now allocated within the current WWTF annual discharge limit of 8.4 MGD and not dependent on future plant expansion.

The Final NPDES permit for the Taunton WWTF has not been issued. However, in accordance with the BETA Group's April 4, 2014 letter, provided in **Appendix F**, process upgrades are anticipated to accomplish nitrogen removal. The letter further states that based on the wastewater concentrations anticipated to be generated by the proposed project, pretreatment for nitrogen removal will not be required prior to discharge into the Taunton collection system.

### **Response to Comment 1-8.10**

The project will use plumbing fixtures that are significantly more water conserving than that required by the plumbing codes and LEED Baseline requirements. These include 1.28 gallons per flush (gpf) water closets, pint flush urinals, 2.0 gpm shower heads, and 0.5 gpm lavatories in public and guestroom areas.

In general, the project design minimizes the use of landscaping. The small amount of landscaping incorporated will be irrigated with stormwater captured in the large underground stormwater retention systems required for the Project. Therefore, the use of greywater for landscape irrigation is not incorporated as part of the proposed project.

### **Response to Comment 1-8.11**

In accordance with the BETA Group's DEIS January 14, 2014 comment letter, the City of Taunton has re-evaluated future flow projections. Based on the results of two recent sewer projects, the City no longer considers sewers to be the solution in three designated needs areas. The revised flow projections include 0.225 MGD for the proposed project allocated under the category "Planned Development." Most importantly, flows from the proposed project are now allocated within the current WWTF annual discharge limit of 8.4 MGD and not dependent on future plant expansion.

The Final NPDES permit for the Taunton WWTF has not been issued. However, in accordance with the BETA Group's April 4, 2014 letter, provided in **Appendix F**, process upgrades are anticipated to accomplish nitrogen removal. The letter further states that based on the wastewater concentrations anticipated to be generated by the proposed project, pretreatment for nitrogen removal will not be required prior to discharge into the Taunton collection system.

### **Response to Comment 1-8.12**

The project will comply with current MassDEP Stormwater Management Standards and EPA NPDES General Permit for Discharges from Construction Activities. The Tribe currently does not plan to use pervious pavement because of concerns with durability and ease of maintenance; however, the Tribe will review the most recent data regarding its use and make a final decision at the appropriate time during the design phase.

### **Response to Comment 1-8.13**

The project will comply with current MassDEP Stormwater Management Standards and EPA NPDES General Permit for Discharges from Construction Activities. Compliance with these standards is considered adequately protective of water quality. Further, the great majority of the Project's parking is within covered structures, which will greatly help to reduce the amount of potential pollutants.

### **Response to Comment 1-8.14**

Existing water quality conditions located within the Project Site and as it relates to the Cotley River are described in **Section 7.3**. **Section 8.3** addresses stormwater controls and protection of the Cotley River. The project will comply with current EPA NPDES General Permit for Discharges from Construction Activities, adhere to MassDEP Stormwater Management Standards, and is largely limited to previously developed areas thus preserving the riparian corridor of the Cotley River and should not therefore have any impacts to benthic fish and macro-invertebrate communities during construction and operation of the project.

### **Response to Comment 1-8.15**

All snow removed from paved parking areas and roadways located within the Project Site shall be stockpiled on-site within areas that will drain through the proposed stormwater management system and not directly into wetlands or waters of the U.S. All catch basins shall be cleared of snow and ice as

necessary after snow events to ensure continued operation of the stormwater management system as designed. Plowing of snow directly into wetlands or waters of the U.S. will not be permitted. While the Tribe has no explicit plans for deicing at this stage, the use of road salt will be discouraged within the Project Site and sand will be used wherever possible. It is not anticipated that large quantities of road salt and/or sand will be stored on site.

### **Response to Comment 1-8.16**

As described in **Section 8.20.3.1**, based on previous studies conducted for new casino development through the NEPA process, it is estimated that 10 percent of the Project's 3,500 new employees would be individuals relocating into Bristol or Plymouth County. Prioritization of local recruitment and the area's existing level of unemployment will keep population growth in towns surrounding Taunton relatively low.

### **Response to Comment 1-8.17**

In-migration to Taunton is expected to be minimal because of the existing unemployment and local recruitment described above. As stated in **Section 8.16.2**, it is anticipated that the limited number of workers that may move to Taunton or the broader labor shed area to work at the proposed project would be able to relocate to existing vacant housing units. In 2010 there were over 23,700 vacant year-round (not for seasonal use) housing units in Bristol and Plymouth counties. Approximately 1,500 of those units were located in the City of Taunton. This supply of vacant housing can reasonably be expected to accommodate any in-migration that may be attributable to the proposed project.

### **Response to Comment 1-8.18**

As discussed in **Section 8.20.3**, because a high percentage of the induced employment caused by the Preferred Development would be absorbed by underemployed persons at existing businesses performing under capacity, there would be proportionately less new businesses and residents from induced growth. Similarly, it is not expected that the Preferred Development will result in significant new construction because of the existing vacancy rates in available commercial real estate in the region. Further, it would be extremely speculative to try and predict environmental impacts. For example, a new linen service operation could be an expansion of an existing service, a new service that open within an already existing building, or could construct a new building. All of these possibilities could occur anywhere within a wide region. Given the Preferred Development's minor impacts to natural resources and community resources, the BIA does not believe a more comprehensive examination of potential cumulative impacts is warranted. The Preferred Development is not analogous to the South Coast Rail project which, unlike the Preferred Development, is likely to result in substantial induced growth in housing as it makes the job market in Boston more readily accessible in areas that have comparatively low housing costs.

### **Response to Comment 1-8.19**

While it would be possible to review municipal and regional long-range plans to provide an overall sense of future of growth in Southeast Massachusetts, conducting such an investigation would not be relevant to the decision whether the Tribe's application for Land Into Trust and the development of a casino should go forward.

### **Response to Comment 1-8.20**

The analysis satisfies the scope of the cumulative impacts analysis and the use of MEPA as an adequate tool to capture other planned developments. While there may well be other types of projects planned that are not captured by MEPA, given MEPA's very broad scope and thresholds in all manner of environmental impacts (including for example, land, transportation, wetlands, rare species, air quality, cultural resources), it is unlikely that projects not captured by MEPA would have significant environmental impacts.

### **Response to Comment 1-8.21**

Connections of the Project Site to public transit services are described in the FEIS **Section 8.1.3.9**.

### **Response to Comment 1-8.22**

The Tribe will coordinate with MassDOT and the City of Taunton to develop a traffic management plan for the construction period.

### **Response to Comment 1-8.23**

The Tribe will completely fund the proposed improvements described in this FEIS. In addition, MassDOT is pursuing a further reconstruction of the Route 24/140 Interchange. That work will be funded through a combination of federal and state funds. A portion of the funds could come from contributions and revenues designated for transportation improvements pursuant to the terms of the Tribal-State Compact.

### **Response to Comment 1-8.24**

General Conformity is addressed in **Section 8.11.4** of the FEIS.

### **Response to Comment 1-8.25**

General Conformity is addressed in **Section 8.11.4** of the FEIS. As presented in **Section 8.11.4.4**, the proposed Project is deemed to comply with all requirements of General Conformity.

### **Response to Comment 1-8.26**

The air quality mobile source analysis was started in November 2012, during the implementation grace period for MOVES. Thus, MOBILE6.2 is allowable for use in the analysis.

### **Response to Comment 1-8.27**

Air Quality modeling files are submitted to EPA with **Appendix E** of this FEIS.

### **Response to Comment 1-8.28**

Mitigation of air quality emissions from construction activities is presented in **Section 8.11.3.6**.

## Response to Comment 1-8.29

Major findings of the Western Massachusetts Casino Health Impact Assessment Report (HIA) suggest the following:

- Adding jobs and benefits would likely lead to better health as people with higher incomes tend to have less heart disease, cancer, and mental health problems;
- There is the potential for an increase in gambling addiction;
- Increases in traffic will result in greater air pollution that could potentially cause asthma or cardiovascular disease; and
- There is the potential for an increase in drunk driving.

The BIA recognizes these findings and notes the following:

- In compliance with the Intergovernmental Agreement with the City of Taunton, the Tribe will support problem gambling education, awareness, and treatment, through a one-time contribution of \$60,000 and annual contributions of \$30,000 to a local center for the treatment of compulsive gambling. Furthermore, the Tribe would provide training to front line staff in recognizing compulsive gamblers and would make information available and accessible for such individuals seeking assistance for problem gambling. See Section 8.16.1.1.
- The Air Quality Analysis has found that the project will comply with the NAAQS. The NAAQS standards were developed by EPA to protect the human health against adverse health effects with a margin of safety. See Section 8.11.1.1.
- The BIA expects that the Tribe will work closely with the Taunton Police Department to minimize drunk driving. Under the terms of the Intergovernmental Agreement with the City of Taunton, the Tribe will provide additional support to the city's police department. See Section 8.16.1.1.

The Tribe is encouraged to work closely with municipal officials and the regional planning agency to further address health concerns.



**Paul J. Diodati**  
Director

# Commonwealth of Massachusetts

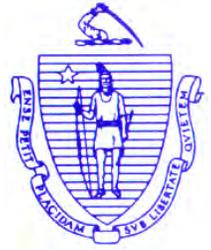
## Division of Marine Fisheries

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**Deval Patrick**  
Governor

**Richard K. Sullivan, Jr.**  
Secretary

**Mary B. Griffin**  
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January 17, 2014

Franklin Keel  
Regional Director  
Eastern Regional Office  
Bureau of Indian Affairs  
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“Comments on DEIS for Proposed Mashpee Wampanoag Tribe Property Trust and Development”

Dear Director Keel:

The Division of Marine Fisheries (*Marine Fisheries*) has reviewed the DEIS by the Mashpee Wampanoag Tribe for the Project First Light Destination Resort Casino. The project site borders the Cotley River and Barstow’s Pond in the City of Taunton. The water supply for the proposed development would come from the Assawompset Pond Complex in the Towns of Lakeville, Middleborough, Rochester, and Freetown. Existing marine fisheries resources and habitat and potential project impacts to these resources are outlined in the following paragraphs.

Previous fish passage surveys have not documented any anadromous fish species in the Cotley River. However, the catadromous American eel (*Anguilla rostrata*) uses this system for foraging and nursery habitat. Barstow’s Pond Dam is scheduled for removal. With the removal of this impediment to fish passage, this region would become available habitat for anadromous fishes and for this reason Barstow’s Pond is a candidate for restoring river herring (alewife (*Alosa pseudoharengus*) and blueback herring (*Alosa aestivalis*)) populations. The Nemasket River system support the largest river herring run in Massachusetts [1]. The Assawompset Pond Complex provides important spawning and nursery habitat for this run and nursery habitat for eels.

*Marine Fisheries* offers the following comments for your consideration:

### Assawompset Pond Complex

- The water supply for the proposed project is the Assawompset Pond Complex. Under current water withdrawal conditions, water levels at several key passage points are frequently at the minimum threshold water depth for river herring passage. The Long Point Road Culvert is a location of particular concern. While Table 1.5-1 suggests that water usage under the proposed and alternative development designs would remain under the City of Taunton withdrawal limit, this increased water withdrawal would compound existing water stress. These additional withdrawals could impart sufficient added water stress to prevent river herring passage, potentially resulting in diminished spawning activity or increased juvenile mortality. Design plans need to better assess these potential impacts to river herring and water usage should be controlled to ensure sufficient water depths during the spawning and juvenile development periods (approximately March 15 to November 15) [2].

1-9.1

Cotley River and Barstow's Pond

- Runoff and nutrient loading should be minimized and riparian vegetation preserved in efforts to maintain water quality and habitat suitability for diadromous fish resources.
- 1-9.2
- A minimum 200-foot buffer should be maintained to preserve existing eel habitat and promote future river herring habitat in the bordering Cotley River. Maintaining this minimum buffer would be in keeping with the Rivers Protection Act condition to prevent “significant adverse impacts on the riverfront area to protect public and private water supplies, wildlife habitat, fisheries, shellfish, groundwater, and to prevent flooding, storm damage and pollution.”
  - Alternative C (Reduced Intensity II) would omit the proposed development on the northern portion of the Project Site. This area borders Barstow's Pond and currently does not contain impervious surface. This aspect of Alternative C would maintain this existing riparian corridor and reduce impervious surface area bordering the Cotley River, conditions that would be consistent with *Marine Fisheries*' recommendation to preserve riparian vegetation and minimize runoff. Alternative B (Reduced Intensity I) would maintain the water park development on the northern part of the project site included in the Preferred Alternative, but would reduce the footprint of the casino itself, resulting in the lowest estimated water usage of the three alternatives and a reduced casino footprint relative to the other alternatives. This would result in reduced development in the southern portion of the project site near the Cotley River and reduced water stress to the Assawompset Pond Complex.
- 1-9.3
- Given the reductions in environmental impacts associated with Alternatives B and C, an additional alternative combining elements of these two alternatives (i.e., reduction in casino footprint associated with Alternative B and removal of water park associated with Alternative C) should be considered as the DEIS does not provide any information suggesting the modifications associated with Alternatives B and C are necessarily mutually exclusive.

Questions regarding this review may be directed to John Logan in our New Bedford office at (508) 990-2860 ext. 141.

Sincerely,



Paul J. Diodati  
Director

cc: Taunton Conservation Commission  
David Hewett, Epsilon Associates, Inc.  
Lou Chiarella, NMFS  
Robert Boeri, CZM  
Ed Reiner, EPA  
Ken Chin, DEP  
Richard Lehan, DFG  
Kathryn Ford, John Sheppard, Brad Chase, Mike Bednarski, Christian Petitpas, DMF

**References**

1. Nelson GA, Brady PD, Sheppard JJ, Armstrong MP (2011) An assessment of river herring stocks in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-46.
2. Evans NT, Ford KH, Chase BC, Sheppard J (2011) Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47.

**LETTER 1-9: MASSACHUSETTS DIVISION OF MARINE FISHERIES, JANUARY 17, 2014****Response to Comment 1-9.1**

As presented in **Table 7.7-1**, the Average Daily Demand (ADD) for the City Taunton has generally declined. The Project water use, which is estimated at 0.3 million gallons per day (MGD) would be added to the 2013 ADD of 5.91 MGD. This total is still less than the average day demands during 2007 through 2009. The Project's water use should not add any additional stress/water withdrawal strain to the Assawompset Pond Complex.

**Response to Comment 1-9.2**

**Section 8.2.1.1** describes the modifications to the Project layout that significantly reduce the amount of work proposed adjacent to the Cotley River and preserve its riparian corridor through the elimination of the proposed driveway crossing and parking lots on the west side of the Cotley River, reconfiguring the water park layout, eliminating all wetlands fill on the Project Site, reducing the amount of new impervious surfaces and eliminating the proposed bridge span across the Cotley River near Stevens Street.

**Response to Comment 1-9.3**

The Alternatives that were studied in the DEIS were selected to represent a range of build conditions and impacts. The EIS could potentially study any number of various possible development scenarios for the site, using different components and sizes. The BIA believes that the Alternatives selected represent a reasonable range based on the nature of the site and the Purpose and Need for the Project.



Deval L. Patrick, Governor  
Richard A. Davey, Secretary & CEO



January 16, 2014.

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

Re: EIS Comments for Proposed Mashpee Wampanoag Tribe Property Trust and Development

Dear Mr. Keel:

On behalf of the Massachusetts Department of Transportation (MassDOT), I am submitting the following comments for the Environmental Impact Statement (EIS) for the proposed Mashpee Wampanoag casino development in Taunton, MA. The proposed development program would entail the construction of a destination casino complex, including the gaming floor, restaurants, some retail and back of house space, a performance venue, hotel facilities, and a water park.

The EIS includes three Development Alternatives and a No Action Alternative. MassDOT review is primarily focused on Alternative A, which is the most intensive use and the applicant's preferred alternative. Under this alternative, the development program would include:

- A 400,019 sf Category 3 resort casino complex, including: 4,400 gaming positions (3,000 slot machines, 150 multi-game tables, and 40 poker tables); a food court, a buffet restaurant, a bar/lounge, a 24-hour restaurant, and a fine-dining restaurant with a combined seating capacity of 1,045 patrons; 7,872 sf of retail space; a 23,423 sf events center; and 101,052 sf of administrative and back-of-house space, including a 325-seat employee dining room;
- A 25,000 sf indoor/outdoor water park;
- Three hotels totaling 900 rooms (two hotels attached to the casino and one attached to the water park); and
- 6,371 parking spaces, including 4,431 structured spaces and 1,940 surface spaces (including 500 spaces located at the water park).

Alternative B would remove the two hotels attached to the casino and reduce the overall casino operations and footprint. Alternative C would maintain the casino complex from Alternative A, but eliminate the water park and its associated family-oriented hotel and parking spaces.

Ten Park Plaza, Suite 4160, Boston, MA 02116  
Tel: 857-368-4636, TDD: 857-368-0655  
[www.mass.gov/massdot](http://www.mass.gov/massdot)

The project is located in the northeast quadrant of the Route 24/Route 140 interchange and will require a Vehicular Access Permit from MassDOT.

Based on information included in the EIS, the project at full-build is expected to generate approximately 20,992 vehicle trips on an average weekday, including 226 vehicle trips during the weekday AM peak hour; 1,726 vehicle trips during the Friday PM peak hour; and 1,410 vehicle trips during the Saturday peak hour. As requested as part of MassDOT's comments on the EIS Scope, the proponent has revised trip generation calculations based on trip generation rates previously discussed and approved by MassDOT. These rates were derived from multiple data sources of comparable casino facilities of similar size and amenities.

### EIS Review

The EIS includes a Traffic Impact Study (TIS) that conforms to *EOEEA/MassDOT Guidelines for EIR/EIS Traffic Impact Assessments*. The traffic study has evaluated the traffic impacts of the project in the study area and identified a mitigation program to address overall impact on traffic operations. This mitigation plan has significantly evolved through meetings and discussions with MassDOT. In particular, it contains the provision of the Route 24 southbound slip ramp to Route 140 northbound recommended by MassDOT to improve traffic operations and address safety at the Route 140/Route 24 interchange. It also provides a more comprehensive approach to implement an interim mitigation program at the interchange that will be coordinated with the MassDOT long range plan for improvements at the interchange. MassDOT will continue to work with the project proponent to ensure adequate and timely implementation of the interim mitigation program and also how to advance the long range plan at the interchange that would ultimately mitigate overall traffic impacts. The commitment to the interim plan will be based on the selected Development Alternative and the phases of the project, if any. In addition, MassDOT notes the following comments that are the subject of meetings and continuing discussions with the proponent.

### Traffic Operations

The EIS includes capacity and queue analysis for each intersection within the study area. It also presents merges and diverges for each ramp junction, as well as weaving analyses at the Route 140/Stevens Street interchange, the Route 24/Route 140 interchange, and the Route 24/I-495 interchange. In addition, the proponent provides a freeway segment analysis between the last two interchanges, which includes the provision of a slip ramp from Route 24 southbound to Route 140 northbound. The EIS includes a list of current projects or future projects under consideration in the study area. Where appropriate, they are included as background development for the analysis. Additional location-specific details on traffic operations are outlined below.

### Route 24 southbound slip ramp to Route 140 northbound (Option 2)

During the development of the Draft Environmental Impact Report, MassDOT requested the proponent to analyze a Route 24 southbound slip ramp to Route 140 northbound. The slip ramp would be provided in the northwest quadrant of the Route 24/Route 140 interchange. The slip ramp would remove traffic going to Route 140 northbound from the existing Route 24 southbound movement to Route 140 southbound, thereby eliminating the need for a left-turn movement at this intersection. It would also eliminate a signal phase and the queues on the ramp. While this alternative does not resolve all the safety and operational issues associated with the interchange, it is a significant improvement to the previous mitigation plan for the project. It is also generally consistent with the current MassDOT preferred alternative for improvements at the interchange.

MassDOT generally believes that this particular improvement would go a long way in addressing a number of safety and operational concerns. It would eliminate the need for the two lanes on the Route 24 southbound ramp, reduce the ramp volume, and minimize potential queuing on the Route 24 southbound mainline. MassDOT has been meeting with the project proponent to refine the design and minimize any related environmental impacts.

#### Route 140/Stevens Street Improvements

The TIA also includes the construction of a new ramp from Stevens Street to Route 140 northbound (Option 1), which would remove most of the exiting casino traffic from the Stevens Street/Route 140 northbound ramp intersection. The ramp is proposed to be located in an environmentally sensitive area and would likely result in significant wetland impacts. Additionally, the ramp would introduce a new merge and weaving condition on Route 140. The proponent has provided an alternative analysis (Option 2) for this ramp that examines options that might minimize these impacts. Under Option 2, the ramp movement is eliminated and provided as a double left-turn at the Stevens Street/Overpass Connector/Route 140 northbound on-ramp intersection. MassDOT generally favors Option 2 as it does not result in wetland impacts, it reduces site impacts, and it eliminates the merge and weave conditions on Route 140 northbound.

1-10.1

#### Pedestrian/Bicycle Accommodations

MassDOT has reiterated the need to provide accommodations for all users as part of the mitigation plan for the project. The proponent's proposed widening of Route 140 under Route 24 would eliminate bicycle accommodations under the bridge. In addition, the mitigation plan does not provide for pedestrian connections between the proposed development, the Galleria Mall, and existing pedestrian accommodations along Route 140. In recent meetings with MassDOT, the proponent has reached consensus with MassDOT on a preliminary conceptual plan that would provide accommodations to all the users and provide continuity of the modes along Route 140 to the casino site. This concept will be further refined as the proponent continues to work with MassDOT to finalize an acceptable mitigation plan in the Final EIR.

1-10.2

### Archeological Impacts

- 1-10.3 | Section 7.13 of the EIS does not clearly state whether the area of the proposed off-site roadway improvements - Route 24 and 140 Interchange - was examined for potential archaeological impacts under Section 106 of the National Historic Preservation Act. If any, the proponent should clearly address the Section 106 permitting in the FEIS and/or FEIR.

### Stormwater Management

- 1-10.4 | With regard to off-site stormwater management, on page 8.3-8 the proponent proposes to build water quality inlets within the state highway layout; however, MassDOT policies recommend that more traditional Best Management Practices be employed due to their easier maintenance. The proponent should consult with MassDOT or follow the MassDOT Project Development and Design Guidebook and/or associated directives for stormwater management design.

### Noise Analysis

- 1-10.5 | To address potential noise impact associated with the construction of the proposed improvements, a noise analysis in compliance with MassDOT's Type I Noise Policy (July 2011) should be conducted and noise abatement be included in the improvements if determined to be feasible and reasonable. This analysis should be provided as part of responses on the EIS and/or included in the EIR for the project.

### Public Transportation

- 1-10.6 | Given the proximity of the project to the congested Route 24/Route 140 interchange and the need to minimize adverse impacts to this key regional connection, the proponent was asked to make public transportation a core component of its mitigation program. Accordingly, the EIS included a comprehensive analysis of existing and likely future conditions of transit services within the study area (including MassDOT's South Coast Rail Project as well as urban transit agencies (e.g., GATRA), shuttle buses, taxis, and over-the-road coach service). There was mention of possible methods of connection for these services with the casino site. The proponent now needs to continue to work with these agencies and providers (individually and collectively) toward development of a specific plan for how these connections will occur.

### Transportation Demand Management

- 1-10.7 | The EIS includes a Transportation Demand Management (TDM) program aimed at reducing the number of patrons and employees arriving on site via single-occupant vehicles. The project site is located in relatively close proximity to a variety of transportation options; the proponent should continue to work with the appropriate stakeholders to encourage the use of these options. Furthermore, the proponent should
- 1-10.8 | establish quantifiable goals for mode split and conduct a monitoring program that would

provide assurance to MassDOT that the TDM measures will be appropriate when the facility approaches full-build. The proponent has agreed to “explore” measures such as providing shuttle service to nearby MBTA commuter rail stations, pursuing expansion of GATRA and/or BAT services to serve the site, and future shuttle connections to the proposed South Coast Rail. The proponent should provide a clear commitment to incorporate these services in the TDM program. Special attention should be given to how the proponent will promote transit use for employees of this 24-hour facility, considering the limited hours of GATRA/BAT operation.

1-10.8  
cont.  
1-10.9  
1-10.10

The TDM program should also offer amenities to those patrons that choose to travel to the site via high-occupancy vehicles. These amenities would include on-site bus and limousine layover facilities and information about travel options on the gaming facility’s website. While this is a necessary component of a comprehensive TDM plan, MassDOT would again like to see measurable goals for patron mode split, as well as a commitment to link the site to nearby transit options.

1-10.11

The project proponent will be responsible for a transportation monitoring program that should be conducted twice per year for five years from the occupancy of the project. The goal of the traffic monitoring program will be to evaluate the assumptions made in the EIS and the adequacy of the transportation mitigation measures, as well as to determine the effectiveness of the TDM program.

1-10.12

The proponent should continue to work with MassDOT to address the above comments during both the state and federal environmental processes for the project. Please contact me or J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit if you have any questions. .

Sincerely,



David Mohler, Executive Director  
Office of Transportation Planning

cc: Frank DePaola, P.E., Administrator  
David Anderson, P.E., Deputy Chief Engineer – Design  
Kevin M. Walsh, Director of Environmental Services  
Stanley W. Wood, P.E., Highway Design Engineer  
Pamela Haznar, P.E., District 5 Project Development Engineer

**LETTER 1-10: MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, JANUARY 16, 2014****Response to Comment 1-10.1**

As described in **Section 4.2.4**, the proposed ramp from Stevens Street to Route 140 NB has been removed from the proposed mitigation. Refer to the FEIS **Section 8.1.3.4** for the proposed traffic mitigation measures.

**Response to Comment 1-10.2**

Improvements to the Route 24/Route 140 interchange and segments on Route 140 between Route 24 and the mall are being coordinated with MassDOT. The improvements discussed in the report are to be completed in line with the schedule for the casino.

The study team has also been developing concepts to complete the remaining portions of the MassDOT Alternative 1D. These improvements include pedestrian and bicycle accommodations.

**Response to Comment 1-10.3**

The Route 24/140 off-site roadway improvements, identified in **Section 8.1.3.4**, may affect previously unidentified archaeological resources. If requested by the MHC, an archaeological survey will be undertaken in the offsite roadway improvements area. The offsite roadway improvements are not located in the vicinity of any resources listed in or eligible for listing in the National Register of Historic Places. Potential impacts, if any, will be addressed as part of the Section 106 consultation between the BIA and SHPO.

**Response to Comment 1-10.4**

The Tribe will work closely with MassDOT during the permitting phase to develop appropriate and practicable stormwater controls for the proposed off-site highway improvements. The work will be subject to local, state, and federal permitting during which all stormwater controls will be reviewed carefully for compliance with applicable water quality regulations, including the State Wetlands Protection Act, Sections 401 and 404 of the Clean Water Act, and NPDES permitting.

**Response to Comment 1-10.5**

Upon further consultation with MassDOT, it was determined that a Type 1 Noise Barrier Study would not be required because there is no federal funding involved in the Tribe's mitigation. Furthermore, based on preliminary review, there appear to be no sensitive receptors located within range of potential impacts from the proposed improvements.

**Response to Comment 1-10.6**

Connections of the Project Site to public transit services are described in the FEIS **Section 8.1.3.9**.

### **Response to Comment 1-10.7**

Please see the response above.

### **Response to Comment 1-10.8**

As included in **Section 8.1.3.12**, the proposed modal splits for the casino will expect about 12,800 patrons by bus weekly; 660,000 annually and 285 buses per week. The Tribe will conduct a traffic monitoring program to evaluate the impacts of the trips generated from the Project.

### **Response to Comment 1-10.9**

The Tribe has met with various agencies to discuss service options and potential expansion. Connections of the Project Site to public transit services are described in **Section 8.1.3.9**. To ensure the success of the project, a comprehensive TDM program has also been developed by the Tribe, presented in **Section 8.1.3.12**.

### **Response to Comment 1-10.10**

Connections of the Project Site to public transit services are described in **Section 8.1.3.9**.

Approximately six months prior to the opening of the casino, the Tribe will evaluate employees' commute information and provide transit services based on demand.

### **Response to Comment 1-10.11**

To ensure the success of the project, a comprehensive TDM program has also been developed by the Tribe, presented in **Section 8.1.3.12**.

### **Response to Comment 1-10.12**

The Tribe has committed to conduct transportation monitoring twice per year for five years to evaluate the assumptions made in the EIS. The comprehensive TDM program is discussed in **Section 8.1.3.12**.



DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

January 17, 2014

Regulatory Division (CENAE-R)  
File No. NAE-2012-01239

Franklin Keel, Regional Director  
Eastern Regional Office  
U.S. Department of the Interior  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, Tennessee 37214

Attn: Chet McGhee, Regional Environmental Scientist

RE: Draft Environmental Impact Statement, Mashpee Wampanoag Tribe Fee to Trust  
Acquisition and Casino Project, Mashpee and Taunton, Massachusetts

Dear Mr. Keel:

The U.S. Army Corps of Engineers Regulatory Division has reviewed the above referenced DEIS. Section 404 of the Clean Water Act requires a Department of the Army permit for the discharge of dredged or fill material into all waters of the United States. We are anticipating an application from the Mashpee Wampanoag Tribe for a Department of the Army permit to discharge fill material into waters of the United States, including adjacent wetlands, located at Stevens Street and O'Connell Way, Taunton, Massachusetts, in order to enable construction of a casino resort including hotels, a food court, restaurants/cafes, an entertainment venue, retail shops, a water park, and all necessary driveway and parking infrastructure to support all of the above. We also now understand that the proposal includes upgrades to the existing highway system in the vicinity of the project, but off the site of the land-into-trust (LIT) area proposed by your office. Our review was not exhaustive, and focused principally on the project's proposed impacts to waters of the United States/wetlands regulated by this agency.

In our Scoping Letter dated July 2, 2012, the Corps indicated our willingness to be a Cooperating Agency in the preparation of the EIS pursuant to CEQ Regulations at 40 CFR 1501.6(b) and 1508.5, and our own NEPA regulations at Appendix B to 33 CFR 325, depending on the level of impacts to waters of the United States envisioned by the proposal. Specifically, we noted that, "if the Corps determines an Individual Permit is necessary, our NEPA requirements can be met through participation in the BIA EIS as a cooperating agency." Based on the proposal currently before us, it appears that project impacts to waters of the United States will exceed one acre, and thus the Corps can only authorize same through an Individual Permit. Accordingly, we believe it is necessary for us to proceed henceforth as a cooperating agency so

1-11.1

1-11.1 | as to ensure that the Final EIS fulfills our own NEPA requirements. We therefore respectfully  
cont. | request status as a Cooperating Agency as the review of this proposal proceeds.

As stated in our scoping letter, in evaluating any application for a DA permit, we are required to comply with the U.S. Environmental Protection Agency (EPA) Guidelines for Specification of Disposal Sites for Dredged or Fill Material (40 CFR 230 et seq.)<sup>1</sup>. Among the issues we must consider is whether or not there are practicable alternatives available that would have less damaging effects on the aquatic environment, and any additional measures that could be taken to minimize and/or mitigate for any *unavoidable* impacts to, or losses of, aquatic resource functions. The USEPA Guidelines stipulate that the Corps can only issue a permit for the proposal that represents the least environmentally damaging practicable alternative (LEDPA) for fulfilling its overall project purpose.

The remainder of this correspondence provides feedback and comments on the DEIS (and the alternatives presented therein) as written and submitted to date. In general, the DEIS divides the discussion of potential development strategies within the two towns (Mashpee and Taunton) and then divides alternatives of the latter into on-site (LIT) development alternatives and off-site transportation “options,” and we will generally follow that convention in our discussion here. We also note that the Corps’ project manager met on site with staff from your consulting firm, Epsilon Associates, as well as EPA officials, on January 9, 2014, and at that time were provided with an additional set of drawings some of which were not contained in the DEIS and illustrate potential permutations of the proposed development, particularly transportation infrastructure options.

### General

1-11.2 | Table 2.2-1 (p. 2-12) does not list the U.S. Army Corps of Engineers as the agency that administers the Section 404 Program and incorrectly lists it under the U.S. Environmental Protection Agency. While EPA retains 401 and 402 authority, Section 404 is a Corps responsibility.

### Mashpee Parcels

1-11.3 | The DEIS points out that the parcels in Mashpee are already in Tribal ownership, that certain development options are already under consideration, and that neither of these facts is affected by the proposed BIA action. We note that while some parcels contain waters of the United States, there do not appear to be plans to place fill material into them at this time. We state simply that any planned development involving a discharge of dredged or fill material into waters of the United States located on the Tribe’s Mashpee holdings would require a DA permit, and should either the Tribe or BIA choose to fill waters/wetlands on any of these parcels at a

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<sup>1</sup>Guidelines for Specification of Disposal Sites for Dredged or Fill Material, Rule, 45 Fed. Reg., 85336-85357 (December 24, 1980), <[http://water.epa.gov/lawsregs/rulesregs/cwa/upload/CWA\\_Section404b1\\_Guidelines\\_40CFR230\\_July2010.pdf](http://water.epa.gov/lawsregs/rulesregs/cwa/upload/CWA_Section404b1_Guidelines_40CFR230_July2010.pdf)> (June 29, 2012)

later date, we request that a permit application be submitted at that time. As the currently-proposed activities in Mashpee do not appear to involve Corps regulated activities, the remainder of our comments will focus on the casino/hotel/ancillary facilities in Taunton.

1-11.3  
cont.

### **Taunton Land-Into-Trust Parcels**

The proposed impacts to waters of the United States, including wetlands, as envisioned by the Tribe's preferred alternative (Alternative A) amount to 6318 square feet of direct permanent impacts and an additional 5526 square feet of temporary impacts, for a total of 0.28 acre. In general, building and parking infrastructure have been planned to utilize nearly all available uplands on the parcel south of the existing CSX-operated railroad tracks ("south parcel"), while leaving most second-growth subclimax forested woodlands intact on the parcel north of the tracks ("north parcel"). The DEIS makes a reasonable case that Alternative A is the only alternative that meets the overall project purpose, and that appropriate steps have been taken to avoid direct impacts to waters of the United States, leaving the Cotley River well buffered, albeit proposed development will be in close proximity to the large wetland areas adjacent to the River and located on the site. We would be interested in learning more about any long-term stewardship plans for the site to ensure that wetlands remaining post-construction are left undeveloped as conservation land and are not developed in the future.

1-11.4

A few clarifications are needed on the proposed activities of the LIT. First, we note that the planned fill of two very small wetland areas on the existing power line access dirt road south of and parallel to the tracks, provides a unique opportunity to substantially upgrade this crossing of the Cotley River, which currently flows through an undersized concrete culvert pipe. This has led to a breach in the dirt access road such that the river overtops the same during flooding events. We understand that the Tribe intends to upgrade the crossing to meet the Massachusetts Stream Crossing Standards as completely as possible – a stratagem which we generally support. We note, however, that the water elevation upstream of the access road is higher than the downstream side, and thus the road acts as a partial barrier or dam that partially floods the adjacent forested wetlands. It is unclear as to the extent to which upgrading the culvert would result in secondary drainage of these wetlands. This may be a desirable outcome to both the river and the wetlands, but a more thorough hydraulic analysis is warranted to determine the overall effect to this riparian system. At this time, the Corps reserves judgment as to whether secondary effects of culvert replacement would be deemed adverse, and/or require mitigation.

1-11.5

Second, we note with interest that the DEIS describes the existing vernal pool on the north parcel (page 8.12-12), and notes that proposed impacts would affect only 13% of vernal pool critical terrestrial habitat, which would be well below the threshold of Category 1 of our Massachusetts General Permit. This is an incorrect interpretation, as the GP stipulates that under Category 1, the critical habitat impacts individually *and cumulatively* cannot exceed 25%. Much of the 750-foot critical habitat zone is located in areas that are no longer forested and have already been disturbed by such activities as the railroad grade, past agriculture that has succeeded to old field, and the existing buildings and cleared areas south of the tracks. The FEIS should account for these past disturbances and provide a more accurate measure of the

1-11.6

1-11.7 cumulative impacts to vernal pool critical habitat. We also note that there currently exists a narrow forested corridor linking the vernal pool to the Cotley River. It is very possible that turtles and other aquatic life use this corridor to pass between the River and the Vernal Pool. Although the impacts to wetlands on the north parcel are small, the current layout of the parking lot removes almost all of this narrow, wooded upland corridor. We therefore suggest a change in the layout that would orient the parking lot WNW – ESE rather than the NNE-SSW orientation now shown. In addition, appropriate crossing structures should be placed underneath roads/driveways to facilitate safe passage of the animals in question, and clearing to install the road should be minimized as much as possible.

### Off-site Highway Infrastructure

Although the DEIS makes a strong case for the applicant's preferred alternative on the LIT parcels (with some minor adjustments), we do not believe an appropriate suite of alternatives is provided for the off-site highway infrastructure plans. Specifically, at this time, we question the need for either the Stevens Street - Route 140 Northbound Entrance Ramp or the Rte 24 SB-Rte 140 NB Slip Ramp, or their proposed layouts.

1-11.8 **Route 140 NB Entrance:** Table 8.1-6 compares two options (1 and 2) for ensuring acceptable traffic flow from the proposed casino onto Rte 140 NB. Option 1 would involve a new ramp necessitating fill in wetlands and a crossing of the Cotley River; Option 2 would involve widening of existing roadway infrastructure and continuance of the existing on-ramp in its current approximate configuration. The table demonstrates that although Option 1 would perform better, Option 2 would still result in MassDOT level of service "C," which the DEIS then labels "acceptable." From this the Corps reaches a preliminary finding that Option 2 is both practicable and less environmentally damaging than Option 1. The DEIS then discusses the need to appropriately mitigate the impacts of Option 1; however, this does not change the requirements of the Section 404(b)(1) guidelines that stipulate that the Corps can only issue a permit for the alternative that constitutes the Least Environmentally Damaging Practicable Alternative (LEDPA) (i.e., mitigation can only be used to compensate for unavoidable impacts; it cannot be used to ameliorate the more substantial impacts of an alternative that is otherwise more environmentally damaging than the LEDPA).

1-11.9 **SB Route 24 – NB Route 140:** Table 8.1-7 compares two options (3 and 4) for ensuring acceptable traffic flow from Route 24 to Route 140. In this instance, it appears that the levels of service between the two options would be virtually identical; however, Option 4 has substantially lower wetland impacts. We thus reach a preliminary finding that Option 4 is both practicable and less environmentally damaging than Option 3. Assuming that additional information is provided that demonstrates Option 4 is not operationally feasible, we still believe there are changes in alignment that should be considered for Option 3. These could include relocation of the existing MassDOT physical plant facilities to make room for a slip ramp in uplands, or construction of a ramp along the existing power line access road south of/parallel to the CSX - operated railroad tracks. We estimate that either of these would result in substantially lower impacts to aquatic resources than the currently configured Option 3.

In summary, at this time the Corps believes that the data provided concerning wetlands on the LIT parcel is fairly comprehensive and straightforward; however the data for the off-site highway infrastructure has considerable gaps that need further discussion before we can reach a final LEDPA determination. We look forward to continuing to work with BIA and the Mashpee Wampanoag Tribe to result in an EIS that the Corps can adopt to meet our NEPA responsibilities, and to review an application that results in a Section 404 permit decision that fully complies with the USEPA Section 404(b)(1) Guidelines.

If you have any questions regarding this letter, please contact Alan Anacheka-Nasemann, of my staff, at 978-318-8214, or via e-mail at: [alan.r.anacheka-nasemann@usace.army.mil](mailto:alan.r.anacheka-nasemann@usace.army.mil)

Sincerely,



Karen K. Adams  
Chief, Permits and Enforcement Branch  
Regulatory Division

Cedric Cromwell, Chairman, Mashpee Wampanoag Tribe, P.O. Box 1048, Mashpee,  
Massachusetts 02649

Dave Hewett, Epsilon Associates, Inc., 3 Clock Tower Place # 250, Maynard, Massachusetts  
01754

Matthew Walsh, Massachusetts Department of Transportation, 10 Park Plaza, Boston,  
Massachusetts 02116

Ed Reiner, U.S.E.P.A., Region 1, Boston, Massachusetts, [reiner.ed@epa.gov](mailto:reiner.ed@epa.gov)

**LETTER 1-11: U.S. ARMY CORPS OF ENGINEERS, JANUARY 17, 2014****Response to Comment 1-11.1**

The U.S. Army Corps of Engineers will proceed as a Cooperating Agency to this NEPA review.

**Response to Comment 1-11.2**

The U.S. Army Corps of Engineers is listed as the agency that administers the Section 404 Program in **Table 2.2-1**.

**Response to Comment 1-11.3**

Although no such activities have been proposed for the Mashpee parcels, the BIA and Tribe understand that any development involving a discharge of dredged or fill material into the waters of the United States would require permitting from the Department of the Army.

**Response to Comment 1-11.4**

The Tribe has not yet developed any formal conservation plans for the Project Site; however, the Tribe currently has no plans for any further development beyond that described in this FEIS. Any future development undertaken on the Project Site that involved the placement of fill in Waters of the U.S. would be subject to federal permitting under Section 404 of the Clean Water Act.

**Response to Comment 1-11.5**

As discussed in detail in **Section 4.2.4**, the Tribe reevaluated the Development Alternatives from the DEIS. **Section 8.2.1.1** outlines project changes as they relate to wetland avoidance and minimization. The current Preferred Development does not result in any impacts to wetlands or other waters of the U.S. on the Project Site. Part of the avoidance and minimization efforts eliminated Parking Area "Lot 13" that required a span of the Cotley River and wetland impacts. As such, the Tribe no longer intends to impact this area or span the Cotley River.

**Response to Comment 1-11.6**

**Section 8.2.2** addresses on-site Secondary Effects. This FEIS has identified Secondary Effects as dictated by this comment in addition to previous calculations.

**Response to Comment 1-11.7**

**Section 8.2.1.1** outlines Project changes as they relate to wetland avoidance and minimization. The Tribe modified the project layout to avoid all wetland impacts north of the railroad tracks. The Tribe will

continue to consult with the Corps regarding potential secondary effects to upland vernal pool habitat throughout the permitting process.

### **Response to Comment 1-11.8**

As described in **Section 4.2.4**, in response to the comments from the Corps and MassDOT, the Tribe has eliminated the Option 1 ramp, analyzed in the DEIS, from further consideration. This FEIS analyzes only the practicable and less environmentally damaging intersection improvements under what was described as Option 2 in the DEIS.

### **Response to Comment 1-11.9**

In discussing these options with MassDOT, Option 3 is more in line with the infrastructure improvements that MassDOT has been studying. The team has been coordinating with MassDOT to reduce the wetlands impacts with adding a slip ramp in the northwest quadrant of the interchange.

**Municipal Council**  
**City of Taunton**  
**MASSACHUSETTS**

*John M. McCaul*  
Council President

*Colleen M. Ellis*  
Clerk of Council Committees

**CITY HALL**  
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*Councilors:*

Daniel Mansour Barbour  
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Donald L. Cleary  
Ryan C. Colton  
Sherry Costa-Hanlon  
Andrew J. Marshall  
John M. McCaul  
Alan F. Medeiros  
David W. Pottier

January 15, 2014

Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriot Dr. Suite 700  
Nashville, Tenn 37214

Attention: Mr. Franklin Kiel, Regional Director

Subject: Mashpee Wampanoag Tribe, Land in Trust Application, Taunton, MA 02780

Dear Mr. Kiel:

At a meeting of the newly elected Taunton City Council a majority (8-1) voted to send this letter in support for the Mashpee Wampanoag Tribe's efforts to obtain approval of their land-in-trust application. The approximate 145 acres being targeted are within an East Taunton Industrial Park business-zoned area. Over the past several years the City has been aggressively marketing our industrial parks to enhance the economic make-up of our community.

Over the past two years City of Taunton officials and the Mashpee Wampanoag Tribe have developed a very positive relationship and sense of community pride. The Mashpee Wampanoag Tribe has already stepped forward with financial support for several community initiatives: Taunton Boys and Girls Club, Taunton Area Chamber of Commerce, and the City of Taunton's Christmas City celebrations. Both groups have a vision of significant economic benefits that would impact the quality of life for both the citizens of Taunton and the Tribe.

To date the partnership has successfully completed:

1. An Intergovernmental Agreement (I.G.A. May, 2012)
2. Taunton voters' approval of a referendum on the I.G.A. (63% approval)
3. The State Legislature and Governor have approved a revised compact between the State and the Mashpee Wampanoag Tribe. This agreement was recently approved by the B.I.A.

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REGIONAL DIRECTOR

4. The Tribe has developed engineering plans with the City's infrastructure departments (Dept. of Public Works, Sewer and Water Depts., Engineering Offices). These detailed plans ensure the Tribe and the City are properly prepared to implement the numerous improvements necessary to support the casino and improve the surrounding neighborhoods.

The City Council recognizes that this proposal will provide a significant stimulus to our economy. Taunton is an old textile and silver manufacturing community with a population of 58,000.

Currently, the City's unemployment rate is 7.5%, which is higher than the state average. Many of our citizens are underemployed. The casino is projected to create 3500 full time jobs with many providing meaningful career pathways. Similar to other mid-size older communities, Taunton is hard pressed to govern successfully under the financial constraints of the current recession. The approved Intergovernmental Agreement between the Tribe and City will see a significant infusion of funds. These will enable the City to address numerous infrastructure needs such as,

1. Fire and Police facilities
2. Staffing for public safety
3. Additional funding for schools.
4. Improvements to sewer and water departments
5. Traffic flow improvements
6. Guaranteed annual City revenue of \$8 million.

1-12.1

It is with all of the above comments that we are urging the Bureau of Indian Affairs to look positively on the Mashpee Wampanoag Tribe's application for Land-in-Trust. The successful completion of this project is clearly in the best interest of the community of Taunton.

Should you wish to discuss this further with the City Council members, do not hesitate to call and a meeting can be arranged.

Sincerely,



Andrew J. Marshall  
Council President

**LETTER 1-12: CITY OF TAUNTON MUNICIPAL COUNCIL, JANUARY 15, 2014**

**Response to Comment 1-12.2**

Comment noted.



# TOWN OF MASHPEE

# OFFICE OF SELECTMEN

16 Great Neck Road North  
Mashpee, Massachusetts 02649  
Telephone - (508) 539-1401  
bos@mashpeema.gov

January 17, 2014

Mr. Kevin Washburn  
Assistant Secretary - Indian Affairs  
U.S. Department of the Interior  
Room 4160  
1849 C Street, N.W.  
Washington, DC 20240

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

RECEIVED  
2013 JAN 17 A 9:34  
BIA-ERO  
REGIONAL DIRECTOR

**Re: Draft Environmental Impact Statement for the Proposed Fee-to-Trust Transfer of Property and Subsequent Development of a Resort/Hotel and Ancillary Facilities in the City of Taunton, Massachusetts and Tribal Government Facilities in the Town of Mashpee, Massachusetts by the Mashpee Wampanoag Tribe**

Dear Mssrs. Washburn and Keel:

The Town of Mashpee, Massachusetts (Town) appreciates the opportunity to comment on the Bureau of Indian Affairs' (BIA) draft environmental impact statement (DEIS) for the Mashpee Wampanoag Tribe's request that the Department transfer title to approximately 151 acres of property in the City of Taunton, Massachusetts and 170 acres of property in the Town of Mashpee into trust pursuant to Section 5 of the Indian Reorganization Act (IRA), 25 U.S.C. § 465.<sup>1</sup> The Tribe has requested that the Department transfer the various parcels of land listed in the DEIS into trust for two distinct general purposes: 1) the development of a casino-resort in Taunton; and 2) the

<sup>1</sup> The Town understands that the Tribe has sought a determination from the Department of the Interior that the Tribe qualifies for trust acquisition under Section 5 and the Supreme Court decision in *Carieri v. Salazar*, 555 U.S. 379 (2009). See <http://www.mashpeewampanoagtribe.com/content/pages/69/Tompkins-Letter-to-Cromwell-032013.pdf>. The Town takes no position at this time regarding whether the Tribe qualifies for trust land under the IRA.

Mr. Kevin Washburn  
Mr. Franklin Keel  
January 17, 2014  
Page 2

continued development and use of 170 acres of land in Mashpee for tribal facilities. Accordingly, the Town restricts its comments on the DEIS to the proposed trust transfer of land in Mashpee for tribal facilities.

1-13.1 The Town supports the Tribe's efforts to develop its governmental services and infrastructure. The DEIS and the administrative record for the proposed trust requests, however, must reflect the circumstances of the Tribe's acquisition of rights to several of the proposed trust parcels and the significant limitations the Tribe and the Town have agreed to regarding acceptable future uses of any these and any other parcels of Mashpee land proposed to be transferred into trust. The DEIS fails to discuss these issues and must therefore be revised to accurately account for restrictions on use, environmental requirements, and consultation requirements.

Beginning in 2006, the Town worked for a period of over two years with the Tribe to develop an intergovernmental agreement (IGA) to address the Tribe's desire to have Mashpee land transferred into trust and to resolve other long-standing controversies. The Tribe and the Town successfully executed an agreement in 2008, through which the parties attested to their intent to establish "a long-term, cooperative relationship between them that will serve the best interests of the Tribe and its members and the Town and its residents." Attachment 1 (*Intergovernmental Agreement, by and between the Mashpee Wampanoag Tribe and The Town of Mashpee, Massachusetts* (April 22, 2008)). After executing the IGA, the Town withdrew comments it had previously filed opposing the Tribe's then-pending trust request for approximately 141 of the 170 acres covered in this request. See Attachment 2 (Comments of the Town of Mashpee on the Trust Land Acquisition Request of the Mashpee Tribe (January 25, 2008)) and Attachment 3 (Letter from the Town of Mashpee Withdrawing Comments in Opposition (May 15, 2008)).

Central to the IGA is the Town's agreement to convey its fee interests to land historically and culturally important to the Tribe, including the Old Indian Meeting House site (approximately 0.15 acres), the Town Cemetery land (11.75 acres), the Parsonage site (approximately 2.5 acres), and to release to the Tribe any Town interests in two aquaculture grant locations: the Punkhorn Point Site (4.6 acres), and the Popponesset Bay Site (8 acres). The Town also agreed to remove certain restrictive covenants from the parcels to be used for the Tribal Council Offices (0.584 acres), the Tribal Museum (55 acres) and the burial ground (0.361 acres). The Town satisfied these obligations by instruments executed on May 19, 2008 and recorded at the Barnstable County Registry of Deeds on June 27, 2008.

In exchange for these and other commitments from the Town, the Tribe agreed to "release any and all claims, rights, interests and/or entitlements relating to real property located within the geographical boundaries of the Town of Mashpee and owned by private (non-governmental) property owners or by the Town, its agencies, commissions and authorities." Attachment 1, p. 4. This commitment to forgo any land claims was particularly important to the Town, because of

# DEIS comments for proposed fee-to-trust transfer of lands by the Mashpee Wampanoag Tribe

Mr. Kevin Washburn  
Mr. Franklin Keel  
January 17, 2014  
Page 3

lingering community concerns resulting from the Tribe's land claims suits in the 1970s. See *Mashpee Tribe v. Town of Mashpee*, 447 F. Supp. 940 (D. Mass. 1978), *aff'd sub nom. Mashpee Tribe v. New Seabury Corp.*, 592 F.2d 575 (1st Cir.), *cert. denied*, 444 U.S. 866 (1979).<sup>2</sup>

The IGA addressed another very significant concern of the Mashpee community--gaming. Neither the Tribe nor the Town view the Town of Mashpee as an appropriate location for gaming for a variety of reasons, including the delicate ecosystem in Mashpee and on the Cape. Accordingly, the Tribe agreed "[n]ot to construct or operate a casino conducting either Class II or Class III gaming as authorized by the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq.*, within the geographical boundaries of the Town of Mashpee." Attachment 1, p. 6. The Tribe's agreement to forgo any gaming within the Town is a critically important element of the IGA.

In addition to these highly important commitments, without which the Town would not have transferred fee title and/or released other interests in Mashpee land, the Tribe also agreed to certain environmental obligations, should the Tribe decide to change the use of a particular parcel covered by the IGA. *Id.* at 5 (requiring the Tribe to provide notice of proposed changes to the use of certain parcels). In addition, the Tribe promised to "cooperate and work with Town planning staff to promote coordination of Tribal and Town actions regarding development and traffic patterns arising as a result of any proposed improvements or projects on land held in trust for the Tribe or tribally owned lands in Mashpee." *Id.* at 5-6.

The Tribe's environmental commitments and the limitations on the future use of the proposed trust land are clearly relevant to the environmental analysis of the proposed action and should have been discussed in the DEIS. Just as the DEIS discusses the IGA between the City of Taunton and the Tribe, the DEIS should also have addressed the IGA between the Town of Mashpee and the Tribe. The IGA is directly relevant to the BIA's consideration of cumulative effects and mitigation discussion, for example, but it is omitted entirely from the analysis. This omission raises serious concerns regarding whether and how BIA is considering the Town of Mashpee's IGA with the Tribe during the trust acquisition process.

Not only should BIA have discussed the IGA in the DEIS, it must consider the IGA as part of its decision pursuant to Section 5 of the IRA and the trust regulations set forth at 25 C.F.R. Part 151, and incorporate the IGA as a condition to the trust acquisition. The Tribe committed in the IGA to taking "all steps necessary to ensure that title to any lands acquired from the Town pursuant to this Agreement, when accepted into trust by the Secretary of the Interior, for and on behalf of the United States, shall be subject to this Agreement and all applicable Federal law, and that the terms of this Agreement shall be recorded with the Barnstable County Registry of Deeds, and that the Tribe

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<sup>2</sup> Despite this commitment, individual tribal members filed land claims in 2008. These claims were dismissed. *Bingham v. Commonwealth*, No. 07-10770 (D. Mass. May 6, 2009).

DEIS comments for proposed fee-to-trust transfer of lands by the Mashpee Wampanoag Tribe

Mr. Kevin Washburn  
Mr. Franklin Keel  
January 17, 2014  
Page 4

as the owner of beneficial title to those lands, shall enjoy and be subject to all rights, privileges and obligations of this Agreement.” Attachment 1, pp. 12-13.

To ensure that the provisions of the IGA would be incorporated into any trust decision, the Town worked closely with the Tribe and the Department, reviewing the terms of the agreement, its enforceability and compliance with 25 U.S.C. § 81. Section 81 requires Secretarial approval of any agreement “that encumbers Indian lands for a period of 7 or more years.” Absent Secretarial approval, any such agreement is invalid and unenforceable. During negotiations of the IGA, the Tribe argued that Section 81 did not apply to the IGA because, at the time the parties negotiated the IGA, the lands involved were not “Indian lands.”<sup>3</sup> See Attachment 4 (Letter from Reid Peyton Chambers, Tribal Counsel, to Chairman Hendricks, Mashpee Tribe (Feb. 29, 2008)) and Attachment 5 (Letter from Reid Peyton Chambers, Tribal Counsel to William A. McDermott, Local Counsel for the Tribe (Mar. 24, 2008)). Although the Town agreed with the Tribe’s counsel that Section 81 applies only to Indian lands, the Department took the position that Section 81 could be triggered if and when the Department transfers the land in Mashpee in trust.

The Town’s position is that the Department cannot invalidate a pre-existing agreement by transferring land into trust, while denying Section 81 approval. Such an interpretation of the Secretary’s Section 5 trust authority would not only be arbitrary and capricious, it would be constitutionally infirm. Nonetheless, out of an abundance of caution, the Town sought confirmation from the Department that the IGA would not violate Section 81 to ensure its enforceability if lands in Mashpee were ultimately acquired in trust.

Then-Assistant Secretary-Indian Affairs Artman determined that, although the regulations implementing Section 81 prohibit the Secretary from approving agreements before the land involved becomes federally restricted, based on his preliminary review of the IGA, “it appears that [the IGA] satisfies the [Section 81 standards], and would receive Departmental approval at the time the subject lands are acquired in trust.” Attachment 6 (Letter from Carl J. Artman, Assistant Secretary, BIA to Patrick Costello, Counsel for Town of Mashpee (Apr. 7, 2008)). The Town overwhelmingly approved the IGA at a Special Town Meeting convened for that purpose on the basis of Mr. Artman’s review and assurances. The Town and the Tribe also executed a rider to the IGA restating the parties’ commitment to the terms of the IGA on April 22, 2008. See Attachment 1, Rider ‘A’ to IGA.

The Town has included the IGA and supporting documentation for your consideration. The DEIS must be revised to reflect the existence and terms of the IGA, and any trust decision must

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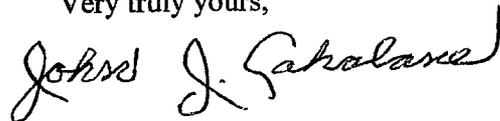
<sup>3</sup> Section 81 defines “Indian lands” to mean “lands the title to which is held by the United States in trust for an Indian tribe or lands the title to which is held by an Indian tribe subject to a restriction by the United States against alienation.” 25 U.S.C. § 81(a)(1).

DEIS comments for proposed fee-to-trust transfer of lands by the Mashpee Wampanoag Tribe

Mr. Kevin Washburn  
Mr. Franklin Keel  
January 17, 2014  
Page 5

incorporate the limitations agreed to therein. Please contact me or Mashpee Town Manager, Joyce M. Mason, at (508) 539-1400 x 8513 if you have any questions about the IGA or any other issue.

Very truly yours,



John J. Cahalane,  
Chairman

Cc: Chairman Cedric Cromwell, Mashpee Wampanoag Tribal Council  
Senator Elizabeth A. Warren  
Senator Edward J. Markey  
Representative William R. Keating  
Governor Deval Patrick

**TOWN OF MASHPEE OFFICE OF SELECTMEN**

**LETTER ATTACHMENT**

Attachment to Letter 1-13 can be found in **Appendix H**.

**LETTER 1-13: TOWN OF MASHPEE OFFICE OF SELECTMEN, JANUARY 17, 2014**

**Response to Comment 1-13.1**

Parcels and potential impacts of the Proposed Action in Mashpee are discussed in **Sections 5 and 6** of this FEIS. As stated in **Section 6.2**, no new development is being proposed as part of the fee-to-trust process for the Mashpee Parcels. All Mashpee Parcels would remain in their present or previously proposed conditions whether or not they were taken into trust by the United States on behalf of the Tribe. Terms of the IGA between the Tribe and the Town of Mashpee are discussed in **Section 2.2.4**.



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GSBLAW.COM

GARVEY SCHUBERT BARER

ATTORNEYS AT LAW

Please reply to LAEL R. ECHO-HAWK  
lechohawk@gsblaw.com  
DIRECT 206 816 1355

January 17, 2014

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

**Re: Wampanoag Tribe of Gay Head (Aquinnah)  
Comments on Mashpee Wampanoag Fee-To-Trust Project Environmental Impact  
Statement**

Dear Director Keel:

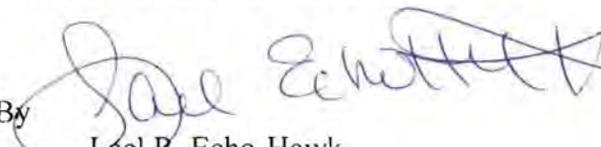
On behalf of the Wampanoag Tribe of Gay Head (Aquinnah), enclosed please find the Comments on Mashpee Wampanoag Fee-To-Trust Project Environmental Impact Statement.

Please feel free to call me if you have any questions.

Sincerely,

GARVEY SCHUBERT BARER

By

  
Lael R. Echo-Hawk

dlh

Enclosure

## **WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH)**

### **LETTER ATTACHMENT**

Attachment to Letter 1-14 can be found in **Appendix H**.

**LETTER 1-14: GARVEY SHUBERT BARER ON BEHALF OF WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH), JANUARY 17, 2014**

Tribal Historic Preservation Officers (THPOs) for the Aquinnah Wampanoag Tribe and the Mashpee Wampanoag Tribe were consulted, and continue to be part of the consultation process, as provided under Section 106 of the National Historic Preservation Act. Further discussion on consultation and preservation of cultural resources can be found in **Sections 7.13 and 8.13**.



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Providence, Rhode Island 02903  
tel: 401 751-5360  
fax: 401 274-2173

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BIA-ERO  
REGIONAL DIRECTOR

January 16, 2014

Mr. Franklin Keel  
Regional Director  
Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriott Drive  
Suite 700  
Nashville, Tennessee 37214-5081

Subject: Water Supply Evaluation for the Proposed Mashpee Wampanoag Project First Light

Mr. Keel:

On behalf of the City of Taunton, MA, CDM Smith has reviewed the Draft Environmental Impact Statement (DEIS) dated November 2013 as prepared by Epsilon Associates, Inc., regarding water supply to the proposed Mashpee Wampanoag Project First Light. The review is based on water supply information presented in the DEIS and related information provided in CDM Smith's May 22, 2012 evaluation and letter report (attached) on anticipated water supply needs for the proposed Mashpee Wampanoag Tribe Casino project.

## Review

CDM Smith reviewed appropriate sections of the DEIS with regard to future water supply for the proposed casino. As you know, we prepared the May 22, 2012 letter, which provided information on distribution system hydraulic conditions both pre- and post-casino using the City's calibrated hydraulic model. While performing this evaluation, we used future water supply demands presented by JCY Architecture in their April 13, 2012 letter (attached).

For this review, CDM Smith compared information presented by Epsilon Associates in the DEIS regarding water supply to the findings and recommendations in our hydraulic evaluation. Our review primarily included the following Sections of the DEIS.

- Section 4.3 – Description of Project Alternatives
- Section 7.7 – Water Supply
- Section 8.7 – Water Supply





Mr. Franklin Keel  
Bureau of Indian Affairs  
January 16, 2014

Page 2

- Appendix F – Water Supply (CDM Smith May 22, 2012 letter and JCJ Architecture April 13, 2012 letter)

## Findings

After reviewing the DEIS Sections listed above, CDM Smith has determined that the water supply requirements for the proposed Alternatives have changed since both JCJ Architecture's letter and our resulting May 22, 2012 letter were prepared. The DEIS included Table 8.7-1 (attached), which listed Average Day Demand Water Uses by Alternative. Alternatives A and C list water use needs that are greater than the average daily flow requirement of 214,950 gallons per day (gpd), which was documented in JCJ Architecture April 13, 2012 letter. We have listed the anticipated average day demand needs by alternative below.

- Alternative A – 308,795 gpd
- Alternative B – 163,360 gpd
- Alternative C – 245,495 gpd

CDM Smith confirmed that the DEIS agrees to some of our recommended improvements to the City distribution system including:

- 4,500 feet of 16-inch water main from the intersection of Pinehill Street and Middleboro Avenue, to Stevens Street, to the proposed facility entrance (recommendation would include appurtenances like a 24-inch x 16-inch tapping sleeve and valve, line valves, fittings, hydrants, etc.)
- All existing customers along this 4,500 foot pipe route would be tied into the new 16-inch water main to resolve issues associated with multiple pipes within these streets.
- A 24-inch x 16-inch tapping sleeve and valve with up to 30-feet of 16-inch water main to the customer property line on Middleboro Avenue. This connection will allow for looping the service line through the proposed Mashpee Wampanoag Casino property.

1-15.1 With the increased water demands anticipated for Alternatives A and C, CDM Smith has not performed additional hydraulics analysis at this time. The infrastructure improvements proposed for the project were based on meeting fire flow requirements, which are still significantly higher than the average demands presented above. Additional information related to the increase in water use should be provided to the City to properly understand the proposed



Mr. Franklin Keel  
Bureau of Indian Affairs  
January 16, 2014

Page 3

increase. It should also be reiterated that the City is responsible for providing water to the property line, whereas the Mashpee Wampanoag's design engineers will be responsible for providing necessary pumping and storage for their proposed facilities.

CDM Smith also has concerns that some of our recommended improvements were not discussed or confirmed in the DEIS and have reiterated these recommendations below.

### Recommendations

Following our review of the Draft Environmental Impact Statement and its supporting documentation, CDM Smith suggests that the following actions be taken by the City.

- Request an explanation for the increase in water demand requirements for the project. | 1-15.2
- Confirm that two meter vaults (with piping bypass) will be provided at the connections of the City's distribution system to the proposed development as defined in CDM Smith's May 22, 2012 letter. | 1-15.3
- Verify that final overlay, full-width paving will be provided on Stevens Street from the Project First Light entrance (Route 140) to the intersection of Stevens Street and Middleboro Avenue, as well as Pinehill Street from Stevens Street to Middleboro Avenue. | 1-15.4
- Confirm the replacement of all necessary water services on Middleboro Avenue, Hart Street and County Street to improve pressure and rectify issues associated with multiple water mains in these streets. | 1-15.5
- There is no discussion related to maintaining water service to a customer on O'Connell Way that will not be part of the First Light development. We believe there should be mention or description of how that water service is to be maintained once the project proceeds. | 1-15.6

CDM Smith prepared an estimate for the water infrastructure improvements of \$2 million as part of the May 22, 2012 letter. It is recommended that the City be allowed to revisit and update project construction cost estimates for the water system improvements once an actual construction timeline is established to account for inflation in construction materials and services.



Mr. Franklin Keel  
Bureau of Indian Affairs  
January 16, 2014

Page 4

We trust that this letter meets with your immediate needs. Should you have any additional questions, please call me at (401) 457-0329.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. Levesque".

Benjamin Levesque, P.E., BCEE  
CDM Smith Inc.

cc: The Honorable Thomas C. Hoyer, Jr. - Mayor  
Jason Buffington, Esq. (City of Taunton Law Department)  
Michael J. Schaller, Partner (Taft Stettinius & Hollister LLP)  
Chuck Adelsberger, P.E., BCEE (CDM Smith-Providence)

**CDM SMITH ON BEHALF OF CITY OF TAUNTON**

**LETTER ATTACHMENT**

Attachment to Letter 1-15 can be found in **Appendix H**.

**LETTER 1-15: CDM SMITH ON BEHALF OF CITY OF TAUNTON, JANUARY 16, 2014****Response to Comment 1-15.1**

As elements of the project have been better defined, the water requirements have been updated accordingly. A summary of the water demands are presented in **Table 8.7-1**.

**Response to Comment 1-15.2**

Please see the response above.

**Response to Comment 1-15.3**

As the site design work proceeds, plans showing water metered connections to the Project will be submitted to the City for review and comment. In order to maintain water supply to an existing customer on O'Connell Way, each building associated with the project may need to be individually metered instead of a single master meter at the entrance to the site. The Tribe will coordinate with the City and its consultant to address the water metering during project design.

**Response to Comment 1-15.4**

Water Mitigation for the Project will be completed in compliance with the Inter-Governmental Agreement (IGA) and the Recommended Capital Improvements summarized in CDM Smith's letter dated May 22, 2012.

**Response to Comment 1-15.5**

Please see the response above.

**Response to Comment 1-15.6**

As the site design work proceeds, plans showing water metered connections to the Project will be submitted to the City for review and comment. In order to maintain water supply to an existing customer on O'Connell Way, each building associated with the project may need to be individually metered instead of a single master meter at the entrance to the site. The Tribe will coordinate with the City and its consultant to address the water metering during project design.



The Commonwealth of Massachusetts  
House of Representatives  
State House, Boston, 02133-1054

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2013 JAN 21 A 8:24

BIA-ERO  
REGIONAL DIRECTOR

REPRESENTATIVE  
KEIKO ORRALL  
12<sup>TH</sup> BRISTOL DISTRICT

ROOM 540, STATE HOUSE  
TEL. (617) 722-2090  
Keiko.Orrall@MAhouse.gov

Jan 17, 2014

Mr. Franklin Keel, Regional Director  
Bureau of Indian Affairs, Eastern Regional Office  
545 Marriott Dr. Suite 700  
Nashville, TN 37214

RE: Comments on DEIS for Proposed Mashpee Wampanoag Tribe Property Trust and Development

Dear Mr. Keel,

As the representative for the 12<sup>th</sup> Bristol District, I represent the communities of Taunton, Lakeville, Middleborough, and Berkley. I am writing to express concerns with the Draft Environmental Impact Statement concerning the Mashpee Wampanoag Tribe's proposed Fee to Trust Acquisition and respectfully ask that the Bureau conduct a thorough evaluation and assessment of the regional impacts of this potential tribal casino.

It is essential that the Bureau of Indian Affairs is made aware that the needs of surrounding communities have not been addressed in the current DEIS. These concerns need to be analyzed and addressed by the Bureau in the analysis of this project in Taunton.

A. **WATER SUPPLY:** One particular area of concern is the Assawompset Pond Complex which is the drinking water source for the cities of Taunton and New Bedford. This has been an area of interest for the region since the severe flooding in 2010. Six municipalities have been working together to better understand the issues of water management. The section covering this in the DEIS appears to be based on information that has not been officially analyzed. A safe yield study has not been done and must be done to ensure that there are no detrimental effects on the region's water supply. The costs cannot be placed on the municipalities for this analysis. I would urge the Bureau to carefully review the amount of water needed for a resort casino and the impact that it will have on local wells as well as the entire APC complex and the Taunton River Watershed. Consideration should be given to surrounding communities to participate in the determination of the adequacy of any proposed mitigation.

1-16.1

B. **TRANSPORTATION:** There are significant highway and local roadway traffic impacts within and beyond the host community including road widening, turning lanes, signalization improvements, and traffic calming measures that were missing from the DEIS with regards to surrounding communities. Rt 79 in Lakeville and Berkley was not mentioned as a potential area for mitigation. This area would receive significant traffic in the event of a casino and I am concerned that it would exceed the maximum number of cars for which the roadway was designed. Any full destination/resort casino in this region should rely upon interstate highways and suitable state highways as opposed to local roads for vehicular access.

1-16.2

- 1-16.3 | C. **AIRPORT REVIEW:** The Taunton Municipal Airport is in close proximity to this casino and to my knowledge the FAA has not conducted a review of the impacts of increased flights or air traffic. This must be done before the process moves forward.
- 1-16.4 | D. **EDUCATION/PUBLIC SAFETY:** The surrounding communities continue to maintain that there has not been a thorough evaluation of the educational impacts of this casino. The impacts on police and fire departments in the surrounding communities of Lakeville and Berkley have also not been adequately addressed. All of these areas and the impacts on the communities that are directly abutting this portion of Taunton are in need of a closer evaluation.
- 1-16.5 | E. **MIDDLEBOROUGH:** The town of Middleborough maintains that the tribe continues to have an agreement with them regarding a tribal casino. This matter has not been settled to their satisfaction and should be a priority before any further work is done to move this project forward in Taunton

Thank you for your attention to these matters. We appreciate the diligence and attention that you will commit to this issue and the protection that your agency will provide for the surrounding communities.

Sincerely,



Rep. Keiko M. Orrall

**LETTER 1-16: REPRESENTATIVE KEIKO M. ORRALL, 12<sup>TH</sup> BRISTOL DISTRICT,  
JANUARY 17, 2014****Response to Comment 1-16.1**

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit.

**Response to Comment 1-16.2**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed through more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 1-16.3**

As noted in **Section 8.1.3.11**, it is not anticipated that there will be any increase in air traffic as a result of the Proposed Action.

**Response to Comment 1-16.4**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton. Section 8.21.6.16 discusses impacts to regional educational and emergency services resources.

**Response to Comment 1-16.5**

This issue is outside the scope of an Environmental Impact Statement.



**TOWN OF FREETOWN**  
OFFICE OF THE  
**BOARD OF SELECTMEN**

3 North Main Street  
P.O. Box 438  
Assonet, Massachusetts 02702  
Tel: (508) 644-2201  
Fax: (508) 644-3342

December 23, 2013

Cedric Cromwell, Chairman  
Mashpee Wampanoag Tribal Council  
Madaket Place  
766 Falmouth Rd.  
Mashpee, MA 02649

**RECEIVED**  
JAN 02 2013  
BY: *[Signature]*

Dear Chairman Cromwell:

Please be advised that the Town of Freetown, hereby requests designation of the Town of Freetown as a Neighboring Community to the Host Community for the proposed Mashpee Wampanoag Casino in the City of Taunton. 1-17.1

The town has reviewed the Tribal State Compact, dated March 19, 2013, and the Environmental Impact Analysis and is concerned that Freetown, being a community that is proximate to the City of Taunton, will be greatly affected by the construction of a Casino. Freetown will experience increased traffic on its local roadways, as a result of increased traffic to the Casino. This will require the Town to expend increased funding for roadway maintenance and improvements, as well as, possible additional staffing. 1-17.2

Freetown also provides Police and Fire Emergency Services to portions of Route 140 Route 79 and Route 24 which will also receive increased traffic as a main access highway to the Casino. The increased traffic on both local roadways, Route 79 and Route 140 will greatly stress the Town's Emergency Services, most likely demand additional staffing and equipment purchases, requiring the Town to expend beyond its financial ability. 1-17.3

Neither the compact nor the environmental impact analysis takes into account the impact of the presence of a major employer in the area. Freetown is part of a regional school district which has experienced declining enrollments. Dramatic increases in population, especially of school age children could result in unsustainable requirements for school funding. 1-17.4

As one of the recognized ancestral homes to the Wampanoag people, combine with a close proximity to the proposed Casino, the Town of Freetown is a natural candidate to be designated as a Neighboring Community, and hope you will provide that recognition at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Brown', with a long horizontal flourish extending to the right.

Richard Brown  
Town Administrator

**LETTER 1-17: TOWN OF FREETOWN BOARD OF SELECTMEN, DECEMBER 23, 2013****Response to Comment 1-17.1**

The EIS describes any significant adverse impacts caused by the proposed gaming facility. Construction of the proposed gaming facility is not anticipated to create any significant adverse impacts on the Town of Freetown. However, as described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

**Response to Comment 1-17.2**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed though more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 1-17.3**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

**Response to Comment 1-17.4**

As described in **Section 8.20.3.1**, based on previous studies conducted for new casino development through the NEPA process, it is estimated that 10 percent of the Project's 3,500 new employees would be individuals relocating into Bristol or Plymouth County. Prioritization of local recruitment and the area's existing level of unemployment will keep population growth in towns surrounding Taunton relatively low.

In addition, please see the response above..



## CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

January 17, 2014

Franklin Keel  
Eastern Regional Director  
Bureau of Indian Affairs  
Eastern Region  
545 Marriott Drive Suite 700  
Nashville, TN 37124

Dear Mr. Keel:

I write to comment on the Bureau of Indian Affairs' draft Environmental Impact Statement (DEIS) for the proposed Mashpee Wampanoag casino in Taunton, Massachusetts. As the mayor of the city of New Bedford, I have serious concerns about the proposed casino's potential impact on traffic to and from New Bedford and on our city's cultural institutions and water supply. These concerns are not sufficiently addressed in the DEIS, which focuses largely on the impact of the casino on the immediate surrounding area.

New Bedford is located 21 miles south of Taunton and is not linked to Boston by rail. As a result, the thousands of people traveling each day between the greater New Bedford area and Boston for business or pleasure depend on unimpeded traffic flow around and through Taunton, particularly at the intersection of Routes 24 and 140, where the proposed 151-acre casino would be located. Although the DEIS examines the impact of the casino on traffic in Taunton itself, it does not fully address how the casino will affect traffic on Routes 24 and 140. Given the scale of the proposed casino and its proximity to the key interchange between New Bedford and Boston, I urge you to examine further its likely effect on traffic on Routes 24 and 140. If the proposed casino were to create congestion between New Bedford and Boston, it could adversely affect the ability of New Bedford residents to commute to Boston and cripple New Bedford's thriving tourism industry.

1-18.1

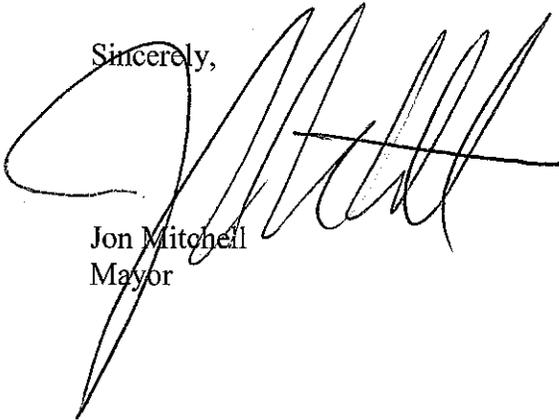
There is also insufficient information in the DEIS about how the proposed casino might affect New Bedford's water supply. The proposed resort casino stipulates that it will receive its water supply from the Taunton Watershed. However, it is not clear that the proposed casino's forecasted water usage projections are adequate for the demand of this project. If the Taunton Watershed is not able to meet demands for the fully built casino, it is anticipated that the City of Taunton might need to rely more heavily upon the Assawompset Complex, on which New Bedford depends for its water supply. The projections provided in Section 8.7 must be further analyzed and evaluated for accuracy so that we can better understand the potential impact of the proposed casino on New Bedford's water supply, which is critical to the city's future economic development.

1-18.2

1-18.3 Finally, the DEIS does not sufficiently address the effect of the proposed casino on surrounding cultural establishments, including in New Bedford. The Massachusetts Gaming Act explicitly requires consideration of the effect of proposed casinos on nearby cultural institutions, and in that same spirit, the DEIS should conduct such an analysis. New Bedford has marquee cultural institutions, such as the New Bedford Whaling Museum and the Zeiterion Center for the Performing Arts, that draw tens of thousands of tourists to the city each year. The proposed casino would contain a center bar lounge with a small stage, six event spaces, and a 15,000 sq. ft. events center, which could threaten New Bedford's cultural establishments, particularly if there is increased traffic on Routes 24 and 140. I urge you to assess how the casino would affect New Bedford's cultural institutions, which are cornerstones of both our economy and identity.

Thank you for in advance for your consideration and for your attention to how the proposed casino will affect the city of New Bedford.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Jon Mitchell', is written over the typed name.

Jon Mitchell  
Mayor

**LETTER 1-18: MAYOR JONATHAN F. MITCHELL, CITY OF NEW BEDFORD, JANUARY 17, 2014****Response to Comment 1-18.1**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed through more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 1-18.2**

There is no anticipated impact to the New Bedford Water Supply from this project. The City of Taunton can supply the Project without an increase in its Water Management Act Permit. **Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit.

**Response to Comment 1-18.3**

Anticipated off-site visitor spending patterns are described in **Section 8.16.3.1**. The proposed casino is expected to provide nearby residents with an alternative leisure and entertainment venue that would compete with existing local entertainment and leisure businesses. The potential for negative economic activity resulting from the substitution effect of local spending shifts is expected to be offset by newly generated employee spending, as well as by the adaptation of local businesses to attract and capture the spending potential of casino employees and patrons.



# *The Commonwealth of Massachusetts*

HOUSE OF REPRESENTATIVES  
STATE HOUSE, BOSTON 02133-1054

**SHAUNNA L. O'CONNELL**

**REPRESENTATIVE**  
3<sup>RD</sup> BRISTOL DISTRICT

Committees on:

Ethics

Personnel and Administration

Joint Committee on Children, Families & Persons With Disabilities

Joint Committee on Mental Health and Substance Abuse

STATE HOUSE, ROOM 237

TEL. (617) 722-2305

Shaunna.O'Connell@MAhouse.gov

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

**RE: Support for the Mashpee Wampanoag Tribe's Draft Environmental Impact Statement for the Tribe's LIT Application/Project First Light Destination Resort Casino in the City of Taunton**

Dear Mr. Keel,

Thank you for the opportunity to submit testimony regarding my support of the Draft Environmental Impact Statement for the Mashpee Wampanoag Tribe's land into trust application for the proposed Project First Light destination resort casino in the City of Taunton.

1-19.1

As you know, the city of Taunton voted overwhelmingly in support of the destination resort casino proposed by the Wampanoag Tribe.

Although meeting the requirements of Section 91 of the Massachusetts Expanded Gaming Act was challenging, the Tribe has shown good faith in all negotiations and has fulfilled the requirements and obligations of the gaming act in a timely manner:

- Land purchase agreement
- Referendum vote
- Numerous impact studies performed
- Preliminary designs for a facility
- IGA with the city
- Compact with the state
- Approval by the legislature

Mayor Hoye has been diligent in working with the Tribe to effectively protect the best interests of the City. The Intergovernmental Agreement the City has negotiated with the Tribe protects the City and its residents from potential adverse environmental impacts of the casino project and requires the Tribe to make substantial payments to the City in lieu of property taxes.

Both parties have performed extensive impact studies and have conducted the entire process in an open and transparent manner. The Draft Environmental Impact Statement provides extensive details on a wide range of potential impacts the project may have on the environment.

In addition, the IGA provides for local hiring and purchasing preferences, requires that the Tribe consult with the City on project siting and design, and forms an advisory committee that will allow community input on issues covered under the IGA.

The economic benefits of the proposed resort casino are numerous for Taunton and surrounding communities:

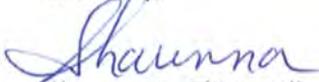
- The construction will create 1,000 jobs with a payroll of approximately \$230 million.
- The casino will employ over 2,500 people with good-paying jobs averaging over \$35,000 per year plus benefits.
- Local business will also benefit, as the casino will spend millions of dollars annually in goods and services.
- It is estimated that the casino will provide \$120 million in annual economic benefit to the City of Taunton.
- The casino will be a "destination resort" with many attractions: family waterpark, entertainment venue, shopping, and dining. It will revive tourism for the greater Taunton area and Southeastern Massachusetts.

Furthermore, the Tribe has been actively involved in the community with local business groups, community organizations, and worthy causes.

The city and state look forward to a professional working relationship with the Tribe.

Thank you for your thoughtful and comprehensive work in the Tribe's fee-to-trust application as you analyze the potential environmental impacts of the proposed resort casino in the City of Taunton.

Sincerely,

  
Shaunna L. O'Connell  
State Representative

**LETTER 1-19: REPRESENTATIVE SHAUNNA L. O'CONNELL, 3<sup>RD</sup> BRISTOL DISTRICT**

**Response to Comment 1-19.1**

Comment noted.

## 10.2 INDIVIDUAL COMMENTS



November 27, 2013

Dear Sir or Madam,

I am the owner of properties located on Stevens Street and O'Connell Way in East Taunton, Massachusetts that are under Option by the Wampanoag Indian Tribe.

As you are aware, that area of East Taunton has extraordinary existing infrastructure, i.e. ample access to interstate roadways, electrical power and sewer capacity, which is one of the reasons as experienced developers, we decided to locate there in 2008.

In discussions with representatives of the Tribe, I learned that one of the primary reasons that they chose our location was that the aforementioned infrastructure was in place and the environmental impacts for their proposed development would be minimal.

We believe that with the implementation of minor roadway improvements, the O'Connell Way/Stevens Street, Route 140 area will appropriately support the Wampanoag Resort.

2-1.1

We thank you for your favorable consideration of this matter and look forward to the success of this endeavor.

Kind regards,

Paul J. Maggiore  
Chief Executive Officer

**LETTER 2-1: PAUL J. MAGGIORE, NOVEMBER 27, 2013**

**Response to Comment 2-1.1**

Comment noted.

# WRITTEN COMMENT CARD

## BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING

### MASHPEE WAMPANOAG FEE-TO-TRUST ACQUISITION PROJECT - DRAFT ENVIRONMENTAL IMPACT STATEMENT

Mashpee High School Auditorium  
December 2, 2013

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO THE ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW UNTIL JANUARY 17, 2014.

(Please write legibly)

Name: William O'Brien Organization: \_\_\_\_\_

Address: 30 Leathroc East Lane, Mashpee, MA, 02649

2-2.1 Comment: I am in total agreement with the land to be in trust, some 170 acres in Mashpee. I feel because of Wampanoag history they deserve these parcels of land - I hope the Bureau of Indian Affairs will approve -

As for land 151 acres to be designated as a casino in Taunton ~~to be~~ the Wampanoag tribe was the first entity to bring casinos to this state. Many others have applied for 5 designated casinos in this state. There will be a ballot initiative in our state Massachusetts where voters will decide to approve casino gaming. Since the Wampanoag have applied first for a casino this endeavor should be supported by Bureau of Indian Affairs.

Please give to attendant, drop in Written Comment Box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, Telefax (615) 564-6701. Please include your name, return address and the caption, "DEIS Comments, Mashpee Wampanoag Trust Acquisition Project."

**LETTER 2-2: WILLIAM O'BRIEN**

**Response to Comment 2-2.1**

Comment noted.

**Response to Comment 2-2.2**

Comment noted.

Michelle Littlefield  
192 Erin Road  
East Taunton, MA. 02718  
(508) 328-9285

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

December 3, 2013

Re: Scoping Comments for Proposed Mashpee Wampanoag Tribe Property Trust and Development

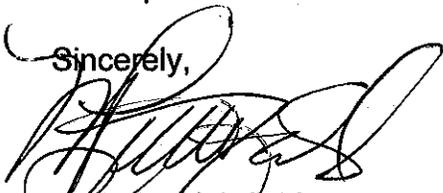
Dear Mr. Keel,

Along with numerous area resident, I submitted a letter and spoke publicly at the EIS hearing on June 20<sup>th</sup> regarding numerous issues affecting our community and environment should the proposed tribal casino come to fruition in East Taunton, Massachusetts. Unfortunately, after reviewing the draft Environmental Impact Statements done for both NEPA and MEPA, I find that the one done for NEPA and the BIA, is grossly inadequate. There are numerous topics that are not answered sufficiently, or at all.

Attached, you will find 11 pages of questions and comments regarding issues that were addressed via public comment and or letters sent to Mr. Keel at the Bureau of Indian Affairs.

It is imperative that each and every one of these issues is addressed.

Sincerely,



Michelle Littlefield

# NEPA/CEQA PROJECT SCOPING QUESTIONS

**PROPOSED PROJECT:** (Insert brief description here that identifies the name of the applicant, a precise location of the project and all immediate intended and projected uses of proposed project).

## 1. COASTAL BARRIERS & PROJECT WETLANDS

- 1.1 Is the project located within a coastal barrier designated on a current FEMA flood map or Department of Interior coastal barrier resources map? | 2-3.1
- 1.2 Are there drainage ways streams, rivers, or coastlines on or near the project site? | 2-3.2
- 1.3 Are there ponds, marshes, bogs, swamps or other wetlands on or near the site? | 2-3.3
- 1.4 Is the project located within a wetland designated on a National Wetlands Inventory map of the Department of Interior (DOI)? | 2-3.4
- 1.5 Does the project comply with Executive Order (E.O.) 11990, Protection of Wetlands, which discourages federal funding of new construction or filling in wetlands and compliance is required with the wetlands decision-making process (§ 55.20 of 24 CFR Part 55). The applicant should use Part 55 published in the Federal Register on January 1, 1990 for wetland procedures). | 2-3.5

## 2. FLOOD MANAGEMENT

- 2.1 Is the project located within a floodplain designated on a current FEMA flood map? (24 CFR Part 55). | 2-3.6
- 2.2 Is the proposed building footprint located in a Special Flood Hazard Area identified on a current Flood Insurance Rate Map (FIRM)? | 2-3.7
- 2.3 Do proposed construction plans accommodate and comply with Uniform Building Code requirements of facilities constructed within Special Flood Hazard Areas? | 2-3.8

## 3. HISTORIC PRESERVATION

- 3.1 Has the State Historic Preservation Office (SHPO) been notified of the project and requested to provide comments? | 2-3.9

- 2-3.10 | 3.2 Is the property listed on or eligible for listing on the National Register of Historic Places?
- 2-3.11 | 3.3 Is the property located within or directly adjacent to an historic district?
- 2-3.12 | 3.4. Does the property's area of potential effects include an historic district or property?

#### 4. NOISE ABATEMENT

- 2-3.13 | 4.1 Is the project located near a major noise source, i.e., civil airports (within 5 miles), military airfields (15 miles), major highways or busy roads (within 1,000 feet), or railroads (within 3,000 feet)?
- 2-3.14 | 4.2 Does the project comply with 24 CFR 51, Subpart B that requires a Noise Assessment for proposed new construction?
- 2-3.15 | 4.3 Has a noise contours map been developed for the proposed project and does it show Day-night average sound level (abbreviated as DNL)?
- 2-3.16 | 4.4 What procedures or guidelines will be developed that allows community members or adjacent property owners to formally complain about inordinate or unanticipated noise?

#### 5. PROJECT RELATED HAZARDOUS MATERIALS

- 2-3.17 | 5.1 Is the site listed on an EPA Superfund National Priorities or CERCLA, or equivalent State list?
- 2-3.18 | 5.2. If the site is not currently listed on sites described in 5.1 above, should it be? If not, why not?
- 2-3.19 | 5.3 Does the project proposal include a full inventory and assessment of all hazardous materials associated with the project?
- 2-3.20 | 5.4 Does the applicant propose to handle or sell explosives (fireworks) or propose to store fire-prone materials such as liquid propane, gasoline, or other storage tanks above or below ground?
- 2-3.21 | 5.5 Does the proposed project comply with public all safety requirements for fire safety, in accordance with state and federal law?
- 2-3.22 | 5.6 Has the applicant developed a public safety evacuation and rescue plan for customers, and does the plan accommodate projected customers based upon high or low attendance that is associated with hours of operations, weekdays, holidays, and special events?
- 2-3.23 | 5.7 Is the site located within 3,000 feet of a toxic or solid waste landfill site?
- 2-3.24 | 5.8 Were underground storage tanks ever located on the site? If so, provide documentation that all underground storage tanks have been identified, located and appropriately

removed by qualified professionals, using current techniques in compliance with 40 CFR Part 280.

- 5.9 Are there any unresolved hazardous materials issues at the proposed site that could the state, county or a municipality to be determined to be potential responsible party? | 2-3.25

## 6. AIRPORT HAZARDS

- 6.1 Is the project within 3,000 feet from the end of a runway at a civil airport? | 2-3.26

- 6.2 Is the project within 2 and 1/2 miles from the end of a runway at a military airstrip? | 2-3.27

## 7. WATER

- 7.1 Will the proposed project affect a sole source or other aquifer? | 2-3.28

- 7.2 What is the total anticipated impervious surface coverage estimated for the proposed project? | 2-3.29

- 7.3 What percentage of the project site is proposed for impervious surface, and how does this surface impact existing elements addressed in Section 1 above? | 2-3.30

- 7.4 Is the site currently served by an adequate and acceptable water supply? | 2-3.31

- 7.5 What mitigations are proposed for water supplies of the proposed project that will not affect or will ameliorate water supplies of adjacent residential neighborhoods businesses, and other land uses currently receiving adequate water? | 2-3.32

- 7.6 How will the applicant assure the local government and surrounding community that costs associated with increased water supply needs of the project will be fully accommodated by the applicant, and not a burden imposed upon local governments, local water districts or providers, or local property owners? | 2-3.33

## 8. SEWER, SANITATION AND WASTE DISPOSAL

- 8.1 Are there current sanitary sewers and waste water disposal systems serving the site? | 2-3.34

- 8.2. How will current sanitary sewers and waste water disposal systems be impacted by the proposed project, and at what cost? | 2-3.35

- 8.3 What additional sanitary sewer and wastewater disposal systems are required and how will expansions of such infrastructure impact existing, connecting infrastructure in terms of capacity and annual cost? | 2-3.36

- 8.4 If the project water supply is non-municipal, has an acceptable "system" been designed, and approved by appropriate state and local authorities and agencies? | 2-3.37

## 9. ENVIRONMENTAL JUSTICE

- 2-3.38 | 9.1 Is the project located in a predominantly minority or low-income neighborhood?
- 2-3.39 | 9.2 Does the project site or neighborhood suffer from disproportionately adverse environmental effects on minority and low-income populations relative to the community-at-large?

## 10. UNIQUE NATURAL FEATURES AND AREAS

- 2-3.40 | 10.1 Is the site near natural features (i.e., bluffs or cliffs) or near public or private scenic areas? If so, what site and construction adjustments have been determined to protect scenic viewsheds or other public entitlements?
- 2-3.41 | 10.2 Are other natural resources visible on site or in the vicinity? Will any such resources be adversely affected or will they adversely affect the project?

## 11. SITE SUITABILITY

- 2-3.42 | 11.1 What are the previous uses of this site and what residual impacts affect the project or are affected by the project?
- 2-3.43 | 11.2 Is there paved access to the project site?
- 2-3.44 | 11.3 Are there unusual conditions on the site?
- 2-3.45 | 11.4 Is there any indication of currently distressed vegetation?
- 2-3.46 | 11.5 Are there waste materials or containers on site?
- 2-3.47 | 11.6 Are there pools of liquid or soil staining, chemical spills, abandoned machinery, cars, refrigerators, etc.?
- 2-3.48 | 11.7 Are there existing or abandoned transformers, fill/vent pipes, pipelines, drainage structures?
- 2-3.49 | 11.8 Is the project compatible with surround areas in terms of:
  - 10.8.1 Land use
  - 10.8.2 Height, bulk, mass
  - 10.8.3 Building type (low/high-rise)
  - 10.8.4 Building density
- 2-3.50 | 11.9 Will the project influence or be unduly influenced by:
  - 10.9.1 Building deterioration
  - 10.9.2 Postponed maintenance
  - 10.9.3 Obsolete public facilities
  - 10.9.4 Transition of land uses

- 10.9.5 Incompatible land uses
- 10.9.6 Inadequate off-street parking

2-3.50  
cont.

## 12. AIR QUALITY

- 12.1 Are there proposed air pollution generators associated with the proposed project, such as those listed below, and if so, how will the applicant mitigate each of the following:
  - 12.1.1 Incinerators
  - 12.1.2 Power generators
  - 12.1.3 Large parking facilities (1,000 or more cars)
  - 12.1.4 Heavily traveled highways, adjacent and onsite road systems.
  - 12.1.5 Will the project affect or be affected by nuisance odors? What mitigations are proposed?

2-3.51

## 13. SOIL CONDITION, QUALITY, STABILITY, EROSION AND DRAINAGE

- 13.1 Describe the site elevations and any accommodations required for significant slopes.
- 13.2 Is there evidence of slope erosion or unstable slope conditions on or near the site?
- 13.3 Is there any visible evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the vicinity of the project site?
- 13.4 Have soil reports or studies or borings been made for the project site or the area? If so, what are the findings of soil studies accomplished?
- 13.5 Is there indication of cross-lot runoff, swales, drainage flows on the property?
- 13.6 Are there visual indications of filled ground? What assurances has the applicant developed to ensure soil stability for construction footprint and impervious surfaces?
- 13.7 Are there active rills and gullies on the project site?
- 13.8 Have structural borings or dynamic soil analysis been requested in association with geological studies?

2-3.52

2-3.53

2-3.54

2-3.55

2-3.56

2-3.57

2-3.58

2-3.59

## 14. NUISANCE AND HAZARDS

- 14.1 Will the project be affected by seismic faults, or fractures?
- 14.2 Will the project be affected by wind/sandstorm concerns?
- 14.3 Will the project be impacted by poisonous plants, insects or animals onsite?

2-3.60

2-3.61

2-3.62

2-3.63 | 14.4 Are there unprotected water bodies on site?

2-3.64 | 14.5 Are there other hazardous terrain features?

## 15. ROADS TRAFFIC AND TRANSPORTATION

2-3.65 | 15.1 Has a traffic study been developed for the proposed project that is specific to this site and this project, and not just generic to the proposed industry?

2-3.66 | 15.2. Has a traffic study accommodated existing traffic counts experienced at the project site, and then projected appropriate increased traffic counts based upon days of the week, hours of the day or night, and special events?

2-3.67 | 15.3 Has a traffic study calculated existing road maintenance requires with anticipated road maintenance or road expansion needs to accommodate the project? What are project costs associated with this subject?

2-3.68 | 15.4 What is the projected weekly, daily and hourly traffic count for the site, and how does this translate to an annual traffic increase that impacts adjacent properties and neighborhoods?

2-3.69 | 15.5 What mitigations are proposed to accommodate traffic generated by the proposed project with existing traffic counts and flows at and adjacent to the project site?

2-3.70 | 15.6 Will the project affect or be affected by hazardous streets?

2-3.71 | 15.7 Will the project affect or be affected by dangerous intersections.

2-3.72 | 15.8 What mitigations (i.e. traffic signals, traffic security personnel, shuttle services) are proposed to ameliorate significant traffic increase and activity associated with the proposed project? What is this cost and how will it be accommodated without affecting costs of adjacent local governments?

2-3.73 | 15.9 Are there established biking and pedestrian pathways at or near the vicinity of the project site, and if so, what mitigations does the applicant propose to ensure the safety and non-interference of use of these public pathways?

2-3.74 | 15.10 How will the project impact existing public transportation facilities of the community?

2-3.75 | 15.11 How will the applicant ensure that increased capacity needs of public transportation will be accommodated at the sole expense of the applicant and not the adjacent local governments?

2-3.76 | 15.12 Will private transportation systems be required and/or implemented in association with the project?

2-3.77 | 15.13 How will any proposed private transportation systems impact and/or coordinate with public transportation systems currently in operation?

## 16. CHILDREN, SCHOOLS, PARKS, AND RECREATION

- 16.1 What is the proximity of public schools to the project site? | 2-3.78
- 16.2 Are there usual and customary children's play areas within the vicinity of the project site? | 2-3.79
- 16.3 Do public school buses travel the road systems associated with the project site, and if so, how will traffic mitigations proposed by the applicant ensure safe and timely schedules for public school transportation needs? | 2-3.80
- 16.4 Are there usual and customary recreational areas in the vicinity of the project site that are currently utilized by the adjacent community, and if so, how will the users of these recreation areas be affected by the project? | 2-3.81
- 16.5 Will the proposed project increase a need for onsite or offsite daycare facilities for children, and how will the applicant accommodate such need, inclusive of safety of children to and from day care facilities? | 2-3.82

## 17. LIGHT AND GLARE

- 17.1 How will the applicant assess project site light and glare to adjacent properties? | 2-3.83
- 17.2 What mitigations will ensure that onsite and offsite light and glare will comport with adjacent local government light, glare and signage requirements? | 2-3.84
- 17.3 What procedures are proposed for adjacent neighbors who wish to legitimately complain of excessive light or glare? | 2-3.85

## 18. COMMERCIAL AND/OR RETAIL ANCILLARY USES

- 18.1 Please identify each and every commercial use proposed upon project completion, and projected over the next ten (10) years at the project site. | 2-3.86
- 18.2 Please identify an anticipated customer and weekly/daily/hourly traffic count associated with each commercial or ancillary use planned in the near-term and long-term use of the project site. | 2-3.87
- 18.3 Please project estimates of revenue associated with each gambling, commercial or retail site and equate that to an equivalent sales tax loss of disposable income to adjacent local communities. | 2-3.88

## 19. HOUSING & OVERNIGHT TOURIST ACCOMMODATIONS

- 19.1 Has the applicant studied the current housing stock and occupancy rates of adjacent communities? If so, how will a project workforce impact? | 2-3.89

2-3.89  
(cont.)

19.1.1 Local community housing needs, projected over the next ten years.

19.1.2 Local housing sales and rental rates, projected over the next ten years.

19.1.3 Local housing over-crowding and code enforcement conditions that might impact adjacent communities, projected over the next ten years.

2-3.90

19.2 How will the applicant contribute to a stable and affordable housing stock supply consistent with the applicant's proposed workforce housing needs?

2-3.91

19.3 How will the project impact existing hotels, motels, RV facilities and other overnight tourism lodging facilities?

2-3.92

19.4 If the applicant proposed to construct hotel or motel facilities at or adjacent to the proposed project, please calculate the estimated impact of business to existing tourist facilities, and the projected hotel occupancy tax loss to adjacent local governments, over the next ten years.

## 20. LOCAL ECONOMIC IMPACTS

2-3.93

20.1 What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of an Indian gambling casino upon the foreseeable disposable income loss to adjacent commercial, retail, restaurant, recreational and lodging facilities, over the next ten years?

2-3.94

20.2 Please describe whether or how the applicant proposes to hire a local workforce, and how this potential transition of workers from current employment to future employment with the applicant might impact the local workforce?

2-3.95

20.3 Does the applicant anticipate hiring a workforce from outside of the immediate community? If so, from what sources will the applicant recruit its workforce?

## 21. LAW ENFORCEMENT, CRIME AND PUBLIC SAFETY

2-3.96

21.1 How will activity at the proposed site impact resources of local, county and state law enforcement resources, over a projected ten-year period?

2-3.97

21.2 What law enforcement and public safety plans have been developed for the proposed project that will be commensurate with area law enforcement and public safety needs projected over a ten year period?

2-3.98

21.3 What cost mitigations is the applicant proposing to offset impacted and increased law enforcement personnel needs of agencies serving the proposed project?

- 21.4 What nationally accepted professional or scholarly data is the applicant using to evaluate the impact of hard (i.e., robbery, vandalism, assault) and soft (white-collar larceny, embezzlement, fraud) crime traditionally associated with the gambling industry entrenching into a community previously unaffected by gambling? 2-3.99
- 21.5 What mitigations in terms of personnel, monitoring systems, training and counseling programs is the applicant proposing to minimize the impact of anticipated crime associated with the gambling industry. 2-3.100

## 22. ALTERNATIVE SITE ANALYSIS

- 22.1 Please identify by assessor parcel number and physical street address or location, each and all sites considered by the applicant, prior to selecting the subject site as the preferred site. 2-3.101
- 22.2 For each alternative site identified in Question 22.1 above, please describe the level of analysis conducted, and explain why the specific site was rejected, in preference for the proposed site of the applicant. 2-3.102
- 22.3 For each alternative site considered and discussed in Question 22.2 above, please identify the process and professionals that made determinations that have ultimately assessed the proposed site as the environmentally preferred site. 2-3.103

**LETTER 2-3: MICHELLE LITTLEFIELD, DECEMBER 3, 2013****Response to Comment 2-3.1**

The Project is not located within a coastal barrier as designated by FEMA or the DOI.

**Response to Comment 2-3.2**

**Section 7.2** identifies waters of the U.S. including streams that are located on or near the Project Site.

**Response to Comment 2-3.3**

**Section 7.2** identifies waters of the U.S. including wetlands that are located on or near the Project Site.

**Response to Comment 2-3.4**

**Section 7.2** identifies waters of the U.S. including streams and wetlands that are located on or near the Project Site. A portion of these resources were identified on the U.S. Fish and Wildlife Service National Wetlands Inventory Map, including the Barstows Pond and wetlands associated with the Cotley River.

**Response to Comment 2-3.5**

As stated in **Section 2.2.3** and **Section 8.2.2**, the Project will be subject to Executive Order 11990.

**Response to Comment 2-3.6**

**Section 7.2.5** identifies floodplain resources located on or near the Project Site. This section describes FEMA mapped floodplain and the base flood elevation calculated by project engineers.

**Response to Comment 2-3.7**

As described in **Section 8.2**, the Project buildings are located outside of the mapped FEMA 100-year flood zone and base flood elevation calculated by project engineers.

**Section 7.2.5** identifies floodplain resources located on or near the Project Site. This section describes FEMA mapped floodplain and the base flood elevation calculated by project engineers.

**Response to Comment 2-3.8**

The project buildings are located outside of the mapped FEMA floodplain and base flood elevation calculated by Project engineers; therefore, these rules do not apply.

**Response to Comment 2-3.9**

The SHPO has been actively involved in the review of the Project in compliance with Section 106 of the National Historic Preservation Act. The SHPO requested, by letter dated March 28, 2013, additional

archaeological survey be undertaken and to enter into consultation with the BIA in compliance with Section 106.

### **Response to Comment 2-3.10**

A synopsis of current archaeological review of the Project Site is provided in **Sections 7.13 and 8.13**.

### **Response to Comment 2-3.11**

The Project Site is not located within or adjacent to a historic district.

### **Response to Comment 2-3.12**

A synopsis of current archaeological review of the Project Site is provided in **Sections 7.13 and 8.13**.

### **Response to Comment 2-3.13**

The Project Site is proximate to regional highway Routes 140 and 24, and is located less than three miles from Taunton Municipal Airport. The Site is bisected by a rail line on which CSX operates two freight trips per day, as described in **Section 7.1.2**. An ambient noise level survey, described in **Section 7.14.3**, ascribed existing noise reaching sensitive receptors in the area to vehicular traffic on both local roads and nearby state highways (including trucks) and mechanical equipment located in and on buildings in the existing industrial park.

### **Response to Comment 2-3.14**

The regulatory setting for this project's noises assessment is described in **Section 7.14.2**.

### **Response to Comment 2-3.15**

Noise assessment methods are described in **Section 7.14.3.2** and **Section 8.14.1**.

### **Response to Comment 2-3.16**

The Intergovernmental Agreement between the Tribe and the City of Taunton provides for the creation of a Tribal-City Advisory Committee, the membership of which will include local residents. The Advisory Committee would be an appropriate forum where such concerns could be addressed.

### **Response to Comment 2-3.17**

None of the Project parcels are listed as Superfund sites under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**Response to Comment 2-3.18**

There is no evidence to suggest that any of the Project parcels should be listed as Superfund sites under CERCLA.

**Response to Comment 2-3.19**

An ASTM International Phase I Environmental Site Assessment (ESA) has been performed for the Project Site in Taunton. The results are described in **Section 7.6**.

**Response to Comment 2-3.20**

All hazardous materials necessary for the operation of the facilities shall be stored and handled according to State, Federal, and manufacturer's guidelines. All flammable liquids shall be stored in a labeled secured container, encircled within a secondary containment enclosure.

**Response to Comment 2-3.21**

The Tribe is required by the Tribal-State Compact with the Commonwealth and the Intergovernmental Agreement with the City of Taunton to adopt building, health, fire and safety codes that are consistent with and no less stringent than the equivalent state and local ordinances. The Tribe will create a building department to issue permits and confirm compliance with these Tribal regulations. In addition, the land will continue to be subject to federal environmental and land use laws and regulations.

**Response to Comment 2-3.22**

As the Project is further developed, the Tribe will work with local officials from the Massachusetts Emergency Management Agency (MEMA) to identify and resolve evacuation plans related to the Project.

**Response to Comment 2-3.23**

The Project Site is not located within 3,000 feet of a toxic or solid waste landfill station.

**Response to Comment 2-3.24**

The results of the Hazardous Materials Review for the Project Site are provided in **Section 7.6**. No underground storage tanks have been identified.

**Response to Comment 2-3.25**

Results of the Hazardous Materials Review (HMR) are presented in **Section 7.6**.

**Response to Comment 2-3.26**

The Project Site is not within 3,000 feet of the end of a civil airport runway.

**Response to Comment 2-3.27**

The Project Site is not within 2.5 miles of the end of a military airport runway.

**Response to Comment 2-3.28**

The project buildings are located outside of the mapped FEMA floodplain and base flood elevation calculated by Project engineers; therefore, these rules do not apply.

**Response to Comment 2-3.29**

Under conditions of the Preferred Development, approximately 36.7 acres of the Project Site would be impervious.

**Response to Comment 2-3.30**

Under conditions of the Preferred Development, approximately 25 percent of the Project Site would be impervious. As described in **Section 8.2.2**, this site design results in no direct impacts to waters of the U.S.

**Response to Comment 2-3.31**

As described in **Section 7.7**, the Project Site is currently served by the City of Taunton, which receives its water from the Assawompset Pond Complex and the Dever Wells. The City's average day demand for water has been within its allowed APC withdrawal and decreasing over the last five years.

**Response to Comment 2-3.32**

Water supply mitigation measures are described in **Section 8.7.6**.

**Response to Comment 2-3.33**

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit.

**Response to Comment 2-3.34**

As described in **Section 7.8**, wastewater generated within the existing Project Site flows by gravity to a small pumping station at the end of O'Connell Way that is owned by the City of Taunton and operated under contract by Veolia Water. It is then transported by force mains to the City's Wastewater Treatment Facility (WWTF) on West Water Street, which operates below its permitted capacity.

### **Response to Comment 2-3.35**

Anticipated impacts to the wastewater system are described in **Section 8.8.2**.

### **Response to Comment 2-3.36**

Upgrades and mitigation measures necessary to serve the Preferred Development's wastewater generation include the construction and rehabilitation of new pumping stations and infiltration and inflow (I/I) removal. The Tribe has committed to these measures as described in **Section 8.8.2**.

### **Response to Comment 2-3.37**

As described in **Section 8.7.1**, water will be supplied to the Project Site by the City of Taunton.

### **Response to Comment 2-3.38**

As described in **Section 7.17.2**, Census Tract 6141.01 Block Group 3, in the vicinity of the Project Site, exceeds the proportions of minority population and population living below the poverty level in Bristol County, and is therefore considered an Environmental Justice Community.

### **Response to Comment 2-3.39**

Please see the response above and **Section 7.17**.

### **Response to Comment 2-3.40**

The visual setting of the Project Site is described in **Section 7.15**. The visual impacts of the Preferred Development, including visual simulations from the nearby sensitive receptor, are presented in **Section 8.15**.

### **Response to Comment 2-3.41**

Natural resources located on and in the vicinity of the Project Site and the off-site traffic improvement areas are described in **Sections 7.2, 7.4, 7.5** of the DEIS and FEIS. These resources and any impacts (**Sections 8.2, 8.4, 8.5**) are described fully in the DEIS and FEIS.

### **Response to Comment 2-3.42**

The Project Site is located within and adjacent to the Liberty & Union Industrial Park (LUIP), a commercial/industrial development park created in 2003 for the purpose of generating economic development. The Preferred Development is consistent with this intent. Existing development on these parcels consists of five light industrial/warehouse/office buildings and three residences totaling approximately 250,400 square feet and associated parking. The Project Site's conditions are described through **Section 7** of this FEIS.

**Response to Comment 2-3.43**

Paved access to the Project Site will be maintained at its current layout on O'Connell Way.

**Response to Comment 2-3.44**

The physical conditions located on and in the vicinity of the Project site and the traffic improvements areas are described in **Sections 7.2, 7.4, and 7.5**. Conditions are generally typical to southeastern Massachusetts.

**Response to Comment 2-3.45**

The Project team has extensively viewed the Project site and the traffic improvements areas. No evidence of distressed vegetation was visible during any site visit.

**Response to Comment 2-3.46**

Results of the Hazardous Materials Review (HMR) are presented in **Section 7.6**.

**Response to Comment 2-3.47**

Please see the response above.

**Response to Comment 2-3.48**

Please see the response above.

**Response to Comment 2-3.49**

The Project Site is located in an area designated for economic development and job creation. As described in **Section 8.15.2**, the Preferred Development has been designed to blend into the surrounding area. Please refer to **Section 8.15** for an analysis of its visual impact.

**Response to Comment 2-3.50**

It is not anticipated that the project will influence or be unduly influenced by building deterioration, postponed maintenance, obsolete public facilities, transition of land uses, incompatible land uses, or inadequate off-street parking.

The Tribe is required by the Tribal-State Compact with the Commonwealth and the Intergovernmental Agreement with the City of Taunton to adopt building, health, fire and safety codes that are consistent with and no less stringent than the equivalent state and local ordinances. The Tribe will create a building department to issue permits and confirm compliance with these Tribal regulations. In addition, the land will continue to be subject to federal environmental and land use laws and regulations.

The Project Site in Taunton was selected in part because of its existing infrastructure, previous development, and designation for economic development and job creation. Sufficient off-street parking would be provided on-site under each Development Alternative.

### **Response to Comment 2-3.51**

No incinerators are proposed.

The facility is proposed to include five diesel emergency generators to provide emergency power in light of grid power failure. The generators are limited to 300 hours per year in accordance with 310 CMR 7.26 (42)(d)1. Realistically, they will be tested routinely for approximately one hour per month.

Although parking facilities appear to be large sources of pollution, the vehicles in motion at any one time (and associated emissions) are relatively small compared to poorly performing roadway intersections (see microscale analysis results in **Section 8.11**). Additionally, since passenger vehicles have become significantly cleaner, adverse local air quality impacts greater than NAAQS have substantially decreased (see U.S. EPA, Carbon Monoxide: National Trends in CO Levels <http://www.epa.gov/airtrends/carbon.html>).

To mitigate traffic (and as a result, air pollution), a redesigned roadway interchange with Route 140 is planned. Refer to **Section 8.11.3** for analysis of air quality for mitigated alternatives.

Potential odors from diesel exhaust will be limited to the routine testing of the emergency generators (as described above), and idling diesel-fueled delivery trucks. Idling is limited to five minutes in accordance with 90 MGL 16A, and loading docks are enclosed. No other sources of nuisance odors are expected.

### **Response to Comment 2-3.52**

Site elevations are described in **Section 7.4.1**. **Sections 8.3 and 8.4** discuss design and construction soil Best Management Practices and steep slope protection necessary for significant slopes.

### **Response to Comment 2-3.53**

As described in **Section 7.4**, there are artificial steep slopes associated Route 24 and Route 140 alignments; however, there is no evidence of slope erosion or unstable slopes at that location or within the Project Site.

### **Response to Comment 2-3.54**

The soils found within the Project Site and in the vicinity do not typically contribute to soil problems such as cracking foundations or excessive settling, nor would these problems be expected. The existing buildings are stable with no reports of foundation cracking or settling. The existing buildings on-site are all slab on grade foundations and therefore there has been no basement flooding. Refer to **Section 7.4** for additional information related to the Geology and Soils on-site.

### **Response to Comment 2-3.55**

Soils analyses have been performed related to the construction of the existing buildings on the Project Site. The soil studies have been consistent with the record soils data available through the USDA-NRCS Soils Mapping. Geotechnical studies have been prepared for the construction of the existing buildings and are ongoing for the proposed project to develop suitable foundation and roadway designs to support the development. The soil boring reports will be signed and sealed by a professional engineer.

### **Response to Comment 2-3.56**

The existing developments on the Project Site have all been designed in accordance with the Massachusetts Wetlands Protection Act and Stormwater Management Policy which require the control of runoff on individual sites. The existing stormwater management system is described in further detail in **Section 7.3** of the FEIS.

### **Response to Comment 2-3.57**

Land associated with the LUIP and the existing Route 24, Route 140 and adjacent roadways have been managed. In order to create useable slopes, the land was either cut or filled in specific areas. Structural borings and soil analysis will be performed as part of site design and planning for the Project Site and the off-site traffic improvements.

### **Response to Comment 2-3.58**

There are no known active erosional rills or gullies located on the Project Site. Portions of the Site have been previously filled and altered to accommodate the existing developments. A geotechnical analysis of the Project Site is currently in progress to determine suitable foundation (and roadway) design and construction methods for the Preferred Development. The geotechnical report and foundation designs will be prepared by Professional Engineers registered in the Commonwealth of Massachusetts.

### **Response to Comment 2-3.59**

A geotechnical analysis of the Project Site is currently in progress to determine suitable foundation (and roadway) design and construction methods for the Preferred Development. Soil borings have been performed and the results of those borings are currently being analyzed. The soil boring reports will be signed and sealed by a professional engineer. Refer to Section 7.4 for additional information related to the Geology and Soils on-site.

### **Response to Comment 2-3.60**

As described in **Section 7.4.3**, no active or relict fault lines are mapped within the general vicinity nor are fault lines or fractures known.

**Response to Comment 2-3.61**

As the Project is further developed, the Tribe will work with local officials from the Massachusetts Emergency Management Agency (MEMA) to identify and resolve evacuation plans related to the Project. It is not anticipated that wind/sandstorms will be an issue at this location.

**Response to Comment 2-3.62**

Although poisonous plants, insects, and animals have the potential to occur or do occur within the vicinity of the Project Site (e.g. poison ivy, wasps and hornets), the project should not have an adverse effect on these species nor would these species impact the Project.

**Response to Comment 2-3.63**

All wetlands and streams located on the Project Site or associated with transportation improvements are subject to the jurisdiction of the Army Corps of Engineers.

**Response to Comment 2-3.64**

Portions of the off-site transportation improvements are located on steep slopes. There are no hazardous terrain features associated with the Project.

**Response to Comment 2-3.65**

The data contained within the traffic study is site-specific and based on comparable developments. Please refer to **Section 8.1.3.1**.

**Response to Comment 2-3.66**

The traffic study contains the existing and future build conditions of the Project Site and the impacts to the surrounding roadway network, as described in **Sections 8.1.2.1 and 8.1.3.1**. The traffic analysis is based on worst-case conditions, which includes the peak hour for commuting traffic as trips generated by the casino. Special events are not anticipated to occur during the peak commuting hours on a regular basis.

**Response to Comment 2-3.67**

Roadway maintenance and costs will be evaluated after the full opening of the project. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 2-3.68**

A summary of the casino patron, casino employee, and resulting total vehicle trips generated by the casino, the hotels, and the water park by land use and time period for each of the Development

Alternatives is presented in **Section 8.1.3.1**. The impact due to the increase of traffic will be mitigated by off-site improvements as described in **Sections 8.1.3.4 and 8.1.3.6**.

### **Response to Comment 2-3.69**

Proposed geometric and traffic signal improvement measures to mitigate identified traffic impacts are discussed in **Sections 8.1.3.4 and 8.1.3.6** of the FEIS.

### **Response to Comment 2-3.70**

The proposed traffic mitigation measures are to ensure there will be little to no impacts to the area roadways and no hazardous streets will be introduced to the study area.

### **Response to Comment 2-3.71**

The Tribe proposes improvements to Hart's Four Corners and other impacted locations within the study area. These mitigation efforts are to increase capacity and improve the safety of the neighborhoods. Please refer to **Section 8.1.3.4**.

### **Response to Comment 2-3.72**

Traffic mitigation and improvements proposed as a part of this project are described in **Section 8.1.3.4** of the FEIS. These improvements will be funded through a combination of tribal contributions and revenues designated for transportation improvements pursuant to the terms of the Tribal-State Compact.

### **Response to Comment 2-3.73**

The existing pedestrian and bicycle infrastructure is proposed to be maintained while additional amenities, such as crosswalks and signals, will be added to allow safe access to and from the Site.

### **Response to Comment 2-3.74**

The existing public transportation facilities will remain. Additional services will be added with the development of the Site. To review the impact analysis on the Public Transportation systems, please refer to **Section 8.1.3.9** of the FEIS.

### **Response to Comment 2-3.75**

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 2-3.76**

The casino website and other promotional materials will encourage patrons to travel to the casino via public and private transportation. Additional private bus service as well as shuttle buses will be provided in association with this project. Please refer to **Section 8.1.3.9** of the FEIS.

**Response to Comment 2-3.77**

Proposed expansion or service will provide connections to the existing transit service. Operations of shuttles and service will be in line with the existing operations to make connections more desirable. Please refer to **Section 8.1.3.9**.

**Response to Comment 2-3.78**

The entrance to East Taunton Elementary School is located approximately 1,100 feet north of the Project Site entrance at O'Connell Way. The Bristol-Plymouth Regional Technical School is located to the northwest of the Project Site, across Route 24. The Joseph H. Martin Middle School is also located in East Taunton.

**Response to Comment 2-3.79**

Recreation areas in proximity to the Project Site are limited to fields and play areas on public school properties.

**Response to Comment 2-3.80**

The hours of peak casino traffic on nights and weekends are not expected to interfere with student travel before and after school. The Tribe is working with the City to install traffic calming measures in the neighborhood, including the installation of flashing school zone signs and warning beacons. Refer to **Section 8.1.3.4**.

**Response to Comment 2-3.81**

Recreation areas in proximity to the Project Site are limited to fields and play areas on public school properties. No impacts to these areas are anticipated to result from the Proposed Action.

**Response to Comment 2-3.82**

The proposed project is expected to result in an increase in regional employment, which could theoretically result in an increased demand for daycare services as a result of previously unemployed persons needing daycare for their children while they are at work. Currently, the Tribe does not have any plans to offer daycare services; however, should there be sufficient demand for it, it could be considered. According to 2007 U.S. Census data (most recent year for which there is available data), Bristol County has 4.7 daycare facilities for every 100 children under the age of five, while the U.S. average is 4 facilities.

### **Response to Comment 2-3.83**

Visual impacts of the Preferred Development's design, including lighting, are described in **Section 8.15**.

### **Response to Comment 2-3.84**

As described in **Section 8.15.2**, the design considers concerns of visual impacts spilling out from the Project Site onto the street or adjacent properties. By developing major project components on either side of O'Connell Way, the design allows for some impact elements to occur within a "courtyard" entrance area, shielded from neighbors and other locations on the Project Site.

### **Response to Comment 2-3.85**

Noise assessment methods are described in **Section 7.14.3.2** and **Section 8.14.1**.

### **Response to Comment 2-3.86**

**Table 4.3-1** describes the number and types of establishments proposed under Alternatives A, B, and C of the Proposed Action, including gaming space, restaurants, retail space, and hotel rooms.

### **Response to Comment 2-3.87**

Please refer to **Section 8.1.3.1** for vehicle trip generation. This section explains the methodology to estimating trips for the site and describes the hourly and daily volumes.

### **Response to Comment 2-3.88**

**Section 8.16.4** provides a quantitative analysis of the direct, indirect, and induced economic impacts of construction and operation of the Preferred Development on Bristol and Plymouth Counties and the Commonwealth of Massachusetts.

### **Response to Comment 2-3.89**

In-migration to Taunton is expected to be minimal because of the area's existing unemployment and the Tribe's local recruitment strategy. As stated in **Section 8.16.2**, it is anticipated that the limited number of workers that may move to Taunton or the broader labor shed area to work at the proposed project would be able to relocate to existing vacant housing units. In 2010 there were over 23,700 vacant year-round (not for seasonal use) housing units in Bristol and Plymouth counties. Approximately 1,500 of those units were located in the City of Taunton. This supply of vacant housing can reasonably be expected to accommodate any in-migration that may be attributable to the proposed project.

### **Response to Comment 2-3.90**

As stated above, the area's existing stock of available housing is anticipated to serve any new demand induced by the Project.

### **Response to Comment 2-3.91**

Anticipated off-site visitor spending patterns are described in **Section 8.16.3.1**. The Preferred Development is expected to provide area visitors with accommodations that would compete with existing businesses. The potential for negative economic activity resulting from the substitution effect of local spending shifts is expected to be offset by newly generated employee spending, as well as by the adaptation of local businesses to attract and capture the spending potential of casino employees and patrons.

### **Response to Comment 2-3.92**

Please see the response above.

### **Response to Comment 2-3.93**

Footnotes and data tables in **Section 8.16** provide all data sources used to identify the economic impacts of the Proposed Action. These sources include scholarly articles published in academic review journals, federal and state publications, and market analyses. **Section 7.16.1.2** describes the study's data sources for demographics, income, housing, employment, and community infrastructure, which include the U.S. Census Bureau, the Massachusetts Executive Office of Labor and Workforce Development, and City and County offices.

### **Response to Comment 2-3.94**

The Tribe plans to prioritize Tribal and local recruitment for casino-related positions. The preliminary hiring process is described in **Section 8.20.3.1**.

### **Response to Comment 2-3.95**

Please see the response above.

### **Response to Comment 2-3.96**

Anticipated impacts of the Proposed Action on law enforcement resources, including community safety, traffic enforcement, and gambling addiction services are described in **Section 8.16.1**.

### **Response to Comment 2-3.97**

As described in **Section 8.16.1**, according to the IGA, the Tribe would pay a one-time cost of approximately \$2.982 million and annual costs of \$2.5 million to fund the creation of a new police substation to accommodate the increased daily population in East Taunton, the purchase of new patrol cars, and the hiring of additional officers. Overall, it is expected that any project-generated demand on law enforcement services in the City of Taunton would be offset by these services and payments.

### **Response to Comment 2-3.98**

Please see the response above.

### **Response to Comment 2-3.99**

Footnotes and data tables in **Section 8.16** provide all data sources used to identify the economic impacts of the Proposed Action. These sources include scholarly articles published in academic review journals, federal and state publications, and market analyses. **Section 7.16.1.2** describes the study's data sources for demographics, income, housing, employment, and community infrastructure, which include the U.S. Census Bureau, the Massachusetts Executive Office of Labor and Workforce Development, and City and County offices.

### **Response to Comment 2-3.100**

The Tribe commits to provide state-of-the-art safety and security features and personnel on the Project Site. In the IGA, the Tribe commits to pay the City of Taunton a one-time cost of approximately \$2.982 million and annual costs of \$2.5 million to fund the creation of a new police substation to accommodate the increased daily population in East Taunton, the purchase of new patrol cars, and the hiring of additional officers. Anticipated impacts related to police services are described in **Section 8.16.1**.

### **Response to Comment 2-3.101**

As described in **Section 4.2**, the Tribe has explored potential initial reservation and casino sites within its ancestral homelands since its federal recognition in February 2007. **Section 4.2.2** describes and depicts the conditions of the sites considered in Middleborough and Fall River, where environmental and legal review, respectively, eventually led the Tribe to consider other sites for land in trust and development. **Section 4.2.3** describes the Tribe's methodology for identifying the current Project Site as the location for the Proposed Action, which prioritized factors including existing infrastructure, community support, and minimizing environmental impacts.

### **Response to Comment 2-3.102**

Please see the response above.

### **Response to Comment 2-3.103**

Please see the response above.

Mr. Keel I am currently deployed as a medical officer attached to the Marines as part of Operation Enduing Freedom. I have asked a friend to read this into record because it was not addressed ort acknowledged in the recent EIS. I had initially read it into record during the last EIS meeting in Taunton, but for some reason it was never addressed.

Respectfully, Anthony L. LaCourse

6/20/12

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

Re: Scoping Comments for Proposed Mashpee Wampanoag Tribe Property Trust and Development

Dear Mr. Keel,

I am one of many citizens of the region of East Taunton, Massachusetts who have serious concerns about the placement of a tribal casino in our neighborhood and the transfer of Land into Trust to the Mashpee Wampanoag tribe.

My environmental and historical impact concerns I have are as follows:

**United States Historical Information:**

1. The area in question includes Barstow's Pond region of East Taunton, Massachusetts. This was deed restricted by its previous owner who sold it to the Taunton Development Corporation for the purpose of maintaining and protecting its historical value to our area. Near the proposed site is the historic landmark of the Dean-Barstow house from which the pond gets its name.

**What steps will the BIA be taking and enforcing to protect this historic landmark from being destroyed or damaged in the process of the construction?**

**Alternate Suggestion: Not allow construction trucks down Middleboro Ave where this house stands today.**

2. There are numerous historic buildings within five (5) miles of the proposed project that may be damaged or otherwise affected by the increased vibrations, pollution, and vehicle traffic near them. These include the Central Fire Station which is the oldest active fire station in the country. Taunton City Hall and the Superior Courthouse are similarly old structures and historic landmarks.

2-4.1

2-4.2

**What steps will be taken to insure that these areas will be protected, particularly during the proposed construction?**

*Alternate Suggestion: Require major construction equipment and traffic to travel major highways only. Furthermore implement a direct exit off ramp from Route 24 to the casino directly.*

2-4.3

3. The Mashpee Wampanoag have already stated they plan to build a water park on the area of Barstow's pond and plan to drain it during construction. It should also be noted that Barstow's Pond has other historical relevance as well. It was one of the first ice production areas in New England during the earliest part of the twentieth century. I have attached web links to records to support this.<sup>3</sup>

**How will the BIA protect this area from destruction as is planned by the proposed casino?**

*Alternate Suggestion: Revoke their ability to Deep Water Rights and limit the chance of destruction to this area.*

2-4.4

4. Because Barstow's Pond is part of the Cotley River, which may also be considered a navigable waterway, consultation by the Army Corps of Engineers is warranted.

**Will such consultation be done?**

*Alternate Suggestion: If the BIA is truly worried about the long term environmental impact of this upon neighboring citizens and communities a full Army Corps of Engineers evaluation should be undertaken and completed prior to allowing construction.*

2-4.5

5. Furthermore this area is protected under the 1977 Clean Water Act and the Omnibus Public Lands Management Act of 2009.

**What steps will be taken to ensure construction meets the EPA and Federal standards to meet the confines outlined in those two Acts?**

**Environmental Concerns:**

2-4.6

6. From my own research there is no Federal or Local environmental impact studies or investigations completed to date.

**When will these be completed and will there be sufficient data without an**

**engineered site plan and building plan to make an accurate evaluation?**

2-4.6  
(cont.)

7. There are a great number of wetlands, vernal pools, and protected species in this area that have been identified in the 2011 study: South Coast Rail DEIS/DEIR as well as the Watershed Action Alliance. These include the Spotted Salamander, Northern Red Bellied Cooter Turtle (which is critically endangered), Atlantic White Cedar, and the migration of Herring.

Recently the Taunton Development Corporation got approval from the Save the Bays<sup>2</sup> foundation to remove the damn at Barstows Pond in exchange for the building of Herring Ladders which still have not been built.

2-4.7

**What will the BIA do to save and protect these rare species and waterways?**

*Alternate Suggestion: Require the completion of the herring ladders; limit the impact on the watershed regions; perform an Army Corps of Engineers Site evaluation and complete the environmental impact studies prior to allowing land to be taken into trust.*

**Native American Historical Concerns:**

8. The King Phillip's War shaped this region of Massachusetts and was originally inhabited by the Pokanoket tribe. This tribe, which was later called Wampanoag, as a result of siding with Metacom or King Philip, were made up by the Pocasset, Assonet, Pawtuxet, Aquinnah and the Herring Pond to name a few.

Ironically the Mashpee tribe would fight on the side of the colonist, during the King Philip war not on the side trying to protect the land they now claim is tribal.

The Pokanoket Tribe is recognized by the Federal Government as being located in this region due to the historical relevance of the war with King Philip.

But I have been unable to find an unbiased historical reference that places the Mashpee anywhere near modern day East Taunton.

In fact in 1978 Mashpee\_Tribe\_v.\_New\_Seabury<sup>1</sup> case there was barely enough information to prove that the Mashpee Indians had tribal claims to Mashpee now they claim to have tribal land more than 50 miles from that location?

**If this area of East Taunton (known as Wesquabinanset ) were taken into trust as tribal lands what will be done to protect the tribal entities of the**

2-4.8

2-4.8  
(cont.)

**Pokanoket that already have rights to this land?**

**Alternate Suggestion: If the land into trust is allowed, consider all Wampanoags should share in the financial benefits the project on their land will create since the Mashpee are claiming this land as Wampanoags.**

2-4.9

9. I have been in contact with the Robbins Museum of Archeology and visited the Old Colony Historical Society. Both of which have extensive Native American exhibits and artifacts from this area. Given the extensive archeological evidence throughout the area of Taunton and East Taunton should this area not be protected and evaluated prior to construction.

**Has the BIA or the Maspee Wampanoag tribe conducted a Phase 1A, Phase 1B, or Phase 2 archaeological review of the property in question? If not, why? If so, when will a synopsis of the reports be available?**

**Conclusions:**

If the BIA approves this LIT are you not opening up Pandora's Box concerning tribal land rights for numerous other tribal groups across the country?

Given the magnitude of this project and the potential for catastrophic changes to both the environmental and historical region known as Wesquabinanset, or East Taunton, I implore you to have a complete archeological and environmental impact study completed and an Army Corps of Engineers evaluation completed prior to authorizing land into trust.

Thank you for taking the time to hear my concerns and those of my fellow citizens on this matter.

Respectfully,

Anthony L. LaCourse  
43 Kings Pond Rd  
East Taunton, MA 02718  
508-320-8467

**LETTER 2-4: ANTHONY L. LACOURSE****Response to Comment 2-4.1**

No impacts to the Dean-Barstow House are anticipated. Construction truck traffic will be routed to the Project Site via Routes 24 and 140 and is not expected to have any impact on nearby historic buildings.

**Response to Comment 2-4.2**

Please see the response above.

**Response to Comment 2-4.3**

The Tribe has developed a complete project within the Project Site and currently has no plans to modify or expand the limits of work. In most locations, the Project is located at least 100-feet from the bank of Barstows Pond. No wetland impacts will occur within the Project Site, and the Pond will not be impacted. The Project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. **Section 8.21.4.2** outlines what others are proposing of Barstows Pond Dam.

**Response to Comment 2-4.4**

Although the Cotley River and Barstows Pond are not considered Section 10 Navigable Waterways, the U.S. Army Corps of Engineers will proceed as a Cooperating Agency to this NEPA review and the Tribe and BIA have been consulting them accordingly.

**Response to Comment 2-4.5**

As stated in **Section 2.2.3** and **Section 8.2.2**, the Project will be subject to Executive Order 11990. The BIA and the Tribe are adhering to the letter and intention of the federal Clean Water Act as necessary.

**Response to Comment 2-4.6**

The Proposed Action described in this Final Environmental Impact Statement (FEIS) is subject to environmental review under the National Environmental Policy Act (NEPA). **Section 2.1.2** describes the project's process and publications to date under NEPA, including the Draft Environmental Impact Statement (DEIS) published in November 2013, public review periods, and the Record of Decision (ROD) and mitigation monitoring to follow this FEIS. The proposed development on the Project Site in Taunton is also subject to environmental review under the Massachusetts Environmental Policy Act (MEPA), for which the Tribe has prepared and published an Environmental Notification Form (ENF) and a Draft Environmental Impact Report (DEIR) and undergone public review and scoping. Details of the MEPA process are provided in **Section 2.3.1**.

**Response to Comment 2-4.7**

The Tribe has developed a complete project within the Project Site and currently has no plans to modify or expand the limits of work. In most locations, the Project is located at least 100-feet from the bank of Barstows Pond. No wetland impacts will occur within the Project Site, and the Pond will not be impacted. The Project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. **Section 8.21.4.2** outlines what others are proposing of Barstows Pond Dam.

**Response to Comment 2-4.8**

In accordance with 25 CFR 292.6 (d), Tribes must demonstrate significant historic connections to an area in order for the property to qualify as an “initial reservation.” By letter dated February 7, 2013, the Assistant Secretary of Indian Affairs determined that the lands in Taunton and Mashpee meet the requirements of 25 CFR 292.6(d) and will qualify as the Tribe’s initial reservation if they are acquired in trust.

**Response to Comment 2-4.9**

A synopsis of current archaeological review of the Project Site is provided in **Sections 7.13 and 8.13**.

The U.S. Department of the Interior  
Bureau of Indian Affairs

Comments for the Proposed  
Mashpee Wampanoag Tribe  
Fee-to-Trust Acquisition and Casino Project  
Mashpee and Taunton, Massachusetts  
Draft EIS

Mr. Franklin Keel, Regional Director  
Eastern Regional Office, Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, Tennessee 37214  
Telefax (615) 564-6701

To submit written comments, please fill in the information below and give to the attendant or drop in the Written Comment Box. Comments may also be submitted by mail to the address above. The final date for receipt of written statements and exhibits for inclusion into the official record will be 5:00 PM on January 17, 2014. Please type or print legibly.

Before any of us came here the  
Indian were here first and all the  
land was all the tribe in mass before  
we took it from them and put them on  
Reservation. My grandfather came here as  
a young man in the 1800 and there was  
the Mashpee Wampanoag Tribe here on there  
land he live to be 115 yrs of age in 1968  
Past away. This is good for the state and  
for the people to get a good job. Take  
lot of us off the unemployment line and maybe  
some off the welfare also. The white man  
took every thing from the Indians across  
this whole country. They are asking for  
a little piece of the right full land that they  
live here for years before we came here.

Name: Valen Time Pines Jr Title: Harborer  
Organization: Harborer Local 876  
Address: P.O. Box 145 Taunton, MA 02780-0145  
E-mail:

**LETTER 2-5: VALENTINE PINA, JR.**

**Response to Comment 2-5.1**

Comment noted.

Date: Dec 12, 2013

To:

Bureau of Indian Affairs  
Eastern Regional office  
545 Marriott Drive, Suite 700  
Nashville, Tennessee, 37214

Att Franklin Keel, Regional Director  
Re: Draft Environmental impact Statement  
Mashpee Wampanoag tribe's proposed trust acquisition  
East Taunton, MA  
From:  
Anthony O'Dea- resident  
142 Erin Rd.  
East Taunton, MA 20718

Dear Mr Keel,

I respectfully request that the BIA NOT approve this proposed development, as harmful to the local community and to our quality of life.

2-6.1

I have read the environmental Impact Statement and have the following concerns as to the relevance of the report and its inadequacies, which, as a result, does not address the true impact on our community or its unique characteristics, geography, services, and logistics.

First, the study incorrectly bases its scope addresses statistics, demographics, services employment, etc of the City of Taunton as a whole, while the proposed development will, in fact, be located in the suburb of East Taunton, which is markedly different in make up, environment, geography, city services, and access that the City of Taunton.

2-6.2

Allow me to explain issues regarding East Taunton not adequately researched and addressed in the Environmental impact study.

East Taunton is primarily a residential community. It also has no full time manned Police or Fire Station. The water pressure in East Taunton is consistently low, and has made fire fighting a challenge at times, and restricted development in the past. There are only 3 roads out of East Taunton to the areas highways, making traffic a nightmare already.

2-6.3

2-6.4

2-6.5

What is also missed in the report is that there is an elementary school within 1000 ft of the proposed development, a middle school within 2000 ft of the development, and frequently used East Taunton Little league and Soccer Fields within 3000 ft of the proposed development, as well as 3 well attended Churches. The prospect of increased traffic on limited streets with many children walking puts our children and community at risk and serious inconvenience.

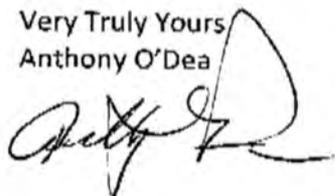
2-6.6

2.6-7 Lastly, the noise impact identified in the report is alarming, as it states that the impact will be at least 10 dBA above current noise levels. According to sound level experts, a 10 dBA increase is, in effect, a doubling of sound, as decibals are measured on a logarithmic, and not a linear scale. The study point to measured sound levels of 60-66 dBA. This means that the constant levels emanating from the proposed site will be a constant 70-80 dBA. The following chart by sound experts, is provided to show the comparative steady noise we residents of East Taunton near the proposed site will need to endure at all hours.

Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 hr exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.

Lastly, attached is a letter I wrote you last year, outlining many of these issues. I respectfully request that the BIA NOT approve this proposed development, as harmful to the local community and to our quality of life.

Very Truly Yours  
 Anthony O'Dea



**Date: June 20, 2012**

To: Franklin Keel, Regional Director, Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, TN 37214  
Fax: 615-564-6701

From: Anthony and Kim O'Dea  
142 Erin Rd.  
East Taunton, MA 02718

Subj: Scoping Comments for Proposed Mashpee Wampanoag Tribe Property Trust and Development

Dear Mr. Keel,

As a resident of Taunton for 20 years, and a landlord of several properties in Taunton, I oppose the placement of the casino in East Taunton.

The proposed location places the casino within close proximity to Elementary and Middle Schools, churches, playgrounds, youth athletic fields, and residential neighborhoods. The placement of the casino in East Taunton will increase the amount of vehicle traffic through our neighborhood, putting pedestrians and especially children walking to school and after school and weekend activities, at greater risk. Also, given the current limited street access from East Taunton to Taunton and the highway, the placement of a casino will greatly interfere with the residents ability to efficiently commute from the neighborhood to work and other activities, not to mention increase response time for Police, Fire and other emergency services.

The general noise levels from the casino, ground lighting, additional traffic and traffic-related noise, and increase in activities in and around the area of the casino, will have a significant detrimental effect on the safety and quality of life of the residents of East Taunton. These detrimental effects on the community will also negatively affect already depressed home values in the area.

Further, the Wampanoag tribe will not be contributing equitably to the community to ameliorate these negative effects on the community. For example, the real estate taxes of property owners of the city of Taunton (we own 3 properties in Taunton), are based on both the value of the land and the property, with such taxes going to support city services, schools and community needs. However, the current financial arrangement

made between the Wampanoag tribe and the city is not equitable and will not benefit the community as it will limit the taxes for funding City services and limit job growth, for these reasons.

Regarding taxes: taxes assessed on the casino will be based only on the value of the land, and not the site improvements.

Regarding economic development: citing the Resort casino in East Taunton will deter other light manufacturing and distribution facilities from locating to the recently developed and thriving Industrial Parks in East Taunton, and negatively affect the patronage of small businesses in the area, further lowering our city's tax-base and affecting the city's ability to fund services. Purchasing the land surrounding the industrial parks will hinder their development and expansion, which will also limit jobs that expansion of these industrial parks could provide to residents of the surrounding communities.

In addition, granting the Wampanoag tribe land in East Taunton is a violation of case law rulings of the Supreme court, since they were not officially recognized by the federal government prior to 1934. In *Carcieri v. Salazar*, the U.S. Supreme Court held that the term "now under Federal jurisdiction" in 25 U.S.C. § 479 referred only to tribes that were federally recognized when the Indian Reorganization Act became law, and the federal government (and BIA) could not take land into trust from tribes that were recognized after 1934.

Unless granted by the Bureau of Indian Affairs, the Wampanoag tribe has no history, legacy, or tribal claim on the land it wishes to acquire, and no deeply held commitment to the character or well-being of the neighborhood and its residents, as we do. And, if the casino fails as a business venture, they can simply close it, leaving our neighborhood and its residents devastated by its affects and the land unavailable for more beneficial use.

We urge you to reconsider and to not grant the Wampanoag tribe the ability to cite their casino in East Taunton.

Sincerely,

Anthony and Kim O'Dea and family

**LETTER 2-6: ANTHONY O'DEA, DECEMBER 12, 2013****Response to Comment 2-6.1**

Comment noted.

**Response to Comment 2-6.2**

As stated in **Section 7.16.1.1**, the analysis of potential impacts on socioeconomic conditions focuses on a study area that is most likely to be affected by the BIA's acquisition of trust lands on behalf of the Tribe and the construction of a destination resort casino on the Project Site. The study areas for the socioeconomic analysis include the City of Taunton and Bristol and Plymouth Counties. **Section 7.16.1.2** describes the study's data sources for demographics, income, housing, employment, and community infrastructure, which include the U.S. Census Bureau, the Massachusetts Executive Office of Labor and Workforce Development, and City and County offices.

**Response to Comment 2-6.3**

Existing police and fire infrastructure serving East Taunton are described in **Section 7.16.4**. **Section 8.16.1** describes anticipated impact and mitigation for these services, which include cost coverage for the creation of a new police substation to accommodate the increased daily population in East Taunton, the purchase of new patrol cars, the hiring of additional officers, upgrades to the East Taunton fire station, the purchase of one additional ladder truck, and the hiring of a fire inspection official and fire officers.

**Response to Comment 2-6.4**

Based on hydraulic modeling completed by the City's consultant, CDM Smith, the off-site mitigation described in **Section 8.7.6.1**, including the new water mains in Pine Hill and Stevens Street, would provide 3,500 gallons per minute (gpm) for fire protection at the entrance to the Project Site.

**Response to Comment 2-6.5**

Any impacts due to the casino traffic will be mitigated with the proposed traffic improvements. Refer to **Section 8.1.3.4** for improvements that are proposed to alleviate congestion.

**Response to Comment 2-6.6**

Mitigation and traffic calming measures are proposed in the East Taunton neighborhoods, as described in **Section 8.1.3.4**. The improvements include installation of traffic signals, flashing warning beacons, and school zone flashers. In addition, a truck exclusion is proposed on Stevens Street to the north of the Project Site to require trucks to utilize the highway system.

As shown in **Section 8.1.3.2**, the majority of patron and employee traffic are expected to use Route 24 and Route 140 to access the Site from the south. Traffic leaving the Site is also directed, through turn restrictions at the main driveway, to exit toward Route 140 away from the East Taunton neighborhood.

### **Response to Comment 2-6.7**

The results of modeled noise impacts are compared to existing background noise measurements in **Section 8.14.3**. These results show no change in sound levels during the day at any location, and a 0 to 3 decibel change at night under any of the Development Alternatives. These are well below the MassDEP Noise Policy limiting impacts to an increase of 10 decibels or less. The noise impacts of Alternatives A, B, and C are considered less than significant, and no mitigation would be required.

# WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING

MASHPEE WAMPANOAG FEE-TO-TRUST ACQUISITION PROJECT – DRAFT ENVIRONMENTAL IMPACT STATEMENT

Mashpee High School Auditorium  
December 2, 2013

**IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO THE ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW UNTIL JANUARY 17, 2014.**

(Please write legibly)

Name: James (Sharp Stone) Rossignol Organization: Mashpee Wampanoag Tribe

Address: 26 Pocahontas Rd. Pocasset Ma. 02559

Comment: \_\_\_\_\_

2-7.1

Our Tribe has waited a very long time for the land to be put in Trust. I absolutely support this process, and hope that it is approved as soon as possible!

P.S. I drive an electric car and that is doing my part to help the environment.

Please give to attendant, drop in Written Comment Box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, Telefax (615) 564-6701. Please include your name, return address and the caption, "DEIS Comments, Mashpee Wampanoag Trust Acquisition Project."

**LETTER 2-7: JAMES SHARP STONE ROSSIGNOL**

**Response to Comment 2-7.1**

Comment noted.

# WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING

MASHPEE WAMPANOAG FEE-TO-TRUST ACQUISITION PROJECT - DRAFT ENVIRONMENTAL IMPACT STATEMENT

Taunton High School Auditorium  
December 3, 2013

**IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO THE ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW UNTIL JANUARY 17, 2014.**

(Please write legibly)

Name: Andrea Rossignol Organization: mashpee community resident

Address: 8 Hendricks Lane Mashpee, MA 02649

Comment:

2-8.1

As the spouse and mother of Mashpee tribal  
members, I fully support our land potentially going  
into trust for the advancement of our people on  
our own land and with our own resources - to  
reach self-sufficiency once again.

Please give to attendant, drop in Written Comment Box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, Telefax (615) 564-6701. Please include your name, return address and the caption, "DEIS Comments, Mashpee Wampanoag Trust Acquisition Project."

**LETTER 2-8: ANDREA ROSSIGNOL**

**Response to Comment 2-8.1**

Comment noted.

# WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS - PUBLIC HEARING

MASHPEE WAMPANOAG FEE-TO-TRUST ACQUISITION PROJECT - DRAFT ENVIRONMENTAL IMPACT STATEMENT

Taunton High School Auditorium  
December 3, 2013

IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO THE ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW UNTIL JANUARY 17, 2014.

(Please write legibly)

Name: Keith Rossignol Organization: Wamp Tribe

Address: 8 Hendricks Ln. MASHPEE MA. 02649

2-9.1

Comment: Yes, the casino is a fabulous plan for Jobs, and revenue in the state and town. Pros out way and cons by a far margin. What a way to help everyone, not just native americans. All local municipalities as well as upgrade infra structure that is badly needed because of its lack of money, equipment, and man power. Actually, the need for a plan like this would really contribute to a better understanding and relationship with the Wampanoag Tribe! Now, the land in trust would be a great start to reconciling relations w/ all inv

Please give to attendant, drop in Written Comment Box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, Telefax (615) 564-6701. Please include your name, return address and the caption, "DEIS Comments, Mashpee Wampanoag Trust Acquisition Project."

**LETTER 2-9: KEITH ROSSIGNOL**

**Response to Comment 2-9.1**

Comment noted.

# WRITTEN COMMENT CARD

BUREAU OF INDIAN AFFAIRS – PUBLIC HEARING

MASHPEE WAMPANOAG FEE-TO-TRUST ACQUISITION PROJECT – DRAFT ENVIRONMENTAL IMPACT STATEMENT

Taunton High School Auditorium

December 3, 2013

**IF YOU WOULD LIKE TO SUBMIT A WRITTEN STATEMENT, PLEASE COMPLETE THE FOLLOWING INFORMATION AND COMMENT IN THE SPACE PROVIDED BELOW. GIVE TO THE ATTENDANT OR DROP IN THE WRITTEN COMMENT BOX. COMMENTS MAY ALSO BE SUBMITTED BY MAIL TO THE ADDRESS LISTED BELOW UNTIL JANUARY 17, 2014.**

(Please write legibly)

Name: Amber Rossignol Organization: Mashpee Wampanoag Tribe

Address: 26 Pocahontas Road.

2-10.1

Comment: I would like to see the land be put in to trust because it is our land and it will always be our land. And we need it.

Please give to attendant, drop in Written Comment Box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, Telefax (615) 564-6701. Please include your name, return address and the caption, "DEIS Comments, Mashpee Wampanoag Trust Acquisition Project."

**LETTER 2-10: AMBER ROSSIGNOL**

**Response to Comment 2-10.1**

Comment noted.

December 17, 2013

Re: Comments for the Proposed Mashpee Wampanoag Tribe Fee-To-Trust Acquisition and Casino Project

To Mr. Franklin Keel, Regional Director

I am submitting my written comments regarding the land into trust agreement. Although I would welcome land into trust it needs to not happen under this administration or leadership because of the MASHPEE WAMPANOAG CONSTITUTION, SHUNNING AND FINANCIAL MALFEASANCE.

1. It would be important to determine if the MWTC Constitution is a legal document and has it ever been filed with the BIA under the Re-organization Act of 1934.
2. The MWT Constitution dated June 28, 2004 stripped every tribal member of their right to vote for any and all Tribal Government issues (including million dollar contracts)
3. There are no Ethics in Tribal Government established within the 180 days of the signed Constitution. Page 5. Section 4 under Article V.
4. The Tribal Elections System has been manipulated and there is a suit currently in Massachusetts Federal Courts to be heard in January 2014.
5. SHUNNING – Four members of the current administration support shunning members. There is a existing letter signed by the Chairman and his Council members to Shun 4 four members of the tribe for requesting financial documentation/access. The current Vice Chairwomen brought the idea to the the Marshall-Cromwell Administration
6. FINANCIAL MALFEASANCE entails voting to keep things private and not reporting salaries that are paid through a loan ~~to~~ <sup>from Tribal Members</sup> Tribal Members.
7. LEGAL OPINIONS AGAINST TRIBAL MEMBERSHIP CIVIL LIBERTIES AND CITIZEN RIGHTS – A legal opinion from a Judge paid by the Tribal Council that tribal members CANNOT sue Tribal Council Members. Documented at Tribal Court of the Mashpees'. <sup>to bring to court</sup>

For these many reason's I as a Mashpee Wampanoag Tribal Member cannot support any decisions about land into trust under this current Administration.

2-11.1



Michelle M. Fernandes  
Tribal Member  
Mashpee Wampanoag Tribe

M FERNANDES 24 @ Verizon-net  
24 Elmwood ST  
Wareham, MA 02571  
508-291-9125

Please fold and tape.

Please Place  
Appropriate  
Postage Here

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

Re: DEIS Comments for the  
Proposed Mashpee Wampanoag Tribe  
Property Trust and Development

Please fold and tape.



# CAPE COD TIMES

The Cape and Islands Daily Newspaper

Tuesday, December 19, 2006

www.capecodonline.com

V. 70, No. 302



**Down the v**  
Wrap up y  
shopping  
themed gi  
**Business**  
/B-1

**TODAY'S WEATHER**  
Windy, flurries; low 40s /B-8

For Home Delivery: 800-286-2233

# Tribe members: Where's the \$15M

Wampanoag leader Amelia Bingham wants tribal leaders to make their finances public.

FILE PHOTO  
Cape Cod Times



■ Four file a complaint to force financial transparency.

By SEAN GONSALVES  
STAFF WRITER

**BARNSTABLE** - Four Mashpee Wampanoag tribe members - including Amelia Bingham, revered as one of the original signers of the

tribe's federal recognition petition 30 years ago - have filed a complaint in Barnstable Superior Court to force tribal council leaders to make public their financial dealings.

Bingham, her son Stephen Bingham and two other tribe members want current tribal council officers to account for millions of dollars given to the tribe by a Detroit casino devel-

oper and to explain the financial management of the tribe's land-holdings.

A court hearing is scheduled for 2 p.m. Tuesday.

The complaint alleges "blatant corporate mismanagement and malfeasance by current and former members of (the Council's) Board of Directors," and that tribal officers have "taken undue advantage" of the tribe and its

assets and have used those associated income "for their and enjoyment."

Yesterday, as the tribe is of gaining federal recognition, temporary restraining order against the tribal council and refrain" from destroying

Please see **TRIBE /A-14**

# Tribe: Thursday hearing planned

*Continued from A-1*

ments or entering into any new business relationships until the hearing.

## Injunction to be sought

At the hearing Thursday, according to court documents, the plaintiffs will request a permanent injunction against current tribal council officers, asking the court to freeze tribal council assets "to prevent further harm to them and the rest of the members."

The complaint names the tribal council's 11 officers, including Tribal Council Chairman Glenn Marshall, Vice Chairman Shawn Hendricks Sr. and Secretary Desire Hendricks.

The complaint alleges that Marshall and his associates have systematically withheld financial information from tribe members.

The tribal council, which is the administrative arm of the 1,461-member tribe, is incorporated as a nonprofit organization.

Until the tribe is granted federal recognition — a decision that is expected by the end of March — the tribal council's finances remain under the purview of the state attorney general's office, which oversees the finances of

nonprofit organizations in Massachusetts.

Yesterday, Beth Stone, spokeswoman for Attorney General Tom Reilly's office, said the state is not investigating the tribe's finances, nor was Reilly's office aware of the civil complaint.

The plaintiffs are seeking accurate information concerning tribal finances, said Deanna M. Silva, the plaintiffs' attorney, who is with Silva & Champion in Boston.

## Seeking exact figures

And while Silva said her clients aren't necessarily looking for a court order that would end the tribal council's financial relationship with Detroit real estate and casino developer Herb Strather, they would like to know exactly how much money Strather gave the tribe to help secure federal recognition.

The complaint alleges that Strather, who is credited with bringing casinos to the Motor City, has given the tribe \$15 million since 1999, citing a Times interview with Strather the day after the tribe's petition was preliminarily approved by the Bureau of Indian Affairs last March.

And the plaintiffs claim "Marshall and other director defendants have wrangled money

from well-known national developers in exchange for the exclusive right to negotiate an agreement to develop and manage a Class III tribal gaming facility."

The complaint alleges several other instances of murky book-keeping, from paying tribal officers to the sale and management of the tribe's Sampson's Mill Road property, formerly known as the Maushop Equestrian Center. Tribal officers formed Maushop LLC, which purchased the horse farm from Jill Slaymaker for \$675,000.

The complaint questions why the equestrian center's manager, Frederick C. Grosser, allegedly failed to file annual financial reports from 2001 to 2006.

## No comments

In a brief phone interview yesterday, Strather said he knew nothing of the court action and suggested questions be directed to Marshall. Marshall did not return calls seeking comment.

Neither Shawn Hendricks nor Desire Hendricks could be reached for comment yesterday.

Tribal council spokesman Scott Ferson said he couldn't comment on the complaint because the tribal officers had not been served with the com-

plaint as of late yesterday afternoon.

"And we're confident in the fact that our auditors do a thorough job of auditing the books every year," he said.

## Complaint names auditors

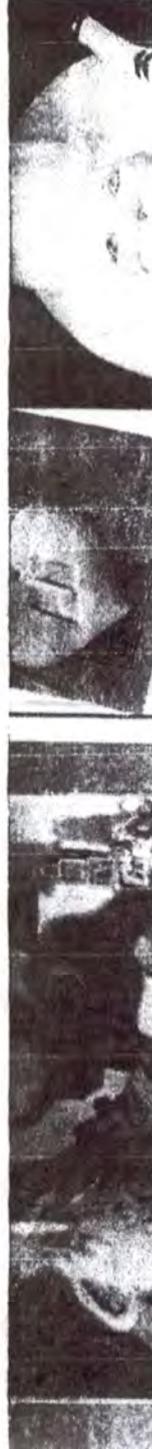
The complaint, however, does name the tribe's audit firm Sanders, Walsh & Eaton LLP — which has offices in Mashpee — Chatham and Osterville — alleging that the firm "breached its fiduciary duties ... by preparing and causing to be filed false and inaccurate accounting records."

Joseph McGee of Sanders Walsh & Eaton said yesterday he had no knowledge of the complaint and couldn't comment until the firm was served with the official complaint.

A Barnstable Superior Court clerk said the defendants would likely be served today, as the clerk's office was awaiting for the plaintiffs to pay the necessary court fees, which they did late yesterday afternoon.

None of the plaintiffs could be reached for comment other than Stephanie Tobey-Roderick who declined to comment until the case has been resolved.

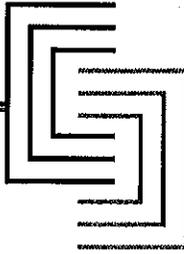
*Sean Gonsalves can be reached at sgonsalves@capecodonline.com.*



**LETTER 2-11: MICHELLE M. FERNANDES, DECEMBER 17, 2013**

**Response to Comment 2-11.1**

These issues are outside the scope of an Environmental Impact Statement.



January 2, 2014

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

RE: Comments on DEIS for Proposed Mashpee Wampanoag Tribe Property Trust and Development

FROM: Jeffrey O'Neill  
President – Condyne LLC  
Owner: Crossroads Commerce Center  
Site Address: 220 O'Connell Way, Taunton, MA  
Company Address: 1150 West Chestnut Street, Suite 3  
Brockton, MA 02301

Mr. Keel,

As the owner of Crossroads Commerce Center we have some concerns about the proposed Casino Development as outlined in the Draft Environmental Impact Statement (DEIS) concerning the Mashpee Wampanoag Tribe's proposed Fee to Trust Acquisition. Our property is located within the center of the proposed development and is noted as "Existing Commerce Center" on the Proposed Development plan. The following is a list of our concerns:

1. The existing industrial park, known as the "Liberty and Union Industrial Park", is subject to Protective Covenants and Restrictions. Per the covenants, "It is intended that these covenants and restrictions shall apply to, be binding upon and be enforceable by the Taunton Development Corporation and every subsequent owner of any portion of the Premises". The purpose of the covenants is to assure the development of the Premises as a garden-type industrial park. As an owner within the park, the proposal does not meet the definition and many of the other requirements set forth in the covenants and restrictions. How does the Mashpee Wampanoag Tribe (MWT) plan to meet the requirements set forth within the park covenants?

2-12.1

- 2-12.2 | 2. The Crossroads Commerce Center consists of approximately 325,000 square feet of fully leased warehouse and office space. This distribution center requires 24 hour a day, 7 days a week, operation. How does the MWT plan to keep the existing utilities, water, sewer, gas and electric available throughout construction? Adequate sequencing details and plans have not been provided that ensure 24/7 availability of utilities to the Crossroads Commerce Center. Truck access at the new
- 2-12.3 | Stevens Street intersection near the adjacent residential area must be able to accommodate 24/7 access and 53' tractor trailers.
3. The DEIR describes that the proposed service entry will be built first in order to maintain truck traffic. The DEIR does not differentiate between construction related truck traffic or existing Crossroads Commerce Center traffic. The existing intensity of use requires a well maintained asphalt surface for access. We are concerned that existing traffic may be limited during construction.
- 2-12.4 | 4. The proposed 5-story parking garage is within approximately 40' of the service drive. How will the parking garage be constructed while also maintaining full truck access to the nearby service road?
- 2-12.5 | 5. If the land, which includes the Service Drive and a portion of O'Connell Way, is put into trust, what mechanism will be put into place to ensure continued access from the Crossroads Commerce Center to Stevens Street? Also, who will maintain the street and utilities and provide proper indemnification which will include un-interrupted access to the Crossroads Commerce Center?
- 2-12.6 | 6. The DEIR identifies an access and utility easement that allows access to the area of the proposed water park (the lot identified as 13a on figure 2.1-3). However, per Bristol County Registry of Deeds, deed book 16156, Pg 193, the easement only allows access to the upland portion of lot 13 of the Definitive Subdivision Plan for the Liberty and Union Industrial Park (also shown as lot 12 on figure 2.1-3). The easement does not grant access to traverse the Crossroads Commerce Center parcel in order to access the water park lot.
- 2-12.7 | 7. The stormwater management plan addresses water quality and recharge. What affect will all the added impervious areas have on the groundwater elevations? Please provide a plan with test pit locations. Test pits in the area of the lot 13 parking lot show a groundwater elevation of 28" in the test pit. The proposed drainage plan also shows subsurface infiltration in this vicinity. A grading plan that shows the proposed elevations of the groundwater, system and finished grade should be provided in order to determine the impact of the amount of fill that is needed. It appears that thousands of yards of fill would be required resulting in hundreds of truck trips across the
- 2-12.8 | Crossroads Commerce Center parcel. How will the access drive and O'Connell Way be maintained during this work.

As owners of the Crossroads Commerce Center, we are extremely concerned about our rights for continual access to our property and the non-stop service of the utilities that serve the building. The buildings are fully leased with companies that require continual access 24 hours a day, 7 days a week. We own and maintain a state-of-the-art warehouse facility with excellent tenants, we believe it is our right to provide the best service possible to the companies and to not limit their rights to conduct business as they need. We appreciate your attention to these concerns.

Sincerely,  
Crossroads Commerce Center



Jeffrey O'Neill  
President

**LETTER 2-12: JEFFREY O'NEILL, JANUARY 2, 2014****Response to Comment 2-12.1**

The deed restrictions were imposed by the Taunton Development Corporation (TDC) as proponent developer and owner of the Liberty and Union Industrial Park (LUIP). Most of the planned on-site improvements for the Preferred Development, including the gaming facilities and hotels, will be constructed on land which is not and never has been within LUIP, and therefore has never been burdened by these restrictions. As to those parcels which were burdened by these restrictions, the TDC retained the right to remove the restrictions on any parcel within the LUIP at any time without the consent of any landowner within the LUIP. The TDC has removed the deed restrictions from the parcels included in the Project Site. Accordingly none of the land included in the Project Site is burdened by deed restrictions at this time.

**Response to Comment 2-12.2**

On-site improvements proposed within the O'Connell Way right-of-way would not affect the existing underground electric lines that serve the Crossroads Commerce Center. It is not anticipated that the water, sewer or gas utilities in the right-of-way would be affected by construction. If any work proposed may existing involve utilities in the right-of-way, operators would be notified and consulted to ensure continued service.

**Response to Comment 2-12.3**

The truck access driveway on Stevens Street has been designed to accommodate appropriate traffic. The proposed service road will be built first to maintain traffic specifically to the Crossroads Commerce Center as well as some construction vehicles. The existing traffic will be accommodated at all times. O'Connell Way will also remain open during construction.

**Response to Comment 2-12.4**

There will be no impact to access via the service road. All construction work will happen on-site. O'Connell Way will also remain open during construction.

**Response to Comment 2-12.5**

On-site improvements proposed within the O'Connell Way right-of-way would not affect the existing underground electric lines that serve the Crossroads Commerce Center. It is not anticipated that the water, sewer or gas utilities in the right-of-way would be affected by construction. If any work proposed may existing involve utilities in the right-of-way, operators would be notified and consulted to ensure continued service.

The truck access driveway on Stevens Street has been designed to accommodate appropriate traffic. The proposed service road will be built first to maintain traffic specifically to the Crossroads Commerce

Center as well as some construction vehicles. The existing traffic will be accommodated at all times. O'Connell Way will also remain open during construction.

### **Response to Comment 2-12.6**

This issue is outside the scope of an Environmental Impact Statement.

### **Response to Comment 2-12.7**

The parking lot development on Lot 13 that was previously proposed under the DEIS and referred to in Comment 2-12.7 has been removed from the development program and is no longer the subject of the submitted analysis. Refer to **Section 8.3** and the Updated Stormwater Management System Report in **Appendix D** for an updated description of the proposed stormwater management measures. As the Report describes, recharge capabilities on the Site must approximate those in the pre-developed conditions under the Stormwater Management Standards; therefore, the results on the groundwater elevations due to the additional impervious areas should be negligible.

### **Response to Comment 2-12.8**

Access to the Project Site will be maintained during all portions of construction. The service road as well as O'Connell Way will be open for Site traffic.

The Taunton site proposed for this casino is in a densely populated area with narrow roads.

They would have to uproot acres of trees on this site - the same trees that help to clean the air even now getting a failing grade from the EPA.

2-13.1

2-13.2

The governor says  
 to the media he  
 would not want  
 a casino in his  
 sparsely settled  
 neighborhood but  
 in this poor or  
 low income area he  
 promotes it while  
 also spending tax  
 money to defeat a  
 casino on Martha's  
 Vineyard another with  
 high income population

Like so much of our country we need jobs but not casinos.

As far as the water slide they are proposing, these have been found to be unsanitary and closed down.

We need decent light manufacturing jobs.

I appreciate your kind and

4  
thoughtful consideration  
for the good of  
the people in Taunton.

Sincerely,

Drachy Sataur  
120 Hart St  
Taunton, MA 02780

508-822-6813

**LETTER 2-13: DOROTHY LATOUR****Response to Comment 2-13.1**

The Project Site in Taunton was selected in part because of its existing infrastructure, previous development, and designation for economic development and job creation. The Development Alternatives have been designed to make use of previously disturbed and developed land to the greatest extent possible.

**Response to Comment 2-13.2**

As presented in **Section 8.11.3**, impacts to air quality (VOC and NOx) have been minimized under each Development Alternative by the mitigation measures described.

**Response to Comment 2-13.3**

The Tribe is required by the Tribal-State Compact with the Commonwealth and the Intergovernmental Agreement with the City of Taunton to adopt building, health, fire and safety codes that are consistent with and no less stringent than the equivalent state and local ordinances. The Tribe will create a building department to issue permits and confirm compliance with these Tribal regulations. In addition, the land will continue to be subject to federal environmental and land use laws and regulations.

Location	Comment/Question	
Table 1.5-1, page 1-9. Item T in list	If this device is to be supplied for lights/intersections which would service the casino, why would it not be installed elsewhere? By only using the 13 intersections, it comes across that the casino is more important than the citizens of Taunton.	2-14.1
Table 1.5-1, page 1-25, Utilities, Alternative A, Item B.	This item states that a preliminary review of the natural gas situation in the area indicates that sufficient gas capacity exists in the area, but it would be necessary to upgrade a section of pipe in the area. Where would the upgrade be carried out? In the vicinity of Rt. 140 is too vague.	2-14.2
Table 1.5-1, page 1-34, noise mitigation, alternative A, item B.	This states that exterior construction activities would TYPICALLY be limited to normal working hours. There are no construction activities which would need to be carried out at night that could not be carried out during the day. The only reason to conduct activities at night would be in the project were behind schedule. A problem on the part of the contractor being behind schedule is no reason to submit the residential neighborhood which surrounds the site to unnecessary nighttime noise, lights and traffic.	2-14.3
Table 1.5-1, page 1-36, Visual, Lighting impacts, alternative A	The items states that the lights would be prevented from reaching neighboring properties or the night sky by screens created by building structures. Would the effect of the lighting be any different in the Fall and Winter when there will be no leaf cover in the trees in the area to assist with screening the light?	2-14.4
Table 1.5-1, page 1-39, Socioeconomics, Impacts to the Criminal Justice System, Alternative A	This does not take into consideration the impact on the criminal justice system as a result of DUIs, other alcohol related crime, theft, and other crimes which can be associated with any large entertainment facility. The only item considered is compulsive gamblers. That would not be the only or primary source of crime at a gambling facility.	2-14.5
Section 3.2, page 3-2, 1 <sup>st</sup> paragraph	The first sentence of this paragraph states that the acquisition of land would provide sustainable income for the tribe and its members. This needs to be substantiated. Would the project financier receive its investment back before the tribe receives any money and how many years would this take? If so, the sustainable income for the tribe would not be seen for many years.	2-14.6
Section 4.2, page 4-1, 1 <sup>st</sup> paragraph	The last sentence states that the proposed project site in Taunton is the only practicable site for such a project. It doesn't say that there is any tribal connection to that site, but it is the only workable location that the tribe could find.	2-14.7
Section 4.3.6	How would access to the project site be kept from Stevens St. North of the project? How would a large amount of casino traffic be kept out of the residential neighborhood which surrounds the project site?	2-14.8
Section 7.1.2.2, page 7.1-7	The different routes describe the number of cars which were counted, etc , but none of the descriptions provide the maximum number of cars for which the roadways were designed. This is significant and relevant to the anticipated issues associated with transportation	2-14.9
Section 7.1.2.3, page 7.1-13, item 12, 3 <sup>rd</sup> paragraph	Future improvements to this intersection are proposed. What is the proposed schedule for these improvements? Has funding been secured by the state to carry out these improvements?	2-14.10

Jill Lagace and Frank Lagace

36 Stevens St., East Taunton, MA 02718

DEIS comments for proposed fee-to-trust transfer of lands by the Mashpee Wampanoag Tribe

2-14.11	Section 7.1.2.5, Page 7.1-31, Peak Hours	This item for Stevens St. needs to be reanalyzed as the traffic from the Christ Community Church services has altered the traffic patterns for Saturday and Sunday.
2-14.12	Page 7.1-60, 3 <sup>rd</sup> and 4 <sup>th</sup> full paragraphs	Future improvements to this intersection are proposed. What is the proposed schedule for these improvements? Has funding been secured by the state to carry out these improvements?
2-14.13	Section 7.1.2.8, page 7.1-65, 3 <sup>rd</sup> bullet	Bloom Bus Terminal is not located in East Taunton
2-14.14	Section 7.1.2.11, page 7.1-73, 4 <sup>th</sup> paragraph	The Princess House heliport is private and therefore would not be an option for access to the casino.
2-14.15	Section 7.2.5, page 7.2-14	What is the timeline of the proposed removal of the dam at Barstows Pond? What effect would this have on the proposed project?
2-14.16	Section 7.6.2, page 7.5-2	Even though CSX does not currently carry hazardous materials, would there be a prohibition on this if the project were to be approved? What would the basis of such a prohibition be?
2-14.17	Section 7.10.1, page 7.10-1, 1 <sup>st</sup> paragraph	Is the landfill information still correct? Should be verified.
2-14.18	Table 7.11-2, page 7.11-4	None of these air quality values are for locations in Taunton. As there is a National Weather Service location in Taunton, it would be presumed that such information would be available in Taunton
2-14.19	Page 7.13-13, 2 <sup>nd</sup> paragraph	This states that the Wampanoag Federation was associated with the Taunton River Basin. Was any evidence discovered that in particular noted the Mashpee sub-tribe has a connection here? Or does it only refer to the Wampanoag Federation? Not that is not a significant enough connection.
2-14.20	Section 7.16.2.1, page 7.16-1	Section/Chapter 7 deals with the Affected Environment - Taunton. Section 5 deals the Affected Environment – Mashpee. Why is the Socioeconomic Conditions of the tribe discussed here? It is completely irrelevant to the Taunton discussion as members of the Mashpee Wampanoag tribe do not live in Taunton. The socioeconomic conditions for the citizens of Taunton should be discussed here.
2-14.21	Page 7.16-4, last paragraph	The Mashpee tribe is again discussed here. The tribe does not live in Taunton. This should be discussed in Chapter 5
2-14.21	Section 8.1.1, 2 <sup>nd</sup> paragraph, Page 8.1-1	Information had been provided that parking garage was to be partially underground. That is not what is conveyed here.
2-14.22	Section 8.1.1, 4 <sup>th</sup> paragraph, page 8.1-1	What are considered to be ancillary facilities?
2-14.23	Section 8.1.2.1, 1 <sup>st</sup> paragraph, page 8.1-2	As a resident of Stevens St, it is interesting that the traffic appears to be down when the area has experienced the growth of the industrial parks, Christ Community Church, and residents. Real time experience would indicate otherwise.
2-14.24	Section 8.1.2.2, 2 <sup>nd</sup> sentence, page 8.1-2	The information in this sentence appears to be speculative regarding transportation.

Jill Lagace and Frank Lagace

36 Stevens St., East Taunton, MA 02718

DEIS comments for proposed fee-to-trust transfer of lands by the Mashpee Wampanoag Tribe

Section 8.1.2.2, 3 <sup>rd</sup> sentence, page 8.1-2	Provide information that the tribe has been working with the affected communities, excluding Taunton, regarding roadway and transit improvements.	2-14.25
Page 8.1-3, 2 <sup>nd</sup> full paragraph on page	Why is the discussion of the South Coast Rail so detailed if it is unlikely that section of the train rail would be built?	2-14.26
Page 8.1-3, 3 <sup>rd</sup> full paragraph on page	Further discussion and analysis of the MASSDOT rail right-of-way should be provided for public review. The current available information does not seem to indicate that such a crossing would be possible.	2-14.27
Page 8.1-4, 1 <sup>st</sup> partial paragraph	There is discussion of a train station being located at the current tracks. This is a freight line so such a thing could not happen	2-14.28
Page 8.1-4, 1 <sup>st</sup> paragraph on page	How will the increase in needed parking for bus capacity be handled?	2-14.29
Page 8.1-4, 1 <sup>st</sup> bullet point	Where will transfer point(s) be? Where will employee parking lot(s) be?	2-14.30
Page 8.1-6, 4 <sup>th</sup> paragraph	This interchange is obsolete and is unable to handle current traffic patterns. What is schedule for upgrade of this interchange by MASSDOT?	2-14.31
Page 8.1-9, 1 <sup>st</sup> paragraph	This section of Rt. 140 is obsolete and is unable to handle current traffic patterns. What is schedule for upgrade of this road section by MASSDOT?	2-14.32
Section 8.1.2.3, page 8.1-9	Alternative D. What is current agreement for further build out of Liberty and Union Industrial Park? What are limitations? Are there traffic limitations in this agreement? Who are these conditions applicable to?	2-14.33
Section 8.1.3, page 8.1-37	Alternatives A-C violate the deed restrictions on the properties that are being considered for the proposed project	2-14.34
Page 8.1-44, 5 <sup>th</sup> paragraph on page	Coco Keys is an inappropriate example as it is located in a commercial area and is served by three major highways	2-14.35
Section 8.1.3.3, 3 <sup>rd</sup> bullet, page 8.1-47	If there will be no access to the water park or hotel from Middleboro Avenue, the access road from Middleboro Ave should be deleted	2-14.36
Page 8.1-60, 1 <sup>st</sup> paragraph	Service road should be moved or eliminated. Is directly across from an elementary school. Will subject the northerly part of Stevens St. to additional truck traffic and it is likely that delivery trucks will circumvent the Rts 24/140 interchange and use Middleboro Ave to Stevens St.	2-14.37
Page 8.1-60, 1 <sup>st</sup> paragraph	Where will the employees be shuttled from to shuttle stop? What will be the bus routes? Will there be multiple employee parking lots? Will there be any onsite employee parking? Where are these lots going to be?	2-14.38
Page 8.1-60, 2 <sup>nd</sup> paragraph	Although there will be a heavy vehicle exclusion to go left out of the service road onto the northerly part of Stevens St, it is ridiculous to believe that trucks and buses will not go left from that service road. Needs to be some type of additional way to prevent this. This comment applies to all heavy vehicle exclusion signage discussion.	2-14.39
Page 8.1-60, 4 <sup>th</sup> paragraph	By not allowing any left turns out of the main entrance, this will encourage passenger vehicles to use the service road so that they can go left onto northern Stevens St. as that will be the only possible way to do so	
General Comment on Section 8	All construction, traffic work, etc., related to the IGA between Taunton and the Mashpee should be supervised and managed by a third party to insure that all commitments of both parties are met and that changes are not made arbitrarily and without notice to the citizens of Taunton	2-14.40

2-14.41	Table 8.14-2, page 8.14-2	Where was the sound modeling done on Stevens St.? Was it done for different locations relative to where different equipment will be located?
2-14.42	Section 8.15	This section deals with visual issues. Has the issue of reverse visibility been considered? This being how invasive it could be for the neighbors of the project site on Stevens St as a result of the elevation of the hotels which, albeit from a slight distance, would overlook the homes on Stevens St.
2-14.43	Page 8.15-16, 2 <sup>nd</sup> paragraph on page	East Taunton Elementary and Christ Community Church are noted as being sensitive receptors relative to lighting. Why are these more sensitive than the residences in the area? The homes are used much more consistently than the school and church, especially at night.
2-14.44	Page 8.16-2, last paragraph on page	This paragraph states that data indicates that in communities with Indian casinos, the economic benefits of the casino will cause a decrease in crime in that community. The implication here is that Native American communities with a tribal casino on its land will become a better place as a result of the casino. Besides being horribly condescending and offensive to Native Americans, this would be irrelevant to a tribal casino in Taunton as there is no Mashpee population in the area of the casino.
2-14.45	Page 8.16-16, 1 <sup>st</sup> full paragraph	What will be the average hourly wage and/or salary of the employees at the casino? Can be broken down into categories – kitchen, casino floor, management, executive, etc. This is relative to the oft mentioned phrase of jobs and revenue. If all the management positions are going to persons outside of the Taunton area, this would have absolutely no benefit on the economy of the Taunton area
2-14.46	Sections 8.16 and 8.20	These two sections contradict each other in the discussion of effects on the local businesses. Section 8.16 says that patrons basically stay on the site and spend their money there. But then later say that money could be spent at a variety of local businesses. The same is said in Section 8.20
2-14.47	Page 8.20-13	Throughout the document it is stated that the new positions at the proposed project will help alleviate unemployment in the city of Taunton. How does the breakdown of unemployed people in Taunton’s education and job breakdown mesh with the type of jobs which will be available at the proposed project? Is the Taunton unemployed population in “white collar” positions? If yes, there is no match with the jobs at the casino.
2-14.48	Section 8.21.4.4, page 8.21-10	What are the anticipated/scheduled dates for all of these improvements?
2-14.49	Page 8.21-11	Information on current casino statuses for the state need to updated and corrected

**LETTER 2-14: JILL LAGACE AND FRANK LAGACE****Response to Comment 2-14.1**

The traffic signals to be outfitted with emergency preemption as well as the specified locations were identified by the City of Taunton.

**Response to Comment 2-14.2**

Preliminary planning indicates gas main work may need to be done along Route 140 from Industrial Drive to the interchange near the Galleria Mall.

**Response to Comment 2-14.3**

Construction work hours are described in **Section 8.19.5**. As stated, there may be occasions when work will occur outside these hours; however, appropriate authorizations will be obtained prior to such deviations.

**Response to Comment 2-14.4**

As described in **Section 8.15.2**, the design considers concerns of visual impacts spilling out from the Project Site onto the street or adjacent properties. By developing major project components on either side of O'Connell Way, the design allows for some impact elements, including entry lighting, to occur within a "courtyard" entrance area, shielded from neighbors and other locations on the Project Site. The visual simulations in **Figures 8.15-4 through 8.15-10** represent the visibility of the Preferred Development during a period of minimal leave cover.

**Response to Comment 2-14.5**

Research related to the connection between casino gambling and crime in a community was reviewed and presented in **Section 8.16.1**.

**Response to Comment 2-14.6**

This issue is outside the scope of an Environmental Impact Statement.

**Response to Comment 2-14.7**

In accordance with 25 CFR 292.6 (d), Tribes must demonstrate significant historic connections to an area in order for the property to qualify as an "initial reservation." By letter dated February 7, 2013, the Assistant Secretary of Indian Affairs determined that the lands in Taunton and Mashpee meet the requirements of 25 CFR 292.6(d) and will qualify as the Tribe's initial reservation if they are acquired in trust.

**Response to Comment 2-14.8**

No left turns will be allowed out of O'Connell Way onto Stevens Street northbound under any of the Development Alternatives. This will force the Site traffic to use the highway system. In addition, traffic calming and mitigation measures are discussed in **Section 8.1.3.4**.

**Response to Comment 2-14.9**

The number of vehicles that a roadway can handle is based on multiple factors. In general, it is estimated that 1,900 passengers can be accommodated in a single travel lane per hour. However, this value is reduced based on factors such as speed, vehicle composition, arrivals, signals etc.

The analysis has identified the level of service and based on the design year and projected traffic. Mitigation was proposed for any location where there are constraints due to the casino traffic.

**Response to Comment 2-14.10**

Funding for the Hart's Four Corners improvement will be through the IGA. The Tribe is working with the City to have the intersection under construction prior to the full opening of the Project.

**Response to Comment 2-14.11**

Volumes on Stevens Street were collected for a 24-hour period on a Saturday. The Saturday analysis represents the peak weekend traffic.

**Response to Comment 2-14.12**

Funding for the Hart's Four Corners improvement will be through the IGA. The Tribe is working with the City to have the intersection under construction prior to the full opening of the Project.

**Response to Comment 2-14.13**

The location of the Bloom Bus Terminal has been revised in the FEIS.

**Response to Comment 2-14.14**

It is not anticipated that the Princess House heliport be used to access the casino. However, it is mentioned in **Section 7.1.2.11** as an existing condition.

**Response to Comment 2-14.15**

The Tribe has developed a complete project within the Project Site and currently has no plans to modify or expand the limits of work. In most locations, the Project is located at least 100-feet from the bank of Barstows Pond. No wetland impacts will occur within the Project Site, and the Pond will not be impacted. The project will comply with current EPA NPDES General Permit for Discharges from

Construction Activities and MassDEP Stormwater Management Standards. **Section 8.21.4.2** outlines what others are proposing of Barstows Pond Dam.

### **Response to Comment 2-14.16**

As stated in **Section 7.6.2**, CSX does not currently carry any hazardous materials along the right-of-way bisecting the Project Site due to a lack of demand for any such material. The Proposed Action is not anticipated to have any impact on CSX's cargo.

### **Response to Comment 2-14.17**

All information presented in **Section 7.10.1** of this FEIS is up-to-date and correct as of the date of publication. Since publication of the DEIS, the City of Taunton terminated an agreement with WeCare Organics LLC and Interstate Waste Technologies to replace the City's landfill with a transfer station, recycling center, and waste-to-energy facility.

### **Response to Comment 2-14.18**

The National Weather Service in Taunton does not collect air quality data. Air quality data are measured and collected by MassDEP. Annual Air Quality Reports containing the details of the monitoring network and collected data can be found on the MassDEP website.

### **Response to Comment 2-14.19**

In accordance with 25 CFR 292.6 (d), Tribes must demonstrate significant historic connections to an area in order for the property to qualify as an "initial reservation." By letter dated February 7, 2013, the Assistant Secretary of Indian Affairs determined that the lands in Taunton and Mashpee meet the requirements of 25 CFR 292.6(d) and will qualify as the Tribe's initial reservation if they are acquired in trust.

### **Response to Comment 2-14.20**

As discussed in **Section 3**, the purpose and need for the Proposed Action is to establish the Tribe's initial reservation and provide the Tribe opportunities for long term, stable economic development and self-government. The Tribe's socioeconomic conditions and Environmental Justice status are described in detail in **Sections 5.3 and 5.4**. These conditions are referenced in **Section 7.16.2** as the Tribe would be affected by the Proposed Action and development in Taunton.

### **Response to Comment 2-14.21**

Due to the topography of the Project Site, a portion of the parking will be below grade. The site plan has also been updated to include valet parking under the main casino building.

### **Response to Comment 2-14.22**

In general throughout this EIS, the term “ancillary facilities” refers to all proposed development on the Project Site beyond the destination resort casino and hotel spaces, including parking facilities, restaurants, retail, office and operational space, and, except under Alternative C, water park. A list of facilities and spaces proposed under each Development Alternative is provided in **Section 4.3.4**.

### **Response to Comment 2-14.23**

The traffic trend is based on real historic count data for Route 24 just north of Route 140. Volumes were in this study were not reduced based on trends. As shown in **Section 8.1.2.1**, traffic volumes are increased by a general background growth percentage in addition to trips being added for the remainder of the industrial park development.

### **Response to Comment 2-14.24**

Based on the analysis conducted for this report, the traffic mitigation is proposed to alleviate the impacts from the increase in trips. The traffic monitoring program described in **Section 8.1.3.12** will help bring light to any other locations that may see impacts from the casino.

### **Response to Comment 2-14.25**

In determining impacts and potential mitigation, meetings have been held with the following agencies: MassDOT Planning, MassDOT Highway Design, MassDOT Traffic, Southeastern Regional Planning and Economic Development District (SRPEDD), Old Colony Planning Council (OCPC), Brockton Area Transit Authority (BAT), Greater Attleboro Taunton Regional Transit Authority (GATRA), Plymouth & Brockton Street Railway Company (P&B), DATTCO Inc. bus services, and Bloom Bus Lines Inc..

### **Response to Comment 2-14.26**

The South Coast Rail project is progressing and has gone through the MEPA and NEPA process.

### **Response to Comment 2-14.27**

Discussions with MassDOT regarding the design of a rail crossing are ongoing. A summary of current discussions of feasible designs is presented in **Section 8.1.2.2**.

### **Response to Comment 2-14.28**

There are no current plans to have a station on the Project Site. **Section 8.1.2.2** discusses the coordination involved with providing an at-grade crossing and continued feedback from MassDOT.

### **Response to Comment 2-14.29**

As shown in **Section 8.1.3.3**, private and coach bus service will be directed to the bus terminal behind the main building. Public transit buses will be accommodated adjacent to the parking garage, opposite the main building entrance.

### **Response to Comment 2-14.30**

GATRA and BAT services will transfer directly on the Project Site as described in **Section 8.1.3.3**. Current plans call for employee parking to be provided on-site.

### **Response to Comment 2-14.31**

The Tribe is working with MassDOT on the schedule and funding of these improvements. The improvements discussed for this interchange in the report will need to be completed prior to the full opening of the casino. Funding for these improvements will be a combination of earmarked funding from the federal government managed by the Federal Highway Administration (approximately \$15 million) and revenues designated for transportation improvements pursuant to the Tribal-State Compact.

### **Response to Comment 2-14.32**

Please see the response above.

### **Response to Comment 2-14.33**

As described in **Section 4.3.5**, the No Action Alternative (Alternative D) consists of estimates and assumptions of future build-out of the LUIP based on information from the Taunton Development Corporation's original proposal for the site, details of building permits held by current owners, and professional estimates on the ability to build out vacant lots. **Table 4.3-2** identifies proposed additions, permitted building sizes, and estimated development capacities on each parcel on the Project Site under Alternative D.

### **Response to Comment 2-14.34**

The deed restrictions were imposed by the Taunton Development Corporation (TDC) as proponent developer and owner of the Liberty and Union Industrial Park (LUIP). Most of the planned on-site improvements for the Preferred Development, including the gaming facilities and hotels, will be constructed on land which is not and never has been within LUIP, and therefore has never been burdened by these restrictions. As to those parcels which were burdened by these restrictions, the TDC retained the right to remove the restrictions on any parcel within the LUIP at any time without the consent of any landowner within the LUIP. The TDC has removed the deed restrictions from the parcels included in the Project Site. Accordingly none of the land included in the Project Site is burdened by deed restrictions at this time.

**Response to Comment 2-14.35**

The Coco Keys resort was taken into consideration to establish trip rates for the proposed Taunton water park. The analysis for the trip rates was reviewed by MassDOT and City of Taunton. While the Coco Keys resort has a different geographic location, the number of trips into the site is still relevant. The New Jersey location does not have access to public transportation and do not have pedestrian or bicycle accommodation in the area. Trips to their site will be made by vehicles as will the Project Site in Taunton.

**Response to Comment 2-14.36**

As described in **Section 8.1.3.4**, an access route is required from the northern portion of the Project Site to Middleborough Avenue for emergency purposes.

As the Project is further developed, the Tribe will work with local officials from the Massachusetts Emergency Management Agency (MEMA) to identify and resolve evacuation plans related to the Project.

**Response to Comment 2-14.37**

The service road is proposed to be approximately 300 feet to the south of the elementary school entry drive. As described in **Section 8.1.3.4**, a truck exclusion is proposed for the northern section of Stevens Street to prevent truck traffic from cutting through the neighborhood in the direction of the school.

**Response to Comment 2-14.38**

GATRA and BAT services will transfer directly on the Project Site as described in **Section 8.1.3.3**. Current plans call for employee parking to be provided on-site.

**Response to Comment 2-14.39**

As with any other public traffic law that applies to city streets, the truck exclusion will be enforced by the Taunton Police Department.

**Response to Comment 2-14.40**

Section 19 of the IGA includes provisions for a Tribal-City Advisory Committee that has the jurisdiction to address any disputes within the Scope of the IGA, including question related to implementation. Given that it is in each party's best interest to ensure that the terms of the IGA are met and that there is an established means for each party to raise concerns, the BIA is confident that the terms of the IGA will be met.

**Response to Comment 2-14.41**

The three noise measurement locations are described in **Section 7.14.3.1**.

### **Response to Comment 2-14.42**

The issue of reverse visibility could be a concern for some properties located on the south-western portion of Stevens Street, though the potential impact is limited by the location of proposed hotels on internal portions of the Project Site rather than abutting neighboring properties. If warranted, the Tribe will consider the feasibility of additional screening.

### **Response to Comment 2-14.43**

Sensitive receptors are generally defined by the EPA as facilities where children, the elderly, and other populations more susceptible to adverse effects of environmental conditions gather, and thus the school and church were selected as examples. These facilities are centrally located among the homes on Stevens Street, so the impacts described are generally applicable to residences as well.

### **Response to Comment 2-14.44**

Research related to the connection between casino gambling and crime in a community was reviewed and presented in **Section 8.16.1**. As discussed in **Section 3**, the purpose and need for the Proposed Action is to establish the Tribe's initial reservation and provide the Tribe opportunities for long term, stable economic development and self-government. The Tribe's socioeconomic conditions are referenced as the Tribe would be affected by the Proposed Action and development in Taunton.

### **Response to Comment 2-14.45**

The Tribe plans to prioritize Tribal and local recruitment for casino-related positions. The preliminary hiring process is described in **Section 8.20.3.1**. These strategies will be applied to supervisory, administrative, and front-line staff openings.

### **Response to Comment 2-14.46**

Anticipated off-site visitor spending patterns are described in **Section 8.16.3.1**. The Preferred Development is expected to provide area visitors with accommodations that would compete with existing businesses. The potential for negative economic activity resulting from the substitution effect of local spending shifts is expected to be offset by newly generated employee spending, as well as by the adaptation of local businesses to attract and capture the spending potential of casino employees and patrons.

### **Response to Comment 2-14.47**

The Tribe plans to prioritize Tribal and local recruitment for casino-related positions. The preliminary hiring process is described in **Section 8.20.3.1**. These strategies will be applied to supervisory, administrative, and front-line staff openings. Because of this strategy, along with the current levels of unemployment in Taunton and Bristol and Plymouth Counties, significant population growth is not expected in Taunton or surrounding towns.

### **Response to Comment 2-14.48**

Anticipated construction schedules for each of the Development Alternatives are provided in **Section 8.19.2**.

### **Response to Comment 2-14.49**

Statuses of proposed casino projects in Massachusetts are up to date as of publication of this FEIS in **Section 8.21.4.5**.

My name is Alex Kireilis and I'm sending this letter in the hopes of preventing the Mashpee Wampanoag tribe from having land taken into trust on the behalf of the government. I've been keeping an eye on this situation because I am a first time home buyer and found a home my girlfriend and I love. We've been hesitant to go put an offer on it because it is located within 2-3 miles of the projected site of the casino. As of this week we put in an offer with the hopes that rational thinking, as well as prior Supreme Court rulings, will prevail in this matter. I stress rational thinking because no rational individual would approve, or even consider for one second, to build a casino basically directly across the street from an elementary school. I am shocked and find it very concerning that the Mayor of Taunton and possibly yourselves would approve of a casino being built in such close proximity to an elementary school, especially given all the school shootings we've recently seen in this country. Approving of an establishment, such as a casino, where individuals with gambling addictions can go and lose large amounts of money and even life-savings, to be located across the street from an elementary school is outright dangerous. All it takes is for one addicted individual to lose a significant amount of money and walk across the street to a school and create a replica of what we've seen in other cities and states throughout this country. I pray that this never happens but as someone who is trying to start a family, that would be my fear everyday for my child if he/she was going to that elementary school. Other dangers include the increased traffic flow and the danger that poses to children being driven to school by parents or the school bus and for those children walking to and from school. It appears as though the Mayor has no plans to build a new elementary school in a safer location for these children and their families and the Mayor finds the risk of danger the casino would place these children in is acceptable. I would hope you and other individuals working in the Bureau of Indian Affairs would not find this as acceptable in any way, shape, or form. If you do, shame on you and if anything happens to any children because of this casino then that is on your conscience because you are and will always be responsible for anything negative that results from the approval of this land for this tribal casino. Without your approval, there is no casino and the safety of these children from the would be dangers of a casino is secured. A couple of other issues I would just like to mention for why this tribe should not have land taken into trust is the history of the tribe and it's prior deals with other towns and how they deceived those towns and have not paid back money they owe. This tribe is not to be trusted and that is because of their own actions. It would be irresponsible to enable them by approving of this land. Finally, the Supreme Court has already established who is eligible to have land taken into trust and this tribe does not meet those requirements. I urge you to think rationally and strongly consider the safety of the children and families in East Taunton and the negative impact this casino will have on their lives both financially (decrease in already lower home values compared to other cities in the state of Massachusetts) and as it applies to their safety. The majority of people living in East Taunton want nothing to do with this casino because they know the quality of life for them will never be the same if this casino is built. Even the governor of Massachusetts has admitted he wouldn't want a casino in his back yard and neither do I. As a future resident of East Taunton please preserve the quality of life of those living in East Taunton and decline to take the land into trust on the behalf of this tribe and any tribe for that matter.

2-15.1

2-15.2

2-15.3

2-15.4

2-15.5

**LETTER 2-15: ALEX KIREILIS****Response to Comment 2-15.1**

Comment noted.

**Response to Comment 2-15.2**

Research related to the connection between casino gambling and crime in a community was reviewed and presented in **Section 8.16.1**. This section also describes anticipated impacts of the Proposed Action on law enforcement resources, including community safety and gambling addiction services.

**Response to Comment 2-15.3**

Mitigation and traffic calming measures are proposed in the East Taunton neighborhoods, as described in **Section 8.1.3.4**. The improvements include installation of traffic signals, flashing warning beacons, and school zone flashers. In addition, a truck exclusion is proposed on Stevens Street to the north of the Project Site to require trucks to utilize the highway system.

As shown in **Section 8.1.3.2**, the majority of patron and employee traffic are expected to use Route 24 and Route 140 to access the Site from the south. Traffic leaving the site is also directed, through turn restrictions at the main driveway, to exit toward Route 140 away from the East Taunton neighborhood.

**Response to Comment 2-15.4**

This issue is outside that scope of an Environmental Impact Statement.

**Response to Comment 2-15.5**

This issue is outside that scope of an Environmental Impact Statement.



# International Brotherhood of Electrical Workers Local Union No. 223

111 Rhode Island Road, (P.O. Box 1238) Lakeville, MA 02347-7238  
Tel. (508) 947-8555 Fax (508) 946-5417 Web: [www.ibew223.org](http://www.ibew223.org)

*Servicing Southeastern Massachusetts for Over 100 Years*

January 14, 2014

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

Re: Wampanoag Tribe of Mashpee – Taunton Land into Trust for Initial Reservation

Dear Regional Director Keel:

Enclosed please find letters from the Members of IBEW Local Union 223 showing our support of the Mashpee Wampanoag Tribe's application for Land into Trust for Taunton Massachusetts. 2-16.1

The Department of Interior's approval of this application will create numerous jobs for the City of Massachusetts and surrounding areas.

Thank you for your consideration.

Best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Fenton".

David W. Fenton  
Business Manager/  
Financial Secretary

DWF/pg

Enclosures

BIA-ERO  
REGIONAL DIRECTOR

2013 JAN 16 A 11: 25

RECEIVED

December 11, 2013

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

Re: Wampanoag Tribe of Mashpee – Taunton Land into Trust for Initial Reservation

Dear Regional Director Keel:

I am writing in support of the Mashpee Wampanoag Tribe's application for land into trust for Taunton Massachusetts. I feel that the tribe's application and proposal for the land is proper and will benefit the City and Southeastern Massachusetts.

I ask that you and the Department of Interior look favorably upon this application and grant their request.

I am confident that the right decision for the surrounding communities will be to support this proposal.

Thank you and have a good day.



Sincerely,

David Angelos

116 E. Water st.

Taunton, MA 02780

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## INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 223

### LETTER ATTACHMENT

A letter and comment identical to that signed by David Angelos on December 11, 2013 and included herein was provided by 78 other individuals listed below. These letters can be found in **Appendix H**.

David A. Garcia	Jessica Quinn	Patrick A. M. Weeks
Michael Carlton	Nicole Robbins	Peter Bianchini
Scott Ramsay	Benjamin Jacobs	Patrick Cunningham
David Morrow	Robert Worbel	Steven Johnson
Joseph Revil	Milton Bradley	Adil Rafiki
Patrick Greene	David Lewin	Justin Paranti
Richard Vohnoutka	Alex Whitman	Eric Desorosieas
Clint K.	Steven River	Alex Anacki
Ken Kelley	Joshua Strolsky	Timothy M. Petruitis
John R. DeMaranville	Justin Hunton	Mark Slavick
Scott Blischke	Justyn Clark	Taylor Wirth
Michael R. DeFor	Martin D. McDonald	Michael Ogden
Jack Crema	Brock Antoine	Lucas Sheehan
Joseph L. Boyel, Jr.	Michael Joerres	Daniel Woodward
Erica Followwill	Thomas Pacella	Thomas QS Hendricks Jr
Steven M. Barry	Daniel Ogden	Sean Hastinas
Glenn D. Mason	Jared Titus	Kenneth P. Silva Jr
Jacob Santos	William P. Grew	Jordan M Cookson
Francis M. Welch	Brian Ferreira	Jared Dumont
Douglas P. Nelson	Todd Eddy	Andrew Straight
Brian Besnahan	William Butler	Christopher M. Bulger
David A. Pereira	Ryan Thomas	Scott Peterson
Robert M. Revil	Jeff Kullas	Neil O'Brien
Robert Rindom	Mike Donovan	Justin Huber
Steven Curran	Kevin Johnson	Patrick Donnelly
Andrew Caya	Paul Fernandes	
Roberto Merrinare	John Zeppenfeld	

**LETTER 2-16: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 223, JANUARY 14, 2014**

**Response to Comment 2-16.1**

Comment noted.

The U.S. Department of the Interior

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Bureau of Indian Affairs

2013 JAN 17 A 8:14

BIA-ERO  
REGIONAL DIRECTOR

**Comments for the Proposed Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and  
Casino Project, Mashpee and Taunton, Massachusetts - Draft EIS**

16 January 2014

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

fax: (615) 564-6701

Dear Sir,

I am writing to you with my concerns and comments regarding the draft Environmental Impact Statement which has been submitted by the Mashpee Indian tribe as part of their attempt to obtain Land In Trust through the federal government, in Taunton, MA for gaming purposes.

As a Taunton resident who lives very close to the proposed site, and as a former firefighter, I have concerns that I do not see addressed in the tribe's proposals.

Specifically, I would like to know if the tribe would be held to federal, state and local fire codes for the design and construction of a casino and related structures on this site. If so, once constructed, would they be required to comply with changes and updates to the codes? Or would they have autonomy as a sovereign nation? Who would be responsible for annual inspections as required by state law, and who would enforce violations? Since most of the people who would patronize this site would be non-tribe members, I feel that they have a right to be protected by the same codes and laws to which they are subject in their homes, places of business and any other occupancies.

2-17.1

I'm also concerned with the level of fire protection that exists and would exist for this site. Taunton currently does not have any structures over seven stories high, which means that all current occupancies can be reached directly with any of the three aerial ladders that the city owns. In the event of a fire, occupants may be evacuated if necessary, by aerial ladder. Fires may also be fought with master streams from an aerial ladder which can be raised above the height of the roof for maximum effectiveness.

2-17.2

The tribe proposes to build 15-story hotels which are impossible to reach by any existing aerial ladder built anywhere in this country. Thus there would be 8 floors of occupancy that could not be evacuated by ladder if they should be trapped above the fire floor. This potentially places hundreds of visitors in a situation where their safety could be seriously compromised.

In addition to this, there is the problem of the size and capabilities of the Taunton Fire Department. At this time they only operate 5 engines, one rescue truck and one aerial ladder as a minimum. This is to protect a city of 57,000 residents over a 46-square mile area. At 8,800 responses a year, the fire department is exceedingly busy, and the chances that a full first-alarm assignment is available at any given time for this proposed casino are not good. Since an automatic fire alarm response would be at a minimum, three engines, two ladder trucks (but typically only one is manned), rescue and deputy chief, every time that an alarm is received, the city of Taunton will then only have two fire engines available to answer all calls, fire and medical, for 46 square miles for the duration of the incident. As far as staffing, the one (and sometimes two) ladder trucks that the city mans are typically only staffed with one or two firefighters each. The same applies to the rescue truck. NFPA (National Fire Protection Agency) standards call for a minimum of four firefighters per apparatus. So the Taunton Fire Department at any given time is understaffed by 9 firefighters. Given the size of the proposed complex, the tribe's estimate of 21,000 vehicles/people per day entering and exiting, it is obvious that fire protection will be hopelessly inadequate.

The adjacent towns typically staff only four firefighters per shift for their towns, so mutual aid would not even be a consideration.

The \$8 million annual payment proposed by the tribe for the city of Taunton as mitigation and funding for additional hires cannot begin to cover the shortfalls placed by this additional fireload and occupancy. Since the fire department would only receive a portion of that funding (and not necessarily annually), and since a new fire engine costs about \$550,000, and a new ladder truck over \$1M, it seems unlikely that the city will be able to acquire more firefighting assets. A new fire station would cost over \$10M plus land. Hiring a minimum crew for one additional engine and ladder (four shifts, four firefighters per shift and per truck) would cost the city approximately \$1.6M per year in salaries and benefits, every year, plus increases due to raises and benefits. It's obvious that this is not going to happen.

If the tribe chooses to provide its own fire department on-site, at a minimum, to protect this development and visitor population, three engines, two ladders and a heavy rescue/squad truck would be needed, as well as a fire station. I see nothing in the EIS which addresses this. If they provide less than this, will they also depend on the assets of the Taunton Fire Department, which is already understaffed? How will they compensate the city? Will they provide mutual aid in return should a large incident in Taunton occur?

2-17.3

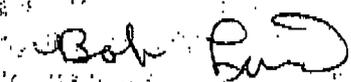
Finally I would like to voice my concern that with a complex this size, located on a narrow country road (Stevens St, which would be the fire department's primary access), responses would be frequent, but hazardous and delayed. The tribe's own estimate of 21,000 cars a day translates to one car every 4 seconds entering or leaving the casino complex. The traffic this creates and the possible hazard to responding fire crews is a serious detriment to

their ability to provide an effective response. Also, since the city of Taunton currently contracts out their Emergency Medical Service coverage to AMR (American Medical Response), there would be a significant burden imposed on the EMS system, which would necessitate that additional ambulances and personnel be committed to Taunton by AMR. It is not clear how this would be funded, if AMR even agreed to a modified contract with Taunton.

2-17.4

Thank you for taking these concerns into consideration. I hope they will be given proper weighting and merit when considering the impact of such a large construction and occupancy project within the city of Taunton.

Respectfully,



Bob Lincoln  
66 Bluejay Ln  
E. Taunton, MA 02718

**LETTER 2-17: BOB LINCOLN, JANUARY 16, 2014****Response to Comment 2-17.1**

The Tribe is required by the Tribal-State Compact with the Commonwealth and the Intergovernmental Agreement with the City of Taunton to adopt building, health, fire and safety codes that are consistent with and no less stringent than the equivalent state and local ordinances. The Tribe will create a building department to issue permits and confirm compliance with these Tribal regulations. In addition, the land will continue to be subject to federal environmental and land use laws and regulations.

**Response to Comment 2-17.2**

Existing fire infrastructure serving East Taunton is described in **Section 7.16.4**. **Section 8.16.1** describes anticipated impacts and mitigation, which include cost coverage for upgrades to the East Taunton fire station, the purchase of one additional ladder truck, and the hiring of a fire inspection official and fire officers. These mitigation payments were agreed to by the City of Taunton in the IGA.

**Response to Comment 2-17.3**

As the Project is further developed, the Tribe will work with local officials on emergency access. The majority of traffic is expected to travel to and from the site via Route 24 and Route 140. The queuing impacts are anticipated to stretch from Route 140 in the south to the service drive in the north. To mitigate and alleviate traffic in blockage in this section, widening is proposed as shown in **Section 8.1.3.4**.

**Response to Comment 2-17.4**

**Section 8.16.1** describes anticipated new demands on existing ambulance and hospital services from new residents and visitors. Overall, compared to the 7,496 households served by Morton Hospital in fiscal year 2011, the project-generated population would represent a marginal increase in demand, and the Preferred Development would not result in any significant adverse impacts to emergency medical services and hospitals.

TO: FAX # 1-615-564-6701

RECEIVED

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

2013 JAN 17 A 8:14

BIA-ERO  
REGIONAL DIRECTOR

**RE: Comments on DEIS for Proposed Mashpee Wampanoag  
Tribe Property Trust and Development**

FROM:

Cheryl McCaffrey  
7425 NE Earlwood Rd.  
Newberg, Oregon 97132

Phone # 503 625-5486 (no fax #)

**8 pages to follow**

(Wow – it's been a long time since I've done a fax!)

Cheryl McCaffrey  
7425 NE Earlwood Rd.  
Newberg, Oregon 97132  
January 16, 2014

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

**RE: Comments on DEIS for Proposed Mashpee Wampanoag Tribe Property Trust and Development**

Dear Regional Director Keel,

I am commenting on the Draft Environmental Impact Statement (DEIS) for the Mashpee Wampanoag Tribe: Fee-to-Trust Acquisition and Casino Project Mashpee and Taunton Massachusetts.

My comments pertain only to the Casino (Development) portion of this DEIS, not to the Mashpee parcels portion of the document.

**PARKING IN ALTERNATIVES A AND B**

2-18.1 **P. 4-10** A difference between Alternative A & B reduces the size of the garage, but continues the ground surface alteration for the same number of vehicles. In Alternative B, precipitation runoff (thus impacts to storm water, wetlands, and flood levels) could be reduced by keeping the same parking structure size as in Alternative A and eliminating the ground parking. (This would reduce parking availability by only 31 cars.) If Alternative B is chosen, I recommend that it be modified by keeping the garage size and eliminating the ground parking.

**SECTIONS 7.13 AND 8.13 CULTURAL RESOURCES**

The Environmental Setting in Section 7.13 is excellent!

**Ethnography**

2-18.2 However, it seems to rely primarily on published sources and is lacking in ethnography. There does not appear to have been an attempt to contact locals whose family have worked land in the area since the mid-1800's and may have observations, artifacts, or oral history about the area.

Such people would include

Chester Peirce, Hill St, Lakeville – farmed West Stevens St, Stevens St. (including the area at or near the proposed waterpark, formerly known as “Campanelli’s,” and Middleboro Ave;

Thelma (Peirce) McCaffrey, Cotley St. E. Taunton raised on Middleboro Ave, lived over 50 yr. on W. Stevens St.;

Bill Doel, Berkley farmed County St., Stevens St. and related to the family of Windemere Farm which was located where the 2 hotels are planned;

Tony Silvia (if alive) Stevens St near Pinehill St.;

the Dean family on Cotley St.

These people would know other farmers who worked land on Middleboro Ave and other areas near the project.

No mention is made of a rock outcrop feature (now destroyed by Silver City Galleria) known locally as "Indian Rock". Chester Peirce may know more of the origin of its name. It was located south of the road entering Silver City Galleria (where it crosses Cotley River), north of the Park-And-Ride, and west of the swamp. The only cultural aspect of it I remember was a rectangular hole in part of the rock – it may have become part of the foundation for (what became) Thelma McCaffrey's (William B. Pierce's) or Chet Peirce's houses which were on W. Stevens St. The northwest side of it may have been blasted for construction of Rt. 24.

2-18.3

The uncle of Thelma and Chet was William B. Pierce who lived on West Stevens St. and ran the cider mill and ice pond (destroyed by Rt. 140 construction about 1959) at the corner of West Stevens St. and County St. in the early-mid 1900's.

#### Section 8.13.5 Mitigation

The mitigation for Impact CUL-6 is limited to human remains. Although a description of the results of excavation of site 19-BR-500 is lacking, I infer that a hearth (charcoal) was involved. That other sites were discovered in this north parcel by test pits, assumedly near 19-BR-500, suggests that there could be more sub-surface cultural features in this area that were not tested. The findings (p.7.13-17) do not indicate if the entire site was excavated or if there may be more significant associated features, as yet undiscovered.

2-18.4

The Environmental Setting discusses transitory and more permanent habitation in Lakeville, Middleboro, Bridgewater, but not in this area of Taunton. Likely this is because there have not been many projects with federal involvement here since 1966 (National Historic Preservation Act).

I think that the archaeologists should strongly consider adding another mitigation to stop work and implement appropriate mitigation if any cultural material is discovered during ground disturbing activities. Perhaps an archaeologist should be on site as a monitor while initial ground disturbance is done in this area.

2-18.5

#### Cultural History

Since part of the Purpose and Need for the project is to "...preserve its...cultural history" (page 1-2), I would think that the Tribe would not want to damage sites located where ground disturbance for the project is planned. I would think that their mitigation would be to redesign and possibly reduce the scale of the project so as to preserve these sites *in situ*.

## SECTION 8.15 VISUAL AFFECTS

### Lighting

- 2-18.6 I would like to be assured that local residents can see the stars as well as they can now; that they can sleep without interference from light; that pilots can fly safely relative to glare as they approach for landing at Taunton Municipal Airport.

The Tribe says that casinos use higher lighting levels than other commercial developments. But they don't say if they will do this too, or that they will be environmentally sensitive. Why do casinos need (?) more lighting or is it just tradition?

- 2-18.7 This section is not comprehensible to a non-lighting expert. They only describe the lighting in ft-candles, without a comparison the lay person can understand. Will the lighting at the building entrances and exits (3-7 fc) look like a car sales lot at night? The DEIS mentions screening but says nothing about using glare-shielding lighting on

- 2-18.8 buildings, paths and parking lots. (See [http://www.coloradolighting.com/codes\\_loveland.html](http://www.coloradolighting.com/codes_loveland.html)) I suggest that they be required to use glare-shielding lighting or low intensity path lights (rather than overhead lights) to provide the safety needs but to reduce the contribution of light pollution.

Figure 1.10-1 shows a light beam directed to the sky between the hotel and parking structure. I would request that such a feature not be allowed in the interest of reducing light pollution.

### Sign Lighting

There is no mention of lighting for signs. I can imagine large flashy billboard-size signs to attract people to the Casino. I request that signage be conservative and low intensity to not contribute to light pollution.

- 2-18.9 **Lighting and airport**

The DEIS does not address the airport 1.5 mi. away, the fact that the casino is in the flight path for landing, or the impacts of lighting on airplanes trying to land. There should be requirements for glare shielding of all areas of the project at all times (i.e. not just during construction) to minimize light pollution.

## SECTION 7.7 WATER SUPPLY

### Possibility Of Well-Drilling Allowed Under Intergovernmental Agreement With The City Of Taunton

Section 7.7.2 states that the project receives its water from the City of Taunton. However, the Intergovernmental Agreement with the City of Taunton (Section 9 C) states, "The Tribe may explore the potential for on-site water supply for potable consumption and/or irrigation as a means to reduce the Project's demands on the City water supply system."

The Draft Environmental Impact Report to the State of Massachusetts (2013) said that grey water or storm water would be used for irrigation. Use of on-site grey water or storm

water for irrigation is encouraged. What if their total use exceeds their calculations? What if there are problems with Assawompsett Pond and the City cannot meet all of its demands, including those of Project First Light? What contingency is there? Would they use the option in their Intergovernmental Agreement with the City of Taunton to get potable water on site? If so, from the Cotley River or from wells? I have concern for my mother's and brother's wells if they drill and extract potable water.

2-18.10

They have this contingency that allows them to drill wells on-site to meet their needs beyond that provided by the City. **This needs to be analyzed in the EIS.** What effect could this have to local residents in Taunton and Berkley (and Lakeville and Middleboro?) who depend upon wells for their domestic water? It is critically important to resolve this at this time. Once the Tribe gets the Land in Trust, neither the City nor the State can protect the water supply for local residents.

### **Fire Protection**

I have concern that the water main from Middleboro Ave. may not be adequate to meet the needs of fire protection.

2-18.11

Appendix F, the CDM Smith May 22, 2012 letter, p. 4, says a dedicated 16 inch main from Middleboro Ave to the entrance is recommended to provide adequate water service. Section 8.7.6.1 acknowledges the CDM recommendation for improvements to provide acceptable fire protection. They plan to upgrade the Stevens St. water main to 16 inch to service all customers. As this is not dedicated, it would seem that it would not provide adequate water for the project and for other water customers, not to mention adequacy for fire protection. They should be required to provide the diameter and dedication actually needed for fire protection as recommended in the CDM Smith letter.

### **Cumulative Effects (Section 8.21.2)**

Regarding Water Supply, they limit the effects to the City of Taunton water supply from Assawompsett Pond and the Dever Wells. They do not discuss the possibility of future drilling for potable water as stated in the Intergovernmental Agreement with the City of Taunton. This could have a serious detrimental effect on local residents who depend on domestic wells. This needs analysis.

2-18.12

## **SECTION 8 TRANSPORTATION**

### **P. 8.1-102 Option A – New Route 140 NB Ramp.**

I have concern that this option may not be safe. It sounds like the northbound casino traffic, under this option, would enter Rt. 140 towards Rt. 24 approximately at the end of the approach onto Rt. 140 by traffic coming onto Rt. 140 from the south or southeast (e.g. County St.) The traffic entering from the casino would be accelerating very close to where traffic from Rt. 140 from New Bedford and County St would be moving over to get onto Rt. 24. The spacing may be strictly adequate, but I would think that there would be a lot of crashes with this tight spacing and heavy traffic.

2-18.13

## SECTION 8.2 WETLANDS

### Herptile Migration At Vernal Pool 7

- 2-18.14 Figure 8.2-8 shows a road north of the vernal pool (7) and separating the pool from wetland area 4. It would seem that there could be migration of herptiles between the pool and the wetland. I suggest that the road be slightly elevated or some other mitigation to allow for free and safe migration of herptiles in this Critical Terrestrial Habitat. This was done on the west side of the Silver City Galleria for sensitive frog species.

### Anadromous Fish

- 2-18.15 Page 8.2-17 discusses providing passage for anadromous fish into Cotley River after the removal of the dam at Barstow's Pond. However, there is more to the anadromous fishes' life than merely passage. They say nothing about the water quality (e.g. temperature, oxygen, chemistry, sediment load) or providing the type of river bottom substrate needed for spawning. Although this is not part of the present condition, the DEIS should address suitability of the plans for survival and enhancement of these anadromous fisheries.

### Clearly Describe Compensatory Mitigations

- 2-18.16 Section 8.2.3 discusses compensatory mitigation for loss of wetland and floodplain areas. They do not describe what actually will be done to mitigate permanent wetland impacts and to restore function to temporarily altered Bordering Vegetated Wetlands. The DEIS identifies losses and should, in the EIS, clearly map and state the compensatory actions in specific land areas that WILL be done. It appears that they know at this point that this will need to be done. It should have been designed and included in the DEIS.

It is not enough to merely "restore" wetlands, but there should be a requirement that the function of restored wetlands is actually restored.

Section 8.2 does not address the species to be used in restoration. I recommend that they be native species that currently exist in similar habitats in the nearby wetland areas. There should also be a requirement and monitoring that the restoration plantings survive and that the function is actually restored.

## SECTION 8.3 and Appendix D-1 STORM WATER

### Snow

- 2-18.17 Nothing is mentioned in Section 8.3 Storm water on how snow will be stored and or disposed of. I did not see this anywhere in the DEIS. Snow piles (and their melt) were not analyzed in Appendix D-1 The DEIS is silent on this substantial environmental factor. It can contribute significantly to flooding effects if extreme events (e.g. heavy rain or unusual warming) happen while snow is piled on site.

### Effect of Drainage of Barstow's Pond (North Parcel)

- 2-18.18 In discussions of pre- and post-construction discharges in this section of Appendix D-1, I did not see an analysis or discussion of the effect of the drainage of Barstow's Pond. It is not clear if it was analyzed with Barstow's pond intact or after it is drained. The Cumulative Effects (Section 8.21.6.3) states that without Barstow's Pond, flood storage

capacity would be increased. However, there is no data or explanation to support this conclusionary statement. It would seem to me that the pond would act as a reservoir to hold some of the increased storm flow. Barstow's Pond area needs to be specifically analyzed for pre- and post-construction flood storage capacity and the role of this area on flood levels in Cotley River as it exits the property.

### **100-yr. Storm and flooding**

It is clear that they have a storm water management system that is likely to handle the overland flow from their impervious surfaces for normal rainfall and perhaps some short term probability events (2- and 10- year storms). I am not sure, based on what they have presented in Section 8.3 and in Appendix D, if it will protect the downstream Cotley River and the Taunton River from their increased impervious surface flow in 100 yr. flood events.

2-18.19

If the storm water management system is inadequate, outflow from this Project would affect the Cotley River approximately one half mile from its confluence with the Taunton River. Any increases in flood levels from the project would enter the Taunton River very quickly possibly contributing to flooding of riverside properties. The 100-year storm would be a significant concern.

In Appendix D-1 I found no summary information for the pre and post project outflow of the project as a whole or expectable flood levels for the 2-, 10- and 100- year storm events assessed where Cotley River leaves the project at Middleboro Ave. I did not see flood models showing the impact to Cotley River at its outflow or at its confluence with the Taunton River. I would expect that the quantification of discharge should be based on changes in the Cotley River immediately downstream from the Project rather than at the end of individual man-made components. Without this I cannot assess the post development contribution to flooding in the Taunton River.

2-18.20

The success of the storm water system also depends upon the functioning of the existing natural wetlands, but I find no quantification of their contribution to infiltration or flood control.

I found Appendix D-1 to be a compendium of data sheets on each element of the storm water management system, without an intelligible summary with maps or schematics showing how it all works together and showing inflow, storage, discharge rates, and flood levels relative to the Cotley River. The individual sheets give some of this data, but the location identifiers on the sheets are not shown on maps so I could not make sense out of the system.

Appendix D-1 provides analyses of the various individual areas with inflow and outflow under 2-, 10- and 100-year storm events. The areas of pre-construction data do not correspond to the post construction areas (compare Figure PRE-1 with Figure POST-1). So there is no one-to-one comparison of pre- and post data pages. But, neither is there a summary of the cumulative outflow impact for the South Site and the North Site or for

2-18.20 cont. the project as a whole. They have not put the individual data together to show the overall impact or comparison of pre- and post-development overall outflow and flooding. There are no flood models.

The maps are insufficient to determine what they are showing (see Figure PRE-1). Orientation features like street names, north arrow and legend are not to be found. There is no post construction watershed plan map for north parcel in Appendix D-1. There is no post construction hydrologic analysis for the area that is not Lot 13 (unless it is in section 4 or 5 that are not included in Appendix D-1 as sent to me).

The Hydrologic Overview (Appendix D-1 Section 1.3 through 1.9) identifies watershed areas and Analysis Points, but lacks a map showing where they are. I can't make sense of it without the maps.

2-18.21 The Analysis for the North part of the project is incomplete. Page 8.3-7 states that the post-development hydrologic analysis for Analysis Points 5 and 6 have not been completed for this summary. But, trust them, when done they will comply with the Storm Water Management Policy. (But, when the lands become Trust lands, they don't have to follow State laws and policies.) The storm water analyses were done in November of 2012 (as given in the headers of the data calculation pages in Appendix D-1) It seems that there would have been time to complete the post-development hydrologic analysis for Analysis Points 5 and 6 for inclusion in the 2013 DEIS.

2-18.22 Page 8.3-7 for Standard 2 states that post-development peak discharge rates will not exceed pre-development rates for the 2 and 10-year flood events. It is silent regarding the 100-year event. It does not present an evaluation to determine if off-site flooding would increase during the 100-yr, 24 hr. storm (Appendix D-1 Massachusetts Department of Environmental Protection Checklist for Storm Water Report; Standard 2).

#### **Recharge**

Appendix F of Appendix D-1 has calculations of recharge and lists the required volume, but not the present volume.

2-18.23 Nothing is mentioned on recharge to ground water or aquifers supplying local domestic wells if the Tribe were to implement it's option to get on-site potable water as is stated in the Intergovernmental Agreement with the City of Taunton. If they were to construct on-site wells and withdraw water, would their infiltration recharge the water supplying wells so as to not affect local wells? (It would seem that much of this water would go to the City Sewer System.)

#### **SECTION 8.6 HAZARDOUS MATERIALS**

2-18.24 There is no discussion in this section on storage or use of pesticides and fertilizers used on the grounds. There is no discussion of mosquito control, if chemicals would be used to accomplish this.

## SECTION 8.8 WASTE WATER

### Storm water for Irrigation

Page 8.8-1 briefly mentions use of storm water for irrigation. The 2013 Massachusetts Draft Environmental Report discusses the use of storm water and grey water for irrigation. This would be a good way to reduce peak flows, promote longer infiltration, reduce the amount of water withdrawn from the domestic water supply and input to the Taunton Sewer System.

I would think that use of grey water for irrigation would increase infiltration (beyond that analyzed in Appendix D-1) and recharge of the groundwater supply, especially when precipitation is low. However, there is no mention of grey water use in sections 8.3 Storm Water or 8.8 Waste Water of the federal DEIS.

2-18.25

I request that use of grey water be prioritized over use of storm water. Storm/rainwater may not be present in the amounts needed for irrigation at the time it is needed. Grey water will be available. As the primary time for irrigation is at a time of year when one would not expect flooding, the addition of grey water infiltrating into the ground and to the groundwater should not be a cause of concern for flooding. With soaps, etc. removed from groundwater, this water should not harm the wetland vegetation. The demand on the waste water treatment system of the City of Taunton could be reduced if grey water is treated on the project site and used in irrigation. Water from the water park could be cleaned and used for irrigation as well.

The Tribe should be required to describe how they would treat the grey water for use in irrigation, whether or not it would be a primary irrigation water source.

The tribe has not said where they would get water for their maintenance of roadways, if they are washed.

2-18.26

### Water Park

Table 8.8-1 states that there would be 11,000 gallons per day used for the water park. The DEIS is silent on how water would be used and disposed of in the waterpark. The impact to the city sewer system could be reduced if this water were cleaned and recycled for daily use. This should be required.

2-18.27

Thank you for considering my comments.

Cheryl McCaffrey

**LETTER 2-18: CHERYL MCCAFFREY. JANUARY 16, 2014****Response to Comment 2-18.1**

The Alternatives studied in the EIS were selected to represent a range of build conditions and impacts. The EIS could potentially study any number of various possible development scenarios for the site, using different components and sizes. The BIA believes that the Alternatives selected represent a reasonable range based on the nature of the site and the Purpose and Need for the Project. As described in **Section 4.2.4**, since publication of the DEIS, the Development Alternatives have been refined to reduce surface parking and eliminate the proposed ramp from Stevens Street to Route 140.

Please refer to the site plans shown in **Section 8.1.3** of the FEIS.

**Response to Comment 2-18.2**

The archaeological surveys have been conducted in a manner consistent with the requirements of the National Historic Preservation Act and the Massachusetts State Archaeologist.

**Response to Comment 2-18.3**

Please see the response above.

**Response to Comment 2-18.4**

The State Historic Preservation Officer has requested additional archaeological survey of potentially significant sites located within the north parcel.

**Response to Comment 2-18.5**

A data recovery program may be proposed as mitigation to address potential effects to archaeological resources. If requested, Tribal monitors may be present during future archaeological surveys and during construction activities. Should previously undiscovered archeological remains be encountered during the Project, work will stop in the area of discovery and the stipulations in 36 CFR 800.11 will be followed.

**Response to Comment 2-18.6**

As described in **Section 8.15.2**, the design considers concerns of visual impacts spilling out from the Project Site onto the street or adjacent properties. By developing major project components on either side of O'Connell Way, the design allows for some impact elements to occur within a "courtyard" entrance area, shielded from neighbors and other locations on the Project Site.

**Response to Comment 2-18.7**

One foot-candle is equivalent to the light cast by the flame of a common candle on a surface one foot away. This term is now defined in **Section 8.15.2.1**.

### **Response to Comment 2-18.8**

As described in **Section 8.15.2**, the design considers concerns of visual impacts spilling out from the Project Site onto the street or adjacent properties. By developing major project components on either side of O'Connell Way, the design allows for some impact elements to occur within a "courtyard" entrance area, shielded from neighbors and other locations on the Project Site.

**Section 8.15.2** includes comparative lighting levels across areas on the Project Site, where building entrances would be lit to the highest levels, access routes would be lit to levels ensuring safety, public gathering areas including roof terraces would be lit to lower levels. Sensitive receptors in the vicinity of the Project Site would be protected from lighting by topography, tree cover and structural screens.

### **Response to Comment 2-18.9**

Please see the response above.

### **Response to Comment 2-18.10**

Regional water supply and quality are not anticipated to be negatively impacted by this Project. The entire Project will be supplied potable water by the City of Taunton. City water comes from the Assawompsett Pond Complex and Dever Wells, as described in **Section 8.7.1**, and anticipated withdrawals for the Project will be within Taunton's Water Management Act Permit, as described in **Section 8.7.2**. No wells will be installed to provide water for the Project. As described in **Section 8.19.4**, planned earthwork and construction of this Project are not anticipated to put groundwater at risk.

### **Response to Comment 2-18.11**

Based on hydraulic modeling completed by the City's consultant, CDM Smith, the off-site mitigation described in **Section 8.7.6.1**, including the new water mains in Pine Hill and Stevens Street, would provide 3,500 gallons per minute (gpm) for fire protection at the entrance to the Project Site.

### **Response to Comment 2-18.12**

Regional water supply and quality are not anticipated to be negatively impacted by this Project. The entire Project will be supplied potable water by the City of Taunton. City water comes from the Assawompsett Pond Complex and Dever Wells, as described in **Section 8.7.1**, and anticipated withdrawals for the Project will be within Taunton's Water Management Act Permit, as described in **Section 8.7.2**. No wells will be installed to provide water for the Project. As described in **Section 8.19.4**, planned earthwork and construction of this Project are not anticipated to put groundwater at risk.

### **Response to Comment 2-18.13**

As described in **Section 4.2.4**, the proposed ramp from Stevens Street to Route 140 NB has been removed from the proposed mitigation. Refer to the FEIS **Section 8.1.3.4** for the proposed traffic mitigation measures.

### **Response to Comment 2-18.14**

**Section 8.2.2** addresses on-site Secondary Effects. The Tribe will continue to consult with the Corps regarding potential secondary effects to terrestrial vernal pool habitat throughout the permitting process.

### **Response to Comment 2-18.15**

The Tribe has developed a complete project within the Project Site and currently has no plans to modify or expand the limits of work. In most locations, the Project is located at least 100-feet from the bank of Barstows Pond. No wetland impacts will occur within the Project Site, and the Pond will not be impacted. The project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. **Section 8.21.4.2** outlines what others are proposing of Barstows Pond Dam.

### **Response to Comment 2-18.16**

For a detailed description of compensatory mitigation for off-site impacts see **Section 8.2.4**. While compensatory mitigation plans are still conceptual, the Tribe will continue to consult with the Corps, MassDEP, and the Taunton Conservation Commission regarding appropriate mitigation for direct off-site impacts. A detailed wetland mitigation plan will be developed in accordance with MassDEP's "Inland Wetland Replication Guidelines" (2002) and the Corps' "Compensatory Mitigation Guidance" Document dated July 20, 2010.

### **Response to Comment 2-18.17**

All snow removed from paved parking areas and roadways located within the Project Site shall be stockpiled on-site within areas that will drain through the proposed stormwater management system and not directly into wetlands or waters of the U.S. All catch basins shall be cleared of snow and ice as necessary after snow events to ensure continued operation of the stormwater management system as designed. Plowing of snow directly into wetlands or waters of the U.S. will not be permitted. While the Tribe has no explicit plans for deicing at this stage, the use of road salt will be discouraged within the Project Site and sand will be used wherever possible. It is not anticipated that large quantities of road salt and/or sand will be stored on site.

### **Response to Comment 2-18.18**

The Pre- and Post-Development hydrologic analysis considers the rates of runoff at the boundary of the bordering vegetated wetlands associated with the Cotley River and Barstow's Pond. The proposed removal of the Barstow's Pond dam by others was not considered in the analysis. Refer to **Section 8.3** and the updated Stormwater Management System Report in **Appendix D** for additional information.

### **Response to Comment 2-18.19**

The proposed stormwater management system is designed to meet or reduce the rates of stormwater runoff to the subject analysis points in the 2-, 10-, and 100-year storm event as required under the

Massachusetts Stormwater Management Standards. Therefore, an increase in flood levels within the Cotley River or further downstream at the Taunton River is not anticipated as a result of this project. Refer to **Section 8.3** and the updated Stormwater Management System Report in **Appendix D** for additional information.

### **Response to Comment 2-18.20**

As previously discussed, the proposed hydrologic analysis was performed at the boundary of the bordering vegetated wetlands associated with the Cotley River and Barstow's Pond. The post-development rates of runoff to the wetland system will be reduced with the provided attenuation and recharge capabilities of the proposed stormwater management system servicing the development. Therefore, flood levels within the Cotley River will not be adversely impacted by the proposed additional impervious areas of the project in all storm events. Refer to **Section 8.3** and the updated Stormwater Management System Report in **Appendix D** for additional information including updated summary sheets of the pre- and post-development runoff conditions at the subject analysis points, and updated watershed plans.

### **Response to Comment 2-18.21**

A conceptual hydrologic analysis has now been performed for the proposed development north of the railroad tracks including the proposed water park, hotel, and surface parking areas. The proposed stormwater management system will provide the required attenuation, treatment, and recharge capabilities as required under the Massachusetts Stormwater Management Standards. Refer to **Section 8.3** and the updated Stormwater Management System Report in **Appendix D** for additional information including conceptual hydrologic analysis for the proposed development of the LIT Site north of the railroad tracks.

### **Response to Comment 2-18.22**

The proposed stormwater management system is designed to meet or reduce the rates of stormwater runoff to the subject analysis points in the 2-, 10-, and 100-year storm event as required under the Massachusetts Stormwater Management Standards. Therefore, an increase in flood levels within the Cotley River or further downstream at the Taunton River is not anticipated as a result of this project. Refer to **Section 8.3** and the updated Stormwater Management System Report in **Appendix D** for additional information.

### **Response to Comment 2-18.23**

Regional water supply and quality are not anticipated to be negatively impacted by this Project. The entire Project will be supplied potable water by the City of Taunton. City water comes from the Assawompsett Pond Complex and Dever Wells, as described in **Section 8.7.1**, and anticipated withdrawals for the Project will be within Taunton's Water Management Act Permit, as described in **Section 8.7.2**. No wells will be installed to provide water for the Project. As described in **Section 8.19.4**, planned earthwork and construction of this Project are not anticipated to put groundwater at risk.

### **Response to Comment 2-18.24**

The stormwater management system will be designed to comply with MassDEP Stormwater Standards including long term operations and maintenance plans relative to fertilizer and pesticide use.

### **Response to Comment 2-18.25**

In general, the project design minimizes the use of landscaping. The small amount of landscaping incorporated will be irrigated with stormwater captured in the large underground stormwater retention systems required for the project. Therefore, the use of greywater for landscape irrigation is not incorporated as part of the proposed project.

### **Response to Comment 2-18.26**

The entire Project will be supplied potable water by the City of Taunton.

### **Response to Comment 2-18.27**

Water used for the water park is constantly filtered and recycled. Anticipated wastewater generated from the water park will primarily consist of process water (i.e. filter backwash) and sanitary waste.

Mrs. Tracey Desmarais  
59 Wren Street  
East Taunton, MA 02718  
(508)824-4139

January 10, 2014

Mr. Franklin Keel, Eastern Regional Director  
Bureau of Indian Affairs Eastern Region  
545 Marriott Drive  
Suite 700  
Nashville, TN 37214

Dear Mr. Keel,

I am writing to you in regards to the proposed casino in East Taunton, Massachusetts. I have numerous issues with the location of this venture, but will only address one in this letter as it is environmental-related.

As you may be aware, the American Lung Association lowered Bristol County's Ozone Air Quality grade from a "D" to an "F." This is rather unsettling as it directly affects many residents who may suffer from asthma and can even adversely affect those who are considered "healthy" by irritating the respiratory tract and can also further complicate things by lowering the immune system of those living in the community.

I can't understand how adding an additional 21,000 cars PER DAY to the proposed site once it has opened will help us improve that grade. That figure is based on the studies done by the experts working for the tribe. With the introduction of so many additional vehicles to an already heavily traveled area, our air quality will surely diminish further.

2-19.1

The American Lung Association recommends carpooling, walking, biking, and using public transportation to help decrease the amount of emissions being sent into the air. How are we abiding by those suggestions by adding 21,000 more vehicles per day?

I ask you Mr. Keel, to please consider the health of the residents in Bristol County and the future of our children in our community when you make your decision on the environmental impact study. This proposed casino will negatively affect the environment in so many ways and for many, many years to come.

I thank you for your time and attention to this matter and look forward to hearing your decision in the study.

Sincerely,

Tracey A. Desmarais  
traceydesmarais@gmail.com

**LETTER 2-19: TRACEY DESMARAIS, JANUARY 10, 2014****Response to Comment 2-19.1**

**Section 8.11.1** describes the mesoscale and microscale analyses in which VOC, NO<sub>x</sub>, and carbon monoxide emissions were modeled in EPA's MOBILE6.2 mobile source emission factor model using vehicle counts projected under development scenarios. As presented in **Section 8.11.3**, VOC and NO<sub>x</sub> emissions have been minimized under each Development Alternative by the mitigation measures described, while predicted concentrations of carbon monoxide are well below National Ambient Air Quality Standards (NAAQS) under all development scenarios.

To whom it may concern,

The following are public comments regarding the Fee-to-Trust Acquisition and Casino Project Mashpee and Taunton, Massachusetts. The focus of our concern and comments is the issue of proposed wastewater disposal through the Taunton WWTF into the Taunton River. Specifically, lack or apparent lack of consideration for onsite wastewater disposal or wastewater reuse.

On August 10 2004 public comments were filed on the then draft report of the Ma Water Policy Task Force. An excerpt of these comments filed in 2004 follows.

**"Our concerns are not so much with the policy, but with the implementation of it. Our experience on two of our orphan streams, Salisbury Plain River and Matfield River, have been extremely frustrating. While there appear to be abundant volumes of regulations and carefully considered policy guidelines available to address and remedy our orphans ailments, few have been enforced or implemented.**

One particular area of concern begins on page 11 of the report, it reads as follows....

**" The state would like to take strong measures to infiltrate and recharge water and treated wastewater into the ground to the maximum extent possible so as to enhance base flows of our rivers and thus maintain a healthy flow of water especially in the high demand summer months."**

Following this statement, under Recommendation #4 the report goes on to say.....

**"Movement of wastewater from the area of origin to wastewater treatment facilities and finally to discharge areas is the leading cause for water deficits in many of our river basins. Keeping water and wastewater local is one of the main focus areas of this water policy"**

**The above statements do not break any new ground, they have been generally recognized and embraced in literature published by Federal and State Regulatory Agencies for quite sometime. What we find troubling is the fact that at the same time this task force was being convened, and at the same time public comments are being accepted on it, the Executive Office of Environmental Affairs and Ma DEP have approved the polar opposite for the City of Brockton Sewer Treatment Plant."**

In 2004 at the same time as these policies were being established the City of Brockton WWTF was being upgraded, expanded and re permitted much the same as Taunton WWTP is in 2014. In 2004 several surrounding communities were trying to gain access to the Brockton WWTF. Fortunately in 2004 EPA acknowledged that continued expansion of large centralized WWTF in the Taunton River Watershed was not sustainable or permit-able under the Clean Water Act. Early on in the NPDES Permit drafting process EPA put language in the draft NPDES permit prohibiting Brockton from accepting additional flows from communities outside the City of Brockton.

The question which arises today in 2014 in regard to waste water disposal at this proposed Mashpee Wampanoag casino project is why has onsite treatment and disposal of wastewater not been considered/investigated/required at this site?

2-20.1

Massachusetts over the past decade has established numerous policies and recommendations to better preserve and protect its valuable water resources. For example in 2004 the work of the Water Policy Task Force came to fruition when Ma EOEA put forth the document Massachusetts Water Policy. From this document we provide the following quotes regarding wastewater.

### **Principles of the Water Policy**

**The Water Policy seeks to advance the following environmental principles:**

**Keep water local and seek to have municipalities live within their water budgets by addressing issues from a watershed perspective**

**Protect clean water and restore impaired waters Protect and restore fish and wildlife habitat**

**Promote development strategies consistent with sustainable water resource management**

**"Increase treated wastewater recharge and reuse a Review current wastewater disposal policies and practices and recommend recharge and reuse; research efforts in other states; identify suitable sites for recharge; create incentives"**

**"We also need to rethink where the water that we use goes. Existing infrastructure often transports precipitation away from where it lands instead of letting it infiltrate. Transporting dirty water far from its source made sense historically, but today, with significant improvements in wastewater treatment techniques and standards, treatment levels often make the water available for reuse or recharge, thereby replenishing the natural stream flows and aquifers in the basin or sub-basin."**

The following is from Massachusetts Water Conservation Standards June 2012.

**"Wastewater. Infrastructure often transports wastewater out of its basin of origin, thus disturbing the water balance and depleting local streamflow and groundwater. To mitigate this, options such as decentralized treatment plants and recharge and reuse should be strongly considered. The Water Policy includes a recommendation to —increase treated wastewater recharge and reuse|| and states that —Infiltration and recharge of water and treated wastewater into the ground will help replenish aquifers, enhance riverine base flows, and maintain healthy flow levels even in high demand summer months. As recommended in the Water Policy, communities should consider use of reclaimed water for ballparks, golf courses, driving range fields, and other recreational irrigation, as well as for large-scale development projects."**

This Casino project appears an ideal project to implement these thoughtfully established policies. All other aspects of the proposed project in terms of water issues engage state of the art concepts and implementation yet in regard to wastewater disposal the proponents disregard established policy and fall back in time to the wasteful ways of old.

Furthermore the proponents claim in section 7.8 of the draft Environmental Impact Statement that because the Taunton WWTF has a permitted capacity of 8.4 MGD and is going to be upgraded/expanded in 2014 pending the issuance of a new NPDES discharge permit that the plant can and should receive the wastewater discharge of the project as proposed. At this time the new permit has yet to be issued and depending on its language and limitations an appeal and further delay of final issuance is likely.

In fact the Taunton WWTF treatment capacity be it 8.4 MGD 10 MGD or 100MGD is irrelevant. The State of Massachusetts applies a water quality based standard to its NPDES discharge permits. This simply means that a discharge cannot cause or contribute to a violation of the receiving waters water quality standard. The receiving waters ability to assimilate the discharge and meet its assigned water quality standard is the determining factor in whether or not a given NPDES discharge permit is effective and legal under the United States Clean Water Act.

Currently the receiving waters of the Taunton WWTF, (Taunton River) is not meeting its assigned water quality standard. Tributary and mainstem segments both above and below the Taunton WWTF discharge from Brockton to Mount Hope Bay are listed as impaired, 303d in the Ma Integrated List of Waters.

Furthermore in the EPA Fact Sheet for NPDES No. MA0100897 Draft Permit for Taunton WWTF EPA states.

## "B. DERIVATION OF EFFLUENT LIMITATIONS

### 1. Available Dilution

Water quality based limitations are established with the use of a calculated available dilution. Title 314 CMR 4.03(3)(a) requires that effluent dilution be calculated based on the receiving water 7Q10. The 7Q10 is the lowest observed mean river flow for 7 consecutive days, recorded over a 10 year recurrence interval. Additionally, the plant design flow is used to calculate available effluent dilution.

The plant design flow used to calculate the dilution factor for the current permit was 8.4 mgd (13.0 cfs). The City in its application requested that a design flow of 9 MGD be used, consistent with estimates made by its consultant that the current upgraded treatment plant capacity would be 9 MGD. Because this design flow has not received final state approval, and because such an increase would not be consistent with MassDEP's antidegradation regulations, we have used 8.4 MGD in our calculations. A further discussion of this decision follows in the Flow section.

The nearest USGS river gage station to the discharge is located near Bridgewater (USGS Station No. 01108000). The 7Q10 flow at the Taunton Treatment Plant has been calculated using the 7Q10 flow at the Bridgewater gage and adjusting it based on drainage area. The 7Q10 for the Taunton River at the Bridgewater gaging station is 22.9 cfs, using daily flow data from 1931 to 2002. The drainage area at the gage is 261 square miles. The drainage area at the Taunton WWTP is about (360) square miles, per the USGS Taunton River Gazetteer.

Using drainage area ratios the 7Q10 at the POTW is  $22.9 \times 360/261 = 31.6$  cfs.

The dilution factor for the Taunton WWTP can then be calculated using the following equation.

Dilution Factor = Daily average design effluent flow + river flow (7Q10)

Daily average design effluent flow (13.0 cfs + 31.6 cfs) / 13.0 cfs = 3.4

## 2. Flow

The draft permit continues the flow limit in the current permit of 8.4 mgd. Flow is to be measured continuously. The permittee shall report the annual average monthly flow using the annual rolling average method (See Permit Footnote 2). The monthly average and maximum daily flow shall also be reported.

As described earlier, the permittee has requested that the flow limit be increased to 9 MGD based in the estimate of design flow made by its consultant. EPA will not consider that request until the State has approved a design flow pursuant to its antidegradation policy. As the permittee is subject to the SRF process, the State does not anticipate approving any increase in design flow until the permittee has completed the Environmental Impact Report (EIR) for its CWMP and received an EOE certificate. Mass DEP, Implementation Procedures for the Antidegradation Provisions of the Massachusetts Surface Water Quality Standards, 314 CMR 4.00 (10/21/09). The permittee has completed a draft EIR and is currently preparing a final EIR.

Additionally, any increase in authorized flow and increase in pollutant discharge can only be authorized in compliance with water quality standards, including antidegradation. As has been shown previously, the Taunton River and Mount Hope Bay are not currently attaining water quality standards. The reach of the Taunton River immediately below the Taunton WWTP discharge is impaired for pathogens, and the lower reaches of the Taunton River are impaired for pathogens and organic enrichment/low dissolved oxygen. Mount Hope Bay is impaired for fishes bioassessments, total nitrogen, dissolved oxygen, temperature, fecal coliform and chlorophyll-a.

The Taunton WWTP discharge is only one source of pollutants to a waterbody receiving numerous municipal discharges, industrial discharges, and nonpoint source discharges, which all contribute to the noted water quality violations. In the absence of a TMDL or other water quality information, EPA does not believe that an increase in any pollutant loads to this watershed can be authorized, particularly for pollutants causing the noted water quality impairments. Table 3 lists the wastewater discharges to the Taunton River and its tributaries.

Table 3. Wastewater Treatment Plants discharging to Taunton River Watershed

Discharger River or Tributary Flow in MGD\*

SOMERSET WPCF TAUNTON RIVER 4.2

TAUNTON WWTP TAUNTON RIVER 8.4

OAK POINT HOMES TAUNTON RIVER 0.185

EAST BRIDGEWATER SCHOOLS TRIBUTARY BROOK TO TAUNTON 0.012

DIGHTON-REHOBOTH SCHOOL SEGREGANSET RIVER 0.01

MCI-BRIDGEWATER WPCF SAW MILL BROOK TO TAUNTON 0.55

MIDDLEBOROUGH WPCF NEMASKET RIVER 2.16

WHEATON COLLEGE RUMFORD RIVER 0.12

BRIDGEWATER WWTF TOWN RIVER 1.44

BROCKTON AWTF SALISBURY PLAIN RIVER 18.0

MANSFIELD WPCF THREE MILE RIVER 3.14

Total  $\approx$  40. MGD

\*MGD-million gallons per day – design flow

As noted earlier, the 7Q10 flow of the Taunton River upstream of the Taunton WWTP is 31.6 cfs (20 MGD). Design flows for facilities upstream of Taunton total approximately 27MGD (total design flows in Table minus Taunton and Somerset). While the actual wastewater discharge volume during critical low flow periods will be lower than the design discharge volume, it is clear that this is an effluent dominated watershed."

Clearly all is not well with our Taunton River. Our Taunton River, the second largest river in the State of Massachusetts. Our Taunton River, a river designated as a United States of America Wild & Scenic River. Our Taunton River, today more effluent than water. Simply put, if we cannot implement our own State Policy here then where can we?

Tim Watts

Glooskap and the Frog

28 Linden St

No Easton Ma 02356



**LETTER 2-20: TIM WATTS**

**Response to Comment 2-20.1**

The Final NPDES permit for the Taunton WWTF has not been issued. However, in accordance with the BETA Group's April 4, 2014 letter, provided in **Appendix F**, process upgrades are anticipated at the Taunton WWTF to accomplish nitrogen removal. The letter further states that based on the wastewater concentrations anticipated to be generated by the proposed project, pretreatment for nitrogen removal will not be required prior to discharge into the Taunton collection system.



January 15, 2014

Mr. Franklin Keel  
Eastern Regional Director  
Bureau of Indian Affairs, Eastern Region  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

*DEIS comments for proposed fee-to trust transfer of lands by Mashpee Wampanoag Tribe*

Dear Mr. Keel,

Save The Bay is writing to comment on the DEIS for the "Project First Light" destination resort casino proposed by the Mashpee Wampanoag Indians in East Taunton, Massachusetts. Our comments focus on the natural resources of the site and surrounding watershed, water use, wastewater generation, and stormwater.

The project is located in a federally designated Wild & Scenic River corridor. The DEIS does not adequately discuss how this project will impact the outstanding resources of the Taunton River corridor. These resources include agriculture, biodiversity, fisheries, archaeology, scenery and the health of the estuary. The Taunton River watershed is the largest source of freshwater to the Narragansett Bay estuary, and it has high value for biodiversity and habitat quality. This development will have a lasting impact on the watershed due to its large water use and wastewater impact, and it will create significant amounts of impervious surface that will impact the Cotley River corridor. 2-21  
.1

THE BAY CENTER  
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phone: 401-272-3540  
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EXPLORATION CENTER  
Easton's Beach  
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Newport, RI 02840  
phone: 401-324-6020  
fax: 401-324-6022

SOUTH COUNTY  
COAST OFFICE  
Riverside Building  
12 Broad Street, Suite 6  
Westerly, RI 02891  
phone/fax: 401-315-2709

[savebay@savebay.org](mailto:savebay@savebay.org)  
[www.savebay.org](http://www.savebay.org)

Save The Bay is currently working with project partners, including the National Oceanic and Atmospheric Administration (NOAA) and the Massachusetts Division of Ecological Restoration (MDER) to restore the Cotley River to its original free flowing condition by removing the Barstow's Pond Dam. The DEIS does mention this project, and the dam removal can move ahead before the property transfer. When the dam is removed, what is now an impoundment will become riverfront area, changing the status of the wetland setbacks. This should be taken into account as plans for the waterpark phase of the project are finalized. 2-21  
.2

The Barstow's dam removal project will allow migratory fish passage through the site and into the upper reaches of the Cotley River. These fish species include anadromous river herring and catadromous American eel, both federal trust species and both listed in the Wild and Scenic Stewardship Plan as contributing to the Taunton River's outstanding resource values.

2-21.3 We appreciate that the Cotley River crossing south of the railroad bridge will be replaced with a crossing that meets the Massachusetts crossing standards, but we are still concerned with the amount of impervious surface to be created between the river and Route 140. These two parking areas with a stream crossing in between will eliminate what is now open meadow and wetland habitat, and will create a localized heat island that will cause heated runoff to raise the temperature of the Cotley River. The river is suitable for trout in its upper reaches, and the project should seek to maintain the integrity of the river corridor where possible. We would like to see as much parking as possible be integrated into parking garages and not as surface parking.

2-21.4 We are also concerned about the nutrients in stormwater and wastewater from the site. The Taunton River is impaired in its lower reaches by low dissolved oxygen and algae. In order for the river to meet its water quality standard, EPA has calculated that the nutrient load to the river must decrease by 51%. In order to accomplish this, the City of Taunton's wastewater treatment plant is being required by EPA to limit nitrogen loads to 3mg/l. As part of the model that came up with this limit, it was shown that non-point sources of nutrients also had to decrease by 20% from watershed sources. The tribe should consider the use of native species in landscape design to minimize the need for application of fertilizers and pesticides, and should incorporate stormwater BMPs that remove nutrients from stormwater. Wastewater discharge of nutrients to the wastewater treatment plant should also be minimized. Use of phosphorous in laundry and cleaning supplies should be minimized.

2-21.5 Currently, Taunton's wastewater treatment facility has a design capacity of 8.4 million gallons per day and receives an average flow of 7.6 million gallons per day. It is clear that the plant needs to be significantly expanded to include pledged intermunicipal flows and additional sewerage outlined in the CWMP. This expansion cannot be implemented without upgrades to the plant that would eliminate excess nutrients and organic enrichment of the Taunton River. We urge the tribe to work with the City of Taunton to address concerns about nutrient loading and eliminating CSO discharges to the river.

2-21.6 The hospitality industry in general is considered to be an intense user of resources, consuming large quantities of water, energy, paper, plastics and other materials. Because of the large amount of water use, surface parking and wastewater, we would support Alternative C before Alternative A.

Thank you for considering these comments.  
Sincerely,



Rachel Calabro  
Community Advocate

**LETTER 2-21: RACHEL CALABRO, SAVE THE BAY, JANUARY 15, 2014****Response to Comment 2-21.1**

As discussed in **Section 7.2.4.3**, the Taunton River is located approximately 2,000 feet northeast of the Project Site. **Section 8.3** describes stormwater and water quality. The Project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. These Standards and Best Management Practices will ensure that post-development water quality is comparable to pre-development water quality. Given the proposed stormwater management techniques outlined within this section, there should be no impact to water quality, biodiversity, fisheries, or health of the estuary. The project is largely shielded from views along the Taunton River, as described in **Section 8.15**; as such, the project will have no impacts on aesthetics or scenery along the Taunton River. As described in **Section 8.4**, the project will not impact agriculture. As described in **Section 8.13**, the Project will not impact archeological or cultural resources.

**Response to Comment 2-21.2**

In most locations, the Project is located at least 100-feet from the bank of Barstows Pond. No wetland impacts will occur within the Project Site, and the Pond will not be impacted. The Project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. **Section 8.21.4.2** outlines what others are proposing of Barstows Pond Dam.

**Response to Comment 2-21.3**

The site plan has been updated to remove two of the surface parking lots. Please refer to the site plans in **Section 8.1.3**.

**Response to Comment 2-21.4**

**Section 8.3** addresses stormwater controls and protection of the Cotley River. The Project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. The Tribe will continue to consult with the Corps regarding water quality and the Cotley River throughout the permitting process.

**Response to Comment 2-21.5**

The Final NPDES permit for the Taunton WWTF has not been issued. However, in accordance with the BETA Group's April 4, 2014 letter, provided in **Appendix F**, process upgrades are anticipated to accomplish nitrogen removal. The letter states that based on the wastewater concentrations anticipated to be generated by the proposed project, pretreatment for nitrogen removal will not be required prior to discharge into the Taunton collection system.

## **Response to Comment 2-21.6**

Comment noted.



## Southeastern Regional Planning & Economic Development District

088 Broadway Phone (508)824-1367 FAX (508)823-1803 [ssmith@srpedd.org](mailto:ssmith@srpedd.org) Taunton, MA 02780

January 15, 2014

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

Re: DEIS, Project First Light, Taunton, MA

Dear Mr. Keel:

The Southeastern Regional Planning and Economic Development District (SRPEDD) staff has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Project First Light Resort Casino in the City of Taunton. In general, as was the case with the previous state Draft Environmental Impact Statement (DEIR), we find that the DEIS did not offer sufficient concrete actions to mitigate the predicted impacts of the proposed facility, and was especially inadequate in addressing issues in the surrounding communities outside the City of Taunton. Specific comments follow.

### TRANSPORTATION

Route 24: The proponent's Third Lane Analysis of the Route 24 corridor (from I-495 to Route 24 southbound) is presented as a Friday PM peak phenomenon. It is in fact, a daily event that begins at the I-495 interchange where Rte 24 narrows from 3 to 2 lanes. The analysis indicated a PM peak at level of service (LOS) D. Queuing today often extends from the point where Rte 24 narrows to 2 lanes after the I-495 interchange, south through the Route 44 interchange to the Route 140 interchange, a distance of 7.5 miles. The merge to 2 lanes is further impacted by the difficulty southbound motorists confront in weaving into and out of the right lane as they seek to enter or exit the highway (at the Rte 44 and Rte 140 interchanges). This is not reflected in the level of service calculation. The future scenario (year 2022 with Casino traffic) results in a failing level of service E. With additional traffic destined for the Casino site, traffic flow along this segment of Route 24 will deteriorate even further during commuting periods as well as periods when special events (entertainment, etc.) occur at the Casino. The Regional Transportation Plan recommends that this bottleneck be widened to enhance traffic flow and safety along this section of the Route 24 corridor. This exiting problem will be made significantly worse by the new development, and no mitigation has been suggested by the project proponent.

2-22.1

We believe that the proponent's response to the Route 24/Route 140 interchange problem is inadequate. We do not believe that "working with MassDOT" on interim solutions is an

appropriate strategy to address the serious and long term problems at the interchange. The proponent's current plan is to make adjustments on certain portions of the interchange as an interim measure until MassDOT reconstructs the entire interchange. Essentially, the proponent seeks to open the Casino prior to the interchange being rebuilt.

2-22.2 We believe MassDOT's current interchange design needs to be updated to ensure that the Casino project's trips can be accommodated by the interchange prior to opening the Casino. The proponent should be required to fund an update of the interchange design to accommodate their additional traffic. It is not appropriate for them to make interim adjustments to the interchange simply to open the facility as quickly as they can. At a minimum, a commitment to participation in a full reconstruction of the interchange should be required prior to the opening of the First Light development. The Proponent should take responsibility for the cost of updating MassDOT's design of the interchange to accommodate their traffic. They should also assist in the cost of reconstructing the interchange with a goal to ensure that the revised interchange is completed prior to opening the casino. Like the Route 24 segment noted above, this is an existing problem which will get significantly worse by the new development. Implementing an interim solution is not likely to improve the situation for most motorists given the extent of the problem that exists today before any additional traffic is added to the interchange.

2-22.3 The proponent should specify who is responsible for making these improvements and several are already programmed in the regional Transportation Improvement Program (TIP) to be paid for with federal and/or state funds. It is essential that this responsibility be clearly assigned so that all problems get addressed in a coordinated manner.

2-22.4 We also note that none of the identified intersections in this section are in any of the surrounding communities and we believe that the impacts will extend beyond the City of Taunton. Problem areas in the surrounding communities must also be identified and addressed.

#### **TRANSIT**

The Secretary's ENF Certificate dated August 24, 2012 acknowledges that the project site has limited access to public transportation options. Without additional operating and capital funds, public transit services cannot be expected to provide expanded or improved services. The Certificate lists several actions the proponent should take to mitigate traffic impacts and increase the share of transit trips to the site by patrons and employees, including making a commitment to improved availability and access to public transportation. In response, the proponent states it is 'willing to explore' the possibility of expanding/modifying existing service to include the Casino Project Site. This response is inadequate. At the very minimum, the proponent should commit to buying a certain number of monthly bus passes for Casino employees.

2-22.6 The proponent must work with both GATRA and SRTA to provide transit connections for patrons and employees. That includes funding such service as determined to be needed.

Transportation Center: The DEIR states the proponent will build an intermodal transportation center on site that is visible and integrated into the casino, and will include both public and

private transit services. The proponent should continue to meet with the regional transit authorities and private transportation companies as the site design progresses to ensure the optimum convenience and safety for patrons and employees using transit services.

TDM Measures: The Secretary's Certificate listed several TDM recommendations (page 16-58, Responses to Comments) that were not included in the TDM program presented in Section 3.3.2.11. Even low-cost recommendations such as Guaranteed Ride Home and direct deposit for employees are not mentioned. The DEIR should provide additional detail and emphasis on TDM and mitigation measures to reduce project related emissions from vehicle trips and to maximize use of existing and new pedestrian, bicycle, and transit services. The proponent states it will encourage employees and patrons to travel to the casino via public transportation, but more detail on how they will do this should be included.

2-22.7

In addition to the proponent's establishing a web page that describes all the public transportation and HOV travel options available to patrons, SRPEDD recommends that the Casino website link to the GATRA Ride Match transportation directory resource for travel within southeastern Massachusetts and beyond (<http://www.massridematch.org/>), as well as Mass Rides.

In establishing a shuttle bus service between Taunton Depot and the Casino, the proponent should explore all options with existing transportation services, rather than developing its own new service. Existing transportation providers are likely to be more cost-effective than developing a new service based on a commuter rail schedule. The proposed connection to the existing GATRA shuttle bus service operated by GATRA between Wareham and the Lakeville station is not clear.

2-22.8

The state's ENF Certificate of August 24, 2012 also states the (state) DEIR should include a comprehensive transit mitigation plan. We did not find this plan in either the DEIR or the DEIS.

2-22.9

#### **PUBLIC SAFETY**

Surrounding communities have raised concerns that casino traffic will produce an increased number of crashes and OUIs on highways and local roads leading to the site. Public safety and EMT response to these incidents is the responsibility of the communities in which they occur. This increased demand to respond to these incidents will strain local police, fire and EMT services beyond current capacity. The Secretary's certificate does not explicitly require the proponent to address this issue, but it remains a significant public safety and budgetary concern for the surrounding towns and it should be addressed by the proponent.

2-22.10

#### **WATER RELATED ISSUES**

The proponent did not, during the state DEIR process, and still does not adequately address the adjacent Wild & Scenic Taunton River and how or if the project will impact the six (6) outstanding resource values for which the Taunton River was designated. This, as well as any impacts to significant tributaries identified in the 2005 Taunton River Stewardship Plan, should be addressed in detail in the Final Environmental Impact Statement (FEIS).

2-22.11

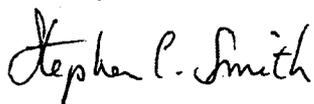
- 2-22.12 | The proponent needs to address the lower nitrogen discharge limit assigned in the proposed new NPDES Permit for the Taunton Wastewater Treatment Plant; this should be part of an overall nutrient management or nitrogen removal plan for the proposed development.
- 2-22.13 | Further, sustainability alternatives for water conservation measures, potential reuse of water on site (grey water), wastewater alternatives, and "water efficient features" must be presented in much greater detail in the FEIS.

There will be a change in the wetland protection area when the Barstow's Pond Dam is removed, and the 100' wetland buffer will increase to a 200' riverbank resource area/supporting habitat for a restored native fishery. This issue has come up before with the adjacent industrial park (the dam removal proponents) during dam removal planning over the past several years. A Notice of Intent (NOI) for this project will be filed with the Taunton Conservation Commission on January 17, 2014.

- 2-22.14 | The Inflow and Infiltration issue, as discussed in the state DEIR, needs clarification in the FEIS. The chronic I & I problem in Taunton has been mainly associated with the infiltration of groundwater (freshwater) into the existing system, while the development seems to be adding nutrient laden water into a system that will now have a proposed lower nitrogen discharge limit (into a federally designated Wild & Scenic River).
- 2-22.15 | The proponent must also be very clear in the FEIS in discussing the impacts to the project's source water at the Assawompsett Ponds Complex. The ponds provide water to a number of municipalities as well as breeding habitat for the largest native herring/alewife run in New England at the headwaters of the Nemasket River. Several communities in the surrounding area have expressed concerns to the staff at SRPEDD. A recent report by the Horsley Witten Group, Taunton River Watershed Study, Phase I, discusses the water balance in the Taunton River Basin on the sub-watershed level, as well as projected water surplus and deficit areas in the Taunton River Watershed (this report can be accessed at the SRPEDD website).

Thank you for the opportunity to comment on this important project.

Sincerely,



Stephen C. Smith  
Executive Director

Cc: State Legislators in SRPEDD region  
Mayor Thomas Hoye  
Massachusetts Gaming Commission  
SRPEDD Commissioners  
Old Colony Planning Council  
Jamie Fosburgh, National Park Service

**LETTER 2-22: STEPHEN C. SMITH, SOUTHEASTERN REGIONAL PLANNING & ECONOMIC DEVELOPMENT DISTRICT (SRPEDD), JANUARY 15, 2014****Response to Comment 2-22.1**

Under the proposed mitigation, Route 24 Southbound will widen to three travel lanes from the Hart Street overpass to the Route 140 interchange. Refer to **Section 8.1.3.4** of the FEIS.

**Response to Comment 2-22.2**

The Tribe is working with MassDOT on the schedule and funding of these improvements. The improvements discussed for this interchange in this FEIS will need to be completed prior to the full opening of the casino. The Tribe will completely fund the proposed improvements described in this FEIS. In addition, MassDOT is pursuing a further reconstruction of the Route 24/140 Interchange. That work will be funded through a combination of federal and state funds. A portion of the funds could come from contributions and revenues designated for transportation improvements pursuant to the terms of the Tribal-State Compact.

**Response to Comment 2-22.3**

The improvements discussed in **Section 8.1.3.4** will be funded through the Tribe's commitments in the IGA and revenues designated for transportation improvements pursuant to the terms of the Tribal-State Compact.

**Response to Comment 2-22.4**

The EIS traffic study presented in **Sections 7.1 and 8.1** addressed impact areas that include surrounding communities. The majority of casino trips will access the site via Route 24 and Route 140. Other trips were distributed through more local routes and roadways. It is not anticipated that these trips will significantly impact these lower volume roadways and intersections.

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region.

**Response to Comment 2-22.5**

Transit connections are described in **Section 8.1.3.9** and **Section 8.1.3.12**. These sections describe the Tribe's commitment to increase service and shuttles.

### **Response to Comment 2-22.6**

The Tribe has coordinated with several transit agencies, including GATRA, and has agreed to a number of options. Please refer to **Section 8.1.3.9** regarding public transportation.

### **Response to Comment 2-22.7**

To ensure the success of the project, a comprehensive TDM program has also been developed by the Tribe. The elements of the TDM program include Ride Match and are described in **Section 8.1.3.11** of the FEIS.

### **Response to Comment 2-22.8**

As discussed in **Sections 8.1.2.2 and 8.1.3.9**, patrons and employees will be able to utilize existing public transit services as well and shuttles run by the casino. The discussion regarding potential connections to Lakeville and Wareham have been removed after having discussions with the agencies.

### **Response to Comment 2-22.9**

Future transit connections and shuttle service is discussed in **Sections 8.1.2.2 and 8.1.3.9**.

### **Response to Comment 2-22.10**

Once the casino is opened, a traffic monitoring program will begin with input from MassDOT and surrounding communities. Pursuant to the terms of the Tribal-State Compact, revenues generated by the casino's operation will flow to the Commonwealth and be made available to fund transportation improvements throughout the state and in particular the Southeast region. As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 2-22.11**

As discussed in **Section 7.2.4.3**, the Taunton River is located approximately 2,000 feet northeast of the Project Site. **Section 8.3** describes stormwater and water quality. The Project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. These Standards and Best Management Practices will ensure that post development water quality is comparable to pre development water quality. Given the proposed stormwater management techniques outlined within this section, there should be no impact to water quality, biodiversity, fisheries, or health of the estuary. The Project is largely shielded from views along the Taunton River, as described in **Section 8.15**; as such, the Project will have no impacts on aesthetics or scenery along the Taunton River. As described in **Section 8.4**, the Project will not impact agriculture. As described in **Section 8.13**, the Project will not impact archeological or cultural resources.

### **Response to Comment 2-22.12**

The Final NPDES permit for the Taunton WWTF has not been issued. However, in accordance with the BETA Group's April 4, 2014 letter, provided in **Appendix F**, process upgrades are anticipated to accomplish nitrogen removal. The letter states that based on the wastewater concentrations anticipated to be generated by the proposed project, pretreatment for nitrogen removal will not be required prior to discharge into the Taunton collection system.

### **Response to Comment 2-22.13**

The project will use plumbing fixtures that are significantly more water conserving than that required by the plumbing codes and LEED Baseline requirements. These include 1.28 gallons per flush (gpf) water closets, pint flush urinals, 2.0 gpm shower heads, and 0.5 gpm lavatories in public and guestroom areas.

In general, the project design minimizes the use of landscaping. The small amount of landscaping incorporated will be irrigated with stormwater captured in the large underground stormwater retention systems required for the project. Therefore, the use of greywater for landscape irrigation is not incorporated as part of the proposed project.

### **Response to Comment 2-22.14**

As stated in **Section 8.8.2.3**, The Tribe has committed to remove infiltration and inflow at a rate of five times the new development's average daily flow.

### **Response to Comment 2-22.15**

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit. As presented in **Table 7.7-1**, the Average Daily Demand (ADD) for the City Taunton has generally declined. The Project water use, which is estimated at 0.3 million gallons per day (MGD) would be added to the 2013 ADD of 5.91 MGD. This total is still less than the average day demands during 2007 through 2009. The Project's water use should not add any additional stress/water withdrawal strain to the Assawompset Pond Complex.



## Taunton River Watershed Alliance, Inc.

P.O. Box 1116, Taunton, MA 02780

Tel. 508-828-1101

savethetaunton.org

January 15, 2014

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

Re: Draft Environmental Impact Statement for Mashpee Wampanoag Tribe Fee-to-Trust  
Acquisition in Mashpee and Taunton, Massachusetts

By: Fedex

Dear Mr. Keel:

The Taunton River Watershed Alliance, Inc. (TRWA) submits the following comments on the Draft Environmental Impact Statement (DEIS) for Fee-to-Trust Acquisition of land in Mashpee and Taunton, Massachusetts proposed by the Mashpee Wampanoag Tribe. TRWA is committed to the protection and restoration of the Taunton River, its tributaries and the special and irreplaceable ecosystems of its watershed. The following comments focus on the Tribe's proposed use of 151 acres of land in Taunton located at the Liberty and Union Industrial Park on Stevens Street for a large-scale casino development.

The project is likely to result in impacts to the Cotley River which runs in a northerly direction through the project site and to the associated wetlands, floodplain and wildlife habitat located on and adjacent to the site. Efforts are currently underway to remove the Barstowe's Pond Dam, located on this river in the northern portion of the site. This dam removal would restore access to alewife and other aquatic species to miles of upstream habitat. About a quarter-mile north of the site the Cotley joins the Taunton River, one of the Commonwealth's more beautiful and ecologically rich natural resources, added to the federal Wild and Scenic Rivers System in 2009 by virtue of its forty miles of undammed waters. TRWA takes no position for or against gaming facilities in the Commonwealth of Massachusetts. Our interest in this review is to insure that, if this project moves forward it proceeds in a way that will support the restoration of the Cotley River, protect

associated wetlands and wildlife habitat and sustain a healthy ecosystem of river, wetlands and wildlife in the future.

2-23.1

We commend the Tribe for selecting a site in a "Priority Development Area" identified by the City of Taunton in the South Coast Rail Corridor Plan; also for locating some of the major features of the development in previously disturbed ("brownfield") areas in the southeastern portion of the site. However some features of the proposed "preferred alternative" development plan are located in currently undisturbed areas close to the river and wetlands. Table 8.2-4 in Section 8.2 ("Water of the US and Floodplain") indicates that "secondary effects to waters of the US" resulting from the project would include clearing of 82,235 square feet (roughly two acres) of upland buffer within 100 feet of the river. We have attached copies of Figure 4.3-1 of the DEIS ("Alternative A: Proposed Development") and a Google Earth image of the site. Comparison of these two attachments shows that a large new surface parking area (#13) is proposed in a currently undisturbed area on the west side of the Cotley River, and a water park complex with hotel, access road and surface parking would be constructed in the currently undeveloped portion of the site north of the railroad tracks, an area of wetlands, meadows and upland forest. We urge the Bureau of Indian Affairs (BIA) to require the Tribe to modify the preferred alternative in ways that move development away from currently undisturbed areas, wetlands and the riverfront. A more detailed discussion of project alternatives is provided below. In addition, activities associated with ongoing maintenance of the development (such as stormwater discharge, possible water withdrawal and/or use of pesticides and fertilizers) may result in future degradation of water quality in the river and wetlands. TRWA would like to work with the Tribe to identify specific measures that will avoid such impacts.

The DEIS states on page 8.2-1, "For the purpose of this DEIS it is assumed that all waters and wetlands described herein are jurisdictional waters of the U.S. regulated by the Corps [U.S. Army Corps of Engineers] under Section 404 of the federal Clean Water Act (33 U.S.C. 1344)." The Guidelines to Implement Section 404(b)(1) of the Clean Water Act prohibit the discharge of dredge or fill material if there is a practicable alternative that would have less adverse environmental impact on the aquatic ecosystem, and if the discharge would cause or contribute to significant degradation of the waters of the United States. Our comments below identify measures that will avoid damage to the river and water quality as well as associated wetlands, floodplains, riverfront area and other wildlife habitat. We urge the BIA to require these measures to be incorporated into project plans; we also hope that the Army Corps will include them as requirements of the Section 404 permit. The BIA should only approve this land-to-trust request after in-depth review of the project plans determines that impacts have been avoided to the greatest extent practicable and that full mitigation is provided for unavoidable impacts.

Following are TRWA's specific comments on the DEIS and missing information that should be provided in the Final Environmental Impact Statement (FEIS) for the project. Many of the comments offered in this letter were included in TRWA's letter of July 12, 2013 to Richard Sullivan, Massachusetts Secretary of Energy and Environmental Affairs, submitted under the Massachusetts Environmental Policy Act review. We were

disappointed that concerns and recommendations regarding protection of the Cotley River and adjacent wetlands do not appear to have been considered in the preparation of this DEIS but hope they will be given consideration during this phase of the review process.

### **1. Discussion of "build" alternatives presented in the DEIS**

The DEIS indicates that the Tribe's Preferred Alternative A includes a 400,000 square foot casino with 4,400 gaming positions, three 300-room hotels, an events center, dining facilities, retail stores, a 25,000 square foot water park, 4,431-space parking garage and surface parking with 1,940 spaces. The proposed casino, two of the hotels and several other features would be located in a previously disturbed area in the southern portion of the site. The water park and third hotel will be located in a currently undisturbed area north of the railroad tracks that cross the site. Alternative A would require roadway improvements to improve access to Route 140 that would result in filling of over 9,000 acres of Bordering Vegetated Wetland (BVW). Overall, Alternative A and associated roadway improvements will result in alteration of over 20,000 square feet of BVW. Additional alteration of areas regulated under the Massachusetts Wetlands Protection Act includes 140,000 square feet of Riverfront Area and 73,000 square feet of Bordering Land Subject to Flooding. Alternative A will also cause loss of 6 acres of undisturbed forested upland and nearly 15 acres of open fields. Construction of parking area #13 on the west side of the Cotley River will introduce a continual stream of motor vehicle traffic over a river crossing. The development will create over 22 acres of new impervious surface on the project site and additional new impervious surface associated with offsite roadway improvements.

The DEIS describes two other "build" alternatives with reduced intensity of development. Alternative B includes a smaller-sized casino with parking garage. It eliminates the two hotels and the events center in the southern portion, but retains the hotel, water park and parking area in the northern portion. The DEIS states that this alternative would eliminate the need for construction of a new ramp to Route 140. Alternative C would retain the level of development in Alternative A for the southern portion of the site, but it would eliminate the hotel, water park and surface parking in the northern portion, thus avoiding impacts to river, wetlands and other currently undisturbed habitat in this area. The Tribe selected Alternative A as the preferred alternative on the grounds of projections that this option would produce more jobs and economic benefits than B or C.

A configuration that was not considered in the DEIS would be a "one hotel" alternative that would locate a single hotel in the southern portion, replace surface parking area #9 in the southern portion with a multi-level parking garage and eliminate the water park and hotel in the northern portion. Such an alternative would eliminate the need for surface parking area #13 (reducing new impervious surface and wetlands fill) and the new ramp to Route 140 and the associated 9,000 square feet of wetlands fill. As a result of removing parking area #13, motor vehicle traffic crossing the river to the currently undisturbed area on the west side would be eliminated. We request consideration of an alternative with this configuration.

2-23.2

**2. Site plans.** Plans provided in the DEIS are not stamped by a professional engineer or land surveyor and they do not show existing or proposed land elevations and contours. Without the latter information, it is impossible to fully evaluate how the development will impact site drainage and water flow. The FEIS should provide pre- and post-development plans that are stamped by a professional engineer or land surveyor and include site contours of at least 10' intervals. Figures 8.2-1 and 8.2-2 labeled "Direct Impacts to Waters of U.S." show wetland areas south and north of the railroad tracks respectively and proposed areas of alteration. Both Figures show boundaries that are labeled "ordinary high water mark", but they do not appear to show the 100-year FEMA floodplain. The FEIS should provide plans that show the 100-year floodplain in order to determine what, if any components of the project fall within this area

2-23.3

2-23.4

**3. Mitigation for wetlands impacts.** As noted above, construction of the preferred alternative will result in significant impacts to vegetated wetlands on and off the site. The DEIS fails to provide specific plans for mitigation of the proposed onsite and offsite wetlands losses. In the absence of specific mitigation plans, it is impossible to determine whether the mitigation will replace lost functions and values of the impacted wetlands, as required by Section 404 of the Clean Water Act. The FEIS should provide detailed mitigation plans that include existing groundwater levels and soil analysis, pre- and post-construction contours, plans for soil amendments and plantings and post-construction monitoring requirements. The FEIS should specify what opportunity the public will have to review and comment on these plans.

2-23.5

2-23.6

2-23.7

As we noted in our previous comments submitted to MEPA, areas proposed as "wetland replication" to mitigate for wetland loss should not be used as compensatory flood storage areas. Mitigation plans for wetland loss in the FEIS should clearly distinguish between these functions and demonstrate that separate areas are provided for compensatory flood storage and replacement of impacted vegetated wetlands.

Table 1.5-1 provides a summary of proposed mitigation measures for projects impacts. On page 1-10 in the section regarding "Floodplain, wetlands and other waters of the US," the DEIS proposes a 10-foot buffer zone to wetland areas during construction where specified activities such as disposal of waste and refueling of vehicles would be prohibited. A 10-foot setback is clearly inadequate to prevent impacts from such activities; larger buffer zones should be required.

2-23.8

**4. Water Park.** The DEIS fails to describe specific components and operations of the proposed water park. This feature would be located in a currently undisturbed portion of the site north of the railroad tracks directly adjacent to the Cotley River. Table 8.7-1 ("Average Day Demand Water Uses by Alternative") indicates that the Park will consume 11,000 gallons per day, but the DEIS provides no information to support that estimate and does not identify the source of that water. Especially given the proximity of this feature to the river, the FEIS should describe the components and operations of the Park and specify the source of the water. If water will be supplied by ground or surface water withdrawals, the proponent should specify the volume that will be withdrawn and

2-23.9

provide full evaluation of potential impacts on the river and associated wetlands. If this information cannot be provided by the proponent at this time, the water park should be eliminated from the project plans.

2-23.9  
cont.

**5. Stormwater discharge.** The Cotley River is already impacted by untreated or inadequately treated discharge of stormwater from local roads and facilities. As noted above, the project will create over 22 acres of new impervious surface on the project site and additional new impervious surface associated with offsite roadway improvements. The DEIS notes that an existing stormwater management system will collect and treat stormwater in the southern portion of the site, but that there are no stormwater management controls in the undeveloped area north of the railroad tracks. Figure 8.3-2 (“Conceptual Stormwater Management System Plan...North of Railroad Tracks”) shows two outlined areas where detention systems would be located. The additional of two new stormwater discharges to the river is of significant concern. As stated earlier, this project should result in restoration of the river – not new degradation of water quality. We reiterate our request for serious consideration of an alternative that avoids new development in currently undeveloped areas near the river. The FEIS should also provide an evaluation of low-impact development options that would increase natural recharge of groundwater in place of discharge from pipes.

2-23.10

The FEIS should provide specific information on plans for use of pesticides and fertilizers for site management. If such applications will occur, the proponent should describe measures that will be used to prevent runoff of these materials into the river and wetlands.

2-23.11

**6. Offsets for new greenhouse gas emissions that will result from the project.** Table 8.12-10 (“Comparison of Projected CO<sub>2</sub> Emissions for the Proposed Development and Alternative Development Layouts”) indicates that total projected greenhouse gas emissions that would result from Alternative A would be 22,437 short tons per year of carbon dioxide. As a result of enactment of the Massachusetts Global Warming Solutions Act of 2008, the Commonwealth is committed to greenhouse gas emission reduction targets of a minimum 80% reduction from 1990 levels by 2050 and a 25% reduction by 2020. The FEIS should explain whether this project will seek additional emissions offsets to avoid increasing statewide levels of greenhouse gas emissions and to assist the Commonwealth in achieving the reduction targets.

2-23.12

**Conclusion.** We urge the BIA to include consideration of an additional development alternative (as recommended above) that would reduce impacts to the Cotley River, wetlands, floodplain and wildlife habitat in the FEIS as well as additional information regarding other issues referred to in this letter. TRWA reiterates its wish to work with the Tribe to insure that if the project moves forward, it proceeds in a way that will support the restoration of the river, protect water quality, wetlands and wildlife habitat and sustain a healthy ecosystem in the future. Thank you for considering these comments.

2-23.13

Sincerely,

*Priscilla Chapman*

Priscilla Chapman  
Taunton River Watershed Alliance, Inc.  
1298 Cohannet Street  
Taunton MA 02780

cc: David E. Hewett, Epsilon Associates ✓  
Mashpee Wampanoag Tribe  
U.S. Army Corps of Engineers  
Mayor Thomas Hoye, Taunton



Industrial Dr

Connors St

Barstow's Pond

24

Stevens St-Ex 140

© 2013 Google

Connell Way

Stevens St, Taunton, MA, USA

Hazlea Dr

Garden St

Hickory St

Gaswell St

Hughes St

Stearns St

Gaswell St

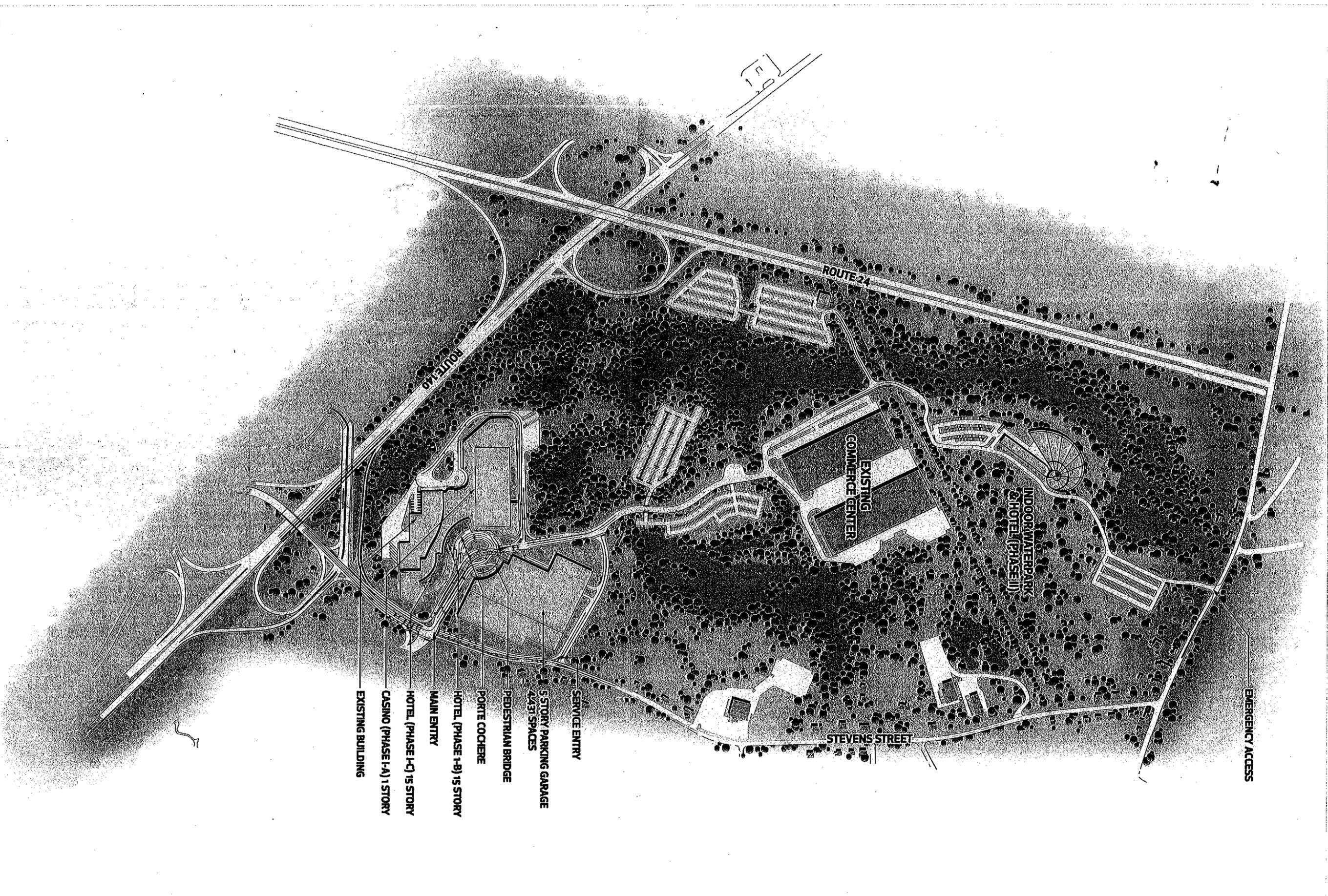
Hughes St

Stearns St

Valley Dr

Emm Rd

Connell Way



- EMERGENCY ACCESS
- EXISTING COMMERCE CENTER
- INDOOR WATERPARK & HOTEL (PHASE II)
- 5 STORY PARKING GARAGE  
4,431 SPACES
- PEDESTRIAN BRIDGE
- PORTE COCHERE
- HOTEL (PHASE 1-B) 15 STORY
- MAIN ENTRY
- HOTEL (PHASE 1-C) 15 STORY
- CASINO (PHASE 1-A) 1 STORY
- EXISTING BUILDING
- SERVICE ENTRY

**LETTER 2-23: PRISCILLA CHAPMAN, TAUNTON RIVER WATERSHED ALLIANCE INC.,  
JANUARY 15, 2014****Response to Comment 2-23.1**

Since publication of the DEIS, review of the public and agency comments, and further consultation with the agencies, the Development Alternatives that were presented in the Draft EIS have been expanded. More specifically, the following issues were reevaluated: (1) all wetland crossing locations and crossing techniques on the Project Site to determine if impacts could be avoided or further minimized; (2) the layout of the proposed water park facility relative to potential vernal pools and the adjoining terrestrial habitats; and (3) the location and configuration of surface parking lots and related stormwater management facilities. As described in **Section 4.2.4**, the current Preferred Development (Alternative A) does not result in any impacts to wetlands or other waters of the U.S.

**Response to Comment 2-23.2**

The Alternatives studied in the EIS were selected to represent a range of build conditions and impacts. The EIS could potentially study any number of various possible development scenarios for the site, using different components and sizes. The BIA believes that the Alternatives selected represent a reasonable range based on the nature of the site and the Purpose and Need for the Project. As described in **Section 4.2.4**, since publication of the DEIS, the Development Alternatives have been refined to reduce surface parking and eliminate the proposed ramp from Stevens Street to Route 140.

**Response to Comment 2-23.3**

The FEIS provides conceptual stormwater management plans prepared by professional engineers. Stormwater calculations are provided in **Appendix D**. More detailed plans will be developed during later phases of design and permitting.

**Response to Comment 2-23.4**

**Section 8.2** describes floodplain resources, how the project conforms to Executive Order 11988 (Floodplain Management) and provides figures depicting the floodplain with each Alternative.

**Response to Comment 2-23.5**

For a detailed description of compensatory mitigation for off-site impacts see **Section 8.2.4**. While compensatory mitigation plans are still conceptual, the Tribe will continue to consult with the Corps, MassDEP, and the Taunton Conservation Commission regarding appropriate mitigation for direct off-site impacts. A detailed wetland mitigation plan will be developed in accordance with MassDEP's "Inland Wetland Replication Guidelines" (2002) and the Corps' "Compensatory Mitigation Guidance" Document dated July 20, 2010. Final wetlands mitigation design will include existing groundwater levels, soil analysis, pre- and post-construction contours, plans for soil amendments and plantings, post-construction monitoring requirements.

### **Response to Comment 2-23.6**

Opportunities for public comment in the NEPA process have been described in **Section 2.1.2**.

### **Response to Comment 2-23.7**

Compensatory mitigation plans are still conceptual; the Tribe will continue to consult with the Corps, MassDEP, and the Taunton Conservation Commission regarding appropriate mitigation for direct off-site impacts and flood storage impacts. Where feasible, these mitigation areas will be constructed independent of one another although this is not specifically prohibited by the state Wetlands Protection Act regulations.

### **Response to Comment 2-23.8**

The proposed project maintains at least a 10-foot setback to waters of the U.S. Where feasible, the average setback from waters of the U.S. is greater. In most locations, the project is located at least 100-feet from perennial streams, like the Cotley River. The Clean Water Act and appropriate federal regulations do not require setbacks from waters of the U.S., including wetlands.

### **Response to Comment 2-23.9**

The entire Project will be supplied potable water by the City of Taunton. City water comes from the Assawompsett Pond Complex and Dever Wells, as described in **Section 8.7.1**, and no wells will be installed to provide water for the Project. As currently designed, the water park is estimated to demand 11,000 gpd as shown in **Table 8.7-1**.

### **Response to Comment 2-23.10**

**Section 8.3** addresses stormwater controls and protection of the Cotley River. The project will comply with current EPA NPDES General Permit for Discharges from Construction Activities and MassDEP Stormwater Management Standards. The Tribe will continue to consult with the Corps regarding water quality and the Cotley River throughout the permitting process.

### **Response to Comment 2-23.11**

The stormwater management system will be designed to comply with MassDEP Stormwater Standards including long term operations and maintenance plans relative to fertilizer and pesticide use.

### **Response to Comment 2-23.12**

Anticipated greenhouse gas emissions under each Development Alternative are presented in **Section 8.12.2**. **Section 8.12.3** describes potential mitigation opportunities. Opportunities exist for the Tribe to purchase renewable power or GHG offsets, though such purchases do not materially affect the layout or operation of the Preferred Development or Alternatives. The Tribe will also review options to purchase renewable energy from the local utilities.

### **Response to Comment 2-23.13**

In recognition of the TRWA's and other similar comments, the Tribe has already taken steps to reduce impacts to the Cotley River and in turn the Taunton River (i.e., the elimination of some previously proposed surface parking and the Stevens Street to Route 140 NB ramp). The Tribe will continue to consider the TRWA's comments as it moves forward from the NEPA process and into the permitting and design phase of the Project.

David Littlefield  
192 Erin Road

RECEIVED  
East Taunton, MA 02718  
Home (508) 824-7711  
Fax (508) 823-6554

Via Fax  
615-564-6701  
2 pages

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BIA-ERO  
REGIONAL DIRECTOR

Mr. Franklin Keel, Eastern Regional Director  
Bureau of Indian Affairs Eastern Region  
545 Marriott Drive  
Suite 700  
Nashville Tennessee 37214  
fax: (615) 564-6701

**Comments for the Proposed Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and Casino Project, Mashpee and Taunton, Massachusetts - Draft EIS**

Dear Sir,

I am writing to you with my concerns and comments regarding the draft Environmental Impact Statement which has been submitted by the Mashpee Indian tribe as part of their attempt to obtain Land In Trust through the federal government, in Taunton, MA for gaming purposes.

As a Taunton resident who lives very close to the proposed site, I am respectfully requesting that the following issues be addressed:

Necessary mitigation to maintain the East Taunton Airport has yet to be addressed. In fact the draft response specifically states "It is anticipated that the casino would generate very minimal, if any, additional airport traffic at the East Taunton airport to warrant mitigation." I find this response unacceptable by means of no proven research or inquiry has been demonstrated to effectively resolve this issue.

2-24  
.1

1) To date the Dept. Of Transportation, specifically aeronautics division has yet to be contacted as to any type of mitigation needed to sustain and maintain the East Taunton Airport.

2) In 2008 the Governor Of Massachusetts wrote a 124 page opposition letter to Land In Trust in Middleboro Mass, for the very same tribe. In that letter, page 52. The Governor specifically points out many concerns for the surrounding airports including but not limited to maintaining, expanding, adapting, and funding for the surrounding airports. East Taunton being one of them. He goes on to state "a feasible study would need to take place to determine the impacts". So with no studies proven to have been done, and no contact with the Dept. Of Transportation to discuss this issue, it seems the word "anticipate" must translate to nothing more than no actual study or input was made to resolve this concern.

The Dept. Of Transportation is responsible under M.G.L. CH. 90 Section 39 for maintaining a safe efficient airport system to meet the current and future air transportation needs of the Commonwealth. The FAA (now D.O.T) governs the air traffic and concerns on a federal level. The proposed site for the casino is in the direct path of the runway at the East Taunton Municipal Airport, and it is within 2.5 miles off the end of the runway. FAA 7460 Part 77 requires notification for analysis and approval be done before commencing and construction of the project.

2-24  
.2

The answer to this question was "when site and building designs have progressed sufficiently, applicable notices will be provided."

So my concern here is, when is this project "progressed sufficiently" for action to be taken. Again, there has been absolutely no contact made to date to the Dept. Of Transportation to this notification. The project has moved from 170 feet off Stevens ST. to 60 ft. off the road, thus bringing the 15 story building closer and more directly in the path of the existing runway. In fact there is a fly left rule upon take off from the East Taunton Airport to avoid planes flying over the Martin Middle School and East Taunton Elementary School. This flight pattern now funnels air traffic directly over the proposed S shape hotel/casino building. Being the significant height of this building and the proximity of it and the flight pattern, there is very much a concern for glares from lights and collisions from a 15 story building directly in the path of aircraft. This is more of a threat and concern that the governor ever imagined in 2008 with Middleboro.

When asked how will the noise disturbance be addressed resulting in increased air traffic.

Again the standard answer was "It is not anticipated the casino will generate a significant increase in air traffic". However if one were to actually take the time to research and look into this, they would find that all over the county, anywhere a casino has been erected near an airport, that particular airport has generated more air traffic than prior to a casino present nearby. A small jet or twin engine prop aircraft certainly has the capabilities to land at the East Taunton airport in it's current state. However this brings louder aircraft at all hours of the night coming in and out, and the need to store JET A fuel on the premises. Don't be fooled into thinking that a small jet of 6 to 8 passengers and twin props carrying 12 -15 passenger aircraft will not set up shuttle services to and from this airport. This is a reality and extremely strong potential.

2-24  
.3

I feel this first round of this draft E.I.S. pertaining to the East Taunton Municipal Airport concerns has failed miserably. I suggest some research and actual study's will now be forthcoming prior to completing the E.I.S. I expect to see some proof of studies and research done as well as some response letters or correspondence to and from the Dept. Of Transportation that they are satisfied with the study. I will not accept answers of "anticipation" without true documentation to back up such a statement. To move forward without such documentation would be nothing more than wreck less and negligent actions on your part.

Respectfully submitted,

  
David Littlefield

**LETTER 2-24: DAVID LITTLEFIELD**

**Response to Comment 2-24.1**

Based on previous data and as discussed in **Section 8.1.3.11**, it is not anticipated that there will be any increase in air traffic as a result of the Proposed Action.

**Response to Comment 2-24.2**

When site and building designs have progressed sufficiently, applicable notices will be provided. In accordance with 14 CFR Part 77, notification will be submitted at least 45 days prior to construction.

**Response to Comment 2-24.3**

Based on previous data and as discussed in **Section 8.1.3.11**, it is not anticipated that there will be any increase in air traffic as a result of the Proposed Action.

## Chester McGhee

---

**From:** cora peirce  
**Sent:** Friday, January 17, 2014 1:25 PM  
**To:** chester.mcghee@bia.gov  
**Subject:** Fwd: deis

----- Forwarded message -----

**From:** cora peirce <[coradot@yahoo.com](mailto:coradot@yahoo.com)>  
**Date:** Friday, January 17, 2014  
**Subject:** deis  
**To:** GraveConcern <[coradot@gmail.com](mailto:coradot@gmail.com)>

Cora-Dorothy Peirce  
PO Box 47  
Fairhaven, Ma. 02719

Mr. Franklin Keel- Regional Director  
Eastern Regional Office- Bureau of Indian Affairs  
545 Marriot Drive suite 700  
Nashville, TN.37214

### **“DEIS Comments for Proposed Mashpee Wampanoag Property Trust and Development”**

Never in my life could I support another tribe coming into another tribe’s territory. So why are you even contemplating Mashpees proposed site?

I spoke at your first hearing as well as having sent in comments to both you and the States MEPA. Having waited months for my FOIA request on Mashpees twisted view of Pocasset and Pokanoket tribal history. I am appalled that you would even entertain “sea foam” being a claim to the Taunton River.

The only sea foam would be the thousands of gallons of sacred Assawompsett waters being dumped into the river if you allow this casino to move forth. The location is upon historic Pocasset-Nemasket-Pokanoket villages. Am I to trust Mashpees NAGPRA officials to keep us informed of the 4 sites listed in their reports?!!! Mashpee has repeatedly re-written history and claimed Pocasset, Nemasket and Pokanoket bones and artifacts and has NEVER included us. Our ancestor’s bones are now planted along paths they never walked. Why??? Because, you have condoned it.

2-25.1

I beg you not to approve this Taunton site, my ancestors are buried less than a mile away in Taunton.

Both of my [gr.gr](#) gr grandmothers were on this ground, they are listed in censuses and the Earle report as being Wampanoag Indians. I am Pocasset-Pokanoket and very proud of it.

I am NOT Mashpee, nor are my Native roots. If they want to build their casino in Mashpee, I will stand beside them. However their actions and personal threats toward me, have not silenced my voice nor my footsteps along this Pocasset path that I claim as sacred.

2-25.2 Please decline this proposal and allow our tribes to heal from the greed and selfishness that has festered feuds between our clans and people. There is no economic gain that can be produced to heal this wound.

Respectfully Submitted,

Cora Peirce

**LETTER 2-25: CORA-DOROTHY PEIRCE, JANUARY 17, 2014**

**Response to Comment 2-25.1**

In accordance with 25 CFR 292.6 (d), Tribes must demonstrate significant historic connections to an area in order for the property to qualify as an “initial reservation.” By letter dated February 7, 2013, the Assistant Secretary of Indian Affairs determined that the lands in Taunton and Mashpee meet the requirements of 25 CFR 292.6(d) and will qualify as the Tribe’s initial reservation if they are acquired in trust.

**Response to Comment 2-25.2**

Comment noted.

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BIA-ERO  
REGIONAL DIRECTOR

Dominic Tigano  
1701 County Street  
East Taunton, MA 02718  
[nicktigano@gmail.com](mailto:nicktigano@gmail.com)  
774-259-7324

Mr. Franklin Keel, Regional Director  
Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, Tennessee 37214  
Telefax (615) 564-6701

RE: "Scoping Comments for Proposed Mashpee Wampanoag Tribe  
Property Trust and Development"

Mr. Keel,

I write to you today for a second time. The first time I came before you was at the initial scoping session in Taunton, MA in 2012. I submitted comments, which have been addressed in the Draft EIS, and for that I am grateful.

The reason I write to you today is that I have heard many comments regarding some of the impacts that this proposed casino would have not only on specific environmental issues, like water for example, but also for issues where this casino may have an adverse effect on items like the earnings at a church bingo. In the Intergovernmental Agreement between the tribe and the city of Taunton, you will find that this concern was mentioned, and mitigated.

Having said that, I come to you today asking that a comprehensive study be undertaken regarding home values in the immediate vicinity of this casino. Keep in mind that this proposal is not out in the middle of the woods, but in fact right in the middle of a rural community. It is no doubt that the home values will be effected, one way or the other, by this proposal. The very fact that I would look out my front window at a tower casting a shadow on my home, is proof of that.

2-26.1

I can see that the municipalities, the state, the environment, traffic systems, and various other items/entities have or will receive some form of mitigation if this is to come to fruition. I ask that if it is deemed that the home values are to decline, that funds are set aside to mitigate this negative effect. There is no reason why the rights of homeowners should be behind the rights of any other party. If this is truly a community effort, and the tribe is part of that community, then it should be understood.

2-26.2

I am not asking for any money, please don't think that. I am asking that a study be done to see if any impacts will be had on home values over a period of time, probably 10 years, and that those impacts be mitigated if they are proven to be negative to the home/land owners of the area.

I thank you for your time, and look forward to seeing this concern addressed.

Best Regards,  
Dominic Tigano

**LETTER 2-26: DOMINIC TIGANO**

**Response to Comment 2-26.1**

Sections 7.16 and 8.16 of the FEIS present a socioeconomic analysis for the Project. While the analysis does not specifically look at home values, it does indicate that the casino is expected to have a positive impact on the local and regional economic overall.

**Response to Comment 2-26.2**

The Tribe's mitigation agreements are limited to those determined with the City of Taunton in the IGA and with the Commonwealth of Massachusetts in the Compact.

## 10.3 PUBLIC HEARING COMMENTS

The BIA held two public hearings to receive public comments on the Draft EIS. They took place at Mashpee High School, on Monday, December 2, 2013, at 5:30 PM; and at Taunton High School, on Tuesday, December 3, 2013, at 5:30 PM. At both hearings, elected officials and members of the public were given the opportunity to present their comments on the Draft EIS for the BIA's official records and consideration in the Final EIS. No comments were presented at the meeting held in Mashpee. The statements below offer responses to all relevant comments presented at the meeting held in Taunton. Complete, delineated transcripts for both public hearings can be found in **Appendix H**.

### STATEMENT 3-1: MAYOR THOMAS HOYE

#### Response to Comment 3-1.1

Comment noted.

#### Response to Comment 3-1.2

Comment noted.

### STATEMENT 3-2: VICE CHAIRWOMAN JESSIE LITTLE DOE BAIRD

#### Response to Comment 3-2.1

Comment noted.

### STATEMENT 3-3: STATE REPRESENTATIVE KEIKO ORRALL

#### Response to Comment 3-3.1

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

#### Response to Comment 3-3.2

**Sections 7.7 and 8.7** summarize the water use for this Project along with the historical water withdrawals from the Assawompset Pond Complex by the Cities of Taunton and New Bedford. All potable water needs for the Project will be supplied by the City of Taunton; no on-site wells will be installed. The City of Taunton can supply the Project without an increase in its Water Management Act Permit.

### **Response to Comment 3-3.3**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

### **Response to Comment 3-3.4**

The Route 140/Route 79 interchange is analyzed in both existing and build conditions in the FEIS. As shown in **Section 8.1.3.2**, trips were distributed through this interchange (6 percent of patrons, 12 percent of employees). As shown in the analysis, these trips do not significant impact the operations of this intersection where traffic mitigation is necessary.

### **Response to Comment 3-3.5**

This issue is outside the scope of an Environmental Impact Statement.

### **Response to Comment 3-3.6**

As described in the Tribal-State Compact, the Community Mitigation Fund, established in MGL Chapter 23K, Section 61, and fulfilled by gaming revenues and fees, will be used to assist communities in offsetting costs related to the construction and operation of a gaming facility in Taunton.

## **STATEMENT 3-4: SELECTMAN ALLIN FRAWLEY**

### **Response to Comment 3-4.1**

Comment noted.

### **Response to Comment 3-4.2**

In accordance with 25 CFR 292.6 (d), Tribes must demonstrate significant historic connections to an area in order for the property to qualify as an “initial reservation.” By letter dated February 7, 2013, the Assistant Secretary of Indian Affairs determined that the lands in Taunton and Mashpee meet the requirements of 25 CFR 292.6(d) and will qualify as the Tribe’s initial reservation if they are acquired in trust.

### **Response to Comment 3-4.3**

As described in **Section 6.2**, no new development is being proposed as part of the fee-to-trust process for the Mashpee Parcels. All Mashpee Parcels would remain in their present or previously proposed conditions whether or not they were taken into trust by the United States on behalf of the Tribe.

### **Response to Comment 3-4.4**

This issue is outside the scope of an Environmental Impact Statement.

### **Response to Comment 3-4.5**

MassDOT has recently moved this project forward and it is anticipated for construction in 2018. Refer to Section 8.1.2.2.

### **STATEMENT 3-5: DAVID FENTON**

#### **Response to Comment 3-5.1**

Comment noted.

### **STATEMENT 3-6: DOROTHY LATOUR**

#### **Response to Comment 3-6.1**

Comment noted.

#### **Response to Comment 3-6.2**

As presented in Section 8.11.3, impacts to air quality (VOC and NOx) have been minimized under each Development Alternative by the mitigation measures described.

### **STATEMENT 3-7: SHEILA COOK**

#### **Response to Comment 3-7.1**

Comment noted.

### **STATEMENT 3-8: FRANCIS LAGACE**

#### **Response to Comment 3-8.1**

Mr. Lagace's comments are addressed above as Letter 2-14.

### **STATEMENT 3-9: STEVEN BINGHAM**

#### **Response to Comment 3-9.1**

This issue is outside the scope of an Environmental Impact Statement.

### **STATEMENT 3-10: BRIAN WEEDEN**

#### **Response to Comment 3-10.1**

Comment noted.

**STATEMENT 3-11: PETER FERNANDES****Response to Comment 3-11.1**

Comment noted.

**STATEMENT 3-12: MICHAEL CALLAHAN****Response to Comment 3-12.1**

The BIA is currently considering only those parcels listed in the Tribe's Application for Land Into Trust as described in this FEIS.

**Response to Comment 3-12.2**

The hours of peak casino traffic on nights and weekends are not expected to interfere with student travel before and after school. The Tribe is working with the City to install traffic calming measures in the neighborhood, including the installation of flashing school zone signs and warning beacons. Refer to **Section 8.1.3.4**.

**STATEMENT 3-13: BRIAN KENNEDY****Response to Comment 3-13.1**

These mitigation payments were agreed to by the City of Taunton in the IGA. **Sections 7.16 and 8.16** of the FEIS present a socioeconomic analysis for the project which indicates an expected overall positive impact on the local and regional economy.

**Response to Comment 3-13.2**

Please see the response above.

**STATEMENT 3-14: MICHELLE LITTLEFIELD****Response to Comment 3-14.1**

Mr. LaCourse's comments are addressed above as Letter 2-4.

**Response to Comment 3-14.2**

Ms. Littlefield's comments are addressed above as Letter 2-3.

**Response to Comment 3-14.3**

The Tribe is required by the Tribal-State Compact with the Commonwealth and the Intergovernmental Agreement with the City of Taunton to adopt building, health, fire and safety codes that are consistent

with and no less stringent than the equivalent state and local ordinances. The Tribe will create a building department to issue permits and confirm compliance with these Tribal regulations. In addition, the land will continue to be subject to federal environmental and land use laws and regulations.

### **Response to Comment 3-14.4**

The entrance to East Taunton Elementary School is located approximately 1,100 feet north of the Project Site entrance at O'Connell Way. The Bristol-Plymouth Regional Technical School is located to the northwest of the Project Site, across Route 24. The Joseph H. Martin Middle School is also located in East Taunton.

### **Response to Comment 3-14.5**

Anticipated off-site visitor spending patterns are described in **Section 8.16.3.1**. The Preferred Development is expected to provide area visitors with accommodations that would compete with existing businesses. The potential for negative economic activity resulting from the substitution effect of local spending shifts is expected to be offset by newly generated employee spending, as well as by the adaptation of local businesses to attract and capture the spending potential of casino employees and patrons.

### **STATEMENT 3-15: TERRY QUINN**

#### **Response to Comment 3-15.1**

Comment noted.

### **STATEMENT 3-16: DAVID LITTLEFIELD**

#### **Response to Comment 3-16.1**

Based on previous data and as discussed in **Section 8.1.3.11**, it is not anticipated that there will be any increase in air traffic as a result of the Proposed Action.

#### **Response to Comment 3-16.2**

Based on previous data and as discussed in **Section 8.1.3.11**, it is not anticipated that there will be any increase in air traffic as a result of the Proposed Action.

#### **Response to Comment 3-16.3**

Please see the response above.

#### **Response to Comment 3-16.4**

When site and building designs have progressed sufficiently, applicable notices will be provided. In accordance with Part 77, notification will be submitted at least 45 days prior to construction.

### **Response to Comment 3-16.5**

**Section 8.15.2** includes comparative lighting levels across areas on the Project Site, where building entrances would be lit to the highest levels, access routes would be lit to levels ensuring safety, public gathering areas including roof terraces would be lit to lower levels. Sensitive receptors in the vicinity of the Project Site would be protected from lighting by topography, tree cover and structural screens.

### **STATEMENT 3-17: RICHARD SHAFER**

#### **Response to Comment 3-17.1**

Comment noted.

#### **Response to Comment 3-17.2**

Significant improvements are planned for the Route 24/140 Interchange that will help alleviate existing traffic congestion issues and mitigate the future impacts from the casino. These improvements include the addition of a slip ramp for Route 24 SB onto Route 140, traffic signal improvements and roadway widening on Route 24 SB and Route 140. Refer to the FEIS **Section 8.1.3.4**.

#### **Response to Comment 3-17.3**

Connections of the Project Site to public transit services are described in the FEIS **Section 8.1.3.9**.

### **STATEMENT 3-18: TALL OAK**

#### **Response to Comment 3-18.1**

Comment noted.

### **STATEMENT 3-19: SCOTT RODRIGUES**

#### **Response to Comment 3-19.1**

The NEPA EIS process is described in **Section 2.1.2**.

### **STATEMENT 3-20: MICHAEL ROSSIGNOL**

#### **Response to Comment 3-20.1**

Comment noted.

# ***SECTION 11.0***

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## **CONSULTATION AND COORDINATION**

# SECTION 11.0

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## CONSULTATION AND COORDINATION

### 11.1 LEAD AGENCY

#### **Bureau of Indian Affairs (BIA)**

Franklin Keel, Regional Director, Eastern Regional Office

Chester McGhee, Regional Environmental Protection Specialist, Eastern Regional Office

### 11.2 COOPERATING AGENCIES

#### **Mashpee Wampanoag Tribe**

Cedric Cromwell, Tribe Chairman of and Tribal Gaming Authority President

Louis Catarina, Jr., Program Manager

Robert Hendricks, Tribe Treasurer and Tribal Gaming Authority Treasurer

Yvonne Avant, Tribal Gaming Authority Secretary

Ramona Peters, Tribal Historic Preservation Officer

#### **U.S. Army Corps of Engineer (Corps) New England District**

Alan R. Anacheka-Nasemann, Senior Project Manager/Ecologist, Regulatory Division

Ruth Ladd, Chief, Policy Analysis and Technical Support Branch

### 11.3 FEDERAL AGENCIES

#### **U.S. Environmental Protection Agency (EPA) Region 1**

Ira Leighton, Deputy Regional Administrator

Timothy L. Timmermann, Associate Director Office of Environmental Review

Carl DeLoi, Chief, Wetlands and Information

Carl Dierker, Director, Office of Regional Counsel

William Walsh-Rogalski, Attorney

Doug Gutro, Public Affairs Coordinator

Susan Murphy, Permit Writer

Kwabena Kyei-Aboagye, Environmental Justice Coordinator

Rosemary Monahan, Smart Growth Coordinator

### 11.4 STATE AND LOCAL AGENCIES AND UTILITIES

#### **Brockton Area Transit (BAT)**

Reinald G. LeDoux, Jr., Administrator

**City of Taunton, Massachusetts**

Cathal O'Brien, Water Division Supervisor  
Darlene Domingos, Taunton Wastewater Treatment Plant Project Manager (Veolia Water)

**City of New Bedford, Massachusetts**

Charles Kennedy, Water Division Assistant Superintendent

**Greater Attleboro Taunton Regional Transit Authority (GATRA)**

Francis Gay, Administrator  
Joanne LaFerrara, Customer Relations Director  
John Greene, GATRA General Manager (Veolia Transportation)

**Massachusetts Department of Conservation and Recreation (DCR)**

Sara Cohen, Water Resource Specialist

**Massachusetts Department of Environmental Protection (DEP)**

Leslie O'Shea, Southeast Regional Office

**Massachusetts Department of Transportation (MassDOT)**

David Mohler, Executive Director, Office of Transportation Planning  
Jody Ray, Deputy Rail Administrator

**Old Colony Planning Council (OCPC)**

Pasquale Ciaramella, Executive Director  
Eric M. Arbeene, Community Planner  
Jed Cornock, Transportation Planner  
Charles Kilmer, Transportation Program Manager

**Southeastern Regional Planning and Economic Development District (SRPEDD)**

Louise Hardiman, Director of Transit Planning

**Town of Mashpee, Massachusetts**

Jason Streebel, Director of Assessing

## **11.5 ENVIRONMENTAL CONSULTANTS**

**BETA Group, Inc.**

Joseph Federico, P.E., Vice President  
Steven J. Richtarik, P.E., Senior Project Manager  
Robert M. Baglini, Jr., P.E., Senior Project Engineer

**CDM Smith**

Benjamin Levesque, P.E., Principal

# ***SECTION 12.0***

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## **LIST OF PREPARERS**

# SECTION 12.0

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## LIST OF PREPARERS

This section describes the organizations and their personnel who have contributed technical analyses and findings to this FEIS.

### 12.1 EPSILON ASSOCIATES, INC.

Epsilon Associates coordinated the EIS process on behalf of the Bureau of Indian Affairs. Epsilon Associates documented and analyzed potential impacts of each Alternative related to the environment including wetlands, geology and soils, stormwater, rare species, solid waste, air quality, greenhouse gas emissions, cultural resources, noise, and visual aesthetics.

#### **Margaret B. Briggs**

Managing Principal

Ms. Briggs has played a major role in Massachusetts Environmental Protection Act (MEPA), Boston Redevelopment Authority (BRA), and National Environmental Protection Agency (NEPA) permitting efforts over the past 25 years. Her responsibilities in this project included regular collaboration with lawyers, project proponents, and regulatory agencies in strategic discussions of project planning and permitting. Ms. Briggs holds a Bachelor's Degree in Biology and Environmental Science from Middlebury College.

#### **Michael D. Howard, PWS, CWS**

Principal and Manager of Ecological Sciences

Mr. Howard is certified as a Professional Wetland Scientist by the Society of Wetland Scientists and as a Certified Wetland Scientist by the State of New Hampshire. He has nearly 19 years experience in wetland ecology, wetland replication and restoration, wildlife biology, vernal pool assessments, natural resource inventories, impact statement preparation, environmental regulatory analysis, and environmental permitting. He has extensive experience in wetland delineation and functional assessments utilizing federal and state methodologies. Mr. Howard oversaw the analysis involved in the Wetlands, Geology and Soils, and Rare Species sections of this FEIS. He holds a Bachelor's Degree in Forestry and Wildlife Management from the University of Massachusetts, Amherst and has completed graduate coursework in Environmental Studies at the University of Massachusetts, Lowell.

#### **AJ Jablonowski, PE**

Principal

Mr. Jablonowski has experience with a variety of industries including power production, surface coating, chemical production, waste treatment, metalworking, electronics, food processing, and groundwater treatment. His duties include overall environmental licensing, compliance and due diligence audits, air

permit applications, pollution control studies, accidental release prevention, and regulatory applicability studies. He has served as a technical resource for greenhouse gas emissions analysis in this FEIS process. Mr. Jablonowski holds a Bachelor's Degree in Chemical Engineering from Johns Hopkins University.

**Robert O'Neal, CCM**

Principal

Mr. O'Neal is a Certified Consulting Meteorologist with 25 years experience in the areas of community noise impact assessments, meteorological data collection and analyses, and air quality modeling. His noise impact evaluation experience includes design and implementation of sound level measurement programs, modeling of future impacts, conceptual mitigation analyses, and compliance testing. Mr. O'Neal was responsible for the Noise Impacts sections of this FEIS. He holds a Master of Science Degree in Atmospheric Science from Colorado State University and a Bachelor's Degree in Engineering Science from Dartmouth College.

**David Hewett, LEED AP**

Associate

Mr. Hewett has over 25 years of professional experience in the field of environmental impact analysis and permitting. He has focused on the preparation of environmental documentation pursuant to the National Environmental Policy Act (NEPA), Massachusetts Environmental Policy Act (MEPA) and the City of Boston's Article 80. Mr. Hewett managed the documentation and analysis of the natural environment aspects of this FEIS. He is a Leadership in Energy and Environmental Design Accredited Professional. Mr. Hewett holds a Bachelor's Degree in Biology from Middlebury College.

**Vincent R. Tino, CCM**

Senior Consultant

Mr. Tino is an American Meteorological Society Certified Consulting Meteorologist with over eighteen years of experience in air quality modeling and permitting, meteorological modeling, model development, and data analysis. He is knowledgeable of air quality dispersion models, which are both approved, and under review by the United States Environmental Protection Agency. Mr. Tino performed the air quality analyses for this FEIS. He holds a Master of Science Degree in Meteorology from Florida State University and a Bachelor of Science Degree in Meteorology from the University of Lowell (UMass Lowell).

**Taya Dixon**

Senior Consultant

Ms. Dixon has 14 years of professional experience in cultural resource management, historic preservation planning, architectural design review, Municipal, State and Federal environmental regulation and compliance, Federal Rehabilitation Investment Tax Credits, State Historic Rehabilitation Tax Credits, roadway and bridge design review, and project management. She has assisted consultation with State and

Federal Agencies for the preparation of this FEIS. She holds a Master of Science Degree in Historic Preservation from the University of Pennsylvania and a Bachelor's Degree in Architectural History from Wellesley College.

**Brian Graves**

Manager, GIS and Graphics

Mr. Graves is a graphics and GIS Information Systems specialist with experience in graphic design, mapping, project permitting and photography. He is skilled in a range of Adobe, GIS, AutoCAD and environmental modeling software tools for modeling 2-D and 3-D environments, and uses this technology to analyze geographic data for environmental impact assessments, project alternatives analyses, and routing studies for a variety of development projects. For this FEIS, Mr. Graves conducted analyses in on the visual impacts of proposed buildings. He holds a Bachelor's Degree in Wildlife and Fisheries Conservation from the University of Massachusetts, Amherst.

**Robert Weiner**

GIS Specialist

Mr. Weiner is a geographer with experience in Geographic Information Systems, spatial data analysis, and quality assurance and quality control. He employs GIS and related technologies to collect, manipulate, and analyze various forms of data. Mr. Weiner used modeling software such as ArcGIS and AutoCAD, supplemented by graphical software such as Adobe Illustrator, to implement environmental constraints mapping and produce graphics for this GIS. He has a Master's Degree in Geography from Hunter College at the City University of New York and a Bachelor's Degree in Geography from Rutgers University.

**Amanda Atwell**

Project Scientist

Ms. Atwell is a Project Scientist with nine years of experience in wetland ecology, habitat assessments, wildlife biology, natural resource inventories, impact statement preparation, environmental regulatory analysis, and environmental permitting. She has extensive experience in wetland delineation and functional assessments utilizing federal and state methodologies. Ms. Atwell was responsible for the Geology and Soils sections of this FEIS. She holds a Master of Science Degree in Crop, Soil, and Environmental Science from Virginia Polytechnic Institute and State University and a Bachelor's Degree in Environmental Science from the University of Florida.

**Catherine Ferrara**

Staff Scientist

Ms. Ferrara is a Staff Scientist at Epsilon Associates with experience in project coordination, writing, editing, and data collection to meet the requirements of the NEPA, MEPA, and Boston Article 80 processes. For this project, Ms. Ferrara coordinated environmental analyses and assisted in the production of a complete FEIS. She has a Bachelor's Degree in Environmental Studies from Hamilton College.

**12.2 JCJ ARCHITECTURE**

JCJ Architecture (JCJ) developed architectural plans for all Development Alternatives of the proposed destination resort casino and ancillary facilities in Taunton.

**William M. Dow, Jr., RA, PP**

Principal-in-Charge

Bill Dow is a registered architect and professional planner with more than 28 years of experience in the development of gaming, hospitality and entertainment projects. As Principal-in-Charge on this project, Mr. Dow was responsible for monitoring overall project performance and for the overall quality of performance and communication between client and project team. Mr. Dow is a graduate of Trinity College and has his Master of Architecture Degree from the University of Pennsylvania. He is a member of the American Planning Association, the US Green Building Council, the International Code Council, Building Safety Professionals, and a Patron of the Native American Rights Fund and an Associate member of the National Congress of American Indians.

**Alexandra Lopatynsky, AIA**

Project Manager

Ms. Lobatynsky is a registered architect who has a diverse portfolio of experience that includes gaming, hospitality, retail, corporate/tenant fit-out, education, civic and not-for-profit. As project manager, Ms. Lobatynsky was responsible for compliance with the project's scope, schedule and budget, and she was the primary, day-to-day point of communication between the client and project team. Ms. Lobatynsky is a graduate of Pratt Institute and a member of the Association of Real Estate Women and a former board member of the Darien Revitalization Initiative.

**Lalaine Tanaka, AIA, LEED AP**

Design Principal

Ms. Tanaka is a registered architect and LEED accredited professional with over 25 years experience in the planning and design of large scale resort developments. Ms. Tanaka has worked on planning and architectural projects throughout the U.S., ranging from hospitality to large scale mixed-use developments

to community master plans to retail commercial developments. A graduate of California Polytechnic San Luis Obispo, Ms. Tanaka was on the advisory board of AIA Orange County and ARDA and actively involved in organizations such as ALIS, Lodging Conference, and G2E.

### **12.3 HOWARD/STEIN-HUDSON ASSOCIATES, INC.**

Howard/Stein-Hudson Associates (HSH) was responsible for preparing the transportation sections of the EIS, including coordination with reviewing transportation agencies, transportation analyses, and development of off-site mitigation measures.

#### **Jane Howard**

Principal-in-Charge

Ms. Howard is a Founding Principal of HSH. She supervised all transportation planning aspects of the FEIS and overall preparation of the transportation sections. She has over 35 years of experience in transportation planning and impact analysis in eastern Massachusetts. She has a Bachelor of Arts degree from Cornell University and a Master's in Community Planning from the University of Rhode Island.

#### **David Matton**

Director of Transportation Engineering

David Matton oversaw traffic analyses and development of mitigation. A Principal of HSH, Mr. Matton has over 24 years of experience in transportation engineering, including 21 with HSH. Mr. Matton has a Bachelor's Degree in Civil Engineering from the University of Massachusetts Dartmouth.

#### **Alexandra Siu, P.E.**

Senior Transportation Engineer and Associate

Ms. Siu supervised traffic analysis, including use of the Synchro and VISSIM traffic operations software. She has five years of experience and has been with HSH for four years since graduating with a Bachelor of Science Degree in Civil and Environmental Engineering. She received her Master's Degree from Northeastern University in Civil Engineering in 2011.

#### **Jared Hite**

Senior Transportation Engineer

Mr. Hite supervised trip distribution estimation and accident analysis and participated in traffic data collection and operations analysis. He joined HSH in 2011 with six previous years of experience. He received his Bachelor of Science Degree in Civil Engineering from Rensselaer Polytechnic Institute in 2004.

**Hannah Giovanucci and Kelly Chronley**

Junior Transportation Engineers

Ms. Giovanucci and Ms. Chronley worked under supervision of Alexandra Siu on traffic data collection and operations analysis. Ms. Giovanucci joined HSH in 2012 after receiving her Bachelor of Science Degree in Civil Engineering from the University of Massachusetts, Boston. Ms. Chronley joined HSH as a full time employee in 2009 after a year as a Co-Op for the company with her Bachelor of Science Degree in Engineering from Northeastern University.

**Ray Hebert**

Senior Graphic Designer and Production Manager

Mr. Hebert supervised transportation-related graphics, including template design, illustration, web-site design, presentation materials, and logo creation. Mr. Hebert joined HSH in 2001; he has 21 total years of experience.

**Galen Allis**

Office Coordinator

Ms. Allis assisted in the production of the FEIS. She has seven years' experience in office management and assistance with a background in Business Marketing & Management, and a specialty in Customer Service.

**12.4 FIELD ENGINEERING COMPANY, INC.**

Field Engineering Company, Inc. was responsible for site civil engineering, utility coordination, and stormwater design.

**Robert M. Field, P.E.**

Principal

Mr. Field has over 25 years experience in the design, permitting and project management of a broad range of civil engineering projects, including roadway, sewage collection, water distribution and drainage control projects for private and municipal clients. He holds a Bachelor of Science Degree from the University of Maine and is a Registered Professional Civil Engineer.

**Kenneth J. Motta**

Senior Project Manager

Mr. Motta has over 25 years of professional engineering practice in land use development, regulatory permitting, and wastewater facilities planning and design. He holds a Bachelor of Science Degree in Civil Engineering Technology from Wentworth Institute of Technology, and is a member of the Massachusetts Association of Conservation Commissioners, New England Water Works Association, American Society of Civil Engineers, and American Water Works Association.

**Richard R. Riccio III, P.E.**

Project Manager

Mr. Riccio has over 14 years experience in many aspects of civil engineering including planning, design and costing of wastewater facilities including sequencing batch reactor and rotating biological contractor technologies, report preparation for MEPA as well as preparing Project Evaluation Forms and applications for Municipal Funding through Massachusetts State Revolving Fund.

**Jon C. Connell**

Project Engineer

Mr. Connell has over 16 years experience in the planning, design and preparation of bid documents and construction specifications, bidding, construction contract administration and construction oversight of public and private infrastructure projects.

**Regina M. Simas**

CAD Operator

Ms. Simas has over 30 years of experience in graphic design, drafting and CAD operation.

**Rebecca M Babineau**

Permitting Coordinator

Ms. Babineau has over 11 years of professional office support experience including contract administration and regulatory site development permitting.

**12.5 FAY, SPOFFORD & THORNDIKE, INC.**

Fay, Spofford & Thorndike, Inc. (FST) was responsible for the Water Supply and Wastewater sections of the EIS. FST also conducted design and operations analyses for the proposed improvements at the Route 24/Route 140 Interchange.

**Erica M. Lotz, P.E.**

Senior Principal Engineer

Ms. Lotz evaluated the City of Taunton's water supply infrastructure and how it would be impacted by the development of the proposed casino. She has a strong background in water system hydraulics and has completed water system evaluations for many agencies and municipalities throughout New England. Ms. Lotz holds a Bachelor of Science Degree in Civil Engineering from Worcester Polytechnic Institute and an M.B.A. in Strategy and Business Analysis from Boston University.

**Justin D. Gould, P.E.**

Associate

Mr. Gould regularly performs wastewater planning, design and construction services for public and private clients. He was responsible for the evaluation of wastewater impacts on the City of Taunton's sewer collection system and wastewater treatment facility. Mr. Gould has a Bachelor of Science Degree in Civil Engineering from the University of Massachusetts and an Master of Science Degree in Environmental Engineering from Tufts University.

**Elise DuBois**

Engineer

Ms. DuBois assisted with the writing and research for the water sections of the report, and provided support to the wastewater sections. She has worked in the water industry specializing in distribution for the last 12 years. Ms. DuBois has a Bachelor of Science Degree in Architectural Engineering from Drexel University and is a Certified Water Operator.

**David P. Glenn, P.E.**

Senior Principal Engineer

Mr. Glenn supported the Stormwater/Drainage analysis of the Route 24/140 Interchange for this FEIS. He is one an experienced stormwater engineer and routinely performs these services on roadway design projects. He has a Bachelor of Science Degree in Civil Engineering from Wentworth Institute of Technology.

**Frederick A. Moseley, P.E.**

Vice President &amp; Associate

Serving as Roadway Design Manager, Mr. Moseley was responsible the evaluation of the design of the Route 24/140 Interchange. He has experience as a project manager on roadway design projects in southeastern Massachusetts. Mr. Moseley has a B.S. in Civil Engineering from Worcester Polytechnic Institute and an M.S. in Transportation from the University of Pennsylvania.

**Jill C. McLaughlin, P.E.**

Senior Principal Engineer

Ms. McLaughlin served as Roadway Design Lead supporting Mr. Moseley in analyzing design alternatives for the Route 24/140 Interchange. Her background has focused on civil engineering and roadway design for a broad range of highway, roadway, bridge, and site development projects. She holds a Bachelor of Science Degree in Civil Engineering from the University of Massachusetts, Lowell.

**12.6 AKRF**

AKRF, Inc. authored the Socioeconomic sections of the EIS.

**John E. Feingold**

Senior Vice President

Mr. Feingold directed the analysis of socioeconomic conditions for the FEIS. He has over 35 years of planning and project management experience at AKRF as well as at New York's Regional Plan Association, the Trust for Public Land, The Nature Conservancy, and the (former) Massachusetts Department of Environmental Management. Mr. Feingold specializes in directing planning, socioeconomic, fiscal, and environmental impact assessments. He holds a Bachelor's Degree in Environmental Planning from Colorado State University and has completed coursework towards a Master's Degree in Public Administration from Suffolk University.

**Britt Page, AICP**

Technical Director

Ms. Page conducted the Economic Benefits Analysis and authored portions of the Socioeconomic sections of this FEIS. She has over 15 years of experience in economic, land use, and public policy analysis. Ms. Page is experienced in a wide range of tools for economic analysis, including IMPLAN and RIMS-II input-output modeling systems and municipal fiscal impact studies. Ms. Page is a certified member of the American Planning Association. She holds a Master's Degree from Carnegie Mellon University's H. John Heinz III School of Public Policy and Management and a Bachelor's Degree in Urban Studies from Brown University.

**Rebecca Gafvert**

Planner/Economist

Ms. Gafvert contributed research and analysis for the Socioeconomic sections of the document and conducted the Environmental Justice analysis. She has worked on market feasibility studies and land use and socioeconomic analyses for Environmental Impact Statements and Environmental Assessment Statements. Ms. Gafvert has a Bachelor's Degree in Political Science and International Relations from The Ohio State University and a Master of Community Planning degree from the University of Cincinnati.

## **12.7 GEI CONSULTANTS, INC.**

GEI Consultants, Inc. (GEI) conducted an ASTM International (ASTM) Phase I Environmental Site Assessment for the parcels of the Liberty & Union Industrial Park (LUIP) comprising the Project Site for the proposed destination resort casino. GEI was responsible for the Hazardous Materials sections of the EIS.

### **Joseph G. Engels, P.E., LSP**

Vice President and Senior Practice Leader

Mr. Engels has 35 years of consulting engineering experience focused on the investigation, design and construction of surface and subsurface projects. His environmental site investigation and remediation experience includes extensive work under various state and federal regulatory requirements, including CERCLA, RCRA and the Massachusetts Contingency Plan (MCP). Mr. Engels holds a Bachelor of Engineering Degree in Civil Engineering and a Master of Engineering Degree in Civil Engineering with a concentration in Geotechnical Engineering. He is a registered Professional Engineer in the states of Massachusetts, New Hampshire, Connecticut, Maine, Vermont, New York, New Jersey, Pennsylvania, and North Carolina, and a Licensed Site Professional in the state of Massachusetts.

### **Catherine Gabis Johnson, P.G.**

Project Manager

Ms. Johnson is a Project Manager and geologist with more than 15 years of experience. She has worked with municipal and state agencies to bring their disposal sites into compliance with the Massachusetts Contingency Plan (MCP) and managed all manners of MCP response for a variety of private and government clients. Ms. Johnson is an experienced geologist, with extensive experience in site assessments, facility compliance audits, subsurface field investigations and geologic mapping. She holds a Bachelor of Science Degree and a Master of Science Degree in Geology and is a registered Professional Geologist in the state of New Hampshire.

## **12.8 THE PUBLIC ARCHAEOLOGY LABORATORY, INC.**

The Public Archaeology Laboratory (PAL) was responsible for the archaeological investigation of property involved in the EIS.

### **A. Peter Mair, II, R.P.A.**

Senior Archaeologist

Mr. Mair was the Principal Investigator responsible for archaeological investigations in this project. Mr. Mair has been in the field of cultural resource management since 1978. His extensive experience includes the preparation of cultural resource documents in support of Environmental Assessments, Environmental Impact Statements, including Section 106 Documentation Reports, Memoranda of Agreement, and

Section 4(f) Statements. Mr. Mair received his Bachelor's Degree in Anthropology from the State University College at Oswego, New York, and his Master's Degree in Anthropology from the State University of New York at Binghamton. Mr. Mair is a Registered Professional Archaeologist.

## **12.9 EXP INTERNATIONAL SERVICES, INC.**

exp International Services, Inc. (exp) conducted greenhouse gas emissions analyses for the proposed destination resort casino facilities.

### **William C. Beckman, PE**

Executive Vice President

As General Manager of exp, Mr. Beckman has been conducting business with clients, partners and projects throughout the world. He received a Bachelor of Science in Civil and Environmental Engineering from the University of Wisconsin's School of Engineering. He is a Professional Engineer in Arizona, California, Florida, Georgia, Massachusetts, Michigan, New Hampshire, New Jersey, Nevada, Pennsylvania, South Carolina, Texas, Virginia, and Wisconsin.

### **Paul Van Kauwenberg, PE, LEED® AP**

Principal, Mechanical Engineer

Mr Van Kauwenberg is a Principal and Mechanical Engineer at exp and is responsible for the overall project management on exp gaming and hospitality projects. His efforts include basis of design development, system selections and space planning, project accounting, scope management, in-house project financial and manpower management, and overseeing exp's construction administration services on his projects. Paul is a graduate of the Milwaukee School of Engineering with a Bachelor of Science Degree in Mechanical Engineering. He is a Professional Engineer in Florida, Iowa, Minnesota, North Carolina, and Nevada, and a Leadership in Energy and Environmental Design Accredited Professional.

### **Alexander Ryazanov, PE**

Electrical Engineer

Mr. Ryazanov has over 25 years of experience in design and consulting in a wide range of new construction and renovation projects. He has extensive experience in power distribution, lighting, fire alarm, and communications systems for commercial, educational, hospitality, institutional, health care, industrial, correctional, and broadcast facilities. He holds a Master's Degree and a Bachelor's Degree of Science in Electrical Engineering from the Institute of Petroleum Technology and is a licensed Professional Engineer in Oklahoma, Massachusetts, Ohio, Rhode Island, Georgia, Minnesota, Iowa, and Connecticut.

# ***SECTION 13.0***

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## **ACRONYMS AND ABBREVIATIONS**

# SECTION 13.0

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## ACRONYMS AND ABBREVIATIONS

### A

ACEC	Area of Critical Environmental Concern
ACS	American Community Survey
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AGL	Above Ground Level
ANSI	American National Standards Institute
AP	Accredited Professional (LEED)
APC	Assawompset Pond Complex
AST	Aboveground Storage Tank
ATR	Automatic Traffic Recorder

### B

BAT	Brockton Area Transit Authority
BCI	Bureau of Crime Investigation
BCSO	Barnstable County Sherriff's Office
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
BOD	Basis of Design
BVW	Bordering Vegetated Wetlands

### C

CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFC	Chlorofluorocarbon
CFR	Code of Federal Regulations
CFS	Cubic Feet per Second
CGP	Construction General Permit
CH <sub>4</sub>	Methane
CHP	Combined Heat and Power
CIAQMP	Construction Indoor Air Quality Management Plan
City	City of Taunton
CM	Construction Manager
CMR	Code of Massachusetts Regulations
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
Compact	Tribal-State Compact
Corps	U.S. Army Corps of Engineers
CSOs	Combined Sewer Overflows
CWA	Clean Water Act
CWMP	Comprehensive Wastewater Management Plan

**D**

dB	Decibel
dba	A-weighted Decibel
DCR	Massachusetts Department of Conservation and Recreation
DEIS	Draft Environmental Impact Statement
DEM	Digital Elevation Model
DER	Massachusetts Division of Ecological Restoration
DOI	U.S. Department of the Interior

**E**

EEA	Massachusetts Executive Office of Energy & Environmental Affairs
EIA	U.S. Energy Information Administration
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
ENF	Environmental Notification Form
EO	Executive Order
EOLWD	Massachusetts Executive Office of Labor and Workforce Development
EPA	U.S. Environmental Protection Agency
EPH	Extractable Petroleum Hydrocarbons
Epsilon	Epsilon Associates, Inc.
ERP	Massachusetts Environmental Results Program
ESA	Environmental Site Assessment
exp	exp International Services, Inc.

**F**

FAA	Federal Aviation Administration
FEIR	Final Environmental Impact Report
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FFE	Fixtures, Furniture, and Equipment
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
FREP	Fall River Executive Park
FST	Fay, Spofford & Thorndike, Inc.

**G**

GATRA	Greater Attleboro-Taunton Regional Transportation Authority
GEI	GEI Consultants, Inc.
GHG	Greenhouse Gas
GIS	Geographic Information System
GPD	Gallons per Day
GPM	Gallons per Minute
GSF	Gross Square Footage
GWP	Global Warming Potential

**H**

HACCP	Hazard Analysis and Critical Control Points
HCM	<i>Highway Capacity Manual</i>
HCS	Highway Capacity Software
HFCs	Hydrofluorocarbons
HMR	Hazardous Materials Review
HSH	Howard/Stein-Hudson Associates
HVAC	Heating, Ventilation, and Air Conditioning

**I**

I/I	Infiltration and Inflow
ICC	International Code Council
IGA	Intergovernmental Agreement
IGRA	Indian Gaming Regulatory Act
IHP	Indian Housing Plan
IMPLAN	Impact Analysis for PLANning
IRA	Indian Reorganization Act
IVW	Isolated Vegetated Wetland

**J**

JCJ	JCJ Architecture
JEM	JEM Associates, Inc.

**K**

KSF	Thousand Square Feet
kW	Kilowatt
kWh	Kilowatt-Hours

**L**

L <sub>90</sub>	Sound Level Exceeded 90 Percent of the Time
LBS	Pounds
LED	Light Emitting Diode
LEDPA	Least Environmentally Damaging Practicable Alternative
LEED	Leadership in Energy and Environmental Design
L <sub>eq</sub>	Average Sound Level
LID	Low Impact Development
LiDAR	Light Detection And Ranging
LIHEAP	Low Income Home Energy Assistance Program
LIT	Land Into Trust
LOS	Level of Service
LPG	Liquefied Petroleum Gases
LUHPPL	Land Use with a Higher Potential Pollutant Load
LUIP	Liberty & Union Industrial Park

**M**

MAAQS	Massachusetts Ambient Air Quality Standards
Mass Audubon	Massachusetts Audubon Society
MassDEP	Massachusetts Department of Environmental Protection
MassDOT	Massachusetts Department of Transportation
MassGIS	Massachusetts Office of Geographic Information
MBTA	Massachusetts Bay Transportation Authority

**M**

MCP	Massachusetts Contingency Plan
MEPA	Massachusetts Environmental Policy Act
MFD	Mashpee Fire Department
MGD	Million Gallons per Day
MGL	Massachusetts General Law
MHC	Massachusetts Historical Commission
MIG	Minnesota IMPLAN Group
MMBtu	1,000,000 British Thermal Units
MMR	Massachusetts Military Reservation
MMEP	Mitigation Monitoring and Enforcement Plan
MOA	Memorandum of Agreement
MOVES	MOtor Vehicle Emission Simulator
MPD	Mashpee Police Department
MPH	Miles per Hour
MS4	Municipal Separate Storm Sewer System
MSIP	Myles Standish Industrial Park
MSL	Mean Sea Level
MSW	Municipal Solid Waste
MUTCD	Manual on Uniform Traffic Control Devices
MW	Megawatt
MWh	Megawatt-Hours
MWT	Mashpee Wampanoag Tribe
$\mu\text{g}/\text{m}^3$	Micrograms per Cubic Meter

**N**

N <sub>2</sub> O	Nitrous Oxide
NAAQS	National Ambient Air Quality Standards
NAC	Noise Abatement Criteria
NAHASDA	Native American Housing Assistance and Self Determination Act
NB	Northbound
NECTA	New England City and Town Area
NEPA	National Environmental Policy Act
NHESP	Massachusetts Natural Heritage and Endangered Species Program
NO <sub>2</sub>	Nitrogen Dioxide
NOA	Notice of Availability
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NOx	Oxides of Nitrogen
NPC	Notice of Project Change
NPDES	National Pollution Discharge Elimination System
NPS	National Park Service
NRIND	National Register Individual Property
NSR	New Source Review
NWPL	National Wetland Plant List

**O**

O <sub>3</sub>	Ozone
OCPC	Old Colony Planning Council
OHM	Oil and/or Hazardous Materials
OHWM	Ordinary High Water Mark
OPR	Owner's Project Requirements

**P**

PAL	Public Archaeology Laboratory
Pb	Lead
PC/Ln/H	Passenger Cars per Lane per Hour
PC/Mi/Ln	Passenger Cars per Mile per Lane
PEM	Palustrine Emergent Wetlands
PFCs	Perfluorocarbons
PFO	Palustrine Forested Wetlands
PILOT	Payments in Lieu of Taxes
PM	Particulate Matter
PPM	Parts per Million
PS	Pumping Station
PSD	Prevention of Significant Deterioration
PSS	Palustrine Scrub-Shrub Wetlands
PV	Photovoltaic

**R**

RAO	Response Action Outcome
REC	Recognized Environmental Conditions
RGPCD	Residential Gallons Per Capita per Day
ROD	Record of Decision
RTN	Release Tracking Number

**S**

SB	Southbound
SCAQMD	South Coast Air Quality Management District
SF	Square Feet
SF <sub>6</sub>	Sulfur Hexafluoride
SFEIR	Supplemental Final Environmental Impact Report
SHW	Solar Hot Water
SIP	Massachusetts State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
SOP	Standard Operating Procedures
SPCC	Spill Prevention Control and Countermeasure
SRI	Solar Reflectance Index
SRPEDD	Southeastern Regional Planning & Economic Development District
SRTA	Southeastern Regional Transit Authority
SWPPP	Stormwater Pollution Prevention Plan

**T**

TCP	Traditional Cultural Property
TDC	Taunton Development Corporation
TFD	Taunton Fire Department
THPO	Tribal Historic Preservation Officer
TMC	Turning Movement Counts
TMDL	Total Maximum Daily Load
TMLP	Taunton Municipal Lighting Plant
TMP	Traffic Management Plan
TPY	Tons per Year
Tribe	Mashpee Wampanoag Tribe
TRWA	Taunton River Watershed Alliance
TSP	Total Suspended Particulate
TSS	Total Suspended Solids

**U**

UAW	Unaccounted-for Water
UB	Unconsolidated Bottom
USDA	U.S. Department of Agriculture
USDA-NCRS	U.S. Department of Agriculture, Natural Resources Conservation Service
USFWS	U.S. Fish and Wildlife Service
USGBC	U.S. Green Building Council
USGS	U.S. Geological Survey

**V**

VFD	Variable Frequency Drive
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Compounds
VPH	Volatile Petroleum Hydrocarbons

**W**

WMA	Water Management Act
WQC	Water Quality Certification
WTP	Water Treatment Plant
WWTF	Wastewater Treatment Facility

# ***SECTION 14.0***

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## **REFERENCES**

# SECTION 14.0

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# ***SECTION 15.0***

---

**INDEX**

# INDEX

---

---

## A

Air Quality	1-6, 1-29, 1-30, 1-31, 1-32, 4-23, 5-17, 7.11-1, 7.11-3, 7.11-5, 7.11-6, 7.12-2, 8.1-106, 8.12-17, 8.18-4, 8.18-5, 8.19-10, 8.19-15, 8.19-16, 8.19-18, 8.20-7, 8.20-10, 8.20-12, 8.20-2, 8.21-9, 8.21-19, 8.21-20, 8.21-28, 8.21-31, 8.21-33, 8.21-36, 8.21-38, 8.21-41, 8.24-1, 8.24-3, 9-10, 9-11, 11-1, 11-2
Archaeology	2-15, 7.13-1
Architecture	7.13-1, 8.15-1, 8.15-14, 8.15-16, 8.15-17, 8.16-15, 8.21-22, 8.21-32, 8.21-37, 8.21-41, 11-4, 11-12
Assawompset Pond Complex	7.7-1, 7.7-2, 7.13-5, 8.7-1, 8.7-3, 2, 3, 8.21-17

## B

Barstows Pond	7.2-7, 7.2-10, 7.2-14, 7.4-1, 7.5-1, 5-5, 8.21-14, 8.21-15
BIA	1-1, 1-2, 1-3, 1-5, 1-36, 1-37, 2-1, 2-2, 2-3, 2-8, 2-11, 3-1, 4-1, 4-4, 4-8, 4-12, 5-7, 5-11, 5-14, 5-17, 6-1, 6-2, 6-4, 6-5, 7.13-1, 7.16-1, 7.17-2, 8-1, 8.2-29, 8.3-14, 8.4-1, 8.12-8, 8.13-2, 8.13-3, 8.13-4, 8.13-5, 8.13-6, 8.13-7, 8.21-13, 8.23-1, 8.24-1, 8.24-3, 9-13, 10-1
BMPs	1-11, 1-16, 1-19, 8.2-17, 8.3-1, 8.3-2, 8.3-3, 8.3-6, 8.3-7, 8.3-8, 8.3-9, 8.3-15, 8.19-11, 8.20-10, 8.20-12, 8.21-14, 8.24-1, 8.24-2, 9-4, 9-6, 9-7

## C

City of Taunton	1-1, 1-3, 1-7, 1-25, 1-27, 1-28, 1-29, 1-40, 1-42, 1-44, 1-45, 2-3, 2-8, 2-9, 2-15, 3-1, 4-2, 4-12, 7.1-1, 7.1-3, 7.1-6, 7.1-7, 7.1-26, 7.1-47, 7.1-52, 7.2-1, 7.7-1, 7.7-3, 7.7-4, 7.7-5, 7.8-1, 7.10-1, 7.10-2, 7.13-3, 7.16-1, 7.16-3, 7.16-4, 7.16-5, 7.16-6, 7.16-7, 7.16-8, 7.16-9, 7.16-10, 7.16-11, 7.16-12, 7.17-2, 8.1-1, 8.1-2, 8.1-3, 8.1-6, 8.1-9, 8.1-101, 8.1-108, 8.1-121, 8.1-147, 8.1-148, 8.4-1, 8.7-1, 8.7-3, 8.7-4, 8.7-6, 8.8-1, 8.8-3, 8.8-5, 8.8-6, 8.8-7, 8.10-1, 8.10-3, 8.10-4, 8.10-5, 8.16-1, 8.16-2, 8.16-3, 8.16-4, 8.16-5, 8.16-6, 8.16-7, 8.16-8, 8.16-13, 8.16-21, 8.19-6, 8.19-9, 8.19-12, 8.19-13, 8.19-14, 8.19-15, 8.19-17, 8.20-1, 8.20-10, 8.20-11, 8.20-12, 8.20-13, 8.20-14, 8.21-9, 8.21-15, 8.21-17, 8.21-18, 8.21-26, 8.21-27, 8.21-30, 8.21-32, 8.21-35, 8.21-37, 8.21-40, 8.24-2, 8.24-4, 9-1, 9-9, 9-10, 9-15, 10-2, 11-8
Clean Water Act	2-13, 2-14, 2-15, 7.2-1, 7.2-6, 7.2-8, 8.2-1, 8.21-14
Climate Change	7.12-3, 8.12-1, 8.12-7, 8.12-19, 8.12-20, 8.18-4
CO2	1-31, 1-35, 7.12-1, 7.12-2, 7.12-3, 8.12-1, 8.12-2, 8.12-3, 8.12-4, 8.12-5, 8.12-6, 8.12-7, 8.12-9, 8.12-14, 8.12-15, 8.12-19, 8.12-20, 8.21-21
Community Infrastructure	1-40, 5-18, 7.16-1, 8.16-1, 8.16-2, 8.24-4
Community Services	1-53, 6-3, 8.16-6, 8.16-21, 8.21-32, 8.21-37, 8.21-42
Compensatory Mitigation	1-13, 8.2-12, 8.2-29, 8.21-13, 8.21-28, 8.21-33, 9-1
Community Services	8.20-14, 8.20-15
Construction Impacts	1-7, 1-10, 1-29, 1-37, 8-1, 8.13-3, 8.13-4, 8.13-5, 8.19-5, 8.19-13, 8.20-10, 8.20-12, 9-1, 9-4, 9-10, 9-14

## INDEX (CONTINUED)

---

Construction Traffic	1-7, 9-1
Cultural Resources	1-35, 1-36, 1-37, 7.13-1, 7.13-2, 7.13-4, 7.13-5, 8.13-1, 8.13-3, 8.13-5, 8.20-8, 6, 8.21-21, 8.21-22, 8.21-31, 8.21-36, 8.21-41, 8.22-1, 8.23-1, 8.24-3, 11-1

---

### E

Economic Development	1-1, 1-2, 1-3, 4-1, 4-2, 4-8, 4-11, 7.1-68, 7.1-71, 8.1-4, 8.1-6, 8.1-114, 8.16-8, 8.20-14, 8.20-16, 10-2
Economic Impacts	8.16-14
Emissions	1-29, 1-30, 1-31, 7.11-1, 7.11-4, 7.11-5, 7.12-1, 7.12-2, 8.1-144, 8.1-145, 8.1-146, 8.2-6, 8.12-1, 8.12-2, 8.12-3, 8.12-4, 8.12-5, 8.12-6, 8.12-7, 8.12-8, 8.12-9, 8.12-10, 8.12-16, 8.12-19, 8.12-20, 8.19-9, 8.19-10, 8.19-11, 8.19-15, 8.19-16, 8.19-18, 8.20-7, 8.20-10, 8.20-12, 8.21-9, 8.21-20, 8.21-21, 8.21-31, 8.21-36, 8.21-40, 8.21-41, 8.22-1, 8.24-3, 9-10, 9-11, 9-12, 11-1, 11-2, 11-11
Employment	1-1, 1-2, 1-44, 1-46, 1-48, 1-49, 1-51, 1-52, 1-53, 3-2, 3-3, 4-2, 5-18, 5-21, 7.16-1, 7.16-5, 7.16-6, 8.1-145, 8.16-2, 8.16-4, 8.16-6, 8.16-7, 8.16-8, 8.16-13, 8.16-14, 8.16-15, 8.16-17, 8.16-18, 8.16-20, 8.16-21, 8.17-2, 8.20-12, 8.20-14, 8.21-23, 8.21-24, 8.21-25, 8.21-26, 8.21-27, 8.21-32, 8.21-37, 8.21-42, 8.22-1
Environmental Justice	1-6, 1-50, 1-51, 2-13, 5-17, 5-28, 5-29, 5-30, 6-1, 6-3, 7.17-1, 7.17-2, 7.17-3, 7.17-4, 8.17-1, 8.20-9, 8.20-10, 8.20-12, 8.21-27, 8.21-28, 8.21-33, 8.21-38, 8.21-42, 8.24-4, 9-15, 10-1, 11-9
Erosion	1-10, 1-20, 1-21, 1-22, 7.13-5, 8.2-17, 8.3-1, 8.3-2, 8.3-7, 8.3-15, 8.4-1, 8.4-2, 8.4-3, 8.4-4, 8.4-6, 8.4-7, 8.18-2, 8.19-3, 8.19-4, 8.19-8, 8.19-11, 8.19-12, 8.19-15, 8.19-17, 8.19-18, 8.20-6, 8.20-10, 8.21-15, 8.21-39, 8.24-2

---

### F

FAA	7.1-73, 8.12-11, 8.12-12, 8.12-13
Fall River Executive Park	4-8, 4-9, 4-10, 4-11
Floodplain	1-10, 1-11, 1-12, 1-13, 1-14, 2-13, 4-11, 7.2-1, 7.2-5, 7.2-14, 7.5-1, 7.12-3, 7.13-7, 8.2-1, 8.2-15, 8.2-29, 8.20-5, 8.21-14, 8.21-29, 8.21-33, 8.21-38, 8.24-1, 9-4, 9-5

---

### G

Gaming	1-3, 1-5, 2-1, 2-2, 2-8, 2-9, 2-13, 4-1, 4-2, 4-3, 4-4, 4-8, 4-11, 4-12, 4-13, 7.1-1, 8.1-1, 8.1-37, 8.1-41, 8.1-42, 8.1-96, 8.1-143, 8.1-144, 8.4-1, 8.10-2, 8.10-3, 8.10-4, 8.12-18, 8.16-4, 8.16-7, 8.16-9, 8.16-10, 8.16-12, 8.17-2, 8.18-4, 8.18-6, 8.19-1, 8.19-2, 8.19-4, 8.20-13, 8.21-10, 8.21-11, 8.21-24, 10-1, 11-4, 11-5, 11-11, 11-12
Greenhouse Gas	1-6, 1-31, 1-32, 1-33, 1-34, 1-35, 7.12-1, 7.12-2, 8.12-8, 8.12-19, 8.20-7, 8.22-1, 8.24-1, 8.24-3, 9-11, 11-1, 11-2, 11-11

---

## INDEX (CONTINUED)

---

Groundwater 1-17, 1-24, 7.2-1, 7.2-7, 7.2-19, 7.3-1, 7.6-2, 8.3-1, 8.3-3, 8.3-14, 8.3-15, 8.6-2, 8.19-10, 8.19-15, 8.19-16, 8.19-18, 9-6, 9-7, 11-1

---

### H

Hazardous Materials 1-23, 1-24, 1-25, 7.1-72, 8.6-1, 8.6-2, 8.6-3, 8.20-6, 8.21-16, 8.21-30, 8.21-34, 8.21-39, 8.24-2, 9-7, 9-8, 11-10  
Historic Resources 7.13-5, 7.13-16, 8.20-8, 8.20-10, 8.20-12  
Housing 1-2, 1-3, 1-46, 1-51, 2-1, 2-2, 4-1, 4-2, 5-1, 5-11, 5-14, 5-17, 5-18, 5-20, 6-1, 6-2, 6-3, 6-4, 6-5, 7.16-1, 7.16-3, 7.16-4, 8.16-7, 8.16-8, 8.17-2, 8.20-8, 8.20-12, 8.20-13, 8.20-14

---

### I

IGA 2-8, 2-9, 4-12, 4-23, 8.8-5, 8.10-1, 8.16-1, 8.16-2, 8.16-3, 8.16-4, 8.16-6, 8.16-7, 8.19-6, 8.20-1, 8.20-3, 8.20-12, 8.24-4, 9-1  
Impervious Area 1-16, 6-5, 8.3-1, 8.3-6, 8.20-6, 8.21-29, 8.21-34, 8.21-38, 9-6  
Indian Reorganization Act 1-1, 2-1  
Indirect Effects 6-3, 8-1, 8.16-14, 8.20-1  
Induced Growth 1-53, 1-55, 8.20-13, 8.20-14, 8.20-15

---

### L

LEED 8.12-8, 8.12-9, 8.18-1, 8.18-2, 8.18-3, 8.18-4, 8.18-5, 8.18-7, 8.18-8, 11-2, 11-4, 11-11  
Lighting 1-34, 1-39, 7.1-73, 8.5-3, 8.5-4, 8.12-2, 8.12-17, 8.12-18, 8.15-1, 8.15-14, 8.15-16, 8.15-17, 8.21-19, 8.21-21, 8.24-4, 9-12, 11-11  
LUIP 1-3, 1-27, 4-11, 4-15, 7.1-1, 7.1-73, 7.3-1, 7.4-1, 7.15-1, 8.1-1, 8.1-6, 8.1-9, 8.1-10, 8.1-11, 8.1-37, 8.1-47, 8.1-60, 8.1-114, 8.1-133, 8.2-26, 8.8-5, 8.8-6, 8.8-7, 8.10-2, 8.10-4, 8.12-7, 8.15-3, 8.16-6, 8.17-2, 8.19-9, 8.19-11, 8.20-9, 8.20-11, 3, 4, 5, 8.21-15, 8.21-17, 11-10

---

### M

Massachusetts Environmental Policy Act 2-9, 7.2-1, 7.13-2, 8.1-10, 8.1-11, 8.2-16, 11-2  
MEPA 2-9, 2-11, 4-8, 7.1-1, 7.2-1, 7.13-2, 7.13-5, 7.13-17, 8.1-1, 8.1-10, 8.1-11, 8.1-41, 8.2-16, 2, 3, 4, 5, 6, 7, 8, 8.21-9, 8.21-10, 8.21-14, 8.21-15, 8.21-16, 8.21-21, 8.21-22, 8.21-24, 11-1, 11-2, 11-4, 11-7  
Middleborough 1-3, 1-8, 1-27, 4-4, 4-6, 4-7, 4-8, 4-17, 7.1-6, 7.1-7, 7.1-22, 7.1-23, 7.1-25, 7.1-26, 7.1-49, 7.1-53, 7.1-68, 7.1-70, 7.4-1, 7.7-1, 7.13-8, 7.13-9, 7.13-10, 7.13-11, 7.13-12, 7.13-13, 7.16-10, 8.1-3, 8.1-9, 8.1-46, 8.1-144, 8.1-145, 8.8-3, 8.19-13, 8.19-14, 2, 3, 7, 8.21-10, 8.21-17

---

## INDEX (CONTINUED)

---

Mitigation Measures 1-6, 1-30, 1-50, 5-11, 7.2-1, 7.5-3, 8.9-1, 8.12-1, 8.12-2, 8.12-3, 8.12-4, 8.12-5, 8.12-7, 8.12-8, 8.12-9, 8.12-16, 8.12-19, 8.13-2, 8.13-5, 8.13-6, 8.13-7, 8.16-3, 8.17-2, 8.19-1, 8.19-9, 8.19-10, 8.19-14, 8.19-16, 8.19-18, 8.20-5, 8.20-6, 8.21-9, 8.21-20, 8.21-21, 8.21-30, 8.21-31, 8.21-35, 8.21-36, 8.22-1, 8.23-1, 8.24-1, 8.24-4, 11-5

---

### N

National Register 1-36, 5-3, 5-4, 5-17, 7.13-1, 7.13-16, 7.13-17, 8.13-1, 8.13-2, 8.13-7, 8.20-8, 8.21-21, 8.21-22, 8.21-31, 8.24-3, 9-13

NEPA 1-1, 1-5, 1-6, 2-1, 2-2, 2-3, 2-9, 2-11, 3-1, 6-1, 6-3, 6-5, 7.11-5, 7.13-1, 8-1, 8.2-15, 8.12-19, 8.13-3, 8.13-4, 8.13-5, 8.20-1, 6, 8.21-14, 8.22-1, 9-1, 11-1, 11-2, 11-4

Noise 1-6, 1-37, 1-38, 7.14-1, 7.14-3, 7.14-4, 7.14-6, 8.12-12, 8.14-1, 8.14-2, 8.14-3, 8.19-9, 8.19-10, 8.19-14, 8.19-16, 8.19-18, 8.20-8, 8.20-10, 8.20-12, 8.21-22, 8.21-32, 8.21-36, 8.21-41, 8.22-1, 8.24-3, 9-14, 11-1, 11-2

---

### P

Parking Spaces 1-3, 1-5, 4-4, 7.1-1, 8.1-1, 8.1-2, 8.1-3, 8.1-37, 8.1-146, 8.12-13, 8.12-14, 8.16-6, 8.18-2, 7

Public Comment 1-5, 2-2, 2-3, 8.2-15

Pumping Station 1-26, 7.8-1, 8.7-1, 8.8-1, 8.8-3, 8.8-6, 8.19-6, 8.19-8, 8.19-9, 8.20-11, 8.21-18, 8.21-30, 8.24-2, 9-8, 9-9

Purpose and Need 1-2, 3-1, 4-1, 4-2, 4-8

---

### R

Rail Line 1-3, 1-10, 1-20, 4-12, 4-13, 4-15, 4-17, 7.1-72, 7.6-2, 7.13-15, 8.1-3, 8.16-4, 8.19-1, 8.19-6, 8.21-25

Rare Species 4-11, 7.2-12, 7.2-13, 7.5-1, 7.5-5, 8.5-1, 8.5-3, 8.5-7, 8.20-6, 8.20-10, 8.20-11, 6, 8.21-29, 8.21-34, 8.21-39, 8.24-2, 9-7, 11-1

Recycling 1-28, 1-29, 7.10-1, 8.10-1, 8.10-2, 8.10-3, 8.10-4, 8.10-5, 8.18-1, 8.20-6, 8.21-19, 8.24-3

Reservation 1-1, 1-2, 1-5, 2-1, 2-2, 2-11, 3-1, 4-1, 4-4, 4-8, 4-15, 6-5, 8.2-26, 8.4-6

Revenue 1-2, 1-40, 1-51, 1-53, 2-8, 2-9, 3-2, 4-2, 5-25, 6-2, 7.16-9, 8.17-2, 8.20-14, 8.21-11

---

### S

Scoping 1-5, 1-6, 2-2, 2-3, 2-8, 2-11, 4-1, 4-12, 5-17, 7.1-1, 7.5-5, 7.15-1, 8.1-1, 8.4-1, 8.5-5, 8.12-1, 8.15-1

Shadows 8.12-12, 8.15-1, 8.15-14, 8.15-16, 8.15-17

Section 106 1-36, 1-37, 2-15, 7.13-1, 7.13-2, 7.13-4, 8.13-2, 8.13-3, 8.13-4, 8.13-5, 8.21-22, 8.21-41, 8.24-3, 9-13, 11-10

---

## INDEX (CONTINUED)

---

Sewer	1-7, 1-26, 1-27, 2-9, 2-11, 2-14, 4-11, 7.7-4, 7.8-1, 8.3-14, 8.8-1, 8.8-3, 8.8-5, 8.8-6, 8.8-7, 8.16-1, 8.16-21, 8.19-6, 8.19-7, 8.19-8, 8.19-9, 8.19-14, 8.19-16, 8.19-17, 8.19-19, 8.20-1, 8.20-11, 8.20-12, 8.21-9, 8.21-18, 8.21-30, 8.21-35, 8.21-40, 8.23-1, 8.24-2, 9-1, 9-8, 9-9, 11-8
Shadow	1-39, 8.24-4, 9-14
Socioeconomic	1-6, 5-17, 6-1, 6-2, 6-4, 6-5, 7.16-1, 8.16-21, 8.20-8, 8.21-12, 8.21-42, 8.22-1, 8.23-1, 8.24-4, 9-14, 11-9
Soils	1-17, 1-22, 7.2-3, 7.2-4, 7.2-6, 7.4-1, 7.4-3, 7.4-4, 7.5-2, 7.13-6, 8.3-3, 8.4-1, 8.4-3, 8.4-4, 8.4-5, 8.4-6, 8.4-7, 8.12-11, 8.20-6, 8.21-15, 8.21-29, 8.21-34, 8.21-39, 8.23-1, 8.24-2, 9-6, 9-7, 11-1
Solid Waste	1-12, 1-29, 7.10-1, 7.10-2, 8.12-8, 8.19-12, 8.20-7, 8.21-19, 8.21-31, 8.21-35, 8.21-36, 8.21-40, 8.24-3, 9-4, 9-10, 11-1
Stationary Sources	1-31, 8.12-20, 8.21-20, 8.24-3, 9-10
Stormwater	1-3, 1-12, 1-16, 1-17, 1-19, 1-20, 1-21, 2-13, 2-14, 7.2-8, 7.3-1, 7.5-3, 8.2-4, 8.2-17, 8.2-21, 8.2-25, 8.3-1, 8.3-2, 8.3-3, 8.3-6, 8.3-7, 8.3-8, 8.3-9, 8.3-13, 8.3-14, 8.3-15, 8.8-1, 8.18-2, 8.18-7, 8.19-10, 8.19-12, 8.20-1, 8.20-3, 8.20-4, 8.20-6, 8.20-10, 6, 8.21-14, 8.21-15, 8.21-29, 8.21-34, 8.21-39, 8.22-1, 8.24-1, 9-4, 9-5, 9-6, 9-7, 11-1, 11-6, 11-8
Sustainability	8-1, 8.18-1, 8.21-19

---

## T

Temporary Impacts	1-13, 8.2-4, 8.19-14
Topography	1-20, 7.2-12, 7.4-1, 7.5-2, 8.4-1, 8.4-2, 8.4-3, 8.4-4, 8.4-5, 8.4-6, 8.4-7, 8.15-2, 8.15-3, 8.20-10, 8.20-12, 8.21-15, 8.21-22, 8.21-29, 8.21-34, 8.21-39, 8.24-2
Town of Mashpee	1-1, 1-40, 2-3, 3-2, 5-4, 5-17, 5-18, 5-20, 5-21, 5-22, 5-23, 5-24, 5-25, 5-27, 5-29, 5-30, 6-1, 6-2, 6-3, 6-4, 6-5, 10-2
Traffic	1-7, 1-8, 1-10, 1-19, 1-30, 1-37, 1-50, 4-22, 4-23, 4-25, 5-17, 6-5, 7.1-1, 7.1-13, 7.1-17, 7.1-24, 7.1-25, 7.1-26, 7.1-27, 7.1-28, 7.1-31, 7.1-52, 7.1-53, 7.1-54, 7.1-59, 7.1-60, 7.1-61, 7.1-62, 7.1-63, 7.1-72, 7.2-6, 7.2-20, 7.5-3, 7.5-6, 7.11-1, 7.11-5, 7.11-6, 7.12-2, 7.13-5, 7.14-4, 7.14-6, 7.16-11, 8.1-1, 8.1-2, 8.1-3, 8.1-6, 8.1-9, 8.1-11, 8.1-12, 8.1-29, 8.1-41, 8.1-44, 8.1-45, 8.1-47, 8.1-60, 8.1-101, 8.1-102, 8.1-106, 8.1-108, 8.1-114, 8.1-115, 8.1-121, 8.1-122, 8.1-123, 8.1-132, 8.1-140, 8.1-143, 8.1-144, 8.1-145, 8.1-147, 8.1-148, 8.2-5, 8.2-6, 8.2-9, 8.3-9, 8.3-14, 8.4-5, 8.5-5, 8.12-2, 8.12-3, 8.12-16, 8.14-1, 8.16-3, 8.17-1, 8.17-2, 8.19-4, 8.19-5, 8.19-7, 8.19-8, 8.19-9, 8.19-10, 8.19-11, 8.19-12, 8.19-13, 8.19-14, 8.19-15, 8.19-16, 8.19-17, 8.19-19, 8.20-1, 8.20-3, 8.20-4, 8.20-5, 8.20-7, 8.20-8, 8.20-9, 2, 6, 8.21-9, 8.21-10, 8.21-12, 8.21-13, 8.21-20, 8.21-28, 8.21-33, 8.21-38, 8.21-42, 8.22-1, 8.24-1, 8.24-3, 8.24-4, 9-1, 9-2, 9-3, 9-6, 9-14, 9-15, 11-5, 11-6
Trust Lands	1-1, 1-2, 1-40, 1-51, 2-1, 2-11, 2-13, 3-1, 3-3, 6-2, 6-4, 7.14-3, 7.16-1, 8.17-2

## INDEX (CONTINUED)

---

---

### U

Utilities 1-3, 5-22, 6-5, 7.9-1, 7.16-7, 8.9-1, 8.9-2, 8.12-15, 8.19-1, 8.19-4, 8.19-10, 8.20-7, 8.21-30, 8.21-35, 8.21-40, 8.24-2, 9-9

---

### V

Visual 1-6, 1-38, 1-39, 7.2-19, 8.13-1, 8.15-1, 8.15-3, 8.15-14, 8.15-17, 8.20-10, 8.20-12, 8.21-23, 8.21-32, 8.21-37, 8.21-41, 8.24-4, 9-14, 11-1, 11-3

---

### W

Wastewater 1-26, 1-27, 5-7, 6-5, 6-6, 7.8-1, 7.8-2, 7.10-1, 8.7-1, 8.8-1, 8.8-2, 8.8-3, 8.8-5, 8.8-6, 8.19-6, 8.20-7, 8.20-10, 6, 8.21-9, 8.21-18, 8.21-19, 8.21-30, 8.21-35, 8.21-40, 8.24-2, 9-8, 10-2, 11-7, 11-8

Water Park 1-3, 1-5, 1-14, 1-28, 1-38, 1-39, 1-46, 1-48, 1-49, 4-4, 4-8, 4-12, 4-13, 4-14, 7.1-1, 8.1-1, 8.1-37, 8.1-41, 8.1-44, 8.1-46, 8.1-47, 8.1-143, 8.2-1, 8.2-5, 8.2-12, 8.2-16, 8.2-22, 8.5-4, 8.7-2, 8.8-2, 8.8-3, 8.9-1, 8.10-2, 8.10-3, 8.12-7, 8.12-14, 8.14-1, 8.14-2, 8.15-1, 8.15-2, 8.15-3, 8.15-14, 8.15-17, 8.16-4, 8.16-6, 8.16-12, 8.16-20, 8.17-1, 8.19-1, 8.19-2, 8.19-5, 8.19-6, 8.19-8, 8.21-19, 8.21-25, 8.21-37, 9-9

Water Supply 1-25, 1-52, 7.2-20, 7.7-1, 7.7-4, 8.7-1, 8.7-3, 8.7-6, 8.20-7, 8.20-9, 8.20-10, 2, 3, 8.21-18, 8.21-30, 8.21-35, 8.21-40, 8.24-2, 9-8, 11-7

Wetlands 1-10, 1-11, 1-12, 1-13, 1-14, 2-11, 2-13, 2-15, 4-4, 4-11, 4-22, 4-23, 4-24, 4-25, 5-4, 5-11, 5-14, 5-17, 7.2-1, 7.2-3, 7.2-4, 7.2-5, 7.2-6, 7.2-7, 7.2-8, 7.2-10, 7.2-14, 7.2-19, 7.3-1, 7.5-1, 7.5-2, 7.5-3, 7.13-3, 7.13-10, 7.13-11, 7.15-1, 8.1-102, 8.2-1, 8.2-4, 8.2-5, 8.2-6, 8.2-9, 8.2-12, 8.2-15, 8.2-16, 8.2-17, 8.2-21, 8.2-22, 8.2-23, 8.2-25, 8.2-26, 8.2-29, 8.3-1, 8.4-2, 8.4-3, 8.5-3, 8.5-4, 8.12-10, 8.19-11, 8.19-12, 8.19-15, 8.19-17, 8.20-5, 8.20-10, 8.20-11, 8.21-9, 8.21-10, 8.21-11, 8.21-13, 8.21-14, 8.21-29, 8.21-33, 8.21-38, 8.22-1, 8.24-1, 9-4, 9-5, 11-1

Wildlife Habitat 1-23, 7.2-19, 7.5-1, 7.5-2, 7.5-3, 8.2-16, 8.5-3, 8.5-4, 8.5-5, 8.5-6, 8.20-6, 8.21-10, 8.21-16, 8.21-29, 8.21-34, 8.21-39, 8.24-2, 9-7