The Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
http://www.mass.gov/envir

April 3, 2015

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: Wynn Everett
PROJECT MUNICIPALITY	: Everett
PROJECT WATERSHED	: Boston Harbor
EEA NUMBER	: 15060
PROJECT PROPONENT	: Wynn MA, LLC
DATE NOTICED IN MONITOR	: February 25, 2015

As Secretary of Energy and Environmental Affairs, I hereby determine that the Supplemental Final Environmental Impact Report (SFEIR) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00). Therefore, I am requiring a Second Supplemental Final Environmental Impact Report (SSFEIR).

I commend the Proponent for its progress to date on mitigation efforts. I am confident the limited scope items in the SSFEIR can be addressed in a timely manner. I want to recognize the significant time and energy that the Proponent has invested in this project and in the preparation of the SFEIR. The SFEIR represents significant progress in identifying traffic and transportation impacts and developing appropriate mitigation. The Massachusetts Department of Transportation (MassDOT) deserves recognition for the constructive role MassDOT has played in supporting the development of this data, analysis and mitigation. In addition, on behalf of the Administration, I recognize the important balance between economic development and job creation and our responsibility to adequately avoid, minimize and mitigate Damage to the Environment.

As the Proponent and the public are aware, since the issuance of Certificate on the Final Environmental Impact Report (FEIR), the Massachusetts Gaming Commission (MGC) issued a Category 1 gaming license to the Proponent, effective November 18, 2014, pursuant to Chapter 194 of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth and M.G.L. Chapter 23K, Section 19, as amended by Section 16 of the Expanded Gaming Act. Conditions of the license include completion of the MEPA review process. Upon completion of the MEPA process, the Gaming Commission will issue Section 61 Findings for the Gaming License that will identify enforceable commitments to avoid, minimize and mitigate project impacts. The MEPA regulations do not consider Agency Action final if the Permit, contract or other relevant document approving or allowing the Agency Action contains terms such as a condition or restriction that provides that such Agency Action shall be deemed not to have taken place until MEPA review is complete, provided that the Agency shall reconsider and confirm or modify the Agency Action and any conditions thereof following completion of MEPA review (301 CMR 11.02, Agency Action (c)).

MEPA jurisdiction is limited to the subject matter of required or potentially required State Agency Actions, except in the case of a project proposed by a State Agency or receiving State Financial Assistance. In that case, broad scope jurisdiction applies and extends to all aspects of a Project that are likely, directly or indirectly, to cause Damage to the Environment, as defined in the MEPA regulations. In some instances the subject matter of the Agency Action is sufficiently broad (e.g. a Chapter 91 License, Energy Facilities Siting Board review) such that it is functionally equivalent to broad scope jurisdiction. That is the case with the Gaming License which addresses a broad range of environmental issues - sustainability, energy efficiency, renewable energy, and traffic - and extends to mitigation of environmental impacts on host and surrounding communities.

Previous review documents submitted to MEPA, including the FEIR, addressed a wide range of environmental issues. The Certificate on the FEIR determined that, with the exception of transportation and traffic, issues had been adequately addressed in the FEIR or could be addressed through subsequent review, approval and permitting processes. The Certificate on the FEIR identified and described the significant commitments the Proponent has made to mitigate environmental impacts including redevelopment and remediation of a brownfield site located in close proximity to transit, provision of 7.42 acres of open space, creation of access to and along the Mystic River including extension of a multi-use path to Gateway Park, and salt marsh restoration. The Certificate on the FEIR included a limited Scope that was focused on Traffic and Transportation, a Response to Comments and revised Section 61 Findings.

Prior to filing the SFEIR, the Proponent revised its design based on direction from the MGC. The SFEIR, in addition to addressing the limited Scope, identified these project changes and associated changes in environmental impacts. The changes are identified and described in the Project Changes Since the Filing of the FEIR Section of this Certificate. The primary changes are the addition of 58,005 square feet (sf) to the size of the building, the addition of 125 hotel rooms (from 504 to 629) and the addition of 420 gaming positions (from 4,160 to 4,580).

The SFEIR provides a revised and updated traffic impact assessment (TIA) which reflects the productive consultations held between MassDOT and the Proponent since the filing of the FEIR. It includes updated traffic counts, improved modeling, and better defined mitigation. It includes a revised analysis of the project's impacts on the Orange Line and existing bus service and has revised its private

shuttle system to compliment existing transit service. Throughout the review of many projects vying for a Gaming License, the MEPA Office and MassDOT have made a concerted effort to provide clear and consistent information regarding potential environmental and transportation impacts to inform decisions by MGC, municipalities and residents. The methodology for the transportation analysis included in the SFEIR is consistent with that which has been required of each of the Casino proposals, including MGM Springfield (EEA #15033), Project First Light (EEA #15159) and the proposed Mohegan Sun project in Revere (EEA #15006). The SFEIR represents significant progress in identifying traffic and transportation impacts.

While the SFEIR represents significant progress in identifying traffic and transportation impacts, there are still Scope items that were not fully addressed, including the identification of measures to ensure MBTA operations are protected in the long-term and identification of associated legally enforceable Section 61 Findings. In addition, the MBTA and the Proponent completed a Land Transfer necessary to support the construction of access to the project site. MassDOT has acknowledged that the conveyance of the land to the Proponent prior to the conclusion of the MEPA process is a violation of the MEPA statute. Therefore, MassDOT and the Proponent must file an SSFEIR to develop appropriate remedies to satisfy the above-mentioned issues.

Consultations with and comments from MassDOT and comments from municipalities demonstrate that additional analysis and mitigation is necessary for the parties to satisfy the statutory requirement to avoid, minimize and mitigate impacts to Damage to the Environment to the maximum extent feasible, including impacts to MBTA transit operations and infrastructure.

Governor Baker has made a firm commitment to elevate the Commonwealth's partnership with Cities and Towns. Equally, the Governor is committed to job growth and economic development. Evaluating the impacts of State Agency Actions is at the core of MEPA's purpose and statutory authority and supports the Governor's commitment to ensure that we understand the consequences, implications and ramifications of state actions on our municipal partners. The City of Everett and its citizens have expressed its firm support for this project and its economic development potential. Comments from the Cities of Boston, Malden, Revere, and Somerville identify significant concerns with the project's impacts on transportation infrastructure. These comments question the effectiveness of the proposed mitigation and, in particular, highlight the undefined nature of long-term mitigation. I am aware that these comments are provided, not only within the context of MEPA review, but also within the context of active litigation. Nonetheless, I note the practical consideration that much of the proposed transportation mitigation, including mitigation necessary to minimize impacts to roads under State jurisdiction, requires municipal review and approval.

Based on a review of the SFEIR, consultation with State Agencies, and a review of comments submitted, I have determined that a SSFEIR is warranted and necessary to ensure the MGC and State Agencies have sufficient information regarding environmental and transportation impacts and proposed mitigation prior to the taking of Final Agency Actions.

Specifically, the Scope for the SSFEIR will address the following:

1. Provide an explanation of and remedy for the premature conveyance of land from MassDOT/MBTA and its acceptance by the Proponent prior to the completion of MEPA review.
2. Commit to a specific dollar amount for an annual operating subsidy to the MBTA to support service and capacity improvements on the Orange Line.
3. Clarification of the Traffic Impact Assessment and supplemental data and analysis.
4. Revised Draft Section 61 Findings that incorporate commitments associated with the three requirements listed above.
5. Response to Comments document that provides clear and specific responses to issues raised.

Project Description

As described in the SFEIR, the project consists of the redevelopment of a 33.9-acre site in Everett as a destination resort casino. The site is located on Horizon Way and Lower Broadway (Rt. 99) in Everett. Chapter 194 of the Acts of 2011: An Act Establishing Expanded Gaming in the Commonwealth and M.G.L. Chapter 23K, Section 19, as amended by Section 16 of the Expanded Gaming Act, authorizes the Massachusetts Gaming Commission (MGC) to license three casinos. The Act identifies three regions of the state - Region A (Suffolk, Middlesex, Essex, Norfolk and Worcester counties), Region B (Hampshire, Hampden, Franklin and Berkshire counties) and Region C (Bristol, Plymouth, Nantucket, Dukes and Barnstable counties) – and authorizes MGC to permit one casino in each region. This project is located in Region A.

The project will include a total of 3,096,700 square foot (sf), comprised of the following:

- A gaming facility with 4,580 total gaming positions
- A hotel tower, 386-foot high, with 629-rooms (621,774 sf)
- Retail space (52,632sf)
- Food and beverage space (54,680 sf)
- Lobbies, lounge, and an atrium garden (front-of-house) (58,548 sf)
- Back-of-House (411,058 sf)
- A spa and gym (15,405 sf)
- Convention/meeting rooms (37,068 sf)

The Proponent proposes to construct a parking structure below the Casino Level (including under the retail portion of the Project), with three below-grade levels and one at-grade level to provide self-serve and valet parking spaces for patrons for a total of 1,627,751 sf. Employee parking will be accommodated at off-site locations. The Proponent will provide shuttle service to and from the Project Site. In addition, there are 3,400 on-site parking spaces and 800 off-site parking spaces for employee parking. Employee parking will located at existing parking facilities or newly constructed lots.

The project includes remediation and restoration of the site. The proposed shoreline work includes the installation of a vertical steel pile bulkhead, the placement of stone revetments and the installation of pile-supported walkways, the removal of abandoned and deteriorated structures and remnants, salt marsh restoration and re-vegetation of the shoreline. The waterside work includes the

dredging of approximately 15,000 cubic yards (cy) of sediment over approximately 41,480 sf to provide an adequate water depth of six feet below mean low water (MLW) to accommodate water transportation vessels. Coastal bank and salt marsh restoration is proposed within a 69,000 sf area landward of high tide at the southwestern edge of the site. Connections from the harborwalk on the Project Site via a new pedestrian and bicycle path under the MBTA right-of-way are proposed.

Access to the Project Site is proposed via a new boulevard-type driveway located approximately 150 feet north of Horizon Way. It will intersect the west side of Lower Broadway (Route 99) just north of Horizon Way opposite Mystic Street. This access requires acquisition of land (approximately 0.5 acres) from the Massachusetts Bay Transportation Authority (MBTA) and the removal and relocation of certain infrastructure elements associated with operation of the MBTA maintenance facility. The current unsignalized entrance driveway to the MBTA maintenance facility will be relocated to the north on Lower Broadway to the signalized intersection at Beacham Street.

A Host Community Agreement (HCA) was executed with the City of Everett on April 19, 2013. It was approved by the citizens of Everett pursuant to a referendum held on June 22, 2013, in accordance with the Gaming Act. It indicates that the Project will provide 4,000 construction jobs and 4,000 permanent jobs, improve and expand infrastructure, and support a myriad of community programs and services. The HCA identifies the following payments to the City of Everett: $30 million for capital improvements; $20 million annual PILOT payments; $5 million annual community impact fee; and, $250,000 annual contribution to the Everett Citizens Foundation. Pursuant to M.G.L Chapter 23K, a portion of the taxes on the Project's gaming revenue will be allocated to a community mitigation fund. The City of Boston requested that it be identified as a host community; however, the MGC determined that it did not meet the criteria for a host community.

The Proponent entered into Surrounding Community Agreements (SCA) with the City of Malden (November 12, 2013), the City of Medford (April 11, 2014), the City of Cambridge (April 22, 2014), the City of Somerville (June 12, 2014), and the City of Chelsea (June 9, 2014). The Proponent entered into Neighboring Community Agreements with the City of Lynn and the City of Melrose on January 28, 2014.

The Proponent designated the City of Boston as a "Surrounding Community," however the City of Boston declined to participate in the arbitration process established pursuant to the terms of the Gaming Act, thereby relinquishing its designation. As a result, the Proponent agreed to certain specified conditions in the Gaming License for the purpose of mitigating any adverse impacts to the City of Boston and, in particular, the Charlestown neighborhood. The conditions set forth in the Gaming License include a one-time, pre-opening payment by the Proponent of $1,000,000. Per the Gaming License, this payment can be used to support Charlestown's non-profits organizations, parks, after-school activities, senior programs, job training programs, cultural events and related activities that promote Charlestown's heritage, quality of life, recreational and cultural activities. On January 6, 2015, the Proponent delivered this initial payment to the MGC following the City of Boston's refusal to accept the payment. The MGC continues to hold this payment in escrow for the City of Boston's benefit. Following the opening of the Project, the Proponent has agreed to annual payments to the City of Boston in the amount of $1,600,000, adjusted annually to reflect increases in the Consumer Price Index.

In addition to the specific agreements noted above, the Expanded Gaming Act establishes a Community Mitigation Fund, which is administered by the MGC. Monies from the Community Mitigation Fund shall be used to:

...assist the host community and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to, communities and water and sewer districts in the vicinity of the gaming establishment, local and regional education, transportation, infrastructure, housing, environmental and public safety, including the office of the county district attorney, police, fire, and emergency services (M.G.L. Chapter 23K, Section 61(b)).

I note that the Expanded Gaming Act requires the establishment of a Subcommittee on Community Mitigation consisting of 12 members, including, but not limited to, representatives from each Region's Host Community, local chambers of commerce, the Department of Revenue's Division of Local Services, the MGC, the Massachusetts Municipal Association, and an appointee of the Governor. Among other responsibilities, this subcommittee will develop recommendations to be considered by the MGC regarding how funds may be expended from the Community Mitigation Fund (M.G.L. Chapter 23K, Section 68(b)). Furthermore, each Region may establish a local Community Mitigation Advisory Committee, which shall include no fewer than six members, to provide information and develop recommendations for the Subcommittee on Community Mitigation, including ways in which funds may be expended from the Community Mitigation Fund. This local committee will include members appointed by Host and Surrounding Communities, the regional planning agency, and the MGC to represent chambers of commerce, regional economic development, and human service providers. (M.G.L. Chapter 23K, Section 68(e)).

Project Site

The 33.9-acre site is located in Everett adjacent to the Mystic River. Approximately 25.6 acres are upland, surrounded by shoreline and the remnants of marine structures, and approximately 8.3 acres are located below mean high water (MHW) on the Mystic River. The site includes approximately 1,600 lf of shoreline along flowed tidelands. A small area of the site is used as a materials storage yard and includes a 5,200 sf construction trailer/office. Historic uses include the Monsanto chemical manufacturing facility. The site is classified as a disposal site subject to Massachusetts General Law Chapter 21E (MGL c.21E) and the Massachusetts Contingency Plan (MCP). It is contaminated and contains very high levels of arsenic and lead, both in soil and groundwater. Contaminated sediments have also been identified in the area of the site within the Mystic River.

The site is bordered to the west by the tracks of the MBTA Newburyport commuter rail line. The upland portions of the site are bounded by Horizon Way, Rt. 99, and commercial and institutional properties. Most of the soils on the site are disturbed and comprised of fill material. Along the shoreline is a mix of deteriorated stone seawalls, loose gravel and boulders, and rotted timber piers and pilings. The shallower portions of the shoreline also contain debris and remnants of timber structures.

Access to the site is via Horizon Way which forms an unsignalized intersection with Broadway (Rt. 99) in Everett. The site is located in an urban, commercial/industrial area that suffered from economic disinvestment during the latter part of the twentieth century when manufacturing, import and fishery activities declined. Surrounding land uses are primarily commercial/retail, with local businesses

(e.g. an auto dealership, chain restaurants, and an auto repair shop) and infill residential structures nearby. Proximate uses include Boston Water and Sewer Commission (BWSC) and Massachusetts Water Resources Authority (MWRA) properties, the MBTA's maintenance facility (Everett Shops) to the north, and the Gateway Center and Gateway Park to the west. The Department of Conservation and Recreation (DCR) owns and operates parkways in the vicinity of the site, including Revere Beach Parkway, the Fellsway and Mystic Valley Parkway. In addition, DCR owns and operates the Mystic River Reservation and the Amelia Earhart dam, a flood control structure located on the Mystic River in the vicinity of the site.

The site is bordered by the Mystic River to the south and an embayment to the east. The embayment is approximately 350 to 500 feet wide from shoreline to shoreline (from the Project area to the upland east of the embayment containing the operations of the MWRA and BWSC). The embayment contains a former channel which was reportedly constructed in the mid-1800s. Records indicate the channel to be about 1,000 feet long with a width of 100 feet, and an original draft of 20 feet below MLW. The channel flares out at the northern end to about 250 feet wide. The channel has since shoaled, and the present depth does not exceed 13 feet below the MLW mark. Waters adjacent to the channel are shallower than the central portion of the channel. The eastern side of the embayment is a mud flat with surface grades from the MLW mark to about three feet above it. The mud flat contains a variety of debris, including several abandoned timber barges.

Permits and Jurisdiction

The project is subject to MEPA review and requires the preparation of a Mandatory EIR pursuant to 301 CMR 11.03(1)(a)(2), 11.03(3)(a)(5), 11.03(6)(a)(6) and 11.03(6)(a)(7) because it requires State Agency Actions and it will create 10 or more acres of impervious area, create a New non-water dependent use occupying one or more acres of waterways or tidelands, generate 3,000 or more New adt on roadways providing access to a single location, and provide 1,000 or more New parking spaces at a single location

The project requires a Category 1 Gaming License from the MGC, a Vehicular Access Permit from the Massachusetts Department of Transportation (MassDOT), a land transfer from the MBTA, a Construction and Access Permit from DCR, and Airspace Review by the Massachusetts Aeronautics Commission (MAC). It requires a Sewer Use Discharge Permit (or waiver) from the MWRA and may also require a 8(M) Permit from MWRA. It requires a Chapter 91 (c.91) License and a 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP) and it may also require an Air Plan Approval from MassDEP. It may require Federal Consistency Review by Coastal Zone Management (CZM). The project is subject to the May 5, 2010 MEPA GHG Emission Policy and Protocol (GHG Policy).

The project is not subject to the enhanced analysis provisions of the EEA Environmental Justice (EJ) Policy. The project is located in and adjacent to communities with designated EJ populations; however, the project does not exceed the MEPA thresholds for solid waste or air quality that trigger a requirement for enhanced analysis.

It will require multiple permits and approvals from the City of Everett, including an Order of Conditions from the Everett Conservation Commission (or a Superseding Order of Conditions (SOC)

from MassDEP if the local Order is appealed). It will require approvals from the City of Boston Transportation Department and the Public Improvements Commission (PIC) for off-site roadway improvements.

The project requires a Section 404 Clean Water Act Permit and a Section 10 Permit from the United States Army Corps of Engineers (ACOE). In addition, the project may require approval from the Federal Highway Administration (FHWA) for modifications to the highway system (I-93) and/or for work on the National Highway System (NHS). As a result, the project may be subject to review pursuant to the National Environmental Policy Act (NEPA) and review pursuant to Section 106 of the National Historic Preservation Act (NHPA). The project also requires a Part 77 Airspace Review from the Federal Aviation Administration (FAA) and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the United States Environmental Protection Agency (EPA) for stormwater discharges from a construction site of over one acre.

MEPA jurisdiction is limited to the subject matter of required or potentially required permits; however, the subject matter of the Gaming License confers broad scope jurisdiction and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Project Changes Since the Filing of the FEIR

The SFEIR identifies the same elements as the FEIR program, however the design has changed and includes an increase in the size of the building and additional hotel rooms. It has increased from 3,038,695 sf to 3,096,700 sf, an increase of 58,005 sf.

In addition, the following changes are identified:

- An increase in gaming positions from 4,160 to 4,580 total, an increase of 420.
- Hotel rooms have increased from 504- room to 629-rooms resulting in an increase of 78,097 sf from 543,677 sf to 621,774 sf;
- Retail space has decreased from 77,250 sf to 52,632 sf;
- Food and beverage space has decreased from 64,593 sf to 54,680 sf, a decrease of 9,913 sf;
- Front-of-House (lobbies, lounge, and an atrium garden) has decreased by 58,548 sf;
- Back-of-House has increased from 383,725 sf to 411,058 sf, an increase of 27,333;
- The spa and gym space has increased from 13,130 sf to 15,405 sf, an increase of 2,275 sf; and
- Convention/meeting rooms have increased from 32,942 sf to 37,068 sf, an increase of 4,126 sf;

The project changes described above resulted in some changes in environmental impacts which are noted in the following section.[1]

[1] An email dated March 14, 2015, clarified and expanded upon changes in environmental impacts associated with the revised project and addressed the methodology for determining those changes in impacts.

Environmental Impacts and Mitigation

Potential environmental impacts are associated with the creation of 19.42 acres of impervious surfaces, alteration of wetland resource areas. It will require 311,830 gallons per day (gpd) of water (an increase from 266,554 gpd proposed in the FEIR) and will generate 283,482 gpd of wastewater (an increase from the 242,322 gpd proposed in the FEIR). Compared to estimates provided in the FEIR, average daily trips (adt) increased by 812 adt on a weekday and by 1,222 on a Saturday. The project will generate approximately 31,844 new (unadjusted) adt and 37,916 new (unadjusted) adt on a Saturday. When adjusted for mode share, the project is estimated to generate approximately 20,130 adt on a weekday and 23,982 adt on a Saturday.

The waterside work includes the dredging of approximately 15,000 cubic yards (cy) of sediment over approximately 41,480 sf to provide an adequate water depth of six feet below mean low water (MLW) to accommodate water transportation vessels. This represents an increase of 2,300 cy of dredge material compared to the Final EIR. Impacts to coastal bank have been revised based on an updated resource delineation. Impacts have increased by 400 sf from 41,080 to 41,480.[2]

Measures to avoid, minimize and mitigate impacts include redevelopment and remediation of a brownfield site located in proximity to transit, provision of 7.42 acres of open space, access to and along the Mystic River including a connection to Gateway Park, salt marsh restoration and replication of shellfish beds, installation of a stormwater management system, roadway improvements, and improvements to transit, bike and pedestrian access. The building will be designed to be certifiable by the US Green Building Council's Leadership in Environmental and Energy Design (LEED) at the Gold level, or higher. The project incorporates measures to improve energy efficiency including use of a Combined Heat and Power (CHP) system. In addition, it includes a commitment to install a PV system and/or purchase Green Power from local service providers (equal to 10% of the Project's annual electrical consumption).

Review of the SFEIR

The Scope for the SFEIR was limited to traffic and transportation, a Response to Comments, and revised mitigation including Draft Section 61 Findings. The SFEIR included an updated project description and associated plans. The SFEIR included a revised Transportation Impact Analysis (TIA), revised mitigation based on revised analysis and comment letters, and provided conceptual plans for proposed improvements. The SFEIR did provide additional analysis and clarifications of the project and provided another opportunity for State Agencies, municipal officials and the public to review the information.

The SFEIR included a separate chapter summarizing proposed mitigation measures and included draft Section 61 Findings for each State Agency that will issue permits for the project.

[2] In the FEIR, the impact was estimated at 41,080 sf, based on delineating top of bank as coincident with the break in slope of 10% or less. In the SFEIR, the Proponent used a more precise delineation by interpolation between contours based on detailed topographic survey and site visits.

State Agency Actions and Permitting

The project will require Access Permits from MassDOT and from DCR, in addition to local approvals for proposed roadway improvements. The project will also require a Vehicular Access Permit from MassDOT to implement improvements for modifications to the I-93 Northbound off-ramp at Exit 28.

Proposed improvements along the Route 16 corridor at Wellington, Santilli, Sweetser, and Bell Circles are primarily under the jurisdiction of DCR. However, DCR may transfer to MassDOT the segment of Route 16 from Interstate 93 to approximately Bell Circle. Pending completion of the transfer, DCR has agreed that the design review for the proposed improvements at these locations will primarily MassDOT's responsibility.

The Proponent may also be required to acquire a permit to implement the proposed traffic signal improvements at Bell Circle. The project will require a Federal Aviation Administration (FAA) Air Navigation permit for the casino building and construction cranes. The project will require MBTA approvals for implementation of site improvements at Sullivan Square Station, Wellington Station, and Malden Station. . In addition, the Proponent must prepare a Project Framework Document (PDF) for the proposed ramp modifications. The PDF will be subject to review and approval by MassDOT and subsequent submittal to the Federal Highway Administration (FHWA). FHWA will review the PFD for conformance with the FHWA's Policy on Access to the Interstate System.

Land Transfer

The proposed access drive requires the acquisition of land from the MBTA. MBTA infrastructure would be removed and relocated to support ongoing operation of the MBTA maintenance facility. In addition, the unsignalized entrance driveway to the maintenance facility would be relocated to the north at the signalized intersection at Beacham Street and would also serve as a secondary access drive.

On February 26, 2015, MassDOT/MBTA executed a quitclaim deed transferring 1.758 acres of land to the Proponent for $6 million dollars. The transactions was completed and the deed was recorded. The Land Transfer was taken prior to the completion of the MEPA review process and the conveyance documents do not contain sufficient provisions to ensure compliance with MEPA. This potential conveyance was identified in previous MEPA filings and the SFEIR did include a reference to the possibility that the land would be transferred during MEPA review; however, identification of this possibility does not relieve the MBTA or the Proponent of the burden to comply with the MEPA statute and meet its obligations to an open public process. It is regrettable that this conveyance occurred without due public process or any inclusion of provisions to ensure consistency with the MEPA regulations' requirements for State Agency Actions taken prior to completion of MEPA review.

The MassDOT comment letter acknowledges that, pursuant to the MEPA regulations, this action constituted Final Agency Action and, therefore, did not comply with the MEPA Statute. The comment letter indicates that MassDOT and the MBTA are committed to adhering to the MEPA regulations and process. MassDOT has committed to remedy this violation and will work with the MEPA Office and the Proponent on the development of appropriate remedies. Such a remedy could include reversal of the

Land Transfer or placement of the Transfer in escrow until MEPA review is completed. The MassDOT comment letter indicates that the Proponent has agreed to place the property in escrow until 60 days after the issuance of a Certificate of adequacy on the final MEPA review document.

As noted in the Scope, the SSFEIR must address how MBTA infrastructure and operations are protected under the terms of the transfer and include revised Draft Section 61 Findings. In addition, Secretary Pollack has directed MassDOT and MBTA staff to develop a more robust internal process to flag land transfers and real estate transactions that are subject to MEPA to ensure compliance prior to execution.

Traffic and Transportation

The SFEIR includes an updated transportation study prepared in conformance with the EEA/MassDOT Transportation Impact Assessment (TIA) Guidelines (2014). The study includes a comprehensive assessment of the transportation system in the project area based on a thorough analysis of existing and future conditions. The SFEIR has reevaluated the transportation impacts of the proposed project based on revised trip generation estimates along with future transportation demands due to projected regional traffic growth, independent of the proposed development.

The SFEIR includes an updated mitigation program to address impacts of the project in the Future Build condition. The mitigation program is multimodal and generally consists of highway, transit, bicycle, water transportation, and pedestrian improvements. The Proponent has also committed to a comprehensive transportation demand management (TDM) program to reduce automobile trip demand and further mitigate the impacts of the project which is described in the Mitigation section of this Certificate.

Trip Generation

The SFEIR contains revised trip generation calculations for the project to reflect the SFEIR development program. According to the Trip Generation Summary table, the project is expected to generate a total of 53,228 person trips on an average Friday and a total of 63,332 person trips on an average Saturday. Of the person trips on an average Friday, 16,178 are expected to be made via public and private mass transportation (including 979 person trips during the peak hour), 204 are expected to be made via walking or bicycling, and 36,846 are expected to be made via automobile. Due to assumed vehicle occupancy rates and credits for pass-by trips, the automobile person trips generate 20,130 net vehicle trips on an average Friday, including 1,358 net vehicle trips during the Friday PM peak hour. Of the person trips on an average Saturday, 19,158 are expected to be made via public and private mass transportation (including 1,404 trips during the peak hour), 244 are expected to be made via walking or bicycling, and 43,930 are expected to be made via automobile. Due to assumed vehicle occupancy rates and credits for pass-by trips, the automobile person trips generate 23,982 net vehicle trips on an average Saturday, including 1,810 net vehicle trips during the Friday PM peak hour.

MassDOT states in its comments that the methodology used to estimate person trips for the project are adequately addressed, and the SFEIR includes updated trip generation summary tables that show all assumptions, land uses, and changes in the development program. In addition, MassDOT concurs with the credits taken in the SFEIR to calculate net trip generation. The trip generation calculations reflect credits allowed for pass-by trips and mode share. MassDOT comments on the FEIR

reiterate that, given the urban context of the project, the commitment to a strong TDM program, and the ability to hold the Proponent accountable to site trip reduction strategies through monitoring and reporting, the project can assume a significant number of non-private vehicular trips.

Many comments continue to question the methodology for trip generation, including comments from the City of Boston, City of Somerville and City of Revere. The methodology for the trip generation in the SFEIR is consistent with that which has been required of each of the Casino proposals, including MGM Springfield (EEA #15033), Project First Light (EEA #15159) and the proposed Mohegan Sun project in Revere (EEA #15006).

Traffic Operations

The SFEIR presents an evaluation of traffic operations conducted for a number of intersections and roadway segments within the study area. The TIA includes updated capacity analyses and a summary of the 50th and 95th percentile vehicle queues for these intersections. In addition, the Proponent has adequately addressed discrepancies between the SYNCHRO traffic software and the VISSIM simulation model used to verify the mitigation plan performance measures. Working with the MassDOT Traffic Operations unit, information used to conduct both capacity analysis and traffic simulation were reviewed, calibrated, and validated.

The SFEIR reanalyzed the existing Level of Service (LOS) on the roads in the Study Area; the anticipated LOS on potentially affected roads in the Study Area in the No Build Condition, the Build Condition, and the Build with Mitigation Condition. MassDOT provided input and direction on the methodologies used in the analysis and reviewed the results.

The data used to develop the VISSIM model in the SFEIR was the same as the data used in the transportation analyses presented in the FEIR, supplemented by new traffic counts as requested by the City of Boston's BTD and collected in December 2014. Additional field observations were conducted at locations where count data were updated in order to collect up-to-date queue data.

Impacts of the project on the following intersections within the Study Area were reevaluated:

- Horizon Way/Broadway (Route 99), Everett (in future, Project primary driveway, combined with location 2);
- Beacham Street/Broadway (Route 99), Everett (in future, Project service driveway);
- Bowdoin Street/Broadway (Route 99), Everett;
- Revere Beach Parkway (Route 16)/Santilli Highway/Mystic View Road/Route 99 Connector (Santilli Circle), Everett;
- Revere Beach Parkway (Route 16)/Broadway (Route 99)/Main Street (Sweetser Circle), Everett;
- Revere Beach Parkway (Route 16)/Union Street, Chelsea;
- Revere Beach Parkway (Route 16)/Washington Avenue, Chelsea;
- Revere Beach Parkway (Route 16)/Webster Avenue, Chelsea;
- Beach Street/Everett Street/Route 1A/Route 16/Route 60 (Bell Circle), Revere;
- Mystic Valley Parkway (Route 16)/Mystic Street (Route 38), Medford;
- Mystic Valley Parkway (Route 16)/Route 16 Southbound Connector, Medford;

- Mystic Valley/Revere Beach Parkway (Route 16)/Fellsway (Route 28)/Middlesex Avenue (Wellington Circle), Medford;
- Dexter Street/Alford Street (Route 99), Boston;
- Cambridge Street/I-93 Northbound Off-ramp, Boston;
- Main Street/Maffa Way/Cambridge Street/Alford Street (Sullivan Square), Boston;
- Rutherford Avenue/Austin Street, Boston;
- Rutherford Avenue/Route 1 Connector, Boston;
- Rutherford Avenue/I-93 Ramps/Chelsea Street (City Square), Boston; and
- Cambridge Street/Spice Street/MBTA Busway, Boston.

Sullivan Square and Rutherford Avenue

MassDOT, in its comments on the FEIR, identified a number of concerns regarding the proposed mitigation, the analysis provided, the conceptual geometric plans, and the potential for operations at the 1-93 northbound ramp at Cambridge Street to be compromised as a result of the proposed improvements.

The City of Boston comments on the FEIR objected to the proposed mitigation as inconsistent with its long-term plans and echoed comments identified by MassDOT regarding the analysis and modeling. The comments also describe the City of Boston's planning process to define improvements for Sullivan Square and Rutherford Avenue that are intended to enhance the urban environment with greater pedestrian connectivity and new land development opportunities. The proposed $100 million roadway improvement project would remove existing roadway grade separations that form a barrier for pedestrian and bicycle travel eastwest across Sullivan Square and Rutherford Avenue. The plans will reduce the vehicle carrying capacity of the transportation system in order to create a more functional, safe and complete network for pedestrians and bikes. In addition, the Rutherford Avenue corridor project has advanced to the conceptual design stage after a comprehensive public participation process, and a preferred alternative was identified in 2012. Federal funding has been earmarked for this project. The design would reduce the roadway from three to two lanes in each direction, eliminate six bridges to create at-grade intersections, and provide improved pedestrian, bicycle, and public transit accommodations. As these planning processes occurred prior to the proposed Casino, the designs did not take into account the trips associated with the Wynn Casino Resort.

The FEIR strongly encouraged the Proponent to convene joint meetings with MassDOT, DCR and municipalities to address short and long-term mitigation issues. In particular, a joint meeting with the City of Boston and MassDOT was identified to address Sullivan Square and Rutherford Avenue because of the significant concerns stated by MassDOT and the City and their responsibility for reviewing and permitting proposed mitigation.

The SFEIR identifies interim mitigation for Rutherford Avenue and Sullivan Square to address project impacts. Long-term mitigation consists of a $25 million contribution towards the City of Boston's transportation plan. Interim mitigation for the Rutherford Avenue corridor consists primarily of traffic signal modifications at the Route 1 ramps intersection, minor geometric improvements at the Spice Street intersection, and geometric improvements and traffic signal improvements at the Maffa Way intersection. Interim mitigation for Sullivan Square includes geometric design, safety, and traffic operations improvements are proposed for Sullivan Square interim improvements. In particular, a

proposed triple right-turn at the Cambridge Street eastbound approach to Maffa Way has been eliminated and replaced with a more conventional two-lane approach. The SFEIR also commits to reconstruct Spice Street and D Street to re-route traffic from Cambridge Street and Maffa Way destined for Rutherford Avenue southbound to relieve congestion at the Maffa Way/Cambridge Street /Alford Street/rotary. The construction of the Beacham Street Extension to improve bus operations and circulation at the MBTA Sullivan Square Station will also provide similar benefits by removing traffic along the Rotary. All proposed improvements along Cambridge Street, Alford Street, and at Sullivan Square include pedestrian and bicycle accommodations that are linked to proposed or existing pedestrian and bicycle networks that would connect to the Wynn Casino Resort.

No vehicular traffic capacity improvements are proposed in Sullivan Square (at the rotary) itself. The SFEIR indicates that the mitigation will divert trips from the rotary to the upgraded roadway links in sufficient numbers to offset the anticipated increase in new traffic in Sullivan Square associated with the resort.

The SFEIR also commits to improvements to be implemented by the Proponent that include the reconstruction of the lower busway and the parking field to create a new circulation pattern for the bus station, and modifications to both pedestrian and MBTA buses circulation within the station. These improvements would connect with the street network with a new signalized busway exit opposite the I-93 northbound off-ramp on Cambridge Street for right-turning buses, and a new signalized entrance at Maffa Way allowing buses to circulate into the station from Beacham Street Extension and Main Street. The SFEIR also includes an evaluation of the feasibility of providing two-way access between the Sullivan Station MBTA Busway and the Charlestown Bus Garage by Beacham Street and signalizing its intersections with Main Street and Maffa Way.

The SFEIR includes revised conceptual plans and updated capacity analysis, based on data collected in December 2014, for the proposed interim improvements. The LOS at all signalized intersections will improve from at worst LOS F in the No Build Condition to LOS E in the Build with Mitigation Condition for all time periods. The overall LOS of the Cambridge Street/I-93 northbound off-ramp will operate in the Build with Mitigation Condition at LOS C for all time periods, unchanged from the LOS for the No Build Condition. The overall LOS of the main intersection of Sullivan Square, the intersection of Maffa Way, Cambridge Street, and Alford Street, will, in the Build with Mitigation Condition, improve to LOS E during the Friday p.m. peak hour and LOS D during the Friday p.m. real peak hour, compared to LOS F under the No Build Condition. It will continue to operate at LOS D during the Saturday afternoon peak hour in the Build with Mitigation Condition. The intersection of Rutherford Avenue and the Route 1 Ramps will continue to operate at LOS E during the Friday p.m. peak hour in the Build with Mitigation Condition.

The SFEIR concludes that project impacts will not further degrade operations within this area, compared to the No-Build Scenario and that impacts to I-93 will be avoided. However, I note that under No-Build and Build With Mitigation Condition, overall operations at some intersections operated at a degraded level of LOS E and LOS F and are over capacity. Although Build with Mitigation improves overall operations, many of the individual movements within these intersections are degraded further under the Build with Mitigation Condition (e.g. increases in delays, increases in volume to capacity ratios).

The Proponent consulted extensively with MassDOT and the MBTA since the FEIR. In addition, the Proponent met separately with the City of Boston and BTD. The SFEIR indicates that the Proponent has worked hard to reconcile differences between these stakeholder's suggestions. The SFEIR does not identify what required reconciling or identify how the resulting mitigation balances competing concerns. The Response to Comments document does not acknowledge why the recommended consultation, which would provide a more direct way to reconcile competing concerns, did not occur. It is unclear whether the Proponent attempted to convene a joint meeting to reconcile differences and was unable to secure participation from the parties or if other reasons prevented such a meeting. Regardless, a joint meeting was not held.

Comments from MassDOT reflect this consultation and indicate that interim plans have significantly progressed in regards to geometric design, safety and traffic operations of the interim improvements. In particular, the letter notes the elimination of the triple right turn lane, reconstruction of Spice Street and D Street, construction of the Beacham Street Extension, and inclusion of pedestrian and bicycle connections with links to existing or proposed networks. MassDOT indicates that, based on the analysis, traffic operations would operate with acceptable LOS and delay; however, they question whether queuing can realistically be accommodated due to the proximity of the intersection within the area and the limited availability of vehicle storage. In addition, they indicate that a clear determination by the City of Boston as to their final plan for the corridor and a schedule for implementation would best address long-term mitigation for the Rutherford Avenue corridor.

Comments from the City indicate that the analysis and proposed mitigation does not sufficiently address its concerns and that the proposed interim improvements will, rather than mitigate impacts, will degrade operations in the short-term. I note that these comments are echoed by the City of Somerville. The City of Boston asserts that their concerns are regarding issues of feasibility, viability and compatibility and that they are not minor design details that can or should be deferred to permitting.

Specific comments from the City of Boston, based on analysis provided by its peer review consultant, note that the City did not have an opportunity to address underlying assumptions (assignment, intersection operations, signal coordination, and queuing impacts) or to participate in model development and calibration process for this complex modeling effort. The letter indicates that they requested AM peak hour traffic operations data prior to providing feedback and adequacy of mitigation which was not provided. They note that spillover effects and queuing will result in poor operations. It notes that a key element of this plan is the introduction of left-turns from Cambridge Street eastbound into the MBTA station via Beacham Street Extension and on to Maffa Way and Main Street. City of Boston comments indicate that it has investigated upgrading this roadway link and concluded that the introduction of left-turns at this location would be problematic because the close proximity of this intersection to the Cambridge Street intersection with the 1-93 off-ramp would creating weaving and queuing problems. Traffic turning right from the ramp and then looking to turn left into Beacham Street Extension would get trapped and block through travel lanes on Cambridge Street. Accordingly, the City's plan for this location limited left turns to buses only. These comments also question the allocation of a large number of vehicle diversions to Spice Street and D Street to avoid delays entering Sullivan Square because, they note, the route is available today and sees very little use. They assert that proposed upgrades will not increase capacity or improve travel times.

In addition, the City of Boston comments identify concerns with the existing peak hour vehicle queues on Cambridge Street which begin at the Sullivan Square rotary and extend beyond the I-93 off-ramp. The SFEIR reports that the rotary intersection will operate at 114 percent of capacity during the Friday, PM peak hour which the City asserts demonstrates that there will continue to be a problem. The letter identifies concerns that the proposed signalization of the Beacham Street/Main Street intersection will stop westbound Main Street traffic and create vehicle queues. Given the curved alignment of the roadway leaving the Sullivan Square rotary, sight lines may be limited to the back of the queue and create a safety problem.

Comments from residents are consistent with the City's comments and express significant concerns with the project's traffic generation and its impacts on long-standing plans that were developed with active participation and support of residents.

MassDOT has expressed concerns that the City's vision for Sullivan Square and Rutherford Avenue and the Proponent's plans are not properly aligned. MassDOT has called for a SSFEIR, in part, to support a process to develop long-term improvements. This process would include participation by MassDOT, MGC, the Proponent and the City of Boston. The success of this effort will be dependent on the active and constructive participation by all of the participants. I expect that all of the parties will participate constructively; however, building consensus with parties engaged in active litigation will be a significant challenge.

Lower Broadway/Alford Street (Route 99)

Lower Broadway (Route 99) will be reconstructed between Revere Beach Parkway (Route 16) and the primary access drive to provide a four-lane cross-section (two lanes each direction) with additional turning lanes provided at major intersections, and sidewalks on both sides. Two left turn lanes are proposed on Alford Street to access the site.

Comments during the FEIR identified concerns with queuing and adequate vehicle storage capacity as well as potential impacts to upstream intersections, in particular during the Friday PM peak period. In addition, comments from the City of Boston during the FEIR expressed concern with the feasibility of the access improvements, including required land acquisitions, and whether adequate capacity could be provided to meet travel demands without degrading operations on Alford Street.

The SFEIR describes that the Proponent worked with Mass DOT and the City of Everett to reevaluate the traffic mitigation along the Route 99 corridor (Broadway and Alford Street) to address previously identified unacceptable service levels, congestion, delays, and queues. The SFEIR included a revised analysis, which generally indicates that traffic operations along the corridor would operate at acceptable LOS and delay, and overall corridor travel time would be favorable to bus operations. The Proponent has also committed to provide the MBTA with a Priority Signal System to all buses along this corridor and to equip all the signalized intersections accordingly. The improvements proposed along Route 99 also include accommodations for bicycles and pedestrians that would link the Wynn Casino site to existing pedestrian and bicycle networks.

The intersection of the Project's Main Entrance/Mystic Street/Broadway (Route 99) was analyzed only in the Build (2023) Condition and the Build (2023) Condition with mitigation because the

intersection does not exist in either the Existing (2013) or No-Build (2023) Conditions. The analysis shows that, in all three peak hours analyzed, this intersection in the Build (2023) Condition with Mitigation will operate at an overall LOS C or better. Both the 50th and 95th percentile queues will be accommodated by the available queue storage. The intersection of Beacham Street and Broadway was analyzed in the No-Build, Build (2023), and Build (2023) with Mitigation Conditions. That analysis shows that the intersection of Beacham Street/Broadway (Route 99) will operate at LOS F in the No Build Condition during the Friday PM peak hour and LOS D in the No Build Condition during the Saturday afternoon peak hour. The analysis shows that the intersection will operate at LOS D in the Build with Mitigation Condition (2023).

The intersection of Bowdoin Street and Broadway (Route 99) was analyzed in the No Build (2023), Build (2023), and Build (2023) with Mitigation Conditions. That analysis shows that this intersection will operate at LOS B in the No Build Condition during the Friday peak hours, and LOS A during the Saturday afternoon peak hour. It will operate at LOS A in the Friday peak hour, and Saturday afternoon peak hour.

Wellington Circle

The Proponent will provide $1.5 million towards a study of long-term improvements to address existing deficiencies. The SFEIR identifies interim improvements consisting of a combination of traffic signal upgrades and geometric improvements to address the project's traffic impacts. In addition, it will include sidewalks and landscaping. Specific geometric improvements would include the widening of the Route 16 approaches and the provision of an additional left-turn lane on the Route 28 northbound approach.

The analyses indicates that in the No Build Condition, during the Friday p.m. peak hour, the western, eastern, and northern intersections of Wellington Circle will operate at LOS F, LOS E, and LOS B, respectively. In the Build with Mitigation Condition these intersections will operate at LOS D, LOS D, and LOS B. In the No Build Condition, during the Saturday afternoon peak hour, the western, eastern, and northern intersections of Wellington Circle will operate at LOS E, LOS C, and LOS C, respectively. In the Build with Mitigation Condition, these three intersections will continue to operate at those levels of service. In the No Build Condition, during the Friday p.m. real peak hour, the western, eastern, and northern intersections of Wellington Circle will operate at LOS F, LOS E, and LOS B, respectively. In the Build with Mitigation Condition, these three intersections will operate at LOS D, an LOS D, and LOS B, respectively.

MassDOT comments indicate that it supports the proposed interim mitigation and that the study is necessary to address effective alternatives for addressing existing operational deficiencies. Previous comments from DCR note that the system appears to be at or near the limit of at-grade solutions. In addition, DCR noted concerns that the proposed improvements would impact existing open space and would require tree removal. DCR comments on the SFEIR indicate that the revised mitigation has addressed concerns regarding impacts to open space.

Comments from the City of Medford identify several concerns with traffic, including questions regarding the process, funding and timing of the study and its relation to the schedule for casino

development. In addition, they identify concerns that impacts are underestimated and do not account for the likely impacts of queuing on City streets and I-93.

Santilli Circle, Everett

The alternative presented in the FEIR consisted of modifying the signalized rotary to construct a flyover ramp from Route 16 eastbound to the Route 16 Frontage Road. It also included an enhanced, accessible pedestrian path along the western and northern sides of the rotary and across Mystic View Road and Santilli Highway. To address concerns by DCR, MassDOT and others, the Proponent has presented a new at-grade intersection alternative. This alternative is more consistent with DCR and MassDOT's preference for at-grade solutions that reduce long term maintenance costs and eliminate the visual impacts of an elevated structure along Revere Beach Parkway. It will consist of a combination of at-grade geometric improvements, traffic signalization, lane configuration modifications, and pavement markings and raised islands to reduce weaving with the rotary; new guide signage; and signal timing and phasing adjustments to address safety and operations of the rotary.

Santilli Circle was analyzed in the No Build (2023), Build (2023), and Build (2023) with Mitigation Conditions. The analysis shows that the western signalized intersection at Santilli Circle will operate at LOS B in the No Build Condition during the Friday peak hour, LOS A during the Saturday peak hour, and LOS B in the Friday real peak hour.

DCR comments note that this proposal will retain the parkway character along this section of Revere Beach Parkway compared to the grade separated proposal. In addition, DCR indicates that the traffic characteristics at Santilli Circle are very different for weekday traffic than weekend traffic due to higher volumes of shoppers and lower volumes of regional commuter traffic. DCR recommends that the Proponent develop a separate timing plan based on actual weekend (holiday season) traffic counts.

Comments from MassDOT indicate that the Proponent should refine the design, improve lane utilization and optimize guide signage location to ensure that casino patrons, a number of which will be unfamiliar with the area, can maneuver safely and efficiently through the rotary.

Revere Beach Parkway (Route 16) Intersections, Chelsea

The Revere Beach Parkway (Route 16) will convey patrons and employees to the Project Site from the north and east. Improvements include adjustment of phasing splits and upgrades to traffic equipment at the Washington Avenue intersection and Webster Avenue/Garfield Avenue intersection. The proposed mitigation at signalized intersections along Revere Beach Parkway in Chelsea includes upgrading traffic signal equipment along with signal timing and phasing adjustments to improve traffic flow.

The Revere Beach Parkway (Route 16) intersections in Chelsea were analyzed in the No Build, Build (2023), and Build (2023) with Mitigation Conditions. That analysis shows that the intersection of Revere Beach Parkway (Route 16) and Washington Avenue will operate at overall LOS F in the No Build Condition during the Friday "real" peak hour, and overall LOS C during the Saturday afternoon peak hour. The same analyses show that the intersection of Revere Beach Parkway (Route 16) and

Washington Avenue will operate at overall LOS D in the Build with Mitigation Condition during the Friday PM peak hour, and overall LOS C during the Saturday afternoon peak hour.

At Revere Beach Parkway (Route 16)/Webster Avenue/Garfield Avenue the analysis shows that the intersection of Revere Beach Parkway (Route 16) and Webster Avenue/Garfield Avenue will operate at overall LOS F in the No Build Condition during the Friday PM peak, and overall LOS E during the Saturday PM peak hour. In the Build with Mitigation Condition, it will continue to operate at LOS F during the Friday PM peak hours, but with slightly less delay than the No Build Condition. The analysis indicates that the intersection will operate at LOS E in the Saturday PM peak hour but with slightly less delay than in the No Build Condition.

DCR comments request revisions to the plans to reduce accidents at the Revere Beach Parkway at Garfield and Webster Avenues intersection, as requested in comments on the FEIR. In the SFEIR, the Proponent concluded that left turns can be made simultaneously from Garfield Avenue and Webster Avenue with the existing intersection geometry and that split phasing is not necessary. DCR comments note traffic congestion and documented accident history are associated with these simultaneous left turning movements, and that consideration of additional solutions is necessary.

Sweetser Circle, Everett

The SFEIR identifies improvements to Sweetser Circle to improve lane utilization and guide motorists through the rotary more efficiently. The SFEIR identifies design refinements and addresses previous discrepancies in performances measures.

Sweetser Circle was analyzed in the No Build (2023), Build (2023), and Build (2023) with Mitigation Conditions. The results of the analysis indicate that the rotary is expected to operate at acceptable LOS and delay upon implementation of the geometric and traffic improvements. One of the specific areas of concern identified by MassDOT in the FEIR comment letter was queues on the off-ramp from Route 16 westbound to Sweetser Circle. According to the capacity analysis and the associated traffic simulation results, these queues are expected to be within acceptable range for all peak periods. Comments from DCR indicate support for the improvement and note that mitigation will improve conditions at this location.

Although the Proponent has proposed an alternative for providing bicycle access, many comments express concern with the design and indicate it will not provide effective or safe access. It requires bicyclists to dismount as they approach Sweetser Circle and walk on sidewalks to ramp down to the bike path on Route 99. Comments from MassDOT indicate that right-of-way limitations present a challenge to providing full accommodations. MassDOT will work with the Proponent during permitting to determine whether an alternative that will provide full accommodation of cyclists can be developed.

Bell Circle

The Proponent has committed to traffic signal equipment, signs, and pavement marking upgrades to improve safety and meet current design standards. The SFEIR includes an updated evaluation of associated performance measures to gauge the effects of these improvements.

Transit

The Scope for the SFEIR required the Proponent to demonstrate that traffic mitigation would not affect the bus service provided in this area, to consult with the MBTA regarding the shuttle bus system to avoid duplication and potential conflicts with MBTA services and associated infrastructure, and to provide a revised analysis of the project's potential impact on Orange Line service.

The SFEIR presents updated information on impacts relating to the use of shuttle buses to the MBTA stations. The Proponent has conducted site visit at all MBTA stations with appropriate staff to discuss what type of improvements could be made to the existing station and bus network to facilitate greater usage of transit to access the project. The SFEIR provides updated information on how its service schedule would align with the Orange Line schedule at Wellington Station, the capacity of the shuttle system to accommodate both patrons and employees, and the frequency of service to make it a viable alternative for employees and patrons. The SFEIR includes detailed conceptual plans that indicate the possible locations for shuttle pickup and drop-off at both Malden Center Station and Wellington Station. As part of this effort, the Proponent will redesign the existing parking lot at Wellington Station to provide new berthing spaces for the Wynn Casino Resort shuttle system, improve circulation of the existing parking lot, and relocate the layover spaces for MBTA buses.

The SFEIR includes transit analysis for the three existing bus routes that travel along Route 99 between the station and the project site, with stops very close to the site. Bus Routes 104, 105, and 110 operate near the site, with headways varying widely from 15 minutes to 70 minutes. According to the SFEIR analysis, the routes have sufficient capacity to accommodate additional employees and casino patrons should they elect to use Sullivan Square. However, the Proponent has committed to a shuttle service from Wellington Station that will be a more attractive option to both employees and patrons.

The SFEIR includes a revised analysis of projected Orange Line peak loads for weekday and weekend service days between Wellington and Back Bay Stations. The projections indicate that loading standards would be violated at least during the Friday PM peak for the project. The SFEIR does not consider provision of an operating subsidy to the MBTA to support service and capacity improvements on the Orange Line. I note the importance of robust and dependable transit options to the attainment of mode share goals and MassDOT's comments that a subsidy is necessary to mitigate the projects impacts.

The SFEIR includes detailed conceptual plans that indicate the possible locations for shuttle pickup and drop-off at both Malden Center Station and Wellington Station. These plans are of conceptual nature; however, MassDOT comments indicate that they are generally consistent with MBTA codes and standards related to the Americans with Disabilities Act (ADA), the Massachusetts Architectural Access Board (MAAB), and the Federal Transit Administration (FTA) regulations and guidance.

As required, the SFEIR demonstrates how pedestrian crossings and bus stops are coordinated to ensure safe and accessible travel for bus customers specifically from the existing MBTA bus stops along Broadway to the facility. The operations of the traffic signals for the associated intersections have taken into consideration the locations of the bus and the pedestrian crossing movements and provided adequate pedestrian signal timing and phasing as part of the overall intersection analysis. MassDOT states in its comments that the resulting capacity analysis summary table indicates that the Broadway corridor will

operate at acceptable LOS and delay with MBTA buses experiencing improved corridor travel time. I note that City of Boston comments disagree with the conclusions of the traffic analysis and express concern with signal timing, queuing and safety.

Private Shuttle Service

The SFEIR includes commitments for a shuttle bus system to connect the MBTA Orange Line stations at Malden Center and Wellington to the site; a proposed "Premium Park and Ride" shuttle service from the Massport Logan Express parking lots located in Braintree, Framingham, and Woburn to the project site.

Pedestrian and Bicycle Accommodations

The transportation analysis has identified the routes that would experience a significant increase in pedestrian activity as a result of the project. To accommodate the increase and also encourage both casino patrons and employees to consider walking as an option, the Proponent has proposed new pedestrian facilities and/or upgraded existing facilities that provide connections to the site. In the Sullivan Square area, the Proponent will construct new sidewalks along the Beacham Street Extension and reconstruct/upgrade all the sidewalks where improvements are proposed within Sullivan Square. The pedestrian route from Sullivan Station to the Wynn Everett casino facility will be upgraded in its entirety to improve the pedestrian experience for casino patrons and employees. These improvements will include associated pedestrian signals and crossings at all intersections along the corridor with particular attention provided to pedestrian at the project site drive, which is expected to experience a significant amount of pedestrian, bicycle, and vehicular activities. The bus stops along Route 99 were located in consultation with the MBTA to safely and effectively connect to pedestrian facilities.

There has been a longstanding interest in providing a pedestrian connection from Assembly Square to Everett either on the Amelia Earhart Dam or as a stand-alone structure. The Proponent has committed to funding a study for a potential pedestrian connection between the MBTA Assembly Row Station and the Wynn Casino Resort over the Mystic River.

The project will include significant improvements to bicycle access including incorporation into roadway designs and construction of multi-use paths along the Mystic River. Comments on the FEIR stated concerns about the feasibility and timing of some improvements including comments the discontinuation of bike lanes at Sweetser Circle. As noted previously, the SFEIR includes a proposal for accommodating bikes through Sweetser Circle.

The Proponent should continue to work with MassDOT and the City of Everett to seek an alternative to connect the bicycle lanes to Route 99, north of Route 16. Further, the Proponent has noted that based on the latest discussions with the City of Everett, the Rail Trail project which would improve bicycle connections along Route 99, is expected to be constructed in the near future. I received many comment letters requesting that the Proponent consider a commitment to design and build an extension of the Northern Strand Community Trail from the terminus at West and Wellington Street in Everett to the Mystic River. I expect the Proponent will consider supporting the completion of this trail and note that this may be an appropriate candidate for funding through the Community Mitigation Fund.

Water Transportation

The project includes incorporation of a riverwalk and dock and will provide water transportation between the site and locations in Boston Harbor and will provide transient docking. This commitment provides an excellent opportunity to restore public access to the Mystic River, in an area where little access is currently provided, and support expansion of water transportation within Boston Harbor. Many commenters express excitement about the commitment to this service and the Proponent's aggressive mode share assigned to this service.

The water shuttle service will include stops in Downtown Boston (Long Wharf or Rowe's Wharf) and South Boston (World Trade Center), with potential for expansion to other Boston Inner Harbor locations. The Proponent has committed to build custom boats for the service to ensure that they can pass under the Alford Street Bridge without requiring it to open and to reduce emissions of air pollutants. A water taxi and shuttle dock is proposed to support this service.

Comments on the FEIR and the SFEIR indicate that the mode share attributed to water transportation is very aggressive and many question whether it is attainable. I appreciate the Proponent's serious commitment to this measure and its reflection in the mode share goal. The Transportation Monitoring Plan will be structured to evaluate mode share goals and to provide triggers for considering additional measures if targets for non automobile transportation cannot be reached.

Parking

The FEIR Certificate required the Proponent to reevaluate parking demand and clarify assumptions used to determine the overall on-site parking supply, particularly the source of operation capacity percentages, assumptions about patron length of stay and arrival patterns, and the requirement to achieve a desired LOS for patrons using the parking garage and surface lots.

The SFEIR provides a reanalysis of parking capacity necessary to accommodate patrons and has updated its parking program based on the revised development program and this analysis. The analysis includes more detailed information on the methodology and assumptions used to derive the parking demand for the project. The Proponent expects the proposed TDM program, the proximity of the site to alternative modes of transportation, and the provision of off-site parking for employees would significantly contribute to a reduction of on-site parking demand.

The SFEIR indicates that 3,400 spaces will be provided on site, which is a reduction of 300 spaces. Consistent with the FEIR, all employee parking will be located off-site. The Proponent's analysis indicates that the casino contributes the greatest share to the parking demand relative to other uses at peak. In addition, the SFEIR includes a commitment to evaluate on-site parking pricing strategies.

Transportation Monitoring Program

The Proponent was required to consider comments provided on the Transportation Monitoring Program (TMP), including addition of locations and MBTA bus routes. The FEIR indicates that the TMP would be initiated upon site occupancy and extend for five years after full occupancy. The program will monitor traffic generation and mode share to evaluate the effectiveness of roadway

mitigation and the TDM Program. An annual report will be provided to MassDOT within three months after the completion of the data collection effort for the preceding study period. The report will be used to 1) evaluate the Project with respect to the projected and actual measured impact of the Project on the transportation infrastructure and 2) allow for informed decisions with respect to additional measures (if any) that may need to be undertaken.

Implementation of the TDM Program and monitoring of traffic generation and mode share are particularly important for this project. Trip generation rates and assessment of traffic impacts are based on high alternative transportation mode shares because of its urban location and the Proponent's commitment to promote alternative transportation. The SFEIR indicates that 71% of patrons will arrive by automobile or taxi and 29% will arrive by other modes. For employees, 41% are projected to arrive by automobile and 59% will use alternative transportation.

Mode share goals were reviewed and approved by MassDOT with the understanding that actual trip generation and travel patterns will be tracked through the TMP. If monitoring demonstrates that proposed mitigation is not effective in accommodating the future traffic volumes at key area intersections impacting the state highway system, the Proponent will be responsible for identifying and implementing additional improvements at these locations. These may include improvements to roadway infrastructure and design, adjustments to traffic signal timing and phasing modifications, optimization of the coordinated/interconnected signal system, and/or further refinement of the TDM program to improve its effectiveness. Comments from the City of Boston and others express concerns with the monitoring and also suggest ways to enhance the effectiveness of the program.

I support the commitment in the TMP to specific triggers for the addition of TDM measures. The SFEIR indicates that additional measures will be required if any of three conditions associated with increased traffic volumes are exceeded. However, it remains unclear how the Proponent will measure the operational deficiencies at the monitored locations and determine which trips are casino related. Several commenters have raised concerns with regarding improving effectiveness of TMP, including the relatively short 5-year commitment to monitoring. The Proponent should consider comments provided on the TMP and should consult with MassDOT regarding the extension of the monitoring period.

Wastewater

The SFEIR indicates that the project will generate an estimated 283,483 gallons per day of new wastewater flows. The Proponent will provide funding to the City of Everett to support infiltration/inflow (I/I) removal requirements. An alternative to this standard mitigation was rejected based on consultation with the City of Everett, MassDEP and the MWRA. The City is implementing an I/I investigation program which is expected to yield specific projects to rehabilitate existing infrastructure and remove I/I from the City's sewer system. MassDEP will continue to monitor the progress of the I/I abatement program in Everett, and the funding commitments of the Wynn project to fulfill the requirements for 4:1 removal for this project.

Waterways/Chapter 91

The site is comprised of flowed tidelands, filled (formerly flowed) tidelands, and non-jurisdictional upland within Everett. Of the approximately 33.9 acre site, approximately 8.3 acres are

flowed tidelands (below MHW), 10.63 acres are filled tidelands, and 14.97 acres are non-jurisdictional upland. On July 29, 2013, MassDEP issued a determination concluding that approximately half of the upland areas of the site are private tidelands and half is non-jurisdictional uplands. A small portion of the south side of the site is located within flowed Commonwealth tidelands. However no work, fill, or structures are proposed in this area.

Most of the retail and restaurant space, and approximately a third of the hotel is within jurisdiction; the remaining portion of the hotel, gaming area, some entertainment space and the parking garage are not within jurisdiction. Approximately 6.26 acres of open space will be located within jurisdiction, including the waterfront promenade, a harborwalk, a gazebo and a large landscaped area at the southern end of the peninsula. The project is considered a nonwater-dependent use (310 CMR 9.12) because it includes nonwater-dependent uses (hotel, casino and mixed-use commercial development) and water-dependent uses (public waterfront open space and dock facilities).

The City of Everett's Central Waterfront Municipal Harbor Plan (MHP) was approved on February 10, 2014. The MHP establishes enhanced and/or alternative standards for waterfront development, access and amenities that are tailored to Everett's specific planning objectives for this area. The MHP includes substitutions for the water-dependent use zone (WDUZ), building height and lot coverage. It allows the reconfiguration of the WDUZ with no net loss of area. It decreased the maximum allowable heights to 55 feet in Zone A, the peninsula portion of the site, and increased the maximum allowable heights to 400 feet in Zone B. The height substitution includes an offset of one new/additional square foot of open space in the MHP area for every square foot of net new shadow. In addition, it allows lot coverage up to 60% with a priority offset of an open space connection between the development site and Gateway Park, and an alternative menu of offsets that include a kayak/canoe launch, fishing pier and walking/bicycle paths.

Previous MEPA submittals have described the public benefits and water-dependent uses that the project will provide including: high quality open space along the Mystic River and a continuous harborwalk along the waterfront; Facilities of Public Accommodation (FPA) on 100% of the ground floor; a water transportation dock; and, extension of the riverwalk from DCR Gateway Park. The extension of the existing waterfront trail and creation of pedestrian and bicycle connections between the site and Gateway Park will include the construction and maintenance of an open space connection under the MBTA tracks. This connection will restore public access to the site, expand public access along the Mystic River to the north, and will support pedestrian access from Wellington Station and pedestrian and bicycle access from other points north.

The SFEIR also included an updated wind and shadow study to ensure that no new net shadow or new net impacts from wind will occur at the ground level within jurisdictional areas as a result of the changes to the hotel tower. MassDEP has stated that although some of the ground floor space has been reconfigured and programming of the ground floor space has slightly changed, the entire ground floor of the nonwater-dependent building within jurisdiction meets or exceeds the areal requirements for Facilities of Public Accommodation (FPAs), and therefore complies with the MHP and Chapter 91 regulations.

It is important to note that while MHPs often contain elements of local planning related to waterfront uses and development, state approval of MHPs is limited to the formal evaluation and

approval of substitutions to specific discretionary standards of the Waterways Regulations. As such, review and approval of MHPs is not intended to consider all of the potential project impacts associated with a development proposal, nor all of the public benefits associated with a project within a planning area.

Although the project complies with the c. 91 lot coverage standard, pursuant to 310 CMR 9.51(3)(d), the Proponent has committed to providing the open space connection from the development site to the existing DCR parkland via a connection beneath the existing MBTA railroad bridge. This open space connection shall be reflected in all subsequent state permitting.

As presented in the SFEIR, the project design modifications are consistent with the MHP Decision. Conformance of the proposed project with the approval language and conditions of the MHP Decision will be confirmed by MassDEP in the Chapter 91 licensing process. In addition, a Public Benefits Determination will be issued with the Certificate on the SSFEIR.

Wetlands and Stormwater

The plans for recreating shellfish beds has been eliminated because it is reported that the Division of Marine Fisheries (DMF) would not be able to approve a shellfish restoration project in this prohibited area because the water quality is impaired with high levels of bacteria. The DMF offers alternative areas for shellfish enhancements that would allow the Proponent to fulfill this mitigation commitment. I strongly encourage further consideration of opportunities to improve shellfish resources at more appropriate locations in consultation with DMF.

Previous MEPA filings described the proposed stormwater management system, provided supporting data, calculations and drainage plans to demonstrate consistency with the Stormwater Management Standards. The documents indicated that the proposed system will be designed to meet and exceed the stormwater management standards and the City of Everett's stormwater requirements.

According to the SFEIR, the remaining stormwater issues identified in the comment letters on the FEIR would be addressed in permitting. In the absence of additional information in the SFEIR, the Proponent is reminded that an erosion resistant design of the stormwater outfalls is required for the maximum stormwater discharge velocity, in accordance with the Storm water Management Handbooks, Volume 3, Chapter 1, page 2. The Stormwater Management Standard 1 also is clear that new stormwater outfalls may not cause erosion of wetlands or waters of the Commonwealth. Rip-rap splash pads proposed may not be sited within most coastal wetland resources, except for land subject to coastal storm flowage or riverfront area, in accordance with the wetland regulations in 310 CMR 10.05(6)(k).

Greenhouse Gas Emissions

The SFEIR identified the Proponent's commitment to sustainability and included four over-arching objectives:

- Design of a building that will be LEED certified, at a rating of Gold or higher.
- Reduction of GHG emissions through a targeted program.
- Reduction in water and electricity consumption below existing Code requirements.

- Plan for and identify potential effects of sea level rise.

GHG Analysis

The SFEIR included a revised GHG analysis consistent with the MEPA GHG Policy. The Policy requires projects to quantify carbon dioxide (CO_2) emissions and identify measures to avoid, minimize or mitigate such emissions. The analysis quantifies the direct and indirect CO_2 emissions associated with the project's energy use (stationary sources) and transportation-related emissions (mobile sources). The GHG analysis evaluated CO_2 emissions for two alternatives as required by the Policy including: 1) the Base Case and 2) the Mitigation Alternative, which includes all energy saving measures.

The City of Everett has adopted the Energy Stretch Code (Stretch Code) subsequent to its designation as a Green Community under the provisions of the *Green Communities Act of 2008*. Therefore, the project will be required to meet the applicable version of the Stretch Code in effect at the time of construction. The Stretch Code increases the energy efficiency code requirements for new construction (both residential and commercial) and for major residential renovations or additions in municipalities that adopt it. A revised Stretch Code is expected to require energy use in new large buildings to be 12 to 15 percent below the baseline of IECC 2012. While information provided in the FEIR was consistent with the GHG policy (i.e., using the Building Code in effect at the time of the ENF filing), the Proponent revised its model based on the 2010 ASHRAE 90.1 to demonstrate compliance with the current 2012 IECC Code and the potential revisions to the Stretch Code. I requested the revised analysis to provide a realistic assessment of potential GHG reductions in comparison to applicable Code requirements and assist in identifying practicable and meaningful mitigation measures to meet the Proponent's stated sustainability goals and objectives.

The analysis demonstrates that the Project's energy-saving measures will achieve substantial emissions reductions that are equivalent to or better than the Project design evaluated in the FEIR. Building energy use will be 18.3% below the IECC 2012 base. The entire Project's energy use (including building, garage ventilation, garage lighting and water/wastewater utility energy uses) will be 26.4% below the updated ASHRAE 90.1-2010 standards. These energy reductions will exceed the energy reductions modeled in the Final EIR (which were 29.1% but relative to the less stringent 2007 baseline consistent with applicable MEPA scoping requirements, not the more stringent 2010 ASHRAE 90.1 standards).

The reduction in stationary source emissions with mitigation was reported to be 5,744.7 tons per year (tpy) (30.2 percent) in the FEIR. However, the SFEIR (Table 5) reports a smaller reduction of 5,531.8 tpy (27.4 percent). The narrative on the GHG modeling has not identified the sources of this stationary source emissions increase. Although the reduction of stationary source emissions has increased, the transportation emissions reduction remains unchanged from the FEIR at 358.6 tpy (13 percent). This suggests that additional traffic mitigation may be offsetting the increase in traffic volume corresponding with the refinements to the project. Accordingly, avoiding an increase in stationary source emissions, and maintaining or reducing the emissions estimated in the FEIR appears to be a reasonable goal going forward with the project design. To that end, the Proponent is encouraged to consider additional improvements in the energy efficient designs and expansion of the commitment to renewable energy and to incorporate these commitments into revised Section 61 Findings.

The DOER notes the adoption of PV, co-generation, and numerous energy efficiency measures will be included and commends the project on both the number and degree of mitigations included. I note that the Section 61 Finding should address clarifications raised in its comment letter from MassDEP and DOER. A revised Section 61 Finding should specify how many EGMs will be low-energy and the EGM total. It also would be useful to provide comparable information on EGM energy use, as was available in the Section 61 Finding for the cogeneration plant, such as clarification of the energy savings expected with the low-energy EGM to be used.

Climate Adaptation and Resiliency

The Proponent has assessed the reasonably foreseeable impacts of climate related sea level rise, increased frequency and intensity of precipitation events and extreme heat events on the project site. During the preparation of the FEIR, Draft Preliminary Flood Insurance Rate maps (FIRM) were released for the adjacent areas of Suffolk County. New maps have not been proposed for the Project Site. For the purposes of a conservative analysis, the FEIR used the draft FIRM for Suffolk County[3] and the highest scenario from the Boston Harbor Association (TBHA) *Preparing for the Rising Tide* report for an assessment of sea level rise impacts on the project site. These FIRMs propose an increase by one foot to elevation 10 feet (NAVD) during the 100-year storm event. The TBHA highest scenario projects sea level rise of 7.5 feet above current high water, which is elevation 12.35 (NAVD88).

Measures to address potential impacts associated with climate change are identified in the Mitigation Section of this Certificate. One of the changes to the design identified in the SFEIR is the elevation of the west wing from 12'4" to 18'4" NAVD88, which will be consistent with the rest of the first floor building elevation. The Proponent will consider additional measures during subsequent design. These may include: rain gardens and swales; flood-proof construction; elevation of structures above design flood elevations; prevention of water infiltration; protection for service equipment (HVAC, electrical, fuel, water, sewage); installation of back-water flow values and sump pumps; protection of entrances from snow and ice; enhanced building insulation; cool/green roofing; resilient back-up power and systems; backup power sources for elevators; insulation of refrigeration equipment; and, elevation of utility hook-ups, mechanical devices, electrical service panel, water heaters, and IT services above potential flood levels.

Massachusetts Contingency Plan

The SFEIR includes an overview of remediation of the site (Release Tracking Number (RTN) 3-13341) by MassDEP. In addition, the Proponent has addressed remediation in more detail through public meetings. MassDEP comments note that portions of previously identified disposal sites are located within the MBTA parcels. The SFEIR does not address remediation of these areas. The project Proponent is advised that the construction of the service road and shared entrance must comply with all applicable requirements of Massachusetts General Law, Chapter 21E (M.G.L., c.2IE) and the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000. The Proponent should consult with MassDEP regarding associated changes to its remediation plans and consistency with the MCP.

[3] The draft FIRM for the applicable Middlesex County Panel had not been released at the time the FEIR was filed. The Suffolk County Panel was used in the analysis.

The SFEIR identified mitigation measures including estimated costs and the timing of implementation and included revised Draft Section 61 Findings for each State Agency that will issue permits for the project.

Mitigation and Section 61 Findings

The FEIR and the SFEIR identify the following measures to avoid, minimize and mitigate environmental impacts:

Transportation

Offsite Improvements – Everett

1. Revere Beach Parkway (Route 16)/Mystic View Road/Santilli Highway/Route 99 Connector Improvements (Santilli Circle): Modify the approach from Frontage Road into the rotary to allow for two formal lanes; Widen circle at Santilli Highway approach to allow for three travel lanes; Provide improved pedestrian and bicycle connection from Frontage Road to Mystic View Road; Reconfigure channelizing island on south side of rotary near Mystic View Road; Provide traffic signal improvements at the signalized locations around the traffic circle; Provide landscaping improvements to the center of the circle; Provide new guide signage and pavement markings; and, perform RSA during 25% design. Work will be completed prior to opening.

2. Route 16/Broadway/Main Street (Sweetser Circle): Reconstruct circle and approaches to function as a two-lane modern roundabout; Reconfigure the existing Broadway (Route 99) northbound approach to allow for three travel lanes providing free flow access to Route 16 eastbound; Provide shared use path on northwest side of rotary to improve bicycle access; Install new signing to provide direction to bicyclists on how to navigate the rotary safely; Provide landscaping and improvements on the north side of the circle; and, maintain pedestrian signal across Route 16 eastbound exit from rotary. Work will be completed prior to opening.

At the following locations (3-11) the Proponent has committed to: Reconstruct Lower Broadway as a 4-lane boulevard with turn lanes at major intersections; Upgrade/replace/install traffic control signals; Reconstruct sidewalks and bicycle lanes where required; Install street trees and lighting; Improve MBTA bus stops along Lower Broadway; Installation of technology along Broadway/Alford Street (Route 99), near project entrance, to allow for signal prioritization for buses.

3. Broadway/ Beacham Street
4. Broadway/ Horizon Way
5. Broadway/ Lynde Street
6. Broadway/ Thorndike Street
7. Bow Street/Mystic Street
8. Bow Street/Lynde Street
9. Bow Street/ Thorndike Street
10. Beacham Street/Robin Street
11. Broadway/ Bowdoin Street

12. Broadway/ Norwood Street/Chelsea Street: The Proponent will optimize traffic signal timing, phasing and coordination.

13. Lower Broadway Truck Route: – Upgrade Robin Street and Dexter Street to serve as a truck route; Provide full depth reconstruction of the existing roadway to accommodate heavy vehicles; Reconstruction of Robin Street and Dexter Street to include heavy-duty pavement, corner radii improvements, sidewalk reconstruction (where present), drainage system modifications (minor), signs and pavement markings.

14. Ferry Street/ Broadway (Route 99): Traffic signal retiming and optimization.

Offsite Improvements – Medford
1. Mystic Valley Parkway (Route 16)/Fellsway (Route 28)/Middlesex Avenue (Wellington Circle): Upgrade/replace traffic signal equipment/signs/pavement markings; Optimize traffic signal timing, phasing and coordination; Widen Route 28 northbound to provide an additional left turn lane; Widen Route 16 westbound to provide an additional through lane in the middle of the intersection; Reconstruct noncompliant sidewalks and accessible ramps around the intersection to improve pedestrian access; Provide landscape improvements.

2. Mystic Valley Parkway (Route 16)/Route 16 Connector: Traffic signal retiming and optimization.
3. Mystic Valley Parkway (Route 16)/Mystic Avenue: Traffic signal retiming and optimization.

The Proponent has committed to contribute $1.5 million to a study of long-term improvements for Wellington Circle.

Offsite Improvements – Boston
1. Alford Street/Main Street/Sever Street/Cambridge Street (Sullivan Square) and at
2. Cambridge Street/I-93 northbound off-ramp: The Proponent has committed to: Optimize signal timing for Maffa Way/Cambridge Street; interconnect and coordinate traffic signals, widen the Main Street approach to provide two lanes; Reconstruct busway between Cambridge Street and Maffa Way; Reconstruct the southbound approach of Alford Street at Cambridge Street; Install new traffic signals at Cambridge Street/Spice Street/MBTA Busway and Maffa Way/Busway; Upgrade/replace traffic signal equipment/signs/ pavement markings; Optimize traffic signal timing, phasing and coordination; Reconstruct Spice Street and D Street; Reconstruct sidewalks on west side of rotary between Sullivan Square station and Alford Street Bridge; Reconstruct sidewalks and upgrade lighting and streetscape in rotary between Cambridge Street and Main Street (east); Provide bicycle lanes on Cambridge Street; Reconstruct MBTA lower busway and parking area at Sullivan Square station, including new traffic signal at Maffa Way/station entrance; Construct BUS ONLY left-turn lane from Main Street into Sullivan Square Station.

3. Traffic Signal Interconnect Conduit from Sullivan Square to Austin Street: Install conduit, pullboxes, and wiring.

4. Dexter Street/Alford Street (Route 99): Upgrade/replace traffic signal equipment/signs/pavement markings; and, Optimize traffic signal timing, phasing, and coordination.

5. Rutherford Avenue (Route 99)/Route 1 Ramps: Optimize traffic signal timing and phasing.

6. Sullivan Square Landscaping: Improve landscaping within the rotary at Sullivan Square and immediately north of the rotary adjacent to Rutherford Avenue

Long-term Commitment to Sullivan Square: Provide payments of $2.5 million per year into the Sullivan Square mitigation fund ($25 million over 10 years); Provide payments to the City of Boston for each vehicle above Friday afternoon and evening period projections $20,000 per additional vehicle trip, not to exceed $20,000,000 over 10 years; Monitor and Report no later than 30 days after the first anniversary of Project opening and for 10 years.

Offsite Improvements – Revere:
1. Route 16/Route 1A/Route 60 (Bell Circle): Upgrade/replace traffic signal equipment/signs/pavement markings; and, Optimize traffic signal timing, phasing and coordination.

Offsite Improvements – Chelsea:
1. Route 16/Washington Avenue: Upgrade/replace traffic signal equipment/signs/pavement markings; optimize traffic signal timing, phasing and coordination.

2. Route 16/Everett Avenue and 3. Route 16/Webster Avenue: The Proponent has committed to optimize traffic signal timing, phasing and coordination.

Transportation Demand Management

- Membership Fee with a Transportation Management Association
- Employ a designated Transportation Coordinator for the Project to coordinate efforts, monitor success rates, and manage strategic implementation of traffic reduction programs;
- Schedule employee shift beginnings and endings outside specified peak traffic periods;
- Carpool/vanpool matching programs;
- Dissemination of promotional materials, including newsletters about TDM program in print at the Project's onsite Transportation Resource Center, and online;
- Orange Line Shuttle Service to Wellington and Malden Center stations and associated improvements to support curbside shuttle service at Wellington Station and Malden Center Station;
- Employee Shuttle Buses;
- Premium Park & Ride Shuttle Buses;
- Neighborhood Shuttle Buses;
- Water shuttle service to the Project Site;
- On-site Full Service MBTA Fare Vending Machine;
- Participation in the MBTA Corporate Pass Program to the extent practical and as allowable pursuant to commercial tenant lease requirements;
- Electric vehicle charging stations within the proposed parking garage;
- Car sharing services in the garage at the Project Site;
- Preferential parking for car/vanpools and alternatively fueled vehicles; and,

- Offering a "Guaranteed-Ride-Home" in case of emergency to employees that commute to the Project by means other than private automobile.

Wastewater

- Financial contribution to remove Infiltration and Inflow (I/I) equivalent to 4 gallons removed for every gallon of new wastewater generated;
- Install grease traps and gas/oil separators.

Water Use

- Incorporates water conservation measures consistent with LEED requirements, including efficient plumbing fixtures, low-flow lavatory faucets and showerheads.
- Rainwater harvesting, grey water reuse and landscaping alternatives;
- Use timers, soil moisture indicators and rainfall sensors to reduce potable water use on landscaping;

Wetlands, Waterways and Water Quality

- Create public access and amenities, including a water transportation dock and continuous harborwalk;
- Remediation, revegetation and enhancement of 550 linear feet of existing shoreline with enhanced living shoreline;
- Removal of invasive vegetation and planting of native herbaceous and shrub vegetation along part of existing Coastal Bank and Riverfront Area;
- Consultation with MassDEP to develop specifications for the living shoreline and bank restoration.
- Transformation of 10,900 +/- SF of disturbed Coastal Beach/Tidal Flats, Coastal Bank, and Riverfront Area to Salt Marsh;
- Dredging to remove contaminated sediments from the harbor bottom and to provide ample draft for water transportation, recreational vessels and a proposed floating dock;
- Debris clean up within LUO, Coastal Beach and Coastal Bank resource areas;
- Replacement of existing bulkhead and construction of new bulkheads within areas of existing degraded Coastal Beach and Coastal Bank areas;
- 100% of the ground floor will be FPAs;
- Extension of the harborwalk off-site to the DCR Gateway Park and to Broadway including construction of a multi-use path, benches, signage, bicycle racks, plantings and lighting; and,
- Contribution of $250,000 to DCR for planning and engineering of a potential pedestrian bridge linking Somerville and Everett over the Mystic River.

Stormwater

- Best Management Practices (BMPs) such as pavement sweeping, deep sump catch basins, tree box filters, filtering bioretention areas, four (4) proprietary stormwater separators, and stormwater media filters will be constructed. These BMPs will be designed to remove at least 80 percent of the average annual load of Total Suspended Solids (TSS)
- Catch basins, silt fences, hay bales and crushed stone will be used during construction to prevent sediment removal from entering runoff

- Offsite mitigation measures associated with transportation improvements may include bioretention or subsurface infiltration chambers, deep sump catch basins or proprietary stormwater separators.

GHG Emissions

- Buildings designed to be LEED-certifiable at the Gold level or higher;
- Energy Efficiency Measures (EEM) estimated to reduce CO_2 emissions from stationary sources by 26.4%, including:
  - Cool roofs;
  - Central chiller plant with better efficiency than Code;
  - Demand Control Ventilation (DCV) for the casino, public entertainment, and retail areas;
  - Energy Recovery Ventilation (ERV) to reduce chiller energy use;
  - Building envelopes with roof and window insulation better than Code;
  - Skylights over the entry atrium and along the retail promenade (daylighting controls will be tied to this extensive system of skylights);
  - Lower light power density 20% better than Code;
  - Low-energy Electronic Gaming Machines (EGMs);
  - Metal halide lighting for all parking structures;
  - High efficiency elevators with regenerative VVVF drives and LED lights;
  - Demand Control Exhaust Ventilation (DCEV) with variable frequency drive (VFD) fans for enclosed parking structures and metal halide lighting for all parking structures;
  - Kitchen and restaurant refrigeration energy efficiency design to reduce energy use;
  - Energy-STAR appliances;
  - Enhanced building commissioning; and
  - Occupancy controls for non-occupied or infrequently occupied spaces.
- PV system on the podium building roof or other locations, and/or purchase from local service providers of Green Power of annual electric consumption equaling 10% of the Project's annual electrical consumption;
- Cogeneration plant using a nominal 1- MW microturbine, providing approximately 20% of the Project's annual electrical consumption (the cogeneration plant is capable of providing 6,307 MWhr/year of on-site electrical generation, supporting 780 tons of absorption cooling, and providing up to 50 percent of the Project's annual heating and hot water needs); and,
- Intersection improvements to reduce vehicle idling and TDM measures to reduce trips will reduce Project-related motor vehicle CO_2 emissions by 13.0%.

Climate Change Adaptation and Resiliency

- Elevate proposed structures to a minimum of 3.35 feet above the 100-year flood level.
- Parking garages entrances and other openings into below grade spaces will be elevated, as noted above, or incorporate sufficient flood–proofing to avoid damage from coastal storms; and
- Critical infrastructure and HVAC equipment will be elevated above projected flood levels.
- The Proponent will consider additional measures during subsequent design including, but not limited to: rain gardens and swales; protection for service equipment (HVAC, electrical, fuel, water, sewage); installation of back-water flow values and sump pumps; protection of entrances from snow and ice; enhanced building insulation; cool/green roofing; resilient back-up power

and systems; backup power sources for elevators; insulation of refrigeration equipment; and, elevation of utility hook-ups, mechanical devices, electrical service panel, water heaters, and IT services above potential flood levels.

Air Quality

- Commitment to a robust and comprehensive TDM program supported by the TMP (described in TDM section above).
- Commitment to consult with MassDEP regarding the CHP system prior to filing a permitting application.

Conclusion

Based on a review of the SFEIR, consultation with State Agencies, and a review of comments submitted, I have determined that a SSFEIR is warranted and necessary to ensure the MGC and State Agencies have sufficient information regarding environmental and transportation impacts and proposed mitigation prior to the taking of Final Agency Actions. The Proponent shall submit a SSFEIR for MEPA review in accordance with the following Scope.

SCOPE

The SSFEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope.

MBTA Land Transfer

As noted previously, the MassDOT comment letter clearly acknowledges that the execution of the Land Transfer did not comply with the MEPA Statute and takes responsibility for the premature conveyance of the land. I appreciate that MassDOT has taken responsibility for this error and committed to work with the MEPA Office and the Proponent on the development of appropriate remedies. Remedies will include adequate public review of the process and specific conditions to satisfy and protect in the long-term any potential impacts to MBTA facilities and operations. A remedy may include reversal of the Land Transfer or placement of the property in escrow pending issuance of a Certificate finding that the final review document adequately and properly complies with MEPA and the associated time period has expired.

The SSFEIR must include a description of the parcels subject to the Land Transfer and their relationship to the overall development supported by existing and proposed conditions plan. It should clearly describe the infrastructure and operations associated with the Everett Shops and identify issues that the MBTA has identified as critical to ongoing operations, including protecting the 24 hour nature of the facility, sufficiency of access and internal circulation, and identify any measures that should be contemplated to avoid future conflicts between maintenance activities and the casino and hotel.

The SSFEIR should reiterate the description of the bidding process included in the SFEIR and provide supporting documentation including the Notice of Proposal and Request for Response, Offer Letter, Notification of Successful Bidder Letter from MBTA to Wynn, Quitclaim Deed, Easement Agreement, and Closing Statement.

The SSFEIR must demonstrate that the Land Transfer will avoid, minimize and mitigate impacts to the facility and its operations. These commitments must relate to the concerns identified by the MBTA and should be incorporated into the MassDOT draft S61 Findings. The draft S61 Findings included in the SFEIR do not specifically address the Land Transfer but, rather, identify overall mitigation proposed for the access and service road which, presumably, is designed to protect those interests. The MassDOT S61 Finding should be revised to separately identify mitigation measures associated with MassDOT Agency Actions (e.g. Vehicular Access Permit) and MBTA Agency Actions (e.g. Land Transfer).

The MassDOT comment letter indicates that it will develop procedural remedies to avoid the premature conveyance of Land Transfers in the future. I appreciate their commitment to address this issue and expect that MassDOT will consult with the MEPA Office regarding these procedures.

Impacts to MBTA Operations and Transit

MassDOT and MBTA have determined that, based on the analysis in the SFEIR, the project will have an impact on Orange Line capacity. To ensure that impacts are addressed and to preserve the service and capacity improvements associated with the addition of new Orange Line trains, MassDOT has requested that the Proponent provide an annual operating subsidy. I agree that this subsidy is warranted.

The SSFEIR must include a commitment to an annual operating subsidy. The SSFEIR and draft Section 61 Findings should identify the amount of the subsidy, how the amount was determined and how the funds will be managed and used.

Traffic and Transportation

In addition to other issues identified above, MassDOT has requested the SSFEIR to establish a process for integrating the City's long-term plans for Sullivan Square and Rutherford Avenue and the impacts of casino-related traffic. It will require participation by the City, the Proponent, the MGC and MassDOT. I strongly support MassDOT's interest in consulting with the parties to address concerns with the mitigation and identify opportunities to address them more effectively. In particular, this effort will provide an opportunity to understand and reconcile potential conflicts between State and municipal guidance regarding mitigation. The success of this effort will be dependent on the active and constructive participation by all of the participants. I expect that all of the parties will participate in good faith; however, building consensus with parties engaged in active litigation will be a significant challenge beyond my control.

Based on a review of the comment letters, additional information and clarification of the modeling development and underlying assumptions would address some of the concerns identified by municipalities. In particular, the SSFEIR should identify and clarify how and for what purposes the

Synchro and VISIIM models were used. As requested by the City of Boston, it should provide AM peak hour operations data to the City of Boston based on counts performed in December 2014 and it should address questions regarding inaccurate volume networks.

Lastly, MassDOT and the Proponent should consider the comments from the City of Medford regarding consideration of geometric improvements to address the intersection of Mystic Valley Parkway and I-93 Southbound Exit 31 Off-Ramp and concerns that increased traffic could have a compounding effect on the intersection, particularly given the proximity to I-93 southbound mainline; and provide output data from the VISSIM model for Wellington Circle.

Mitigation and Section 61 Findings

The SSFEIR should contain revised and updated mitigation commitments. It should identify clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation. The MassDOT comment letter identified specific tasks the Proponent should complete prior to the permitting process and incorporate into revised draft Section 61 Findings accordingly. In addition, specific commitments associated with the Land Transfer should be incorporated into the Draft Section 61 Findings.

All of the identified mitigation commitments should be incorporated into the Draft Section 61 Findings for the MGC license to ensure that the license accurately reflects the significant commitments to environmental mitigation identified in the MEPA process.

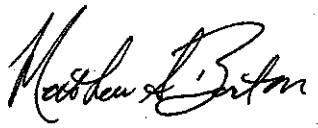
Responses to Comments

The SSFEIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the SSFEIR should include direct responses to comments to the extent that they are within MEPA jurisdiction. This directive is not intended to, and shall not be construed to, enlarge the scope of the SSFEIR beyond what has been expressly identified in this certificate.

The SFEIR provided uneven responses to comments and, in some instances, included incorrect references to sections of the document. The SSFEIR should provide a specific response to each comment letter received, presenting additional narrative and/or quantitative analysis necessary to respond to the comments received, to the extent that they are within MEPA jurisdiction. If other portions of the document substantively respond to individual comments, the Proponent may reference sections of the SSFEIR; however such responses must include page and paragraph references to assist the reader in review and should not reference wholesale sections of the document that do not provide a specific response to the comment. I note that in some instances, such as reference to the traffic analysis and methodology, a reference to larger sections is appropriate.

Circulation

The Proponent should circulate the SSFEIR to those parties who commented on the EENF, and/or the DEIR, and/or the FEIR, to any State Agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. To save paper and other resources, the Proponent may circulate copies of the SSFEIR to commenters other than State Agencies in CD-ROM format or post to an online website, although the Proponent should make available a reasonable number of hard copies, to accommodate those without convenient access to a computer to be distributed upon request on a first come, first served basis. The Proponent should send a letter accompanying the CD-ROM or identifying the web address of the online version of the SFEIR indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments.



April 3, 2015
Date

Matthew A. Beaton

Comments Received:

03/10/2015	Charles D'Entremont
03/20/2015	Frederick P. Salvucci, MIT Civil & Environmental Engineering
03/23/2015	Mayor Gary Christenson, City of Malden
03/25/2015	Mayor Daniel Rizzo, City of Revere(1)
03/25/2015	Division of Marine Fisheries
03/26/2015	Elizabeth K. Levin
03/26/2015	Massport
03/26/2015	Bike to the Sea, Inc.
03/26/2015	Gardens for Charlestown, Inc.
03/26/2015	John Vitagliano
03/27/2015	Mayor Daniel Rizzo, City of Revere(2)
03/27/2015	The Boston Harbor Association
03/27/2015	Department of Energy Resources
03/27/2015	The City of Boston – Consolidated Comments
03/27/2015	Somerville Bicycle Advisory Committee
03/27/2015	Livable Streets
03/27/2015	Rutherford Avenue/Sullivan Square Advocacy Group
03/27/2015	City of Medford, Office of Community Development
03/27/2015	Massachusetts Water Resources Authority
03/27/2015	Charlestown Lofts Condominium Trust, Board of Trustees
03/27/2015	Stefen F. ad Nancy J. Koury

03/27/2015	Syra Arif
03/27/2015	Ronald V. Campbell
03/27/2015	Teresa Clark, LCSW
03/27/2015	Paul Croft
03/27/2015	Eric & Melissa Garfield
03/27/2015	Christopher C. Greci
03/27/2015	Rachel Grubb
03/27/2015	Tracy Leigh Habury
03/27/2015	Stanley J. Heydrick
03/27/2015	David McCool
03/27/2015	TJ McDonough
03/27/2015	Stephen Morin
03/27/2015	Jeff Mullin
03/27/2015	Mujahid Sait
03/27/2015	Josh Silverstone
03/27/2015	Iva Blazina Vukelja
03/27/2015	Jeanine Woodford
03/27/2015	Mathew Rich
03/27/2015	Alexander A. Colarusso
03/27/2015	Charlestown Mothers Association
03/27/2015	Department of Conservation & Recreation
03/27/2015	Mayor Joseph A. Curtatone, City of Somerville
03/27/2015	The Mystic River Watershed Association
03/27/2015	Office of Coastal Zone Management
03/27/2015	Metropolitan Area Planning Council
03/27/2015	CDR Lawrence J. Russo
03/27/2015	East Coast Greenway Alliance
03/27/2015	John Sanzone
03/27/2015	Ellin Reisner, Ph.D.
03/27/2015	James H. Grafmeyer, DDR Corp.
03/27/2015	Lynne C. Levesque, Ed. D.
03/27/2015	Samantha A. Miko, Esq.
03/27/2015	Lynn Weissman
03/27/2015	Fredrick & Jane Sillman
03/27/2015	Jeffrey Leclair
03/27/2015	Catherine Evans
03/27/2015	Seth Avakian
03/27/2015	Pebble Williams
03/27/2015	Christopher Ferry
03/27/2015	Kate Zebrose
03/27/2015	Susan Mcanneny
03/27/2015	Ryan "Fritz" Holznagel
03/27/2015	Department of Environmental Protection
03/27/2015	Alan Moore
03/28/2015	Thomas W. Lincoln
03/30/2015	Michelle Moon

03/30/2015	Stephen Winslow
03/30/2015	Walter Willett, MD
03/31/2015	Mayor Robert Dolan, City of Melrose
03/31/2015	Melrose Pedestrian and Bicycle Advisory Committee
04/1/2015	Emily & Mark Stoehrer
04/2/2015	MassDOT
04/2/2015	Mayor Carl DeMaria, Jr., City of Everett
04/2/2015	Neil Allwood
04/2/2015	Tea Huot

MAB/ACC/acc