



CHECKLIST FOR ISSUANCE OF CATEGORY 2 GAMING LICENSE

APPLICANT: _____

REQUIREMENT	LEGAL AUTHORITY
GENERAL REQUIREMENTS, PREREQUISITES, AND CONSIDERATIONS	
<ul style="list-style-type: none"> • The Commission may issue not more than one category 2 license; provided, however, that the category 2 license shall only be issued to an applicant who is qualified under the criteria set forth in G.L. c.23K and 205 CMR as determined by the Commission. • If the Commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the Commonwealth, no category 2 license shall be awarded. • The Commission shall have full discretion as to whether to issue a license. Applicants shall have no legal right or privilege to a gaming license and shall not be entitled to any further review if denied by the Commission. • A category 2 license shall be valid for a period of 5 years. • The Commission's RFA-2 administrative proceedings beginning with the submission of the RFA-2 applications through the final award of the category 2 gaming license are administrative and legislative in nature, not adjudicatory. Each applicant has been required to present all information required by the Commission in the RFA-2 application truthfully, fully and under oath; however, the RFA-2 administrative proceedings have: <ul style="list-style-type: none"> a) involved public hearings that have not been adversarial in nature; b) involved no specific charges, legal right or privilege; c) provided no opportunity for cross-examination of witnesses under oath in a hearing; d) afforded the opportunity for public comments including unsworn statements and letters of support, opposition or concern by persons advocating for or against the application; and e) will involve a final decision to grant or deny a gaming license that rests at all times within the discretion of the Commission. • The Commission shall ultimately either grant or deny each application before it. • In determining whether an applicant shall receive a gaming license, the Commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the objectives set forth in G.L. c.23K, §18 that are outlined below. • Upon denial of an application, the Commission shall prepare and file the Commission's decision and, if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including specific findings of fact by the Commission. 	<ul style="list-style-type: none"> • G.L. c.23K, §20(a) • G.L. c.23K, §20(a) • G.L. c.23K, §17(g) • G.L. c.23K, §20(f) • 205 CMR 118.07 • G.L. c.23K, §20(e) • G.L. c.23K, §18 • G.L. c.23K, §20(f)

<input type="checkbox"/>	An applicant for a gaming license, and any person required by the Commission to be qualified for licensure, shall establish its individual qualifications for licensure to the Commission by clear and convincing evidence. Have the applicant and all qualifiers been issued a positive determination of suitability?	G.L. c.23K, §13(a), 205 CMR 115.05
<input type="checkbox"/>	Has the applicant paid the nonrefundable application fee of \$400,000 and any additional amounts requested by the Commission to defray the costs associated with the processing of the application and investigation of the applicant?	G.L. c.23K, § 15(11), 205 CMR 114.04
<input type="checkbox"/>	Has the applicant received a certified and binding vote on a ballot question at an election in the host community in favor of such license? Has the municipality that held the election been reimbursed for its expenses related to the election by the applicant within 30 days after the election?	G.L. c.23K, § 15(13), 205 CMR 119.03(2)(e)4
<input type="checkbox"/>	Has a public hearing in the host community on the application been conducted?	G.L. c.23K, §17(c), 205 CMR 118.05
<input type="checkbox"/>	Have at least 30 days but not more than 90 days elapsed since the conclusion of the public hearing in the host community?	G.L. c.23K, §17(e)
In no particular order and without assigning any particular weights the Commission will evaluate each applicant's overall response on how it addresses the following categories of information:		205 CMR 119.03(2)
BUILDING AND SITE DESIGN		
<input type="checkbox"/>	Has the applicant set out a plan (in the permit chart required by 205 CMR 120.01 or otherwise) to ensure compliance with the State Building Code (780 CMR), the Architectural Access Code (521 CMR), and local ordinances and bylaws, including M.G.L. c.30, §§ 61 to 62H?	G.L. c.23K, § 15(12), 205 CMR 119.03(2)(d)1
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry. (X-ref: Economic Development & Overview of the Project)	G.L. c.23K, §18(5), 205 CMR 119.03(2)(d)3
<input type="checkbox"/>	Demonstration of creativity in design and overall concept excellence.	205 CMR 119.03(2)(d)2
<input type="checkbox"/>	Has the applicant demonstrated that it will own or acquire, within 60 days after a license has been awarded, the land where the gaming establishment is proposed to be constructed? (provided, that ownership of the land shall include a tenancy for a term of years under a lease that extends not less than 60 years beyond the term of the gaming license issued under this chapter)	G.L. c.23K, § 15(3)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to utilize sustainable development principles (both in construction and during the life cycle of the facility) including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and	G.L. c.23K, § 18(8), 205 CMR 119.03(2)(d)5

	<p>Energy Design program created by the United States Green Building Council; (ii) meet or exceed the stretch energy code requirements contained in 780 CMR, Appendix 120AA of the Massachusetts State Building Code or equivalent commitment to advanced energy efficiency as determined by the Secretary of Energy and Environmental Affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems.</p>	
<input type="checkbox"/>	<p>Compatibility with surroundings.</p>	<p>205 CMR 119.03(2)(d)4</p>
<input type="checkbox"/>	<p>Security measures.</p>	<p>205 CMR 119.03(2)(d)6</p>
<input type="checkbox"/>	<p>Alternative uses for buildings in the complex.</p>	<p>205 CMR 119.03(2)(d)7</p>
FINANCE		
<input type="checkbox"/>	<p>The Commission shall evaluate and issue a statement of findings relative to the market analysis provided by the applicant detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments</p>	<p>G.L. c.23K, § 18(7)</p>
<input type="checkbox"/>	<ul style="list-style-type: none"> • An applicant for a Category 1 or Category 2 license must demonstrate that it has the financial stability to construct and operate a gaming establishment. In determining whether an applicant is financially stable at the time of the Phase 1 determination, the bureau and the commission shall review the Phase 1 application in accordance with the following standards: <ul style="list-style-type: none"> a) The ability to maintain a typical gaming establishment payroll and equivalent provisions adequate to pay winning wagers to gaming establishment patrons when due. b) The ability to meet ongoing operational expenses which are essential to the maintenance of continuous and stable gaming establishment operations. c) The ability to pay, as and when due, all local, state and Federal taxes, including the taxes and other fund payments imposed by M.G.L. c. 23K. d) The ability to make necessary capital and maintenance expenditures in a timely manner which are adequate to ensure maintenance of a superior, first-class facility of exceptional quality. e) To the extent known at the time, the ability to pay, exchange, refinance, or extend debts, including long-term and short-term principal and interest and capital lease obligations, which are expected to mature or otherwise come due and payable during the license term, or to otherwise manage such debts and any default with respect 	<ul style="list-style-type: none"> • 205 CMR 117.01

	<p>to such debts.</p> <p>f) Any other relevant matters that the commission may deem appropriate for evaluation.</p> <p>The Commission may also evaluate the applicant's historic gaming industry or commercial performance, if any, that are relevant to criteria (a) through (f).</p> <ul style="list-style-type: none"> Generally, the Commission must review the applicant's overall financial and capital structure. 	<ul style="list-style-type: none"> 205 CMR 119.03(2)(b)1
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to maximize revenues received by the Commonwealth. (X-ref: Overview of the Project)	G.L. c.23K, § 18(11), 205 CMR 119.03(2)(b)2
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to offer the highest and best value to create a secure and robust gaming market in the region and the Commonwealth. (X-ref: Overview of the Project)	G.L. c.23K, § 18(13), 205 CMR 119.03(2)(b)4
<input type="checkbox"/>	In awarding the Category 2 gaming license the Commission may take into consideration the prospective proximity of the location of the Category 2 gaming establishment to the Category 1 gaming establishments. (X-ref: Overview of the Project)	205 CMR 119.03(3)
<input type="checkbox"/>	<ul style="list-style-type: none"> In accordance with the design plans submitted with the RFA-2 application, has the applicant committed to investing not less than \$125,000,000 into the gaming establishment? (See also attestation in RFA-2 application: page 222) Was the applicant's proposed capital investment calculated in accordance with 205 CMR 122.03 and 122.04? 	G.L. c.23K, § 15(2)
<input type="checkbox"/>	Has the applicant demonstrated that it is able to pay and has it committed to paying the gaming licensing fee? (See also attestation in RFA-2 application: page 221)	G.L. c.23K, § 15(5)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how each applicant proposes to realize maximum capital investment exclusive of land acquisition and infrastructure improvements.	G.L. c.23K, § 18(3), 205 CMR 119.03(2)(b)3
MITIGATION		
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to mitigate potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment.	G.L. c.23K, § 18(14)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to take measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations.	G.L. c.23K, § 18(6), 205 CMR 119.03(2)(e)8
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to whether the applicant has or how it proposes to	G.L. c.23K, §

	gain public support in the host and surrounding communities which may be demonstrated through public comment received by the Commission or gaming applicant.	18(19)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to promote local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues. (X-ref: Econ. Dev.)	G.L. c.23K, § 18(2)
<input type="checkbox"/>	Has the applicant agreed to be a licensed state lottery sales agent under M.G.L. c.10 to sell or operate the lottery, multi-jurisdictional and keno games; demonstrated that the lottery and keno games shall be readily accessible to the guests of the gaming establishment and agreed that, as a condition of its license to operate a gaming establishment, it will not create, promote, operate or sell games that are similar to or in direct competition, as determined by the commission, with games offered by the state lottery commission, including the lottery instant games or its lotto style games such as keno or its multi-jurisdictional games? (See also attestation in RFA-2 application: page 226)	G.L. c.23K, § 15(1), 205 CMR 119.03(2)(e)1
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to protect the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents.	G.L. c.23K, § 18(1)
<input type="checkbox"/>	Has the applicant demonstrated how it proposes to address lottery mitigation, compulsive gambling problems, workforce development and community development and host and surrounding community impact and mitigation issues as set forth in the required memoranda of understanding? (See also attestation in RFA-2 application: page 225, 226, and 227)	G.L. c.23K, § 15(6), 205 CMR 119.03(2)(e)2
<input type="checkbox"/>	Has the applicant identified the infrastructure costs of the host and surrounding communities incurred in direct relation to the construction and operation of a gaming establishment and committed to a community mitigation plan for those communities? (See also attestation in RFA-2 application: page 227)	G.L. c.23K, § 15(7), 205 CMR 119.03(2)(e)3
<input type="checkbox"/>	Traffic mitigation	205 CMR 119.03(2)(e)7
<input type="checkbox"/>	Has the applicant addressed mitigation of local and regional impact on housing, social services, and utilities?	205 CMR 119.03(2)(e)9
<input type="checkbox"/>	<ul style="list-style-type: none"> • Has the applicant provided a signed agreement between the host community and the applicant setting forth the conditions to have a gaming establishment located within the host community? Does the agreement include a community impact fee for the host community and all stipulations of responsibilities between the host community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment? (X-ref: Economic Development) • Quality of host community agreement. 	<ul style="list-style-type: none"> • G.L. c.23K, § 15(8) & 15(14) • 205 CMR 119.03(2)(e)4
<input type="checkbox"/>	<ul style="list-style-type: none"> • Has the applicant provided signed agreements between the surrounding communities and the applicant setting forth the conditions to have a gaming establishment located in proximity to the surrounding communities and 	<ul style="list-style-type: none"> • G.L. c.23K, § 15(9)

	<p>documentation of public outreach to those surrounding communities? Do the agreements include a community impact fee for each surrounding community and all stipulations of responsibilities between each surrounding community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment? (X-ref: Economic Development)</p> <ul style="list-style-type: none"> • Quality of surrounding community agreements. 	<ul style="list-style-type: none"> • 205 CMR 119.03(2)(e)5
<input type="checkbox"/>	<ul style="list-style-type: none"> • Has the applicant provided signed agreements between the impacted live entertainment venues and the applicant setting forth the conditions to have a gaming establishment located in proximity to the impacted live entertainment venues? Do the agreements include terms relating to cross marketing, coordination of performance schedules, promotions and ticket prices? (X-ref: Economic Development) • Quality of ILEV agreements. 	<ul style="list-style-type: none"> • G.L. c.23K, § 15(10) • 205 CMR 119.03(2)(e)6

ECONOMIC DEVELOPMENT		
<input type="checkbox"/>	<ul style="list-style-type: none"> • The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to implement a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment. • Overall job creation. 	<ul style="list-style-type: none"> • G.L. c.23K, § 18(4) • 205 CMR 119.03(2)(c)1
<input type="checkbox"/>	<ul style="list-style-type: none"> • The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry. (X-ref: Building and Site Design & Overview of the Project) • Overall plan to enhance regional tourism and attractions 	<ul style="list-style-type: none"> • G.L. c.23K, § 18(5) • 205 CMR 119.03(2)(c)3
<input type="checkbox"/>	<p>The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to establish, fund and maintain human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-</p>	<p>G.L. c.23K, § 18(9)</p>

	site child day-care program.	
<input type="checkbox"/>	Supporting external business and job growth	205 CMR 119.03(2)(c)2
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant has or proposes to contract with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the Commonwealth in identifying the needs for goods and services to the establishment.	G.L. c.23K, § 18(10)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to provide a high number of quality jobs in the gaming establishment.	G.L. c.23K, § 18(12)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to purchase, whenever possible, domestically manufactured slot machines for installation in the gaming establishment.	G.L. c.23K, § 18(15)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to implement a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment.	G.L. c.23K, § 18(16)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to implement a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the Commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment.	G.L. c.23K, § 18(17)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how whether the applicant has, or plans on entering into, a contract with organized labor, including hospitality services, and whether it has the support of organized labor for its application. If there is a contract(s) and/or agreement(s), does it specify or include: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment.	G.L. c.23K, § 18(18)

<input type="checkbox"/>	Has the applicant formulated or agreed to formulate for commission approval a marketing program with which they shall abide identifying specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment? (See also attestation in RFA-2 application: page 224)	G.L. c.23K, § 15(15)
<input type="checkbox"/>	Has the applicant formulated or agreed to formulate for commission approval an affirmative action program of equal opportunity with which they shall abide whereby the applicant establishes specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in the executive office for administration and finance Administration Bulletin Number 14. Has the applicant sent to each labor union or representative of workers with which the applicant has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the applicant's commitments? (can be done after licensure) (See also attestation in RFA-2 application: page 223)	G.L. c.23K, § 15(16)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to promote local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues. (X-ref: Mitigation)	G.L. c.23K, § 18(2)
<input type="checkbox"/>	Has the applicant provided a signed agreement between the host community and the applicant setting forth the conditions to have a gaming establishment located within the host community? Does the agreement include a community impact fee for the host community and all stipulations of responsibilities between the host community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment? (X-ref: Mitigation)	G.L. c.23K, § 15(8) & 15(14)
<input type="checkbox"/>	Has the applicant provided signed agreements between the surrounding communities and the applicant setting forth the conditions to have a gaming establishment located in proximity to the surrounding communities and documentation of public outreach to those surrounding communities? Do the agreements include a community impact fee for each surrounding community and all stipulations of responsibilities between each surrounding community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment? (X-ref: Mitigation)	G.L. c.23K, § 15(9)
<input type="checkbox"/>	Has the applicant provided signed agreements between the impacted live entertainment venues and the applicant setting forth the conditions to have a gaming establishment located in proximity to the impacted live entertainment venues? Do the agreements include terms relating to cross marketing, coordination of performance schedules, promotions and ticket prices? (X-ref: Mitigation)	G.L. c.23K, § 15(10)
OVERVIEW OF THE PROJECT		
<input type="checkbox"/>	Wow! factor.	205 CMR

		119.03(2)(a)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry. (X-ref: Building and Site Design & Economic Development)	G.L. c.23K, § 18(5)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to maximize revenues received by the Commonwealth. (X-ref: Finance)	G.L. c.23K, § 18(11)
<input type="checkbox"/>	The Commission shall evaluate and issue a statement of findings as to how the applicant proposes to offer the highest and best value to create a secure and robust gaming market in the region and the Commonwealth. (X-ref: Finance)	G.L. c.23K, § 18(13)
<input type="checkbox"/>	In awarding the Category 2 gaming license the Commission may take into consideration the prospective proximity of the location of the Category 2 gaming establishment to the Category 1 gaming establishments. (X-ref: Finance)	205 CMR 119.03(3)
Conditions		
	The issuance of a gaming license is subject to the following conditions. However, the Commission may include any reasonable additional requirements to the license conditions.	G.L. c.23K, § 21(c)
<input type="checkbox"/>	<ul style="list-style-type: none"> • If a category 2 license is awarded to an applicant with a simulcasting license under chapter 128C as of July 1, 2011, a condition of the gaming license shall be to maintain the simulcasting license pursuant to said chapter 128C. • If a category 2 license is awarded to an applicant with a live racing license pursuant to chapter 128A as of July 1, 2011 a condition of the gaming license shall be to maintain and complete the annual live racing season pursuant to said chapter 128A. Upon failure to conduct live racing, the commission shall suspend the category 2 license. 	G.L. c.23K, § 20
<input type="checkbox"/>	All conditions outlined in G.L. c.23K, §21 shall be attached to the issuance of a license.	G.L. c.23K, § 21
<input type="checkbox"/>	An applicant for a gaming license who holds a live racing license under G.L. c. 128A shall maintain an existing racing facility on the premises.	G.L. c.23K, § 24(a)
<input type="checkbox"/>	<p>(1) In addition to any conditions imposed in accordance with 205 CMR 119.00 gaming licenses shall be issued subject to the following conditions unless documentation demonstrating that a particular requirement has been satisfied has been provided as part of the RFA-2 process:</p> <p>(a) There shall be a determination by the secretary of EOEEA that:</p> <ol style="list-style-type: none"> 1. No EIR is required; or 2. A single, final or supplemental EIR is adequate. <p>Following the determination that the EIR is adequate pursuant to M.G.L. c. 30, §§ 61 through 62H, and 301 CMR 11.00, and after 60 days have elapsed following publication of notice of the availability of the single, final, or supplemental EIR in the Environmental Monitor in accordance with 301 CMR 11.12(4)(a) and 11.15(2), the Commission shall reconsider</p>	205 CMR 120.02

the conditional license and shall either affirm, limit, condition, restrict, revoke, suspend or modify the conditional license in the discretion of the commission.

(b) The commission shall issue findings in accordance with M.G.L. c. 30, § 61 and 301 CMR 11.12: Agency Responsibilities and Section 61 Findings. Notwithstanding any provision in 205 CMR 120.00 to the contrary, the Commission may impose any condition necessary to comply with M.G.L. c. 30, §§ 61 through 62H in its findings pursuant to M.G.L. c. 30, § 61 and 301 CMR 11.12(5).

(c) The applicant shall submit to the Commission documentation demonstrating that it has obtained all federal, state, and local permits or approvals necessary for the construction and operation of the proposed Category 1 or Category 2 gaming establishment (except those required from the Commission), and that either:

1. the conditions imposed by those permits or approvals will not cause significant and material adverse impacts on a host or surrounding community, or impacted live entertainment venue, that have not been addressed in a host or surrounding community agreement or impacted live entertainment venue agreement;

or

2. any conditions of federal, state, or local permits or approvals expected to cause significant and material adverse impacts on a host or surrounding community or impacted live entertainment venue that have not been addressed in a host or surrounding community agreement or impacted live entertainment venue agreement have been adequately addressed pursuant to 205 CMR 127.00: Reopening Mitigation Agreements.