



September 9, 2014

Catherine Blue
General Counsel
Massachusetts Gaming Commission
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Boston, MA 02109

John S. Ziemba
Ombudsman
Massachusetts Gaming Commission
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Dear Catherine and John:

The purpose of this letter is to provide clarification with respect to a few material factual errors that arose during the Building and Site Design presentation on September 8, 2014.

1. Criterion 6: Permitting (Page 124): The "Permitting Schedules" conclude that Mohegan Sun will finish earlier than Wynn Everett based on a faster conclusion of the MEPA regulatory process by Mohegan Sun and a longer construction period by Wynn Everett. In reality, Wynn Everett is further along in the MEPA process than Mohegan Sun.

We received a Secretary's Certificate on our Final Environmental Impact Report on August 15, 2014 which endorsed ten of eleven sections of the filing and asked for additional information on the transportation section in the form of a Supplemental Final Environmental Impact Report ("SFERI"). Since receiving the Secretary's Certificate, Wynn has been working closely with MassDOT (the source of most of the transportation questions), including twice weekly meetings, and expects to file the SFEIR on or about October 15, 2014. That filing should result in a final certificate in December 2014. As part of that process, significant progress has been made with respect to both the Sullivan Square and Santilli Circle improvement plans.

Mohegan Sun received a certificate on their Supplemental Draft Environmental Impact Report (one step behind Wynn Everett in the MEPA process) on the same day (August 15, 2014) and will likely file their Final Environmental Impact Report later this fall, with a certificate likely in January. After they receive that certificate, they would need to complete all other permitting, likely taking until mid-2015.

The detailed construction schedule for Wynn Everett (as set forth in Attachment 2-10-01 to Wynn's response to the RFA-2) shows a thirty (30) month duration, resulting in completion by the end of 2017.



These corrections to the Mohegan Sun and Wynn Everett schedules results in Wynn Everett being capable of opening at the same time as Mohegan Sun. Additionally, by Wynn Everett being further along toward completion of the environmental process, the Commission can be assured that the schedule, design, and budget are more definitive.

2. Criterion 7: Other (Page 127): “Wynn states that it is in discussions with the MBTA for this property but there is a mandated regulatory process in Massachusetts for the transfer of state-owned property that has not begun and introduces uncertainty.”

Wynn Response: On August 26, 2014, Wynn MA, LLC submitted, and the Massachusetts Bay Transportation Authority (“MBTA”) accepted, an offer to the purchase of three (3) parcels of land currently owned by the MBTA as part of the Everett Shops on Lower Broadway in Everett, Massachusetts. A copy of the offer is attached hereto. The MBTA subsequently initiated the public bidding process by publishing its first legal notice and issuing a Notice of Proposal and Request for Response on September 3, 2014 (copies of which are attached hereto). As set forth in the offer letter, if we are successful in our bid, we will be in a position to close the purchase upon fifteen (15) days’ notice and implement our primary access plan as set forth in our FEIR.

3. Criterion 4: Sustainable Development (Page 18): “The Applicant commits to achieving a project that would be certifiable under the U.S. Green Building Council LEED NC 2009 guidelines at a level of Gold or better.”

Wynn Response: As set forth in Attachment 4-38-01 of Wynn’s response to the RFA-2 application, Wynn’s building will be designed to comply with LEED Gold certification standards. Once the building is operational, Wynn will pursue USGBC LEED Gold Certification. Per the LEED certification process, a building is deemed “certifiable” during the construction period and can only be “certified” once the project is operational.

4. Appendix C: Traffic and Parking Review

Page 15: “An estimate of traffic volumes that would be expected to use the new busway link was not provided.”

Wynn Response: In response to comments received from the Massachusetts Gaming Commission’s consultants and MassDOT, we have continued to refine the conceptual design and traffic analysis for Sullivan Square. The updated analysis includes the busway link. Prior to the completion of Boston’s long-term plan for Sullivan Square, the busway is not expected to experience high volumes of traffic.

Page 15: An analysis of the new traffic signal proposed at Maffa Way/Busway was not conducted.



Wynn Response: In response to comments received from the Massachusetts Gaming Commission’s consultants and MassDOT, we have continued to refine the conceptual design and traffic analysis for Sullivan Square. The updated analysis includes the proposed signal at Maffa Way/Busway. The analysis shows that the proposed signal at Maffa Way/Busway will operate at LOS B during the Build 2023 Friday p.m. Real peak hour.

Page 15: “The proposed mitigation plan includes three right-turn lanes from Cambridge Street into the Sullivan Square rotary. However, the left-most right-turn lane is provided for a distance of approximately 200 feet. The Applicant’s analysis indicates that a typical vehicular queue will extend well beyond this distance and spill back into the other through lanes (including the 50th percentile queue in the Friday PM “real peak” conditions). It is expected that this queue will regularly extend back beyond the Cambridge Street/I-93 northbound off-ramp intersection. This downstream vehicular queue was not considered in the Cambridge Street/I-93 northbound off-ramp intersection analysis, and therefore understates the vehicular delays and queues that are expected on the ramp with the potential associated impacts on I-93.”

Wynn Response: Wynn has been working with MassDOT to refine the conceptual design and associated traffic analysis. We have refined the traffic volumes based on several working meetings with MassDOT. As a result of those meetings, we have also altered the geometry on the Cambridge Street approach to the rotary. The new analysis demonstrates that the proposed improvements will mitigate the project’s impacts and will not negatively impact the I-93 Northbound off-ramp.

Page 16: “The Applicant has also not identified any possible short-term improvements that could be implemented at the Sullivan Square rotary intersections with Rutherford Ave, Main Street, or Alford Street.”

Wynn Response: The Wynn Everett is not adding any traffic volume to the Rutherford Avenue or Main Street approaches to Sullivan Square. It has been suggested that signaling the intersections of Rutherford Avenue/Sullivan Square rotary or Main Street/Sullivan Square rotary would solve the congestion issues on these two approaches. In fact, because the two approaches are so close together, signalization would only further complicate the Sullivan Square area and add to the congestion. The proposed improvements at the intersection of Cambridge Street/Maffa Way/Alford Street will mitigate the impacts of Wynn Everett’s traffic. Detailed VISSIM microsimulation analysis, which has been further refined through meetings with MassDOT, indicates that the queuing on the Rutherford Avenue and Main Street approaches will be similar to that which currently exists.

Page 16: “However, the Applicant’s current mitigation plans did not include any discussion of a collaborative process between the Applicant, the City of Boston, and various other interested parties that would need to occur in order to move the process forward in determining a preferred long-term solution, and design and construction of that preferred solution. The Applicant has not committed to be engaged in that process, nor has the Applicant committed any funds for a portion of further planning, design, or construction of any long-term solution at Sullivan Square (the Applicant has withdrawn an offer to fund a portion of the planning and design work that was



made in their DEIR, based on an understanding the funding for the design of a long-term solution has already been allocated).”

Wynn Response: Section 5.2 of Wynn’s “Best and Final Offer” to the City of Boston submitted to the Massachusetts Gaming Commission on July 10, 2014, provides as follows:

Notwithstanding, Wynn acknowledges the importance of implementing a long-term traffic solution for Sullivan Square (i.e., beyond that which Wynn is required to implement in accordance with the MEPA process) and desires to provide assistance to Boston in funding an agreed upon solution. In recognition of the foregoing, and contingent upon the receipt of an unconditional, non-appealable License, Wynn agrees that Boston may spend all or any portion of the Transportation Infrastructure Payment for design and construction of an agreed upon long-term infrastructure solution for Sullivan Square. The Transportation Infrastructure Payment may be used to make interest payment on any bonds issued with respect to a long-term traffic solution for Sullivan Square.

The “Transportation Infrastructure Payment” is an annual payment of \$1,000,000 per year. The foregoing evidences Wynn’s acknowledgement of and commitment to a long-term solution for Sullivan Square. In addition, we have spent an extensive amount of time following the receipt of Secretary’s Certificate meeting with the MassDOT on how our mitigation for Sullivan Square would dovetail with the City of Boston’s long-term plan for Sullivan Square.

Please let me know if you have any questions or concerns regarding the foregoing or any of the attachments.

Regards,

A handwritten signature in cursive script that reads "Jacquie Krum".

Jacqui Krum
Senior Vice President