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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** July 19, 2018 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110

**Present:** Chairman Steve Crosby  
Commissioner Gayle Cameron  
Commissioner Eileen O'Brien

**Absent:** Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Time entries are linked to  
corresponding section in  
Commission meeting video**

### **Call to Order**

See transcript pages 2 - 4

10:00 a.m. Chairman Crosby called to order the 246<sup>th</sup> Commission meeting. Commissioner Cameron expressed her condolences on behalf of the Commission on the passing of Mr. George "Farmer" Brown, a well-known advocate for thoroughbred racing, and long-time president of the Massachusetts Thoroughbred's Breeders' Association.

### **Approval of Minutes**

See transcript pages 4 - 5

10:02 a.m. *Commissioner Cameron moved to approve the minutes of the June 21, 2018 Commission Meeting, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien seconded the motion. The motion was approved 3 - 0.*

*Commissioner Cameron further moved to approve the minutes of the June 26, 2018 Commission Meeting, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien seconded the motion. The motion was approved 3 - 0.*

## **Administrative Update**

See transcript pages 5 - 10

### 10:05 a.m. **General Update.**

Executive Director Bedrosian reported that staff is still working on a response to the letter the Commission received from a past Region C candidate. He had anticipated a response potentially coming from the Commission at today's meeting but it has been moved to a later date.

### **MGM – Opening Update.**

Executive Director Ed Bedrosian reported that the Commission staff is currently working with the City of Springfield and appropriate state agencies on issues like public safety, traffic concerns, etc. in the first few months of operation.

All slot machines have been delivered, verified and in are in place. The machines are all communicating with the house system. Gaming floor/slot machine inspections are in progress and slated for completion by approximately July 23<sup>rd</sup>.

Executive Director Bedrosian reported on MGM employee licensing. At this time, the Commission has registered/licensed 1253 individuals for MGM Springfield. It was reported that the licensing process is going appropriately.

Director Bedrosian stated that at the anticipated Commission meeting in Springfield on August 2<sup>nd</sup>, he would be asking the Commission to designate one Commissioner with the authority to issue a conditional operations certificate after the completion of both the evaluation play periods at MGM, and the completion of any outstanding regulatory or licensing issues.

## **Racing Division**

See transcript pages 10 - 12

### 10:10 a.m. **Quarterly Local Aid Payments.**

Dr. Alexandra Lightbown, Chief Veterinarian and Director of Racing and Doug O'Donnell, Revenue Manager and Senior Financial Analyst presented a memo to the Commission and requested approval of a mandated quarterly local aid payment in the amount of \$184,770.13. With the Commission's authorization, payments will be made to appropriate cities and towns.

10:12 a.m. *Commissioner Cameron moved that the Commission approve the quarterly local aid payment as outlined in the memo dated June 30, 2018. Commissioner O'Brien seconded the motion.  
The Motion passed 3 – 0.*

## **Ombudsman**

See transcript pages 12 - 49

### 10:12 a.m. **Review of Outstanding MGM Conditions and Commitments.**

#### **Update of Section 61 Requirements.**

Ombudsman John Ziembra and Joe Delaney, Construction Project Oversight Manager conducted a review of MGM Springfield's outstanding commitments in connection with updates to Section 61 Findings, and presented their recommendations. With them were Seth Stratton, Vice President and General Counsel of MGM Springfield, and Jed Nosal, outside counsel for MGM Springfield.

Mr. Delaney presented three categories that this addresses. First were programmatic changes, new square footages based on actual construction rather than proposed footage. Second were schedule changes, such as the photovoltaic system, the Leed Gold Certification, and transportation demand assessments. Third were compliance items, such as combined heat and power to reduce greenhouse gas emissions, and the reduction of the size of the green roof.

10:19 a.m. Chairman Crosby made a request that Mr. Delaney provide an update to the Commission on the status of the I-91 viaduct project at the appropriate time, as this project has been a prominent topic of discussion in the MGM Springfield's opening discussions. Mr. Delaney stated that the project has reached full beneficial use, and there will be an update next Wednesday at a bi-weekly meeting held by MGM's residential engineer where he will obtain a final schedule on the project.

Ombudsman Ziembra stated that he anticipates that all the Section 61 Findings improvements will be complete by August 2<sup>nd</sup>.

10:21 a.m. *Commissioner Cameron moved that the Commission vote to adopt the amended Section 61 Findings and incorporate them into the Region B Category 1 Gaming License (see attached motion). Commissioner O'Brien seconded the motion. The Motion passed 3 - 0.*

#### **Final Design Approval.**

Ombudsman Ziembra and Mr. Delaney recommended that the Commission approve the final design for the MGM Springfield facility. They stated that they believe that such approval of the final design would provide further clarity regarding the Commission's approval of changes to the facility since MGM Springfield's RFA-2 application, and would provide further clarity regarding MGM Springfield's compliance with the design review standards articulated in 205 CMR 135.01.

10:32 a.m. Chairman Crosby asked about the postponement of the usage of the MGM sign facing I-91, to which Director Bedrosian clarified that the postponement is

more for determining how the sign would be used, and stated that he anticipates clarifying this for the Commission and MGM Springfield at a future meeting as soon as possible.

Ombudsman Ziemba then recommended that the Commission approve the final design of the MGM Springfield project, pursuant to 205 CMR 135.03(4), with specific conditions that he outlined from the Final Design Approval memo submitted in the Commissioner's packet.

10:34 a.m. *Commissioner Cameron moved that the Commission approve the final design of MGM Springfield's project, as shown in the site plan, and previously described to the Commission, pursuant to 205 CMR 135.03(4), with the conditions as outlined by Ombudsman Ziemba. Commissioner O'Brien seconded the motion. The Motion passed 3 - 0.*

#### **Approval of Construction Security Mechanism.**

Ombudsman Ziemba requested the Commission's approval for MGM Springfield to provide a new bond securing the completion of items in its construction project that will not be completed until sometime after MGM Springfield's opening.

Staff recommends that the Commission authorize lowering the current bond amount established in 2014 that was \$51,579,200, to \$25,000,000. The term of the new \$25,000,000 bond will be from September 1, 2018 through December 31, 2020.

Ombudsman Ziemba then indicated that a separate vote would be required for the Commission to determine that MGM Springfield has reached the final stage of construction, pursuant to 205 CMR 135.05, so that the current bond can be released.

10:43 a.m. *Commissioner O'Brien moved that the Commission approve lowering the bond amount from \$51,579,200 to \$25,000,000 beginning September 1, 2018; that the term of the bond shall be from September 1, 2018 through December 31, 2020; that upon a request by MGM Springfield and approval by the Commission, the bond amount may be lowered by the amount of any construction completed during the term of the bond; that MGM Springfield shall notify the Commission that any changes in the construction plans to the residential units and the Dave's Furniture retail location, and the impact of the changes on the bond if any, and authorize staff to take the steps necessary to implement the change in the bond. Commissioner Cameron seconded the motion. The Motion passed 3 - 0.*

#### **Review of License Conditions.**

Ombudsman Ziemba and Attorney Stratton presented a brief presentation by MGM Springfield regarding its compliance with conditions specified in the agreement to award a Category 1 license. MGM provided a letter to the Commission that outlined the license conditions and their status of completion.

This letter will be modified before the August 2, 2018 Commission meeting where the Commission is scheduled to consider MGM Springfield's compliance with its license conditions, among other items.

## **Workforce, Supplier and Diversity Development**

See transcript pages 49 - 142

### 10:50 a.m.     **MGM Workforce Compliance Report.**

Jill Griffin, Director of Workforce, Supplier and Diversity Development presented the MGM Workforce Compliance report with Mike Mathis, President and COO of MGM Springfield, Marikate Murren, Vice President of Human Resources, and MGM General Counsel Stratton.

The purpose of this segment was to provide an overview of MGM Springfield's hiring goals, benefits programs, and projected employment numbers so that the Commission may potentially vote on MGM's compliance efforts in an August Commission meeting.

Mr. Mathis addressed projected employment numbers. He reported that MGM Springfield held their last mass-hiring event on Sunday, June 24. They extended 550 job offers through this effort. He also reported the status of the active employees' offers and new hires with regard to the RFA 2 application requirements. MGM is projecting to have 3,000 employees. Of those 3,000 employees, 2,228 will be full-time, 506 will be part-time, and 266 will be on-call. There will be an additional 100-150 retail employees coming from the vendors on campus, as well as 125 additional hires from MassMutual Center.

Ms. Murren gave a slide presentation that illustrated MGM Springfield's diversity hiring statistics, and the employee benefits criteria for the operational phase. She noted that they are at 36% for hiring Springfield residents, and 90% of employees are residents of the four western MA counties upon hire date. She also noted statistics for women, minorities, and veterans.

### **MGM Regional Tourism and Marketing Plan.**

Director Griffin presented MGM's Regional Tourism and Marketing Plan for approval by the Commission, as staff has begun final preparations for opening. With her from MGM Springfield was Sarah Moore, Vice President of Marketing and Retail, and Anika Gaskins, Vice President of National Marketing.

MGM Springfield submitted a revised version of the plan on July 9, 2018 based on feedback from MGC, Massachusetts Office of Travel and Tourism (MOTT), and the Greater Springfield Convention and Visitors Bureau Regional Tourism Council. They submitted a final version on July 16, 2018. Both representatives of the Greater Springfield Convention and Visitors Bureau Regional Tourism Council and the MA Office of Travel and Tourism recommend approval of the final plan.

11:39 a.m. Ms. Moore presented slides illustrating the Regional Tourism Marketing Plan. She highlighted important partners being the Greater Springfield Convention Visitors Bureau, MOTT, the Berkshire Regional Chamber of Commerce, and other partners with local attractions and advertising. She went on to describe MGM Springfield's marketing objectives, as outlined in the slides.

Ms. Gaskins introduced the M Life Rewards program, which she described as a database that is the basis of marketing efforts for MGM. This program gives incentives to MLife rewards customers through direct marketing efforts, cross-property marketing, casino host relationships, and local benefits. This program has over 30 million members.

Ms. Gaskins also reported that MGM Springfield is partnering with local and non-local charter bus companies to promote charter business in, and from outside of Massachusetts.

Ms. Moore then stated that MGM will report out on all tourism marketing efforts and results to the Commission on a quarterly basis.

12:20 p.m. *Commissioner Cameron moved that the Commission approve MGM Springfield's final version of the Regional Tourism Marketing Plan, provided that such approval shall not be construed to supersede any obligations, pursuant to G.L. 23K or the conditions of MGM Springfield's license, including but not limited to condition 16, relative to compliance with the information included in the application filed by the designated licensee, and the evaluation reports filed by the Commission. Commissioner O'Brien seconded the motion. The Motion passed 3 – 0.*

#### **Review of MGM Retail Plan.**

Director Griffin introduced the MGM Springfield Food & Beverage Retail Plan. Ms. Moore and Ms. Gaskins were also part of this presentation.

Ms. Moore gave an overview of the plan with a slide presentation that illustrated a collection of brands and experiences, describing all restaurants, attractions, and shops within the MGM Springfield campus.

#### **Legal Division**

See transcript pages 142 - 146

#### 12:41 p.m. **Final Draft Version of 205 CMR 134.03: Gaming Service Employees and Amended Small Business Impact Statement.**

The Commission reviewed amendments that would allow the Division of Licensing to extend the temporary time period for employee training in the pre-opening phase of a gaming establishment without those individuals having to become licensed or registered, following consideration of the gaming licensee's written explanation of need, continuing training plan, and expected duration.

12:42 p.m. *Commissioner Cameron moved that the Commission approve the amendments to 205 CMR 134.03: Gaming Service Employees, and the Amended Small Business Impact Statement, as included in the packet, and allow staff to take the steps necessary to complete the promulgation process. Commissioner O'Brien seconded the motion.*  
*The Motion passed 3 – 0.*

**Final Draft Version of 205 CMR 146.00: Gaming Equipment and Amended Small Business Impact Statement.**

The Commission reviewed amendments removing section numbers referencing the table game rules of play, issued pursuant to 205 CMR 147.00, to allow for a simpler updating process of the rules as needed.

12:43 p.m. *Commissioner O'Brien moved that the Commission approve the amendments to 205 CMR 146.00: Gaming Equipment and the Amended Small Business Impact Statement, as included in the packet, and allow staff to take the steps necessary to complete the promulgation process. Commissioner Cameron seconded the motion.*  
*The Motion passed 3 – 0.*

**Final Draft Version of 205 CMR 138.15: Internal Control Procedures for Access Badge System and Issuance of Temporary License Credentials, and Restricted Areas.**

The Commission reviewed amendments that update the provisions related to credentials for key gaming employees, gaming employees, and gaming service employees.

12:44 p.m. *Commissioner Cameron moved that the Commission approve the amendments to 205 CMR 138.15: Internal Control Procedures for Access Badge System and Issuance of Temporary License Credentials, and Restricted Areas. and the Amended Small Business Impact Statement, as included in the packet, and allow staff to take the steps necessary to complete the promulgation process. Commissioner O'Brien seconded the motion.*  
*The Motion passed 3 – 0.*

**Commissioner's Updates**

See transcript pages 147 - 149

12:44 p.m. *Commissioner Cameron attended a very positive meeting with Springfield Police Chiefs and crime analysts where Christopher Bruce presented his baseline study of community impact from MGM's opening.*

12:47 p.m. *Having no further business, a motion to adjourn was made by Commissioner Cameron. Commissioner O'Brien seconded the motion.*  
*The Motion passed unanimously.*

## **List of Documents and Other Items Used**

1. Notice of Meeting and Agenda, dated July 19, 2018
2. Draft Commission Meeting Minutes dated June 21, 2018
3. Draft Commission Meeting Minutes dated June 26, 2018
4. Racing Quarterly Local Aid Payments Memo
5. Ombudsman's Section 61 Memo
6. MGM Final Design Approval Memo
7. MGM Springfield Bond Letter
8. MGM Springfield Category 1 License Conditions Letter
9. Workforce Compliance Letter
10. MGM Springfield Workforce Development Compliance Letter
11. MGM Springfield Benefits Overview
12. MGM Springfield Employment Projections
13. MGM Springfield Tourism Plan Memo
14. MGM Regional Tourism Final Presentation
15. MGM's Food, Beverage & Retail Plan Presentation
16. 205 CMR 134.03(3) Amended Small Business Impact Statement
17. 205 CMR 134.03(3) Draft Regulation
18. 205 CMR 146.00 Amended Small Business Impact Statement
19. 205 CMR 146.00 Draft Regulation
20. 205 CMR 138.15 Amended Small Business Impact Statement
21. 205 CMR 138.15 Draft Regulation

/s/ Catherine Blue  
Assistant Secretary



**Massachusetts Gaming Commission**  
**Vote to Adopt Amended Section 61 Findings and**  
**Incorporate into Region B Category 1 Gaming License**

PROJECT NAME: MGM Springfield  
PROJECT LOCATION: Springfield, Massachusetts  
PROJECT PROPONENT: Blue Tarp reDevelopment, LLC (“MGM”)  
EOEEA NUMBER: 15033  
FINAL AGENCY ACTION: Category 1 Gaming License

WHEREAS on December 22, 2015, the Massachusetts Gaming Commission (the “Commission”) voted to adopt the Commission’s Section 61 Findings (the “2015 Section 61 Findings”) with respect to the MGM Springfield Project (the “Project”), to grant to MGM the final Region B Category 1 Gaming License, to incorporate by reference the 2015 Section 61 Findings into MGM’s License for the Project, and to require, as a condition of the License, that MGM comply with the terms, conditions, mitigation measures and other requirements identified in the 2015 Section 61 Findings;

WHEREAS the Commission expressly reserved the right to take further action with respect to the 2015 Section 61 Findings, the License for the Gaming Establishment, and any conditions contained in the 2015 Section 61 Findings or the License for the Gaming Establishment.

WHEREAS on or about June 15, 2018, MGM filed a Request for Advisory Opinion (“RAO”) with the Executive Office of Energy and Environmental Affairs’ (“EOEEA’s”) Massachusetts Environmental Policy Act (“MEPA”) Office describing proposed modifications and refinements to the Project since the issuance of the 2015 Section 61 Findings, and seeking a determination that these proposed modifications and refinements do not require a filing of a Notice of Project Change (“NPC”) under MEPA;

WHEREAS in an Advisory Opinion issued on July 12, 2018, the MEPA Office determined that an NPC is not required for these proposed modifications and refinements to the Project because those modifications and refinements will “not result in a material change that will increase environmental impacts compared to impacts previously reviewed by MEPA.”;

WHEREAS MGM has proposed the Amended Section 61 Findings, attached hereto, to reaffirm MGM’s commitment to avoid or minimize impacts to the environment of the Project and to update the 2015 Section 61 Findings;

NOW THEREFORE, I move that the Massachusetts Gaming Commission:

1. Approve the proposed modifications and refinements to the Project described in the RAO, the Advisory Opinion, and the Amended Section 61 Findings attached hereto;
2. Adopt the Amended Section 61 Findings regarding the Project in the form attached hereto pursuant to the Massachusetts Environmental Policy Act G.L .c. 30, §§ 61-62I,

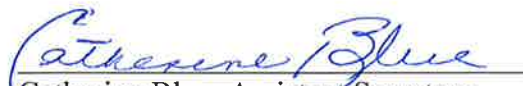
G.L. c. 23K, § 15(12), 301 CMR 11.12, and 205 CMR 120.02, to update and replace the 2015 Section 61 Findings;

3. Find, pursuant to G.L. c. 30, § 61 and 301 CMR 11.12(5), that all feasible measures have been taken to avoid or minimize impacts to the environment of the Project, for the reasons stated in the Commission’s Amended Section 61 Findings attached hereto, and all other documents, approvals, and certifications incorporated by reference therein;
4. Incorporate by reference, pursuant to G.L. c. 30, §§ 61-62I, G.L. c. 23K, §§ 4(15), 15(12), and 21(c), 301 CMR 11.12(5)(b) and 205 CMR 120, the Commission’s Amended Section 61 Findings attached hereto into MGM’s License for the Project and require, as a condition of the License, that MGM comply with the terms, conditions, mitigation measures and other requirements identified in the Commission’s Amended Section 61 Findings;
5. Authorize the Commission to execute the Commission’s Amended Section 61 Findings in the form attached hereto;
6. Authorize the Commission’s General Counsel to take all necessary procedural actions to effectuate the Commission’s Amended Section 61 Findings in accordance with the Massachusetts Environmental Policy Act, the Massachusetts Gaming Act, and the regulations implementing each statute; and
7. Require as a condition of the License a regular quarterly review by the Commission of MGM’s compliance with the Commission’s Amended Section 61 Findings and the terms and conditions of the License.

DATED: July 19, 2018  
 MOVED BY: Commissioner Cameron  
 SECONDED BY: Commissioner O’Brien  
 RECORD OF VOTE:

Commissioner	In Favor	Opposed	Abstained	Recused	Absent
Stephen Crosby	√				
Gayle Cameron	√				
Eileen O’Brien	√				
Bruce Stebbins					√
Enrique Zuniga					√

Attest:

  
 Catherine Blue, Assistant Secretary

**MASSACHUSETTS GAMING COMMISSION**  
**AMENDED FINDINGS ISSUED**  
**PURSUANT TO M.G.L. c. 23K AND M.G.L. c. 30, § 61**

PROJECT NAME: MGM Springfield (the “Project”)  
PROJECT LOCATION: Springfield, Massachusetts  
PROJECT PROPONENT: Blue Tarp reDevelopment, LLC (“MGM”)  
EOEEA NUMBER: 15033  
APPROVAL SOUGHT: Category 1 Gaming License

On December 22, 2015, the Massachusetts Gaming Commission (the “Commission”) issued its Section 61 Findings for the Project (the “2015 Section 61 Findings”) pursuant to the Massachusetts Environmental Policy Act, G.L. c. 30, §§ 61-62I, G.L. c. 23K, § 15(12), 301 CMR 11.12, and 205 CMR 120.02. The Commission found that with the implementation of the measures identified in MGM’s Final Environmental Impact Report dated November 6, 2014 (“FEIR”) and the Certificate issued by the Secretary of the Executive Office of Energy and Environmental Affairs (“EOEEA”) dated December 31, 2014 (the “Secretary’s Certificate”), as amended by MGM’s Notice of Project Change dated October 15, 2015 (the “NPC”) and the Secretary of EOEEA’s Certificate regarding the NPC dated November 25, 2015 (the “NPC Certificate”) including, without limitation those measures summarized in the 2015 Section 61 Findings, that all practicable and feasible means and measures will have been taken to avoid or minimize potential damage from the Project to the environment. The 2015 Section 61 Findings were published in the Environmental Monitor on January 6, 2016.

Since that time, MGM has continued to revise and refine the design of the Project and the methods by which it would implement the mitigation measures identified in the 2015 Section 61 Findings. Accordingly, MGM has requested that the Commission revise the 2015 Section 61 Findings to reflect the refinements in the Project’s design and the mitigation measures associated with the Project. MGM also consulted with the MEPA Office of the EOEEA regarding those revisions and has been advised by EOEEA that no further filings are required under MEPA.

The Commission has reviewed MGM’s refinements to the Project on a regular basis since issuing the 2015 Section 61 Findings. It has also reviewed the proposed revisions to MGM’s mitigation commitments (as described below). Based on this review, the Commission now issues these Amended Section 61 Findings (the “Amended Section 61 Findings”) pursuant to G.L. c. 30, §§ 61-62I, G.L. c. 23K, § 15(12), 301 CMR 11.12, and 205 CMR 120.02, to continue to ensure that all practicable and feasible means and measures have been and will be taken to avoid or minimize potential damage to the environment from the Project. These Amended Section 61 Findings restate and replace the 2015 Section 61 Findings. Changes from the 2015 Section 61 Findings are noted below.

**PROJECT SITE**

The Project Site remains unchanged from that described in the 2015 Section 61 Findings. The approximately 14-acre site is located in downtown Springfield and is comprised of several city blocks. It is bounded by Main Street to the northeast, Union Street to the southeast, East Columbus Avenue and Interstate 91 (“I-91”) to the southwest and State Street to the northwest. The site includes portions of Bliss Street and Howard Street. The Connecticut River and

associated parkland is located to the west of the site and I-91. The site contains vacant lots and several commercial and retail buildings. Many of the buildings were damaged by a tornado that struck Springfield in 2011. A number of buildings within the site are listed on the State and National Registers of Historic Places, the State Register of Historic Places and/or in the Inventory of Historic and Archeological Assets of the Commonwealth. The site is located within ½ mile of Union Station and the Springfield Bus Terminal and is served by several bus routes.

### **PROJECT DESCRIPTION**

The Project, as revised by the NPC and the design revisions to the Project as of May 1, 2018,<sup>1</sup> consists of an approximately 775,484 square foot mixed-use redevelopment consisting of a Category 1 Gaming Establishment pursuant to Chapter 194 of the Acts of 2011 (the “Gaming Act”), with retail, restaurant, entertainment, hotel and office uses, as well as a complementary daycare and residential component within close proximity. The Commission understands that the final size of the Project may vary by +/- 10,000 sf as MGM finalizes the Project Design and constructs the Project. All variations to the Project’s size will be subject to further review by the Commission.

According to the FEIR, the Project is designed to take advantage of the existing transportation infrastructure in the Project area and to integrate the proposed uses into the existing urban fabric by providing street level access and design of streetscape elements including shade trees, street furniture, planters, enhanced lighting, street banners, gathering spaces and landscaping.

The Project consists of three primary areas: the Casino Block (590,133 sf), the Retail Block (120,351 sf) and the residential component (approximately 65,000 sf). Variations in the allocation of space among the three components of the Project between the 2015 Section 61 Findings and the date of these Amended Section 61 Findings are summarized in the following table:

Area	2015 Section 61 Findings (square feet)	Amended Section 61 Findings (Square feet)	Difference (Square Feet)
Casino Block (with terraces)	576,374	590,133	+13,759
Retail Block (with terraces)	125,494	120,351	-5,143
Residential Component	65,000	65,000	0

The Casino Block includes 125,616 sf of casino gaming facilities, a 251-room, 151,266 sf hotel, 46,023 sf of convention space, 15,440 sf of retail space, 36,637 sf of restaurant space, and 215,151 sf of casino-related back of house/operational space.

<sup>1</sup> The Project description contained herein incorporates the changes set forth in MGM’s October 15, 2015 NPC (“Revised Design”). The Revised Design contains the following modifications to the Project as described in the FEIR (“Original Design”) including: (i) relocation of the residential units; (ii) relocation and redesign of the Project hotel; (iii) reduction in gaming positions; an approximate 122,000 sf reduction in the Casino and Retail Blocks; a reduction in the size of the parking garage; and a revised opening date.

The Retail Block includes a retail and entertainment center (“Armory Square”), a seven story parking structure to provide 3,416 parking spaces in the garage and 81 on-site surface parking spaces. It will also include a 10,472 sf bowling alley, 15,423 sf of retail space, 28,588 sf of food and beverage space, a 42,926 sf multi-screen cinema, an event plaza, a 1,760 sf arcade and 16,340 sf of back of house operational space. The Project will also include the relocation of an existing 4,842 sf church into the Retail Block, which is to be reused as retail space. The allocation of space within each block may also vary as MGM completes Project design and construction. Any variations in that allocation of space will also be reviewed by the Commission and will be subject to Commission review.

Variations in the allocation of space for the particular amenities in the Project between the 2015 Section 61 Findings and the date of these Amended Section 61 Findings are summarized in the following table:

<b>Amenity</b>	<b>2015 Section 61 Findings (Square Feet)</b>	<b>Amended Section 61 Findings (Square Feet)</b>	<b>Difference (Square Feet)</b>
Casino Gaming Facilities	126,262	125,616	- 646
Hotel	151,861	151,266	- 595
Convention Space	43,705	46,023	+ 2,318
Casino Block Retail Space	15,204	15,440	+ 236
Casino Block Restaurant with terraces Space	38,737	36,637	- 2,100
Casino-related back of house/operational space	200,605	215,151	+ 14,546
Bowling Alley	9,618	10,472	+ 854
Retail Block Retail Space	16,046	15,423	- 623
Retail Block Food and Beverage Space with terraces	28,120	28,588	+ 468
Cinema	37,465	42,926	+ 5,461
Retail Block Office Space	12,000	0	-12,000
Arcade	1,261	1,760	+499
Retail Block back of house/operational space	18,495	16,340	- 2,155
Church Relocation	2,489	4,842	+2,353

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The Residential component will be comprised of approximately 54 residential units consisting of approximately 65,000 sf to be developed. Although the number and the projected square footage of the residential units have not changed, their proposed location will. Since the 2015 Section 61 Findings refinements to the Project have occurred including but not limited to (i) relocation of the MGC Offices from 101 State Street to the Casino Podium; (ii) increased capital expenditure; (iii) additional table game capacity and a decrease to slot capacity to better align with current player preferences; and (iv) improvements to the Project's food, beverage and retail offerings such as the relocation of Starbucks and the Salon to Main Street.

The Project is estimated to generate approximately 18,570 average daily trips ("adt") on a weekday (normally a Friday) and 20,824 adt on a weekend day (Saturday). These estimates have not changed due to the preparation of final design drawings. It includes a combination of new construction, redevelopment of existing buildings, retention of existing infrastructure and facilities, and demolition. Among other things, construction will include access drives, extensive landscaping, construction of a new storm water management system and other associated infrastructure. Proposed demolition includes a boarding house on Bliss Street, the Howard Street Primary School and the Howard Street apartment building. On August 6, 2015, the Commission approved a revised opening date of September 2018. A detailed project schedule, based on the revised opening date, was approved by the Commission on April 12, 2018 under 205 CMR 135.02. Vehicular access to and circulation within the site is proposed via Bliss Street, State Street, Union Street, Howard Street, a proposed MGM Way, and East Columbus Avenue.

### **MEPA HISTORY**

MGM filed an Environmental Notification Form ("ENF") with EOEEA for the Project on March 15, 2013 and a Draft Environmental Impact Report ("DEIR") on December 16, 2013. The Secretary of EOEEA issued a Certificate approving the DEIR on February 7, 2014. MGM submitted the FEIR on November 6, 2014. On December 31, 2014, the Secretary of EOEEA issued the Secretary's Certificate approving of the description of environmental impacts and mitigation measures in the FEIR and certifying that the FEIR adequately and properly complies with MEPA.

On October 15, 2015, MGM submitted the NPC, describing changes to the Project that, according to the NPC, do not alter the Project's environmental impacts from those described in the FEIR. MGM also confirmed that it remained "wholly committed" to the mitigation measures described in the FEIR and referred to in the Secretary's Certificate. On November 25, 2015, the Secretary of EOEEA issued the NPC Certificate concluding that MGM's proposed project changes do not require the submission of a supplemental environmental impact report. However, the NPC Certificate provides that MGM should revise its Section 61 Findings "in response to the Certificate on the FEIR and the NPC and provide [those revised findings] to State Agencies to assist in the permitting process and issuance of final Section 61 Findings."

MGM did so on December 14, 2015. The Commission reviewed MGM's revised Draft Section 61 Findings as part of its preparation of the 2015 Section 61 Findings."

On November 30, 2015, MGM submitted a final Memorandum of Agreement (the "MOA"), between MGM, the Commission and the Massachusetts Historical Commission (MHC)

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addressing the twelve (12) historic properties located on the Project Site for signature pursuant to MHC Regulations. The MOA, and all mitigation measures required thereunder, are incorporated herein by reference. On March 28, 2016 MassDOT issued Section 61 Findings for the Project addressing traffic and parking impacts (the “MassDOT Finding”) which are deemed incorporated by reference.

A Revised Site Plan reflecting the Project changes first presented in connection with the NPC was approved by the City in February 2016. That Revised Site Plan was incorporated by the Commission in its May 2016 Final Design Approval. The Project was updated again through the 95% Construction Plans filed with the City of Springfield and Commission in May of 2017 and has since gone through additional minor revisions that were negotiated and adopted by the City in the Fall of 2017 and presented to the Commission in September 2017. The Commission approved the final Revised Site Plan on July 19, 2018.

It is expected that the City of Springfield will issue the required permits for the Project as listed in these section 61 findings and any other permits the City of Springfield deems to be required. When issued, any and all mitigation measures required by those permits will be deemed incorporated by reference. The Commission retains the right to modify these Amended Section 61 Findings as a result of any changes to Section 61 findings or any final Agency Action issued by other Agencies after the 2015 Section 61 findings. The Commission also retains the right to review and approve or disapprove of any additional design revisions to the Project.

### **PROJECT IMPACTS**

Potential environmental impacts are associated with land alteration, traffic, water supply and waste water generation, waste site clean-up, and generation of Greenhouse Gas (“GHG”) emissions. The overall project was reduced from 881,691 sf in the FEIR to 759,157 (766,868 when including terrace space) according to the NPC, and adjusted for design refinements to date to 775,484 a reduction of 106,207 sf.<sup>2</sup> When adjusted for mode share, internal shared trips on the site, and MGM’s planned transportation demand management measures, the original larger proposal included vehicle trips are estimated at 18,570 adt on a weekday (normally Friday) and 20,824 adt on a weekend day (Saturday). Water demand is estimated at 225,242 gallons per day (GPD) and wastewater generation is estimated at 207,618 GPD. A total of 3,497 parking spaces are provided. The Commission may, at MGM’s request, allow a portion of these spaces to be dedicated to ancillary uses to the Project.

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<sup>2</sup> After adding the terrace space back into the NPC square footage, the variance between the NPC and final design square footage is 8,616 sf.

There are twelve historic properties within the Project Site:

<b>Building<sup>3</sup></b>	<b>NR</b>	<b>SR</b>	<b>Inv</b>	<b>Int</b>	<b>P/R</b>	<b>PP</b>	<b>FE</b>	<b>REL</b>	<b>DEM</b>	<b>A/E</b>
WCA Boarding House	X	X							X	X
French Congregational Church	X	X						X		X
State Armory	X	X			X	X			X	X
United Electric Company Building	X	X				X	X		X	X
YWCA		X					X		X	X
Massachusetts Mutual Life Ins.		X			X					
Edisonia Theater Block		X							X	X
Howard Street Primary School			X				X		X	X
Union House/Chandler Hotel			X			X			X	X
Howard Street apartment building				X					X	
79 State Street office building				X					X	
95 State Street office building				X	X <sup>4</sup>					

The Howard Street apartment building was damaged in the 2011 tornado, condemned, and demolished in 2013. The Howard Street Primary School was also damaged in the 2011 tornado, has been condemned, and is slated for demolition. The remaining historic properties are subject to varying actions as set forth in the above table, the Certificate, the FEIR and ultimately governed by the Massachusetts Historical Commission MOA.

The Project was subject to MEPA review and required the preparation of a Mandatory EIR pursuant to 301 CMR 11.03(1)(b)(7), 11.03(5)(b)(4)(a), 11.03(6) (a)(6), 11.03(6) (a)(7) and 11.03(b)(2)(b), and 11.03(10)(b)(1) because it requires State Agency Action; will generate 3,000 or more new adt on roadways providing access to a single location; requires construction, widening, or maintenance of a roadway or its right of way that will cut five or more living public shade trees of 14 or more inches in diameter at breast height; involves destruction of all or parts of historic structures; creates new discharges or expansions in discharges to sewer systems of 100,000 or more GPD; and provides 1,000 or more new parking spaces at a single location. The Project is subject to the EOEEA Greenhouse Gas (“GHG”) Emissions Policy and Protocol.<sup>5</sup>

<sup>3</sup> The abbreviations in the table correspond to descriptions in the Certificate on the FEIR, as supplemented by the MOA and are as follows:

- NR = National Register of Historic Places
- SR = State Register of Historic Places
- Inv. = Inventory of Historic and Archaeological Assets of the Commonwealth
- Int. = Of historic interest
- P/R = Retained and partially renovated
- PP = Partially preserved
- FE = Preserve/reuse façade and elements
- REL = Relocate
- DEM = Partial or full demolition or Removal
- A/E = Adverse Effect per MHC Letter of 10/30/14 and MHC Regulations 950 CMR

<sup>4</sup> The historic property table has been updated to reflect the retention and renovation of 95 State Street. The 95 State Street’s square footage as a retained/renovated property was included in the NPC.

<sup>5</sup> EOEEA’s Certificate on the ENF indicated that the project included conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose



None of the revisions to the Project since the issuance of the 2015 Section 61 Findings are expected to result in the creation of environmental impacts that will trigger mandatory MEPA review thresholds. EOEEA has also confirmed that it does not believe these Project revisions require the filing of a Notice of Project Change.

**REQUIRED GOVERNMENTAL PERMITS AND APPROVALS**

According to the Secretary’s Certificate and the MassDOT Finding, the Project is expected to require permits and approvals or review by the following federal, state, and local agencies, in addition to the Category 1 Gaming License (the “License”) and the Commission’s approval of the proposed design changes described in the NPC:

<b>Agency</b>	<b>Permit(s)</b>
Massachusetts Department of Environmental Protection (“MassDEP”) <sup>6</sup>	<ul style="list-style-type: none"> <li>• Underground Injection Control Permit,</li> <li>• Air Quality Permits/Submissions (for certain Project components)</li> <li>•</li> </ul>
Massachusetts Department of Transportation (“MassDOT”)	<ul style="list-style-type: none"> <li>• Vehicular Access Permit: Permit to Access State Highway Category III</li> </ul>
Massachusetts Department of Housing & Community Development (“DHCD”)	<ul style="list-style-type: none"> <li>• Urban Renewal Plan approval; or</li> <li>• Urban Renewal Development Project</li> </ul>
Massachusetts Department of Public Safety or City of Springfield	<ul style="list-style-type: none"> <li>• Storage Permit</li> </ul>
Massachusetts Historical Commission (“MHC”)	<ul style="list-style-type: none"> <li>• MOA</li> </ul>
U.S. Environmental Protection Agency	<ul style="list-style-type: none"> <li>• National Pollutant Discharge Elimination System (“NPDES”) Construction General Permit</li> </ul>
Federal Aviation Administration	<ul style="list-style-type: none"> <li>• Determination of No Hazard to Air Navigation</li> </ul>
City of Springfield	<ul style="list-style-type: none"> <li>• Road and Curb Cut Permit</li> <li>• Public Way Discontinuance approval</li> <li>• Casino Overlay District Approval</li> <li>• HCA Amendments related to design and schedule changes</li> <li>• Casino Site Plan Approval</li> </ul>

not in accordance with the Article (301 CMR 11.03 (1)(b)(3)). As currently proposed, the project no longer includes conversion of land held for natural resources purposes and, therefore, does not exceed this threshold.

<sup>6</sup> MGM had previously identified a need for a Construction Site Dewatering Permit from MassDEP. However, as the Project progressed, it was determined that this permit was not necessary because there is not a significant amount of water on the Project site. In addition, revisions to the MassDEP wastewater regulations (314 CMR 7.00 and 314 CMR 12.00) in April 2014 eliminated the requirement for a MassDEP Sewer Connection Permit. See FEIR Certificate at p. 27.

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The Project may also require approval for modification to the I-91 ramps and work on the National Highway System (NHS) from the Federal Highway Administration and/or MassDOT's review of design exception requests for roadways that are part of the NHS. If federal review is required, the Project may be subject to review pursuant to the National Environmental Policy Act and the National Historic Preservation Act.

### **EXECUTED MITIGATION AGREEMENTS**

Pursuant to G.L. c.23K §§15(8) - (10), MGM executed mitigation agreements and shall, as a condition of the Amended Section 61 Findings, comply with the following mitigation agreements (as the same may be duly reopened, supplemented or amended in accordance with 205 CMR 127) (collectively the "Mitigation Agreements):

1. The Host Community, City of Springfield, dated May 4, 2013 (approved by local referendum pursuant to G.L. c. 23K, § 15(13), on July 15, 2013 and amended on July 1, 2015); February 24, 2016; and August 25, 2017;
2. The following designated Surrounding Communities:
  - a. Town of Agawam, dated December 16, 2013;
  - b. City of Chicopee, dated December 13, 2013;
  - c. Town of East Longmeadow, dated December 11, 2013 (amended January 23, 2014);
  - d. City of Holyoke, dated January 10, 2014;
  - e. Town of Longmeadow, dated April 30, 2014; (entered through arbitration);
  - f. Town of Ludlow, dated December 13, 2013;
  - g. Town of West Springfield, dated May 8, 2014; (entered through arbitration); and
  - h. Town of Wilbraham, dated December 12, 2013 (amended February 3, 2013);
3. A Live Entertainment Cooperation Agreement with the Massachusetts Performing Arts Coalition, dated January 22, 2014;
4. A Sponsorship Agreement with the Majestic Theatre of West Springfield, dated March 7, 2014;
5. An Agreement with the Massachusetts State Lottery to be executed prior to commencement of gaming operations; and
6. The MOA with Massachusetts Historical Commission and the Commission.

In addition, the Commission expects that MGM will meet or has met with each abutter to the Project to clarify potential Project related impacts. These impacts may include, but are not

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limited to, the visual impact of the Project's garage; the constructability of the garage from entirely within MGM's property; noise, vibration and emissions associated with the central plant; access to the abutter's property both during and after construction; and maintenance of safe pedestrian access during construction. MGM will institute a communications protocol for communicating with each abutter regarding construction activity. After MGM reviews these and any other identified impacts, it will report to the Commission on the steps, if any reasonably necessary to address these impacts. MGM will include a report regarding abutter concerns as part of its regular reporting to the Commission. The Commission reserves its rights to amend these Amended Section 61 Findings based on this communications process with abutters or to require further dialogue with abutters and reporting to the Commission.

The provisions of each of these mitigation agreements are incorporated by reference as conditions in the final License for the Gaming Establishment issued pursuant to 205 CMR 120.02 and will be incorporated by reference as conditions in any amendment to said License. Nothing herein shall prevent the parties to any such mitigation agreement from reopening the agreement pursuant to 205 CMR 127. In addition, nothing herein shall prevent the Commission from taking further action with respect to the License or its conditions pursuant to 205 CMR 127 or otherwise.

### **AGENCY SECTION 61 CONDITIONS**

#### **Mitigation Measures in Section 61 Findings and Permit Conditions of Other Federal State and Local Agencies**

MGM shall comply with the detailed mitigation measures provided by these Amended Section 61 Findings and by the individual Section 61 Findings for each other State Agency with jurisdiction to issue any state permit for the Project including without limitation MassDEP, MassDOT, the Massachusetts Department of Public Safety, MHC, and the DHCD. MGM shall also comply with the terms and conditions of any federal, state, or local permit or approval required for the Project. The Commission retains the right to modify these Amended Section 61 Findings as a result of Section 61 findings or final Agency Action issued by other Agencies after the 2015 Section 61 findings. If the terms of any other Agency's Section 61 findings or final Agency Action, or any other governmental permit or approval, or process to obtain such approval, conflict with the 2015 Section 61 findings or the mitigation measures set forth below, or render such mitigation measures infeasible or impossible, MGM shall notify the Commission of that conflict for resolution by the Commission pursuant to 205 CMR 120.01 and 120.02.

Pursuant to G.L. c. 23K, § 10(c), the Commission also reserves its rights to determine and reconsider which infrastructure improvements onsite and around the vicinity of the gaming establishment, including projects to account for traffic mitigation as determined by the Commission, shall be completed before the gaming establishment shall be approved for opening. However, in the event that the implementation of the transportation measures listed below conflict with the schedule for the full completion of MassDOT's work related to the I-91 Viaduct, MGM may seek an extension of certain mitigation elements as a post-opening commitment.

**Mitigation Measures for the Project under the FEIR**

MGM shall comply with the detailed measures to mitigate the Project’s impacts specified in the Certificate and the FEIR, as incorporated by reference in the NPC and NPC Certificate, including, without limitation, the mitigation measures described in the MassDOT Finding, those listed in Chapter 8 of the FEIR, and those listed in the following table, unless modified as described in the preceding paragraph or below:

MITIGATION MEASURES	SCHEDULE
<b>Transportation</b>	
Locations of Signal Timing Optimization Only: <ul style="list-style-type: none"> <li>• Dwight Street / I-291 WB Ramps,</li> <li>• East Columbus Avenue / West Columbus Avenue / Main Street / Longhill Street,</li> <li>• Mill Street / Locust Street / Belmont Avenue / Fort Pleasant Avenue, and</li> <li>• Belmont Avenue / Sumner Avenue / Dickinson Street /Lenox Street.</li> </ul>	Prior to opening
Union Street Corridor (West Columbus Avenue to Main Street) Improvements: <ul style="list-style-type: none"> <li>• Widen sidewalks along site frontage where feasible within the right of way,</li> <li>• Complete pavement mill and overlay on Union Street between Main Street and West Columbus Avenue,</li> <li>• Construct a PVTA Downtown Circulator Bus stop adjacent to Armory Square,</li> <li>• Widen and restripe roadway along site frontage,</li> <li>• Upgrade non-compliant accessible wheelchair ramps as required,</li> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Install mid-block crosswalk, pedestrian flasher assembly, and raised median island east of MGM Bus Driveway,</li> <li>• Install bicycle “sharrows” and share-the-road signage,</li> <li>• Reconstruct Union Street under I-91 Overpass to 5-lane cross-section, depending on input from MassDOT and the City of Springfield during the final design review process,</li> <li>• Modify vehicular and pedestrian signal phasing scheme at Union Street/East and West Columbus intersections,</li> <li>• Upgrade vehicular and pedestrian traffic signal equipment and infrastructure at corridor intersections where necessary, and</li> <li>• Optimize traffic signal timings, clearance intervals, signal coordination, and offset timings at corridor intersections.</li> </ul>	Prior to opening
State Street Corridor (West Columbus Avenue to St. James Avenue) Improvements: <ul style="list-style-type: none"> <li>• Reconstruct sidewalks along site frontage where feasible within the right of way,</li> <li>• Make available the bus drop off area on MGM Way to the Downtown Circulator Bus if requested by the PVTA,</li> <li>• Restripe State Street along site frontage,</li> <li>• Stripe intersection tracking markings across intersection of State Street /</li> </ul>	Prior to opening

MITIGATION MEASURES	SCHEDULE
<p>Main Street,</p> <ul style="list-style-type: none"> <li>• Complete pavement mill and overlay State Street between Dwight Street and East Columbus Avenue,</li> <li>• Upgrade accessible wheelchair ramps at: <ul style="list-style-type: none"> <li>• State Street / Main Street</li> <li>• State Street / East Columbus Avenue</li> <li>• State Street / West Columbus Avenue</li> </ul> </li> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Install mid-block crosswalk, pedestrian flasher assembly, and raised median island west of MGM Drive,</li> <li>• Install bicycle “sharrows” and share-the-road signage,</li> <li>• Install bike boxes, shift stop lines, and recalculated clearance intervals at intersections along State Street,</li> <li>• Modify pedestrian crossing across East Columbus Avenue north of State Street intersection,</li> <li>• Construct pedestrian refuge island along St. James Avenue approach to State Street,</li> <li>• Upgrade pedestrian traffic signal equipment only at: <ul style="list-style-type: none"> <li>• State Street / Chestnut Street / Maple Street</li> <li>• State Street / Dwight Street / Maple Street</li> <li>• State Street / Main Street</li> </ul> </li> <li>• Upgrade vehicular and pedestrian traffic signal equipment and infrastructure at: <ul style="list-style-type: none"> <li>• State Street / East Columbus Avenue</li> <li>• State Street / West Columbus Avenue</li> </ul> </li> <li>• Modify traffic signal phasing at intersection of State Street /Main Street; and</li> <li>• Optimize traffic signal timings, clearance intervals, signal coordination, and offset timings at corridor intersections.</li> </ul>	
<p>Main Street Corridor (Mill Street to Frank B. Murray Street) Improvements:</p> <ul style="list-style-type: none"> <li>• Widen sidewalks along site frontage where feasible within the right of way,</li> <li>• Relocate Pioneer Valley Transit Authority (“PVTA”) bus stops along Main Street,</li> <li>• Complete a pavement mill and overlay Main Street between State Street and Union Street,</li> <li>• Restripe Main Street between State Street and Union Street,</li> <li>• Stripe intersection tracking markings across intersection of Main Street / Boland Way / Harrison Avenue,</li> <li>• Upgrade accessible wheelchair ramps at Main Street / Union Street and Main Street / State Street,</li> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Install mid-block crosswalk north of Howard Street,</li> <li>• Install bicycle “sharrows” and share-the-road signage between Mill Street</li> </ul>	<p>Prior to opening</p>

MITIGATION MEASURES	SCHEDULE
<p>and Union Street,</p> <ul style="list-style-type: none"> <li>• Install bike lane northbound and bicycle “sharrows” southbound with share-the-road signage along Main Street between Union Street and Lyman Street,</li> <li>• Install bike boxes, shift stop lines, and recalculated clearance intervals at intersections with Boland Way and State Street,</li> <li>• Install new parking regulation signs along Main Street between State Street and Union Street,</li> <li>• Upgrade pedestrian traffic signal equipment only at: <ul style="list-style-type: none"> <li>• Main Street / Falcons Way / Court Street</li> <li>• Main Street / Boland Way / Harrison Avenue</li> <li>• Main Street / Worthington Street, and</li> </ul> </li> <li>• Optimize traffic signal timings and clearance intervals at corridor intersections.</li> </ul>	
<p>Lyman Street Corridor (Main Street to Dwight Street):</p> <ul style="list-style-type: none"> <li>• Restripe Lyman Street between Main Street and Dwight Street, and</li> <li>• Install bicycle lanes and wayfinding signage</li> </ul>	Prior to opening
<p>East and West Columbus Avenues at Boland Way Improvements:</p> <ul style="list-style-type: none"> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Restripe Boland Way eastbound between East Columbus Avenue and West Columbus Avenue to include 5-foot bike lane,</li> <li>• Stripe intersection tracking markings across intersection of West Columbus Avenue / Boland Way / Memorial Bridge,</li> <li>• Install “sharrows” along Boland Way between East Columbus Avenue and Main Street and along Boland Way westbound between East Columbus Avenue and West Columbus Avenue,</li> <li>• Upgrade accessible wheelchair ramps at East Columbus Avenue / Boland Way and West Columbus Avenue / Boland Way / Memorial Bridge,</li> <li>• Upgrade for Manual on Uniform Traffic Control Devices (MUTCD)-compliant vehicular and pedestrian traffic signal equipment at East Columbus Avenue / Boland Way and West Columbus Avenue / Boland Way / Memorial Bridge, and</li> <li>• Optimize traffic signal timings and clearance intervals at corridor intersections.</li> </ul>	Prior to opening
<p>East and West Columbus Avenue Corridors (Boland Way to Union Street) Improvements:</p> <ul style="list-style-type: none"> <li>• Install vehicular / pedestrian / bicycle wayfinding signs,</li> <li>• Restripe West Columbus Avenue southbound approach and Memorial Bridge receiving lanes,</li> <li>• Complete pavement mill and overlay East Columbus Avenue between Union Street and State Street, and</li> <li>• Restripe West Columbus Avenue between Boland Way and Union Street.</li> </ul>	Prior to opening
<p>East Columbus Avenue at Bliss Street Coordinate with the City of Springfield on the following:</p> <ul style="list-style-type: none"> <li>• Evaluate the need for potential speed control measures to help reduce the</li> </ul>	Prior to opening

MITIGATION MEASURES	SCHEDULE
<p>operating speeds of vehicles turning onto Bliss Street from East Columbus Avenue, and</p> <ul style="list-style-type: none"> <li>Evaluate the need for potential advance warning to vehicles on East Columbus Avenue that there may be stopped vehicles on Bliss Street.</li> </ul>	
<p>Memorial Bridge:</p> <ul style="list-style-type: none"> <li>Restripe Memorial Bridge cross-section and install bike lanes,</li> <li>Remove scored concrete median,</li> <li>Reconstruct gaps along former scored concrete median with bituminous asphalt pavement, and <ul style="list-style-type: none"> <li>Complete partial pavement rehabilitation in the area of median removal on Memorial Bridge per MDOT requirements.</li> </ul> </li> </ul>	Prior to opening
<p>Plainfield Street:</p> <ul style="list-style-type: none"> <li>Restriping the Plainfield Street westbound approach from the existing two through lanes to provide a single through lane and a channelized right-turn lane onto the I-91 NB On-Ramp,</li> <li>Restriping Plainfield Street westbound to provide one through travel lane between the I-91 NB On-Ramp and I-91 NB Off-Ramp,</li> <li>Restriping the terminus of the I-91 NB Off-Ramp to enter Plainfield Street, west of the intersection, into its own travel lane,</li> <li>Construct new sidewalk along Plainfield Street north of US Route 20,</li> <li>Remove existing offset sidewalk between the newly constructed sidewalk connections,</li> <li>Install new crosswalk with flashing warning assembly and Americans with Disabilities Act (“ADA”)-compliant accessible ramps immediately east of I-91 Ramps,</li> <li>Install “No Pedestrian Crossing” signage at locations along the northerly side of Plainfield Street at the I-91 Ramps and Birnie Avenue, and</li> <li>Construct accessible wheelchair ramps, install pedestrian countdown indications and push buttons at Plainfield Street (US Route 20) / West Street (US Route 20) /Plainfield Street /Avocado Street intersection.</li> </ul>	Prior to opening
<p><b><u>Intelligent Transportation System Enhancements:</u></b>  To improve route operations for the motoring public and MassDOT’s ability to monitor traffic and safety conditions, MGM has committed to work with MassDOT to deploy variable message signs and install cameras along Route 5 in West Springfield and along Route 57 in Agawam as further detailed in the MassDOT Section 61 Findings. This equipment would be used to inform the public of the following:</p> <ul style="list-style-type: none"> <li>Detour routes to follow when a traffic incident, construction, or traffic congestion warrants diversion of vehicles to an alternative route,</li> <li>Alternative routes to use during special events to avoid traffic congestion or locate appropriate and convenient parking, and</li> <li>Location of available parking in the Downtown area and routes for access.</li> <li>Other needs identified by MassDOT as part of their normal traffic management procedures</li> </ul>	Prior to opening

MITIGATION MEASURES	SCHEDULE
<p><b><u>Transportation Demand Management:</u></b>  MGM will fund and implement a transportation demand management (“TDM”) program to reduce traffic trips consisting of the following elements, to be confirmed based on those described in the final MassDOT Section 61 Finding. MGM will implement the following measures post opening; provided that MGM will implement measures marked with an * prior to opening. MGM will report to the Commission within 90 days of opening on the status of implementation of such measures. If such measures have not been implemented by that time, MGM shall explain to the Commission the reasons why they have not been implemented to the Commission and shall explain the steps MGM will take to implement those measures in the coming 90 days and continue to maintain them throughout the life of the license. If MGM proposes to replace any particular measure, it will describe the proposed replacement measure to the Commission for the Commission’s review and approval.</p> <p><b><u>Transit Measures</u></b></p> <ul style="list-style-type: none"> <li>• Coordinate with PVTA to periodically review bus service directly serving the site and overall service,*</li> <li>• Enter into an MOU with the PVTA for a Downtown Circulator Bus service for no fare on scheduled service days between the Project site, Union Station, and local attractions; such as Basketball Hall of Fame and Quadrangle Museum Zone,*</li> <li>• Promote the use of public transportation and coordinate with PVTA to provide information on the availability of service to employees and patrons,</li> <li>• Provide transit schedules and information about program services,*</li> <li>• Provide improved bus stops with weather protection immediately adjacent to the Project site,*</li> <li>• Provide ongoing maintenance of bus stop facilities and amenities installed as part of the Project,</li> <li>• Evaluate preferential shift selection to employees using transit services, and align shifts to the extent possible with PVTA transit service, where feasible,</li> <li>• Provide on-site transit pass sales and offer pre-tax pass sales for employees that enroll in the program,</li> <li>• As part of employment application process, ask prospective employees about likely use of public transportation, and</li> <li>• Provide a forum for employees to give customer feedback on transit service for Transportation Coordinator to share with PVTA to target future public or private improvements in service.</li> </ul> <p><b><u>Pedestrian and Bicycle Measures</u></b></p> <ul style="list-style-type: none"> <li>• Update and retrofit pedestrian signal equipment at study area intersections surrounding the site and along Main Street between Union Station and the site,*</li> </ul>	<p>See left-hand column.</p>



MITIGATION MEASURES	SCHEDULE
<ul style="list-style-type: none"> <li>● Provide striping improvements for bicycle lanes or sharrows along with corresponding bike signs,*</li> <li>● Provide pedestrian and bicycle wayfinding signage throughout Downtown Springfield on roadways providing direct access to the site. This includes coordinating with retailers, employers, and property managers to distribute bicycle and pedestrian route maps to casino, hotel, and retail patrons, employees, and residents,</li> <li>● Provide ADA improvements at wheelchair ramps near the site,*</li> <li>● Provide enhanced connectivity to the Connecticut River Walk and Bikeway,*</li> <li>● Provide secure, weather protected, long-term bicycle parking (for employees and residents) at designated locations within the Project site,*</li> <li>● Provide bicycle racks for short-term users at several locations on-site,*</li> <li>● Provide bicycles and equipment for employees,</li> <li>● Implement bicycle share program,</li> <li>● Provide showers for employees who commute by walking or biking,*</li> <li>● Include a repair station near the bike cages and/or advertised visits by a local mechanic,</li> <li>● Provide on-site bicycle education classes such as basic maintenance and repairs, rules of the road and winter cycling,</li> <li>● Canvas employees to identify potential "bicycle captains" and inexperienced cyclists that would be willing to participate in a Bike Buddy Program,</li> <li>● Reconstruct sidewalks along streets surrounding the site that are affected by project construction activities to improve access,*</li> <li>● Construct mid-block crossing with pedestrian warning device on State Street to service the pedestrian traffic between the Project parking structure and the adjacent courthouse,*</li> <li>● Construct mid-block crossing with raised median island on Union Street to service pedestrian traffic to land uses along southerly side of Union Street,* and</li> <li>● Provide employee incentive programs such as "CommuteFit" and "Workout to Work" that allow participants to log miles each month walked or bicycled to work. MGM will work with programs such as NuRide to implement these as part of work wellness program with incentivized participation.</li> </ul> <p><b><u>Parking Measures</u></b></p> <ul style="list-style-type: none"> <li>● Coordinate with the City of Springfield and expedite, to the extent feasible, MGM's construction employee parking plan,*</li> <li>● Evaluate the feasibility of a reduced valet rate for vehicles with three or more patrons,</li> <li>● Provide preferential parking for rideshare, carpool, and hybrid vehicles,*</li> <li>● Provide charging stations for electric vehicles in the parking structure,*</li> <li>● Implement an intelligent parking system to direct drivers to open parking</li> </ul>	

MITIGATION MEASURES	SCHEDULE
<p>spaces or nearby facilities controlled by the Springfield Parking Authority,*</p> <ul style="list-style-type: none"> <li>• Employee parking “buy out” program, which will provide a financial incentive for employees to use alternative modes of transportation,</li> <li>• Promote TDM programs alongside sale and delivery of parking information for employees and visitors, and</li> <li>• Study how the proposed parking fee structure may impact project related traffic, determine whether market rate pricing may reduce the number of single occupancy vehicle (“SOV”) trips and report to the Commission on potential changes to the parking fee structure to encourage fewer SOV trips.</li> </ul> <p><b><u>Other Measures</u></b></p> <ul style="list-style-type: none"> <li>• Appoint a Transportation Coordinator on-site to oversee, implement, monitor, and evaluate TDM measures, employed or funded by MGM.* Responsibilities of the Coordinator will include: <ul style="list-style-type: none"> <li>• Reviewing status of TDM measures and assisting in reporting on the same to the Commission;*</li> <li>• Posting and distributing announcements;*</li> <li>• Holding promotional events to encourage ridesharing, using public transit, bicycling, and walking;</li> <li>• Monitoring the TDM program and assisting in its evaluation;</li> <li>• Providing transit schedules and information about program services;*</li> <li>• Coordinating on-site sales of transit passes;</li> <li>• Managing transit subsidy or discount programs for employees;</li> <li>• Coordinating rideshare and carpool programs and preferential parking for participants;</li> <li>• Coordinating with PVRTA and MassRIDES to implement TDM programs and improve transit mode share; and</li> <li>• Collecting and reviewing transportation data and employee surveys and coordinating with transportation consultant for review of post occupancy conditions and “look back” intersection studies.</li> </ul> </li> <li>• Partner with MassRIDES to implement and monitor TDM measures,</li> <li>• Offer preferential shifts to employees using transit to align with PVRTA service,</li> <li>• Register employees with NuRIDE to encourage ride-sharing and "green" trips,</li> <li>• Provide a car sharing program through a third party provider such as Zip Car or equivalent for resident and employee use with convenient spaces located within the parking structure,</li> <li>• Encourage vanpool and carpooling participation through marketing,</li> </ul>	

MITIGATION MEASURES	SCHEDULE
<p>events and vanpool formation meetings,</p> <ul style="list-style-type: none"> <li>• Offer pre-tax payment option for employee vanpool fares,</li> <li>• Offer employees a guaranteed ride home program through participation with NuRide,</li> <li>• Provide and update a monthly Commuter Bulletin,</li> <li>• Provide real-time traffic/weather information,</li> <li>• Team up with local partners and provide lunchtime tours to help employees discover local amenities and attractions,</li> <li>• Promote safe commuting by all modes through a multi-modal safety awareness campaign. Increase awareness of multi-modal user needs with printed, online or interactive information as developed,</li> <li>• Implement electronic sign-up for TDM programs to support creation of a database of participants to track program effectiveness and costs,</li> <li>• Facilitate events through coordination with MassRIDES and PVRTA, and</li> <li>• Establish a monitoring system to evaluate TDM goals.</li> </ul> <p>The TDM program will be modified, as necessary, contingent upon the outcome of the proposed transportation monitoring program, to ensure mode share estimates presented in the FEIR are met.</p>	
<p><b><u>Off-Site Roadway Improvements</u></b></p> <p>Construct off-site roadway improvements required by MassDOT and/or the City of Springfield as mitigation measures consistent with "Complete Streets" principles to the extent reasonable and practicable at the intersections where other physical improvements are already proposed. These improvements include:</p> <ul style="list-style-type: none"> <li>• Reconstruct existing curb cut ramps to bring them into compliance with ADA and Architectural Access Board regulations,</li> <li>• Reconstruct pedestrian traffic signals to bring them into compliance with the most recent version of the MUTCD, and</li> <li>• Bicycle and pedestrian accommodations where feasible such as, "bike boxes" at certain signalized intersections to reduce bicycle/vehicle conflicts, new or renovated PVRTA bus stops and reconfiguration of on-street parking to provide additional safety measurements for pedestrians and bicyclists.</li> </ul> <p>Coordinate with the City of Springfield and MassDOT and expedite, to the extent feasible, offsite roadway and intersection work.</p>	Prior to opening
<p><b><u>Public Transportation:</u></b></p> <p>MGM must fulfill its commitment to reach an agreement with the PVRTA that will capture all public transportation agreements and commitments on the Project, which are likely to include final details on:</p> <ul style="list-style-type: none"> <li>• Commitment to fund ADA paratransit trips that serve the Project</li> <li>• Provision of a Downtown Circulator Bus to be operated by PVRTA, including final details on route, stops and hours of operation,</li> </ul>	At occupancy and during operation

MITIGATION MEASURES	SCHEDULE
<ul style="list-style-type: none"> <li>• Improvements to bus stops on Main Street, including passenger amenities,</li> <li>• Ongoing commitment to maintain bus stops, including snow removal,</li> <li>• Working with PVRTA and other stakeholders on ways to manage/provide/serve Seniors using the current Dial-a-Ride or other alternate means for travel to the Project,</li> <li>• Targeting a transit mode share for employees,</li> <li>• Promotion of PVRTA passes to MGM employees,</li> <li>• Provision of transit information in a centralized location at the Project for all users, including prominent placement of information about PVRTA service,</li> <li>• Implementing onsite PVRTA pass and fare sales,</li> <li>• Granting preferential shifts to employees who take public transportation, where feasible so they can utilize existing transit services,</li> <li>• Committing to continually working with PVRTA to review service levels and demand for the Project, and working collaboratively to alter service as warranted,</li> <li>• Providing a robust Transportation Demand Management program for employee to discourage single occupancy vehicle travel, and encouraging alternate transportation, including PVRTA service</li> <li>• Completing annual monitoring of transportation usage, with a goal of reaching target mode shares.</li> </ul> <p>Upon site occupancy and during operation, MGM must work with the PVRTA to assess actual changes to transit demand and identify corresponding mitigation, as warranted.</p>	
<p><b><u>Road Safety Audits:</u></b>  Conduct road safety audits as part of the 25 percent design process for intersection improvements at the following locations:</p> <ul style="list-style-type: none"> <li>• Dwight Street/Interstate 291 southbound ramps,</li> <li>• Mill Street/Locust Street/Belmont Avenue/Fort Pleasant Avenue,</li> <li>• State Street between Main Street and Spring Street / School Street,</li> <li>• State Street between Federal Street and Orleans Street,</li> <li>• Union Street between West Columbus Avenue and Main Street,</li> <li>• Main Street between Liberty Street and Worthington Street</li> <li>• Main Street/West Columbus Avenue/East Columbus Avenue/Longhill Street, and</li> <li>• Plainfield Street (US Route 20) between I-91 northbound Exit 9 ramps and the North End Bridge.</li> </ul> <p>MGM is also committed to incorporating any reasonable and feasible short term improvements identified as part of the audits referenced above into the design of the off-site roadway improvements along these roadway segments.</p>	<p>During Project design</p>
<p><b><u>Traffic Monitoring Plan:</u></b>  Complete a Traffic Monitoring Plan (TMP) as described in pages 42-44 of the Secretary's Certificate, as amended by pages 17-19 of the NPC Certificate, with</p>	<p>Prior to and during construction</p>

MITIGATION MEASURES	SCHEDULE
an evaluation of the following: <ul style="list-style-type: none"> <li>• Traffic operations at key study area intersection and roadways surrounding the project,</li> <li>• Adequacy of the constructed parking supply, and</li> <li>• Effectiveness of TDM measures.</li> </ul>	and during operation
<p><b><u>“Look-Back” Studies:</u></b>            Complete “look-back” studies in accordance with the Surrounding Community Agreements. The final scope of the look back approach, including the roadways for evaluation, will be developed in coordination with each respective community, Pioneer Valley Planning Commission, MGM, and each entity's consultants.</p>	During operation
<p><b><u>Optimization Measures:</u></b>            Work with MassDOT during and post permitting to optimize traffic operations and manage access along some project corridors (notably Main Street and Union Street).</p>	During permitting and operation
<b>Air Quality</b>	
Implement a TDM program (described above and in the MassDOT Finding) to mitigate the projected emissions increase between the 2024 No Build and 2024 Build Conditions (7% increase in volatile organic compounds and 5% increase in nitrogen oxides).	During operation
Install on-site stationary sources of potential air pollutants, including the proposed combined heat and power (“CHP”) system in accordance with MassDEP's Environmental Results Program or air quality permitting regulations, as applicable.	Prior to and during construction
<b>GHGs</b>	
Incorporate the following elements, or measures achieving similar energy use reductions, into the final Project design: <ul style="list-style-type: none"> <li>• High efficiency water cooled chillers</li> <li>• Water side economizers</li> <li>• Air side economizers</li> <li>• Variable air volume systems</li> <li>• Variable speed pumping</li> <li>• Variable speed cooling tower fans</li> <li>• Demand controlled kitchen exhaust (with tenant participation)</li> <li>• Increased air filtration</li> <li>• High performance building envelope</li> <li>• Green roof</li> <li>• High-albedo roofs</li> <li>• Premium electric motors</li> <li>• Energy recovery ventilation</li> <li>• Demand controlled ventilation (in garage, and where the occupant density exceeds 40 persons per thousand square feet)</li> <li>• Room occupancy sensors for lighting (and HVAC in hotel rooms)</li> <li>• Daylighting (where possible)</li> </ul>	Prior to and during construction

MITIGATION MEASURES	SCHEDULE
<ul style="list-style-type: none"> <li>• Reduced lighting power density below ASHRAE guidelines (except residential and guest room spaces)</li> <li>• High performance lighting</li> <li>• Low-flow fixtures</li> <li>• Energy star appliances</li> <li>• Energy management system</li> <li>• Inspections and air sealing</li> <li>• Enhanced refrigerant management and use of refrigerants with lower global warming potentials</li> <li>• Regional building materials</li> <li>• Low-volatile organic compound (“VOC”) adhesives, sealants, paints, carpets, and wood (where feasible)</li> </ul>	
<p>Incorporate an approximately 200 kW CHP system, and review of options to increase the CHP size during final design.</p>	<p>Prior to and during construction</p>
<p>The Parking Structure roof will be constructed “solar-ready” such that they can support the live loads and include space for conduit runs and electrical gear such as inverters and meters.</p>	<p>Prior to and during construction</p>
<p>Incorporate onsite solar photovoltaic (PV) systems, with sizes and locations to be determined during final design. Preliminary analysis identified an estimated average annual energy production from the podium PV system at 246.54 megawatt hours (MWh) per year and the parking structure PV system at 807.91 MWh per year, resulting in total carbon dioxide offsets of 379.1 tons per year. MGM shall report to the Commission its progress on incorporating the PV system into the Project on a quarterly basis and reserves the right to seek revision of this condition based upon structural and economic feasibility including but not limited to potential changes in state and federal tax credits and other subsidies for PV in Massachusetts.</p>	<p>Within one year of opening</p>
<p>Incorporate a ground source heat pump system to provide energy to the daycare facility, and review of alternatives to expand the system.</p>	<p>Prior to and during construction</p>
<p>Purchase of Renewable Energy Credits such that at least 10 percent of the facility’s annual electricity consumption is from onsite or offsite renewable energy sources.</p>	<p>During operation</p>
<p>Conduct a review in the final Project design of the cost and benefit of addition of the following Project elements (including funding availability):</p> <ul style="list-style-type: none"> <li>• Advanced elevators (machine room-less, permanent magnet gearless with efficient drives) and advanced escalators,</li> <li>• Improvements to the building envelope and lighting power densities,</li> <li>• Electronically commutated motors for terminal units,</li> <li>• Solar hot water to support specific end uses,</li> <li>• Chillers with improved full-load efficiency, and</li> <li>• Oversized cooling towers that can supply condenser water to the chiller condensers at a temperature less than or equal to 75 degrees for 95% of the operating hours per year</li> </ul>	<p>Prior to and during construction</p>

MITIGATION MEASURES	SCHEDULE
Where feasible, mitigate environmental impacts of electronic gaming machines including but not limited to installing repurposed games and partnering with environmental minded slot manufactures that use among other measures lighting/energy efficiency; recycled materials; low volatile organic compounds; and restrict the use of hazardous substances. Provided that such mitigation efforts will not limit gaming machine selection based primarily on customer preference.	During operation
Conduct annual energy use surveys using information collected by energy management system and monitor all major sources of energy consumption.	During operation
Implement the traffic-related strategies to reduce emissions from vehicles as outlined in the traffic mitigation section above, including providing electric vehicle charging stations and designated parking spaces for alternatively fueled vehicles within the parking garage consistent with patron demand.	Prior to and during construction except as otherwise stated elsewhere
Provide a self-certification document to the MEPA Office signed by an appropriate professional (e.g., engineer, architect, transportation planner, general contractor) and indicating that all of the required mitigation measures, or their equivalent, have been completed for each phase. The certification will be supported by plans that clearly illustrate what type of GHG mitigation measures have been incorporated into the Project. For those measures that are operational in nature, MGM will provide an updated plan identifying the measures, the schedule for implementation, and a description of how progress towards achieving the measures will be obtained.	After construction and during operation
Implement the traffic-related strategies to reduce motor vehicle traffic and idling times as outlined in the traffic mitigation section, including improved bicycle and pedestrian access, bicycle storage, and carpool/vanpool/car sharing parking spaces. Activities to encourage public and alternative transportation will be coordinated by a fulltime, on-site Transportation Coordinator.	Prior to and during construction except as otherwise stated elsewhere
Continue to explore feasible energy efficiency measures for incorporation into the final Project to meet and exceed Commission requirements and support Commonwealth's GHG reduction goals.	Prior to and during construction and during operation
Achieve LEED Gold certification or higher and meet Massachusetts Stretch Energy Code requirements. As of the date of the Amended Section 61 Findings, MGM has registered for LEED certification for all elements of the Project. MGM shall provide the Commission a quarterly update regarding the status of LEED certification.	Submit for registration prior to project opening and continue reporting to Commission on quarterly

MITIGATION MEASURES	SCHEDULE
	basis regarding status thereafter.
<b>Water Supply and Wastewater</b>	
<p>Replace:</p> <ul style="list-style-type: none"> <li>• The twin 12-inch water mains in Main Street with one 16-inch water main; and</li> <li>• The 12-inch vitrified clay sewer main and upgrade hot water mains in Howard and Bliss Streets where the roadway ROW will remain.</li> </ul> <p>Install a cured in place liner for 10 inch sewer main within Union Street per Commitment Agreement with Springfield Water and Sewer Commission (“SWSC”).</p> <p>Install restraining joints in 24 inch main in Union Street per Commitment Agreement with SWSC.</p> <p>Implement the following water conservation and reuse measures (overseen by a designated Water Conservation Manager):</p> <ul style="list-style-type: none"> <li>• Rainwater reuse for landscape irrigation,</li> <li>• Weather-based irrigation controllers,</li> <li>• Installation of drip irrigation systems,</li> <li>• Drought tolerant plants,</li> <li>• Installation of low-flow urinals,</li> <li>• Installation of low-flow water closets (1.1 gallons per flush (gpf) for liquids and 1.6 gpf for solids),</li> <li>• Installation metering faucets (fitted with 0.5 gallon per minute (gpm) aerators with 15 seconds run time), and</li> <li>• Education and training programs.</li> </ul> <p>The water conservation measures identified above will minimize the Project’s wastewater generation. Low Impact Development techniques will be implemented to minimize the volume of storm water runoff, which will in turn reduce impacts on the wastewater collection and treatment systems.</p>	During construction and occupancy
Work with the SWSC and the City of Springfield to identify and mitigate potential impacts on abutting properties. This may include the installation of backflow preventers on service laterals to prevent a surcharge during heavy rainfall.	Prior to and during construction
Execute a Memorandum of Understanding with the SWSC to memorialize water and sewer infrastructure commitments including maintenance, inspections, monitoring, reporting, and continued communication.	Prior to and during construction
Investigate technologies to minimize water use and wastewater generation associated with food preparation, dishwashing and hotel shower fixtures to further reduce project related water and wastewater impacts. In addition, given	Prior to and during construction



MITIGATION MEASURES	SCHEDULE
<p>decision to utilize off-site laundry, which was made after issuance of the 2015 Section 61 Findings, investigate feasibility of incorporating requirements to minimize water use and wastewater generation in contracts with off-site laundry vendors.</p>	<p>and during operation</p>
<p><b>Hazardous Materials</b></p>	
<p>Prior to building demolition or renovation, hazardous building materials will be abated or removed in accordance with applicable regulations.</p> <p>No major impacts to soil or groundwater quality from oil or hazardous materials that may significantly impact construction have been identified or are anticipated, based on due diligence activities performed to date.</p>	<p>Prior to and during construction</p>
<p>Consistent with the requirements of the Activity and Use Limitation (AUL) (RTN 1-12379), located at 38-50 Howard Street, this portion of the project site has been designed to accommodate the development of the main floor and basement offices of the casino building.</p>	<p>Prior to and during construction</p>
<p>Construction activities within identified Massachusetts Contingency Plan (“MCP”) disposal sites will include an environmental monitoring plan to monitor potential impacts to neighboring properties. The environmental monitoring plan will set dust action levels and VOC ambient air monitoring requirements for the Project. Air monitoring with dust meters and a photoionization detector will be a key component of the environmental monitoring plan included within the Release Abatement Measure.</p>	<p>Prior to and during construction</p>
<p>Engage a Licensed Site Professional to manage the MCP-submittal process and manage potential construction-period waste, soil and groundwater remediation in accordance with the MCP.</p>	<p>During construction</p>
<p><b>Historic Resources</b></p>	
<p>To mitigate adverse impacts on properties listed on the National Register, the State Register and the Inventory of Historic and Archaeological Assets of the Commonwealth, MGM will utilize a variety of techniques ranging from full preservation, to partial preservation, to relocation of historic properties within the Project, as set forth in the FEIR and the Secretary’s Certificate and as summarized above. The Commission recognizes, however, that there will be full or partial demolition of a number of those listed properties, including without limitation the Howard Street Primary School, which was damaged in the 2011 tornado and has been condemned.</p> <p>As anticipated in the FEIR, MGM has prepared a final MOA with MHC and the Commission describing mitigation measures concerning historic properties. The MOA includes, without limitation, the following preservation measures:</p> <ul style="list-style-type: none"> <li>• Renovation of certain State Register Properties and other historic properties,</li> <li>• Partial preservation of State Register Properties and other historic properties,</li> <li>• Relocation and renovation of State Register properties,</li> <li>• Photographic documentation of the buildings prior to demolition,</li> <li>• Design review,</li> </ul>	<p>Prior to and during construction</p>

MITIGATION MEASURES	SCHEDULE
<ul style="list-style-type: none"> <li>• Creation of a Historic Preservation Trust Fund funded by MGM and the Commission,</li> <li>• Recording of historic covenants,</li> <li>• Salvage and reuse of architectural elements within the Project, and</li> <li>• Interpretive signage and displays providing information about the history of the Project area.</li> </ul> <p>To mitigate adverse impacts on properties listed on the National Register, the State Register and the Inventory of Historic and Archaeological Assets of the Commonwealth, MGM shall comply with these and other mitigation measures in the MOA including, where applicable, after opening. The MOA is attached as Exhibit A and incorporated herein by reference.</p>	
<b>Storm water</b>	
<p>Design and construct the Project consistent with MassDEP Storm water Management Standards. The storm water management system will reduce peak rates of runoff on site and provide treatment to improve water quality of discharge, compared to existing conditions. Use appropriate Best Management Practices and Low Impact Development concepts to mitigate the storm water impacts from the proposed development including any increased peak flows to Union Street if necessary. MGM has retained 1.62 acres of pervious surfaces on the Project Site (exclusive of DaVinci Park). MGM will install deep sump hooded catch basins, a storm water infiltration system, multiple hydro-dynamic (proprietary) separators and a 70,000 gallon detention tank. A 20,000 gallon storm water capture cistern for irrigation is incorporated into the project. The project will adhere to a specific maintenance schedule for each of these drainage systems.</p>	During construction and occupancy
<p>Design and construct the Project consistent with MassDEP Storm water Management Standards. The storm water management system will reduce peak rates of runoff at each design point and provide treatment to improve water quality of discharge, compared to existing conditions.</p>	During construction and occupancy
<p>Register the storm water system's infiltration system in accordance with the MassDEP Underground Injection Control program.</p>	During construction and occupancy
<b>Construction</b>	
<p>Within the site, activities such as excavation, pile driving, and steel erection will only be allowed during permitted hours. Every two weeks, the contractor will publish an updated schedule of upcoming work and will disseminate the schedule to affected parties in local neighborhoods. In addition, the general contractor will publish monthly schedule updates describing progress as well as projected activity for the next month. This information will be available on a Project website that will allow neighbors real-time access to the most up-to-date construction information.</p>	Prior to and during construction
<p>As this Project will be constructed simultaneously to the I-91 Viaduct Deck Replacement Project, MGM and its construction contractor will coordinate with MassDOT and its construction contractor on a regular basis throughout the entire</p>	Prior to and during

MITIGATION MEASURES	SCHEDULE
<p>construction process to minimize impacts prior to and on the surrounding transportation infrastructure. Both MGM and MassDOT are currently planning to incorporate language into each respective construction contract to define a need for bi-weekly construction coordination meetings to evaluate traffic detours, parking demands, major trucking needs, and other related items.</p>	<p>construction</p>
<p>MGM or its general contractor shall develop a parking plan for the City of Springfield's review and approval, which shall include the general contractor's plans and protocols for enforcing the prohibition on construction personnel parking personal vehicles on streets in the adjacent neighborhood. Mandatory orientation for all workers on the project will include workforce parking instructions, public transportation options and the need to protect the adjacent neighborhoods from workforce parking during construction. MGM shall coordinate with the Springfield Parking Authority, City of Springfield, and owners of private parking facilities throughout downtown Springfield to identify locations to accommodate construction employee parking, as well as parking for uses displaced from the site during construction.</p>	<p>Prior to and during construction</p>
<p>The general contractor will develop a construction period traffic management plan for review and approval by the city and state. Signage, traffic cones, drums, and other traffic control measures will be employed during construction to provide positive guidance for traffic near the work zone. The FEIR provides sample temporary traffic control plans for construction of improvements near the MGM Project site. These plans will be refined as the project advances to the 25% design stage and will require review and approval by the City of Springfield and MassDOT District 2 Staff.</p>	<p>Prior to and during construction</p>
<p>Effort will be made to minimize the noise impact of construction activities. Mitigation measures will include:</p> <ul style="list-style-type: none"> <li>• Instituting a proactive program to ensure compliance with the City of Springfield noise ordinance,</li> <li>• Using appropriate mufflers on all equipment and ongoing maintenance of intake and exhaust mufflers,</li> <li>• Replacing specific construction operations and techniques by less noisy ones where feasible,</li> <li>• Selecting the quietest of alternative items of equipment where feasible.</li> <li>• Turning off idling equipment and comply with Mass DEP's anti-idling regulations, and</li> <li>• Locating noisy equipment at locations that protect sensitive locations by shielding or distance.</li> </ul>	<p>Prior to and during construction and operations</p>
<p>Precondition surveys and vibration monitoring will be conducted prior to and during construction to document initial conditions and to monitor vibration levels during construction. Soil borings and geotechnical analysis will be undertaken in strategic areas of the project site, following MGM's securing ownership of the property.</p> <p>The Construction Management Plan will establish vibration limits and other similar performance criteria, as well as require the contractor to plan and implement mitigating measures if adverse impacts were detected during</p>	<p>Prior to and during construction</p>

MITIGATION MEASURES	SCHEDULE
<p>construction. Below-grade work would be conducted under the technical monitoring of a geotechnical engineer, to observe and document construction procedures, monitor vibrations, and to anticipate and facilitate any needed mitigation measures.</p>	
<p>MGM and its construction teams will evaluate the Commonwealth's Clean Air Construction Initiative, which includes incorporating Construction vehicles with emission reducing control devices.</p>	<p>Prior to and during construction</p>
<p>Establish a goal of 100 percent diversion of demolition/construction waste.</p>	<p>Prior to and during construction</p>
<p><b>Environmental Justice</b></p>	
<p>The FEIR, the Secretary's FEIR Certificate, the NPC, and the NPC Certificate do not expressly discuss environmental justice issues pertinent to former Governor Patrick's Executive Order No. 552 on Environmental Justice (11/20/14) or the prior EOEEA Environmental Justice Policy (10/9/02). Nonetheless, the Commission finds that the proposed Project will make significant positive environmental justice contributions to the host community of Springfield and the surrounding area. These positive contributions include the rehabilitation and revitalization of a significant portion of downtown Springfield ravaged by the 2011 tornado and associated displacement of businesses and other enterprises, the use of environmentally-sensitive design in all aspects of the Project as described above, and the creation of significant numbers of new jobs arising out of and related to the construction and operation of the proposed facility, which jobs will directly and substantially benefit disadvantaged persons in the local community. Based on the mitigation measures discussed above, the Commission finds that these positive contributions can be achieved while damage to the environment is mitigated or avoided.</p>	

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## FINDINGS

Pursuant to G.L. c. 30, § 61, and 301 CMR 11.12(5), the Massachusetts Gaming Commission finds that all feasible measures have been taken to avoid or minimize impacts of the Project and damage to the environment. Specifically, the Commission finds that:

1. Environmental impacts resulting from the proposed Project within the parameters of the Original Design and the Revised Design within the scope of MEPA are those impacts described in the Final Environmental Impact Report dated November 6, 2014, the Secretary's Certificate on the FEIR dated December 31, 2014, the Notice of Project Change dated October 15, 2015, and the Secretary's Certificate on the Notice of Project Change dated November 25, 2015;
2. MGM shall comply with and shall implement (a) the License conditions in the Commission's conditional License for the Project dated November 6, 2014 and referenced in the Secretary's Certificate, (b) the terms and conditions of the Executed Mitigation Agreements, (c) the mitigation measures described in these Amended Section 61 Findings, the FEIR, the Secretary's Certificate, the NPC, and the NPC Certificate (d) the Section 61 Findings and conditions to be issued by other Agencies of the Commonwealth in their final Agency Action on the Project, in particular those Section 61 findings issued by MassDOT, (e) the MOA between the MHC, MGM and the Commission, (f) any mitigation measures required by the City of Springfield as part of its review and permitting of the Project and (g) additional conditions consistent herewith imposed by the Commission in the final License pursuant to 205 CMR 120.02(1)(a); and
3. Appropriate conditions will be included in any final License issued for the Project pursuant to 301 CMR 11.12(5) (b) and 205 CMR 120, and any amendment thereto, to ensure implementation of the conditions and mitigation measures identified herein.
4. The Commission may conduct a regular quarterly review of compliance with the Section 61 Findings and the conditions of the Gaming License.

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Chair, Massachusetts Gaming Commission

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Date