

March 25, 2008

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

Re: Comments on the Mashpee Wampanoag Tribe Proposed Trust Acquisition

Dear Mr. Keel:

Southeastern Regional Planning and Economic Development District (SRPEDD) is the regional planning agency serving 27 cities and towns in southeastern Massachusetts, including the Town of Middleborough. We are pleased to submit the attached position relative to the proposed Mashpee Wampanoag Tribe Proposed Trust Acquisition in the Town of Middleborough, MA.

We are neither a proponent nor opponent of the proposed facility, but we have concerns over the impact that it will have on Middleborough and the surrounding communities and the degree to which that impact can be mitigated or compensated. We offer these comments in the spirit of assisting you to develop the scope of a federal Environmental Impact Statement.

SRPEDD expects to examine the traffic and environmental impacts as we obtain more specific information about the scope of the proposed facility. Because we have only learned within this week some of the specifics of the proposed development, we are unable to offer a more detailed analysis at this point in time.

Sincerely,

Stephen C. Smith
Executive Director

Cc: Middleborough Board of Selectmen
Southeastern Massachusetts Regional Task Force on Casino Impacts
SRPEDD Commission
Middleborough Town Planner

*SRPEDD Position on Proposed Middleborough Casino
Submitted to the Bureau of Indian Affairs*

**COMMENTS OF THE SOUTHEASTERN REGIONAL PLANNING
AND ECONOMIC DEVELOPMENT DISTRICT
RELATIVE TO THE PROPOSED
MASHPEE WAMPANOAG CASINO IN MIDDLEBOROUGH, MA**

Submitted to the Bureau of Indian Affairs
March 26, 2008

The Town of Middleborough and the Mashpee Wampanoag Tribe signed an Intergovernmental Agreement on July 28, 2007 relative to the proposed Mashpee Wampanoag Casino. Included in this agreement are provisions for the Wampanoag Tribe to assist Middleborough with mitigation, infrastructure improvements and public safety needs, and to make local impact and other payments.

The Tribe proposes a Class III gambling facility in the vicinity of Route 44 and Precinct Street on 539 acres to include the casino, a luxury hotel, restaurants, a golf course, and other associated amenities.

The proposed casino complex is a large regional facility, and could be the largest single development ever built in Southeastern Massachusetts. Despite its size, the process for project review, mitigation and compensation is at best unclear. The Town of Middleborough's agreement does not acknowledge surrounding communities or the regional impact. The process for negotiation between the Mashpee Wampanoag Tribe and the Commonwealth is also unclear, and even in the best of circumstances, there are no assurances that the surrounding communities, which will bear a significant burden for this project, will share in the revenue or the mitigation.

The surrounding communities will bear the burden of the traffic that originates outside Middleborough, with associated impacts on time of travel whether for business, recreation, or education. In addition, road improvements proposed in the agreement would rely, in part, upon federal & state funds currently committed to other bridge and road projects in the region. The surrounding communities will be expected to provide housing, water, solid waste and wastewater disposal, public safety and education for a large work force with no way to raise revenue to meet these increased municipal expenses. These communities are likely to see increased demand for fire, police and EMT services directly related to the presence of thousands of people in an area that is currently forest and fields.

The primary concern of the surrounding communities is the total absence of any process to address regional needs that will result from the casino development.

SPECIFIC CONCERNS OF THE SURROUNDING COMMUNITIES

1. **REVENUE:** The Intergovernmental Agreement includes the following financial commitments to the Town of Middleborough by the Tribe:
 - Pre-opening mitigation and planning (\$250,000/year);

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- Funds for police cruisers, ambulances and the hiring of additional police, firefighters and EMTs (estimated at \$2,005,000);
- Infrastructure improvements, including traffic (\$172 million), electric (\$13 million), gas (\$12.4 million), water (\$22.5 million) and sewer (\$26.3 million);
- Annual payments starting at \$7 million, plus payments in lieu of taxes and revenue from a 4% lodging tax;
- One time payment of \$40,000, plus annual payments of \$20,000 to treat compulsive gambling.

The surrounding cities and towns must be included in any revenue sharing agreement, as part of a federal agreement, a state agreement or directly with the project proponents, to offset induced increased costs for public safety, education & infrastructure (from population growth), road repair and maintenance, and decreased revenue from business loss and property value loss. In addition, many of the area towns do not have a professional planner on staff, so there will be an increased financial burden from increased administrative and legal costs of land use boards.

2. **TRAFFIC:** Future traffic generated by the complex has been estimated at as high as 50,000 trips per day, not accounting for possible future expansion. These estimates must be verified by further traffic studies. The Middleborough agreement calls for improvements to allow “direct access to Route 44 and I-495” and estimates the Route 44 work at a total cost of \$172,000,000. The Tribe agrees to be responsible for the funding of this work but “.....the Parties acknowledge that the Tribe anticipates seeking funding from the Commonwealth and federal governments to pay for this work.” The Route 44/I-495 road work is the only specific road location acknowledged in the agreement.

The surrounding communities have the following specific concerns regarding the traffic impact of this proposed development:

- The upgrade of Route 44 from I-495 to Route 58 in Carver, including replacement of the Middleborough Circle, is the most essential piece of traffic mitigation in connection with this proposal, and must be completed to avoid complete gridlock. **Because of the present huge backlog of highway, bridge and transit projects in Southeastern Massachusetts, the surrounding communities are concerned over the effort to seek federal and state funding for this improvement.** Highway needs are acute throughout the region and there is nowhere near enough federal and state funding to address all of these pressing needs. Using scarce funds to mitigate for a new development will come at the expense of many crucial regional projects that are proposed to solve major safety and capacity problems. **The surrounding communities do not support the effort by the Tribe to use these scarce federal and state funds.**
- It is anticipated that there will be **many additional traffic related problems associated with the casino that must be studied and**

addressed. Patrons coming to the casino from Boston, Providence, Cape Cod, Fall River, and New Bedford are likely to create congestion and safety problems prior to reaching the Route 44 segment that is proposed to be upgraded. Potential additional problem areas include:

- Route 44 west of I-495 through downtown Taunton, including the interchange with Route 24;
- Route 24 bottleneck south of the I-495 interchange to Route 140;
- I-495 bottleneck south of Route 24;
- Route 140/Route 79 interchange;
- I-495/Route 105 interchange;
- Route 3/Route 44 interchange;
- Segments of Routes 18, 28, 58, 79, 105, 106 and 138; and
- Numerous local two lane rural roads in surrounding communities that will be used to access the casino. Increased truck traffic is a special concern on these secondary roads.

Other large development proposals and their likely traffic impacts should be factored into any analysis. These may include the redevelopment of the Weymouth Naval Air Station, expansion of the Independence Mall in Kingston, Plymouth Rock Studios in Plymouth, and the A.D. Makepeace developments in Carver, Plymouth, and Wareham.

- **In accordance with normal MEPA review procedure, the Tribe must prepare a detailed traffic study for the project. This study should include detailed traffic analyses within a 5 to 10 mile radius of the casino site. Outside of the 10 mile radius, the study should, at a minimum, include all roads classified at or above the classification of Arterial** according to the Federal Functional Classification System, particularly those arterial roads expected to serve as connectors between important urbanized areas (Taunton, New Bedford, Fall River, Attleboro, Plymouth, Brockton, Providence, Worcester, Boston). This would also include connections to Cape Cod to determine the impact of vacationers influenced into diverting their trips to the casino site. Analyses should include a detailed review of impacts to important junctions along the arterial paths such as highway interchanges. The traffic analysis must differentiate between visitors and workers, so that ridesharing and busing alternatives can be explored to remove as much traffic volume as possible.

A transportation study should include existing and projected capacity analyses (at all appropriate intersections, road segments, highway weaving segments, etc.); safety analyses; air quality analyses, etc. for the existing and build scenarios. Mitigation should be acceptable to all communities impacted but should be implemented at the expense of the proponent.

3. **ENVIRONMENTAL IMPACT:** Regardless of the tribal status of the project proponents, **the Tribe should be expected to comply with all Massachusetts and local bylaws and regulations** regarding wetlands, ponds, streams, stormwater, endangered and threatened species, aquifer protection and other environmental concerns. **This would include the Massachusetts Environmental Policy Act (MEPA) requirements.** Specific environmental concerns include the following:
- Aquifer – Up to 1.5 million gallons per day removed from local aquifers will lower the water table to cause wells to go dry in the stressed Taunton River basin. The addition of the proposed water park will exacerbate the problem. Water resources are especially important to agriculture and cranberry cultivation, which is a significant industry in the southeastern region.
 - Wastewater disposal –The impact on the Taunton River basin of the additional wastewater discharge into the basin should be addressed and mitigated to reduce or eliminate effects of additional nitrogen on Narragansett Bay.
 - Solid Waste disposal – With no capacity in the Town of Middleborough to accept the project’s solid waste, specific plans for disposal of solid waste must be addressed.
 - Energy demand – The availability power from the grid to meet peak summer demand must be addressed.
4. **PUBLIC SAFETY: The casino proponents should be expected to contribute to the added public safety costs in the region.** At a minimum, there will need to be more police in neighboring communities to address increased traffic and crime and to participate in mutual aid agreements. Payments for additional police, firefighters and EMT personnel are part of the Middleborough agreement, and there will be an increased regional need as well, especially when there are mutual aid calls from Middleborough to its neighbors. Middleborough will be assisted financially under their agreement for those mutual aid calls, while the other participants are not.

Lockup facilities in the surrounding communities are expected to be inadequate for the increased demand created by the casino.

A HAZMAT incident could cripple local response capabilities. The probability of such an incident would be at its greatest during the construction phase with trucks utilizing local roads.

5. **OTHER TRANSPORTATION:** In addition to vehicular traffic, two other transportation modes are of concern to surrounding communities:
- Several commuter rail stations (including Lakeville, Bridgewater, Kingston, Halifax and the station proposed in Wareham) are expected to have an increased burden as a result of this project. The capacity of the trains and the stations and the connections between the stations and the casino complex must be studied. A new commuter rail station in the

vicinity of the intersection of the Old Colony Line and Route 44, which is about one mile from the proposed casino site, should be investigated by the Tribe.

- The impact on the Plymouth, Taunton and New Bedford Airports must be considered. Both Plymouth and New Bedford may receive more small jet traffic associated with the facility.
- Transit connections with the regional transit authorities (GATRA, BAT and SRTA) could be used to minimize potential traffic impacts.

6. **HOUSING:** Casino workers will include new residents to the region as well as current residents. Many will be service workers in the hotel, restaurants and convention space associated with the casino and they will require affordable housing within a reasonable commuting distance from work. **The impact of these new workers on the region's housing stock and the need for additional affordable housing units needs to be analyzed.**

The largest quantities of affordable housing stock are currently found in the surrounding cities, where many workers are expected to reside. Their commuting patterns between the casino and their homes need to be factored into the traffic analysis. The smaller towns could be vulnerable to developers wishing to exploit the affordable housing market for quick profit. The impact of a casino on property values is another concern.

7. **EDUCATION:** Communities close to casinos in other states have experienced large and sudden increases in the public school enrollment after the opening of a nearby casino. They have also reported that a high percentage of the new students are from non-English speaking households and speak many different languages, which put an additional educational burden on these school systems that is not reimbursed. (The number of non-English speaking students in Norwich, CT has increased from 100 to 400 in the past six years and the school system is required to teach in many different languages). **The casino proponents should be obligated to provide data and financial assistance to offset impacts to the individual communities.**

8. **ECONOMIC IMPACTS:** There needs to be an understanding of the job training/education demands for the new industry, the likely changes in the economic profile of the region, and property value assessment. The claims that a casino will reduce disposable income and cause serious economic hardships on other businesses in the region, especially restaurants and entertainment establishments, needs to be addressed. The loss of local businesses is doubly felt in the surrounding communities when tax revenue is lost as well.

The negative effect that a casino has on new investment in the immediately surrounding area is a further concern. If new businesses are reluctant to locate or expand in the casino's vicinity, this will further impact local economies.

Given the dependence of cities and towns on revenue from the state lottery, the impact of a casino on lottery receipts is an additional local concern.

9. **SOCIAL COSTS:** The impacts associated with problem gambling, excessive alcohol use and drunk driving, increased crime, mortgage foreclosures due to excessive debt and other related social costs should be investigated and addressed by the proponents. Impacts on local hospitals and health care facilities need to be investigated as well. There is a further concern about the proximity and ready access by train to the Bridgewater State College students.

The proposed facility will have a transforming effect on Southeastern Massachusetts. Its impacts will be felt far beyond the borders of the Town of Middleborough. The current agreement between the Town and the Tribe offsets some of the negative local impacts by making financial payments to Middleborough, but that town is the only community that has had a voice to this point.

Going forward, the surrounding communities must be included at each step of the public policy process. This includes the question of whether a casino is permitted, and discussions about compensation and mitigation. As this process moves forward, the surrounding communities are entitled to a voice on the issues affecting them.