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## **Memorandum**

**TO:** City Council, Office of Planning & Economic Development  
Conservation Commission and Department of Health & Human Services

**CC:** Mayor and Chief Development Officer

**DATE:** March 21, 2013

**FROM:** Edward M. Pikula, City Solicitor

**SUBJECT:** Casinos and Comments on MGM Springfield MEPA  
Environmental Notification Form

**Comments from City Departments Are Requested by April 5, 2013**

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Each of the City offices in the distribution list above will receive in the mail shortly an Environmental Notification Form (ENF) filed by Blue Tarp reDevelopment LLC (MGM Springfield) with the Massachusetts Executive Office of Energy and Environmental Affairs.

The ENF is a lengthy document and it has been provided to each of the identified City of Springfield departments and entities for public review and comment as required by the Massachusetts Environmental Policy Act (MEPA) and its implementing regulations. In addition to the copy being sent to you, a copy of the ENF can be found on the state's website. See <http://www.env.state.ma.us/mepa/emonitor.aspx>

All casino applicants in Massachusetts will need to make these filings, and the MGM Springfield filing is the first one that the City of Springfield has received.

In order to ensure the City of Springfield can respond in a coordinated way, Kevin Kennedy has asked the Law Department to take responsibility for collecting comments from each City agency which wishes to provide public comments and to consolidate those comments into a single comment letter that will be provided to the Secretary of Energy and Environmental Affairs.

Under the MEPA process, applicants for major projects such as casino developments will need to file an ENF, and then later a more detailed Environmental Impact Report (EIR), both for public comment and review by the Secretary. The ENF is therefore the first of two environmental review documents that are needed to complete the MEPA process. Under the process envisioned by the Massachusetts

Gaming Commission, it is likely that all casino applicants will file ENFs, and then only those selected for licensing will proceed to file EIRs.

The MEPA process is intended to provide meaningful opportunities for public review of the potential environmental impacts from projects that require state permitting, and to provide each state agency that must issue a permit with the information necessary to use all feasible means to avoid, or minimize and mitigate, damage to the environment to the maximum extent practicable.

The MEPA process is also intended to facilitate environmental planning by requiring project applicants to consider the positive and negative potential impacts for all phases of a project, and the cumulative impacts of a project and any other work or activity in the immediate surroundings and region.

It is likely that some of the MEPA review will overlap and duplicate some review with regard to direct and indirect impacts on the City that is the subject of the City's negotiation of a Host Community Agreement, as well as the process to engage surrounding communities in the negotiation of agreements with a casino developer. Therefore, there may be multiple opportunities for public comment on potential environmental impacts.

Under the MEPA review process, notice of the MGM Springfield ENF was published in the March 20<sup>th</sup> edition of EOEEA's Environmental Monitor. This commenced a public review and comment period which ends on April 9, 2013.

Comments that are relevant to the project would include comments on the expected environmental impacts, whether the ENF appropriately identifies those expected impacts, and whether the steps proposed by the applicant appropriately avoid, or minimize and mitigate, those impacts.

Please provide any comments you wish to make on the MGM Springfield ENF to the Law Department by no later than Wednesday, April 5, so that the Law Department may consolidate all comments and submit a single comment letter on behalf of the City of Springfield.

Please do not hesitate to call me if you have any questions.