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October 16, 2023

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Encore Boston Harbor
PROJECT MUNICIPALITY : Everett
PROJECT WATERSHED : Boston Harbor
EEA NUMBER : 15060
PROJECT PROPONENT : Wynn MA, LLC
DATE NOTICED IN MONITOR : September 8, 2023

Pursuant to the Massachusetts Environmental Protection Act (MEPA; M.G.L. c. 30, ss. 61-62L) and Section 11.08(8) of the MEPA regulations (301 CMR 11.00), I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **does not adequately and properly comply** with MEPA and its implementing regulations, and therefore requires the filing of a Supplemental FEIR. This project represents a substantial expansion of a gaming establishment that was reviewed through multiple EIR filings in 2013-15 and resulted in the need for significant mitigation commitments by the Proponent. Review of this project change has shown that the Proponent failed to adhere to strict monitoring protocols previously established by the Massachusetts Department of Transportation (MassDOT) and Massachusetts Gaming Commission (MGC) and did not meet “mode share” targets designed to minimize vehicular travel to and from the site and into the surrounding roadway network in Everett, Somerville and Boston. While the transportation and transit system in the area has improved since prior reviews concluded, this project change will add significant new traffic to the area and proposes to increase the number of parking spaces (all free of charge) to almost double the level proposed for the original project. This could set precedents for future development in the surrounding areas, which the City of Everett has proposed to develop as a “destination district” in urban renewal planning documents filed with the state (EEA #15414). Public comments, including several from members of the Lower Mystic Transportation Working Group established to monitor transportation

improvements in the area, raise serious concerns about the level of parking proposed by the project, question the methodology used to estimate parking needs for the project change, and request further analysis and consultation to ensure that mitigation commitments are commensurate with the increase in impacts proposed by the project change. While I acknowledge the new and updated analysis presented in the FEIR, in light of public comments received and in consultation with Participating Agencies, I am requiring a Supplemental FEIR with a limited Scope to ensure complete disclosures to support a finding that the project will take all feasible measures to avoid, minimize and mitigate Damage to the Environment to the maximum extent practicable.

Project Change Description

As described in the Certificates on the Expanded Notice of Project Change (ExNPC) and the Supplemental Draft Environmental Impact Report (SDEIR), the proposed development reviewed herein was submitted as a project change to the original project, which proposed construction of the Proponent's existing casino and associated facilities located in Everett. The proposed development under review will be referenced herein as the "East of Broadway project" or "project change."

As described in the Final EIR (FEIR), the East of Broadway project includes the redevelopment of 13.4 acres of land on the east side of Broadway and construction of a pedestrian bridge over Broadway to connect the project change site to the Proponent's existing casino and associated facilities (the "original project"), which is described below. The East of Broadway project will be constructed on four blocks of land in two or more phases. As discussed below, the development presented in the FEIR is substantially the same as the SDEIR, with the exception of a reduction in parking by 452 spaces.

Phase 1 will be constructed on 6.4 acres of land bordered by Broadway, Mystic Street, Robin Street and Dexter Street. The Phase 1 area (also referred to as Block A) is occupied by surface parking lots with 450 spaces and a contractor storage yard. The development program for Phase 1 includes a 60-ft high multi-level building with sports betting, a gaming area with 425 positions, food and beverage (F&B) space, and entertainment venues, including a day club, a night club with an occupancy of 999 people, a 200-seat comedy club and a 979-seat theater. Phase 1 also includes the construction of a seven-story, 87-ft high parking garage with 2,137 spaces, of which 450 spaces will replace the existing surface parking spaces and 1,687 spaces will be new.

Future phases of the East of Broadway project will be developed on three blocks of land with a combined area of 6.8 acres. Block B is located northeast of the Phase 1 area and is bounded by Bow Street, Lynde Street, Robin Street and Mystic Street. It consists of two distinct sub-areas, of which the northwest area consists of a surface parking lot with 261 spaces and a lot in the southeastern corner. The Block B development program includes a building with a 467-key hotel, a 1,000-person event space, 2,500 sf of retail uses, 5,000 sf of F&B space and a three-level parking garage in the northwestern area and a 60,000-sf warehouse to store equipment and materials associated with operation of the proposed uses described in the NPC. Block C is located north of Block B and is bordered by Bow Street, Thorndike Street, Lynde Street and an electric substation and commercial and residential uses. Block C will include a building with a 333-key hotel, a 1,000-person event space, 2,500 sf of retail space, 5,000 sf of F&B uses and a parking garage. Block D is a triangular parcel located north of Block C and is bounded by residential and commercial uses to the north, Bow Street to the east, Broadway to the west

and Thorndike Street to the south. Table 1 provides a comparison of the uses proposed in the project change to those proposed in the original project.

Original Project Description

As most recently reviewed in an NPC filed in March 2017, the original project consisted of the redevelopment of a 33.9-acre site on the west side of Broadway in Everett as a destination resort casino with 3,112,153 square feet (sf) of uses, including:

- A gaming facility with 4,421 total gaming positions;
- A 386-ft high, 663,200-sf hotel with 671 rooms;
- 9,177 sf of retail space;
- 105,288 sf of Food and Beverage (F&B) space;
- Lobbies, lounge, and an atrium garden (front-of-house) occupying 83,889 sf;
- 630,447 sf of Back-of-House space;
- A spa and gym with an area of 26,368 sf;
- 60,166 sf of convention/meeting room space;
- A 1,323,023-sf parking garage with 2,914 spaces for patrons; and,
- 800 off-site parking spaces for employees.

The original project also included remediation of hazardous materials on the site, dredging, construction of a ferry dock and shoreline restoration.

Table 1 below shows a comparison of the development as proposed in the FEIR to the original project. The proposed parking supply was adjusted downward by 452 spaces from the SDEIR to FEIR. The project change will provide a total of 2,640 spaces, of which 1,929 spaces are new and 711 are existing spaces. Of the 2,137 parking spaces to be constructed in the garage in Phase 1 of the project change, 1,445 are needed for the uses proposed in Phase 1. Thus, the Phase 1 garage is proposed to partially meet parking needs in future phases.

Table 1. Comparison of the original project as previously reviewed to the East of Broadway project.

| | Previously Reviewed | Phase 1 | Future Phases | Project Change Total | Total |
|----------------------------|---------------------|---------|---------------|----------------------|-----------|
| Project Site (acres) | 33.9 | 6.5 | 6.9 | 13.4 | 47.3 |
| Hotel (gsf) | 663,200 | - | 600,000 | 600,000 | 1,263,200 |
| Hotel keys (sf) | 671 | - | 800 | 800 | 1,471 |
| Gaming (sf) | 206,474 | 18,700 | - | - | 225,174 |
| Total Gaming Positions | 4,421 | 265 | - | 425 | 4,846 |
| Retail (sf) | 9,177 | - | 20,000 | 20,000 | 29,200 |
| Food & Beverage (F&B) (sf) | 105,288 | 50,700 | 30,000 | 80,700 | 185,988 |
| Entertainment Venues (sf) | - | 72,700 | - | 72,700 | 72,700 |
| Event Space (sf) | 60,166 | - | 20,000 | 20,000 | 80,200 |

| | | | | | |
|---|-----------|---------|---------|-----------|-----------|
| Spa/Gym (sf) | 26,368 | - | - | - | 26,400 |
| Indoor Garden (sf) | 4,121 | - | - | - | 4,100 |
| Front-of-House (sf) | 83,889 | 10,500 | | 10,500 | 94,400 |
| Back-of-House (sf) | 630,447 | | | - | 630,400 |
| Warehouse (sf) | - | - | 60,000 | 60,000 | 60,000 |
| Pedestrian Bridge (sf) | - | 12,500 | - | 12,500 | 12,500 |
| Parking Garage (sf) | 1,323,023 | 740,500 | 231,300 | 941,800 | 2,264,823 |
| Parking spaces (Total) | 3,714 | 2,137 | 503 | 2,640 | 6,354 |
| Onsite parking spaces | 2,914 | 2,137 | 503 | 2,640 | 5,557 |
| Offsite parking spaces | 800 | - | - | - | 800 |
| Total GFA (sf) | 3,112,153 | 905,600 | 961,300 | 1,866,900 | 4,949,053 |
| Total GFA excluding Parking Garages (sf) | 1,789,130 | 165,100 | 730,000 | 895,100 | 2,684,230 |

Procedural History

The original project was reviewed in a series of filings submitted from 2013 to 2017. On May 31, 2013, the Proponent filed an Expanded Environmental Notification Form (EENF) for the original project. A Certificate on the EENF was issued on July 26, 2013, which required the filing of a Draft Environmental Impact Report (DEIR). The DEIR was submitted on December 16, 2013. A Certificate on the DEIR was issued on February 21, 2014 which included a scope for the Final Environmental Impact Report (FEIR). On June 30, 2014, the Proponent filed an FEIR. The Certificate on the FEIR, issued on August 15, 2014, required the Proponent to file a Supplemental FEIR (SFEIR). The Scope was limited to traffic and transportation issues, Responses to Comments and revised Section 61 Findings. The Certificate on the FEIR indicated that other issues had been adequately addressed in the FEIR or could be addressed through subsequent review, approval and permitting processes.

The SFEIR was filed on February 17, 2015. In addition to providing a revised and updated transportation analysis, the SFEIR described changes to the design of the original project. The Certificate on the SFEIR was issued on April 3, 2015, and it required the filing of a Second Supplemental FEIR (SSFEIR) to address outstanding transportation issues. In addition, the Scope for the SSFEIR required an analysis of a transfer of land from the Massachusetts Department of Transportation (MassDOT)/Massachusetts Bay Transportation Authority (MBTA) to the Proponent that occurred prior to completion of MEPA review. The Proponent filed the SSFEIR on July 15, 2015. A Certificate on the SSFEIR was issued on August 28, 2015, with a finding that the original project adequately and properly complied with MEPA.

The Proponent submitted a Notice of Project Change (NPC) in March 2017 which described an overall increase in the square footage of the original project by of 178,125 sf and changes in the area devoted to previously proposed uses. A Certificate on the NPC was issued on April 7, 2017 and did not require the filing of another Supplemental EIR. As noted above, the changes in the development program identified in the 2017 NPC are included in the “original project” summarized above.

The East Broadway project was proposed in an Expanded Notice of Project Change (ExNPC) submitted in November 2022. The Certificate on the ExNPC was issued on January 6, 2023 and included the Scope for the SDEIR, which was submitted in April, 2023. The Certificate on the SDEIR was issued on June 2, 2023, and included the Scope for this FEIR.

Project Site

The original project is located on a 33.9-acre site on the west side of Broadway adjacent to the Mystic River. It includes approximately 25.6 acres in upland areas and approximately 8.3 acres below mean high water (MHW) of the Mystic River. The project change components will be constructed on 13.2 acres of land, including 10.4 acres of impervious area, on the west side of Broadway. The site of the project change development is bordered to the south by Dexter Street, to the east by Robin Street, to the north by Thorndike Street and Beecham Street and to the west by Broadway.

The project site is located within an Environmental Justice (EJ) population designated as Minority and English Isolation. It is located within one mile of 46 additional EJ populations in Everett, Boston, Chelsea, Medford and Somerville designated as Minority; Income; English Isolation; Minority and Income; Minority and English Isolation; Income and English Isolation; and Minority, Income and English Isolation. The site is located within five miles of additional EJ populations designated as Minority; Income; English Isolation; Minority and Income; Minority and English Isolation; Income and English Isolation; and Minority, Income and English Isolation located in Everett, Somerville, Cambridge, Boston, Brookline, Watertown, Arlington, Belmont, Medford, Melrose, Chelsea, Revere, Winthrop, Saugus and Malden.

Environmental Impacts and Mitigation

Environmental impacts associated with the original project included the addition of 17.2 acres of impervious area; nonwater-dependent use of 11.2 acres of tidelands; alteration of approximately 7 acres of intertidal and subtidal estuarine resources including Land Under the Ocean (LUO), Coastal Beach and Tidal Flats, Land Containing Shellfish, and Salt Marsh; generation of 17,550 New adjusted average daily trips (adt); construction of 2,914 New parking spaces; use of 346,114 gallons per day (gpd) of water; and generation of 314,649 gpd of wastewater.

Environmental impacts associated with the project change include the addition of 1.8 acres of impervious area; generation of up to 21,453 New unadjusted adt (up to 9,080 adjusted vehicle trips per day); construction of 2,640 New parking spaces; use of 222,802 gpd of water; and generation of 202,547 gpd of wastewater. Greenhouse Gas (GHG) emissions and other air pollutants are associated with the burning of fossil fuels for on-site energy use and transportation.

Measures to avoid, minimize and mitigate environmental impacts of the project change identified in the SDEIR include roadway improvements including the construction of turning lanes and signal timing changes; installation of a new stormwater management system to improve water quality; implementation of Transportation Demand Management (TDM) measures to reduce single occupancy vehicle (SOV) trips to the site; a 1.089-megawatt (MW) rooftop solar photovoltaic (PV) generating system; and buildings designed with high-efficiency envelopes and electric heating, cooling and

ventilation systems to minimize GHG emissions. As detailed below, additional transportation and climate change mitigation measures should be identified in the Supplemental FEIR.

Jurisdiction and Permitting

The original project was subject to MEPA review and preparation of an EIR pursuant to 301 CMR 11.03(1)(a)(2), 11.03(3)(a)(5), 11.03(6)(a)(6) and 11.03(6)(a)(7) because it required Agency Actions and involved creation of 10 or more acres of impervious area, a New non-water dependent use occupying one or more acres of waterways or tidelands, generation of 3,000 or more New adt on roadways providing access to a single location, and construction of 1,000 or more New parking spaces at a single location. The original project received a Category 1 Gaming License from the MGC and a Chapter 91 (c.91) License and a 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The original project completed Federal Consistency Review by the Massachusetts Office of Coastal Zone Management (CZM) and Airspace Review by the Massachusetts Aeronautics Commission (MAC). The original project required a Land Transfer from the MBTA.

The project change involves a substantial expansion of the original project. The project change itself exceeds MEPA review thresholds at 301 CMR 11.03(6)(a)(6) (generation of 3,000 or more New adt on roadways providing access to a single location) and 301 CMR 11.03(6)(a)(7) (construction of 1,000 or more New parking spaces at a single location). The project change requires revised Vehicular Access Permit from MassDOT, Establishment of Boundary Modification by the MGC and a Section 8(m) Permit from the Massachusetts Water Resources Authority (MWRA). The project change is subject to the MEPA GHG Emissions Policy and Protocol (GHG Policy) and requires a Public Benefit Determination (PBD) and a Finding of No Adverse Effect from the Massachusetts Historical Commission (MHC).

The project change requires Site Plan Review, a Stormwater Management Permit and a Land Disturbance Permit from the City of Everett (City). It requires a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the Environmental Protection Agency (EPA).

The project change is not receiving Financial Assistance from the Commonwealth. However, the subject matter of the MGC Gaming License issued for the original project and modification or amendment needed for the project change confers full scope MEPA jurisdiction that extends to all aspects of the project change that are likely, directly or indirectly, to cause Damage to the Environment, as defined in the MEPA regulations.

Changes Since the Filing of the SDEIR

According to the FEIR, the East of Broadway project site has increased in size by 0.2 acres as a result of recalculating the land area of each parcel; no new land area has been added to the project since the SDEIR was filed. As detailed below, the overall project parking supply has been reduced by 452 spaces.

Review of the FEIR

The FEIR provided plans of existing and proposed conditions, additional analysis of impacts on EJ populations, an updated air quality assessment, and an updated transportation analysis. However, as noted, MassDOT and public comments indicate that additional analysis is necessary to justify the proposed parking supply and request consideration of additional mitigation measures to ensure that impacts are mitigated through target mode shares, TDM measures, and other means.

Environmental Justice

The FEIR provided an update on the Proponent's public engagement efforts and a revised analysis of the project's air emissions. As detailed below, the FEIR included a revised stormwater management system with sufficient capacity to capture designed to minimize potential flooding of adjacent properties under future climate conditions.

Public Engagement

The FEIR reviewed the Proponent's public engagement since the SDEIR was filed. The Proponent's hosted informational tables at Everett's Earth Day celebration on April 22, the Everett Community Growers Summer Bash on June 24, Everett's Independence Day celebration on June 30 and a water transportation fair held at Christopher Columbus Park in Boston on July 14. At each of the events, the Proponent provided project fact sheets translated into Arabic, Chinese, Haitian Creole, Spanish, and Portuguese and native speakers were available. Giveaways were offered at the events to encourage community members to visit the table. In addition, translated fact sheets were available at the Everett Community Growers farm stand on August 9. The Proponent maintains a website (www.eastofbroadwayeverett.com) which provides information about the project, upcoming events, MEPA documentation, and an opportunity to leave feedback. However, the website does not appear to provide information in other languages; the Proponent should prominently post translated fact sheets and other information on the website.

According to the FEIR, the Proponent will continue to work closely with community partners after MEPA review has concluded. The Proponent hosted successful non-profit leadership retreats in 2022 and in September 2023. The Proponent will continue to host tables at community events and provide information about the proposed activities on the East of Broadway site, transportation options and improvements implemented by the project, and job opportunities. According to the FEIR, the Proponent has received positive feedback from community-based organizations (CBOs) and members of the public that the Proponent's attendance at events within the community is an effective way of engaging with residents. Community engagement efforts should continue throughout the remainder of MEPA review and during subsequent permitting.

Enhanced Analysis

The FEIR included an updated analysis of potential air quality impacts to EJ populations from mobile-source air emissions generated by the project. The analyses are reviewed in more detail below. According to the FEIR, the project change will generate 70 truck trips per day. Data from the traffic analysis included in the FEIR and the EPA's MOVES3 mobile-source emissions model were used to

calculate emissions from vehicles in the transportation study area. Because the project site is located within and surrounded by EJ populations, most vehicle trips to and from the site pass through EJ populations. As detailed below, the FEIR included two mesoscale air analyses, one which evaluated emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO_x), nitrogen dioxide (NO₂), fine particulate matter (PM_{2.5}), and diesel particulate matter (DPM) from all vehicles and one which estimated emissions of NO₂, PM_{2.5} and DPM from diesel trucks only. The analysis presented in the FEIR concluded that emissions of all air contaminants in the study area will be significantly reduced under 2033 No Build conditions as compared to 2023 Existing conditions due to stricter emissions standards for all motor vehicles. Project change-generated emissions from all vehicles as modeled under 2033 Build conditions will result in an increase of 7 to 8 percent above 2033 No Build values; however, in all cases emissions under 2033 Build conditions will be lower than those under 2023 Existing conditions.

For trucks only, the analysis showed that emissions would increase by approximately 2% to 3% from 2033 No Build to 2033 Build conditions, but emissions of all pollutants will be lower under 2033 Build conditions than 2023 Existing conditions. In the SDEIR, the Proponent documented that emissions generated by trucks associated with the project change (conservatively estimated in the SDEIR as over 700 truck trips per day) would account for less than 0.001 percent of the projected county-wide emissions in 2033; based on the revised estimate of only 70 truck trips per day, the contribution of project-generated trucks to county-wide emissions levels would be expected to be considerably less than previously estimated. As noted below, the FEIR presented alternative scenarios of transportation impacts based on the project's ability to meet mode share targets; however, these scenarios were not then applied to provide associated air emissions numbers. This supplemental analysis should be provided in the Supplemental FEIR.

Traffic and Transportation

The FEIR included a revised transportation analysis prepared in a manner consistent with the EEA/MassDOT *Transportation Impact Assessment (TIA) Guidelines* issued in March 2014. The revised analysis used trip generation calculated with higher non-auto target mode shares and, as requested by MassDOT in its comment letter on the SDEIR, simulation software to model traffic flow and queues in Sweetser Circle/Lower Broadway and Sullivan Square. It reviewed the proposed parking demand, provided a transit analysis, reviewed the results of the Proponent's transportation monitoring program for the original project and identified mitigation measures. As recommended by MassDOT, the study area consisted of the following intersections:

- Broadway at Mystic Street/Encore Casino Driveway (Horizon Way);
- Broadway at Beacham Street;
- Broadway/Alford Street at Dexter Street;
- Revere Beach Parkway (Route 16) at Main Street/Broadway (Sweetser Circle);
- Revere Beach Parkway (Route 16) at Santilli Highway/Mystic View Road (Santilli Circle);
- Main Street/Maffa Way at Cambridge Street/Alford Street (Sullivan Square); and
- Cambridge Street at I-93 Northbound (NB) Off-Ramp.

Trip Generation

The FEIR used the same trip generation calculation as used in the SDEIR; however, the trips were assigned to transportation modes based on new target mode shares shown in Table 1. The target auto mode shares in the FEIR are lower than those used in the SDEIR analysis (38% vs 47% for employees, 77% vs 84% for patrons), meaning that the FEIR assumes higher targets for non-auto modes such as transit and pedestrian travel.

Table 1. Existing (Encore Casino) and proposed mode shares for employees and patrons (Table 3-1 in the FEIR).

| Mode of Travel | Employees | | Patrons | |
|--------------------------|----------------|------------------|----------------|-------------|
| | Existing, 2021 | FEIR Target | Existing, 2021 | FEIR Target |
| Orange Line to Shuttle | 4% | 15% | 0% | 2% |
| MBTA Bus | 5% | 15% | 2% | 6% |
| Neighborhood Runner | 3% | 10% | 0% | 0% |
| Walk/Bike | 4% | 6% | 0% | 1% |
| Orange Line (& walk) | 0% | 15% | 4% | 8% |
| Water Shuttle | 0% | 0% | 2% | 3% |
| Chinatown/Quincy Shuttle | | 1% | | 3% |
| Taxi/Rideshare | 0% | 0% | 35% | 32% |
| Auto | 84% | 38% ¹ | 57% | 45% |

The project change’s trip generation based on the new target mode shares is shown in Table 2. The Transit category shown in the table includes employee shuttles, the Orange Line MBTA buses and water transportation. The “auto/taxi” totals represent the adjusted daily vehicle trip estimates for Friday and Saturday, respectively, based on the new target mode shares reflected in the FEIR. Friday and Saturday estimates were used for the analysis because they represent the highest use days, and, therefore, show a conservative estimate of average daily trips.

Table 2. Adjusted daily trip generation of the project change based on FEIR target mode shares.

| | Friday | | | Saturday | | |
|-----------|---------|-----------|-----------|----------|-----------|-----------|
| | Transit | Walk/Bike | Auto/Taxi | Transit | Walk/Bike | Auto/Taxi |
| Employees | 1,715 | 257 | 1,377 | 1,762 | 265 | 1,417 |
| Patrons | 4,152 | --- | 8,954 | 4,954 | -- | 9,080 |
| Total | 5,867 | 257 | 10,331 | 6,716 | 265 | 10,497 |

The FEIR included an analysis of the projected hourly trip generation to determine the peak hourly vehicular trip generation on Friday and Saturday. On Fridays, the project change will generate

599 trips during the peak hour of trip generation (5:00 PM to 6:00 PM); on Saturday, the project change's peak hour for trip generation will be from 3:00 PM to 4:00 PM, when it will generate 569 vehicle trips.

Traffic Operations

For roadway intersections in the transportation study area, the SDEIR provided capacity analyses and level-of-service (LOS) designations for through traffic and each turning movements for the Friday evening and Saturday midday peak periods under Existing 2033, No Build 2033 and Build 2033 conditions; and Build 2033 with Mitigation conditions. The LOS reflects the overall operations of an intersection, including traffic speed, delay, and capacity. For urban intersections, LOS D reflects an acceptable level of operations; LOS E or F reflect significantly congested conditions and long delays.

Consistent with the results shown in the SDEIR, the following intersections will operate at LOS E or F under 2033 Build conditions:

- Broadway/Alford Street at Dexter Street: LOS E during the Friday peak period and LOS F during the Saturday peak period
- Broadway at Mystic Street/Encore Casino Driveway (Horizon Way): LOS F during the Friday peak period and E during the Saturday peak period
- Cambridge Street at Spice Street: LOS F during the Friday peak period
- Sweetser Circle: LOS F during the Friday peak period
- Cambridge Street at I-93 NB Off-Ramp: LOS E during the Saturday peak period

The following mitigation measures were incorporated into the 2033 Build with Mitigation scenario:

- A dedicated northbound right-turn lane with 120 feet of vehicle storage on Broadway at the intersection of Broadway at Mystic Street
- Optimization of signal timings at the intersections of Broadway at Mystic Street and Broadway at Dexter Street
- A second westbound left-turn lane on Dexter Street with 210 feet of storage
- A pedestrian bridge between the Encore Casino and the east side of Broadway, which is anticipated to improve vehicular operations because it will reduce the number of times traffic is stopped to allow pedestrians to cross Broadway
- Revised signal timings in Sullivan Square to allow more green time for I-93 NB off-ramp traffic
- Installation of a queue detection system on the I-93 NB off-ramp

The FEIR included an analysis of a 2033 Build with Mitigation scenario which evaluated traffic operations in the study area with implementation of the proposed roadway improvements listed above. According to the FEIR, the proposed mitigation measures will improve overall vehicular traffic operations under 2033 Build with Mitigation conditions at the following intersections:

- Broadway/Alford Street at Dexter Street will improve from LOS E to LOS D during the

- Friday peak period and from LOS F to LOS C during the Saturday peak period
- Broadway at Mystic Street/Encore Casino Driveway (Horizon Way) will improve from LOS F to LOS C during the Friday peak period and from LOS E to LOS C during the Saturday peak period
 - Cambridge Street at Spice Street will improve from LOS F to LOS D during the Friday peak period
 - Cambridge Street at I-93 NB Exit 23 Off-Ramp will improve from LOS D to LOS C during the Friday peak period and from LOS E to LOS C during the Saturday peak period
 - Sweetser Circle will improve from LOS F to LOS E during the Saturday peak period

The FEIR included a comparison of the 2033 Build with Mitigation scenario with the updated target mode shares to a modeled 2033 Build with Mitigation scenario based on existing mode shares shown in Table 1. As explained in the FEIR, this modeling was conducted at the request of MassDOT to perform a sensitivity analysis to show how roadway conditions would fare, even assuming that the Proponent may not meet target mode shares as was the case in the past years. The analysis was based on a comparison of existing and target mode shares shown in Table 1. Even with the higher auto use shown under existing mode shares, the analysis showed no significant differences with respect to LOS at study area intersections compared to the target mode share scenario. However, as discussed above, existing conditions at locations around the site already operate at poor conditions, and several intersections are noted as degrading to LOS E or F under build conditions without mitigation measures. The sensitivity analysis appears to confirm this conclusion, and supports the need for strong TDM and mode share strategies as a way to improve roadway conditions; however, this should be explained further in the Supplemental FEIR. As noted above, the FEIR did not adjust air emissions estimates (which could increase even if LOS at individual intersections may not change) to reflect this sensitivity analysis; this should be presented in the Supplemental FEIR. The FEIR also did not adequately explain how existing mode shares, which show over 80% auto usage by employees and patrons, would have no impact on the surrounding roadway network, and how the project will work to ensure compliance with revised mode share targets (even higher than the SDEIR) given its prior track record.

The Proponent worked with MassDOT to calibrate the traffic simulation model (SimTraffic) to the roadway network using traffic variables such as roadway geometrics, speeds, and queue lengths which were measured by traffic detectors and traffic video cameras installed at key locations in the study area. According to MassDOT, the SimTraffic model did reasonably reproduce the operating conditions in the modeling area but also identified significant congestion in the study area as indicated by the delay and queuing in the network in both existing and future conditions.

Transit analysis

The project site is in proximity to MBTA Orange Line subway service and MBTA bus service, and the Proponent operates shuttles and water taxi for use by patrons and employees. The FEIR included a revised analysis of the impact of project-generated transit trips on the MBTA Orange Line subway service. According to the FEIR, the Proponent consulted with the MBTA to use the appropriate methodology to evaluate transit conditions consistent with the Standard Delivery Policy. The analysis assumed that all Orange Line trips originating south of Sullivan Square would start south of the MBTA's "core" area, which is generally the segment between Back Bay Station and North Station and

compared the number of passengers and capacity used on subways under existing and proposed conditions for each stop from the Orange Line core area to the northern terminus of the line at Malden Center-Oak Grove. The analysis determined that project-generated trips would not cause capacity to be exceeded during weekday and Saturday peak periods. In addition, the Proponent's bus and water shuttles are anticipated to remain below capacity with the addition of project-change generated trips.

The FEIR also reviewed improvements to MBTA bus service identified in the MBTA's capital investment plan to improve bus service, including improved passenger information; bus stop accessibility upgrades; bus transit priority; and fleet and facility modernization. One major initiative that is the Bus Network Redesign (BNRD), an element of the MBTA Better Bus Project, which is expected to improve bus service by focusing on high-frequency corridor and improved midday, evening, and weekend service. As part of BNRD, high frequency corridor routes are planned along Broadway and Alford Street in the study area, which will provide improved bus service to the project site. The FEIR also acknowledged the planned extension of the Silver Line, which is likely to include an extension to Sullivan Square along lower Broadway with access to the Seaport and other destinations. The Proponent has committed to a dedicated right-of-way (ROW) on the east side of Broadway to accommodate a future bus-only lane and to provide \$1 million for additional planning, permitting, and design of MBTA bus only lanes on Lower Broadway. However, according to the MBTA, additional funding should be provided by the Proponent to expedite the bus service improvements service the project site to help meet its mode share goals. Numerous public comments, including from MAPC and the City of Somerville, support the MBTA's position that the Proponent should make a higher contribution to future MBTA service that is more commensurate with the level of impacts resulting from the project change and the fact that the traffic study and mitigation rely heavily on meeting the target mode share goals. The City of Boston, while acknowledging the entertainment and theater uses proposed, recommends transit strategies that could be tailored to such users such as a "Night Bus" or a direct Encore-to-Logan Airport shuttle as indicated in the City's recently-released PLAN: Charlestown. These comments should be fully addressed in the Supplemental FEIR, and an increased contribution to Silver Line expansion should be considered.

Parking

In the SDEIR, the Proponent calculated the project's parking demand to be 3,251 and proposed to provide 3,092 spaces. The FEIR includes a revised calculation of parking demand of 2,640, all of which are proposed to be constructed, as shown in Table 3. Compared to the SDEIR, the parking demand has been reduced by 611 spaces and the proposed parking supply reduced by 452 spaces.

As shown in Table 3, the project includes 517 spaces to address parking inefficiencies, such as instances where one vehicle takes up more than one space, and operational capacity, which would help reduce the amount of time and distance that vehicles are driven in search of a parking space. According to MassDOT, the MBTA, the Metropolitan Area Planning Council (MAPC), the City of Boston, and the City of Somerville, the use of these categories is not standard practice for estimating parking supply by ITE or the TIA Guidelines. Furthermore, the addition of these parking spaces would add to an already excessive parking supply and may prevent the Proponent from achieving the target mode shares that are proposed as a key mitigation strategy. The City of Boston notes that the City has observed similar and even lower parking ratios to those recommended by PLAN: Charlestown at successful transit-accessible hotel and entertainment venues in Boston. As detailed below, the Supplemental FEIR should include

additional analyses of the parking demand for the project change that consider analysis of alternatives for minimizing parking supply. The Supplemental FEIR should also provide further justification of parking needs based on revised methodology.

Table 3. Parking demand summary for the project change (Table 3-33 in the FEIR).

| Land Use | Program Quantity | Saturday Unadjusted Parking Demand (Spaces) | Internal Capture | Adjusted Parking Demand (Spaces) |
|---|------------------|---|------------------|----------------------------------|
| Retail | 20,000 GSF | 53 | 70% | 16 |
| Bar and Lounge | 400 Seats | 172 | 70% | 52 |
| Quality Restaurant | 39,341 GSF | 669 | 70% | 201 |
| Night Club | 999 Persons | 739 | 50% | 161 |
| Rooftop Lounge | 499 Seats | 745 | 50% | 161 |
| Comedy Club | 200 Seats | 192 | 20% | 66 |
| Encore Gaming | 223 Positions | 123 | 0% | 54 |
| Project Gaming | 202 Positions | 111 | 20% | 39 |
| Theater | 999 Seats | 930 | 20% | 321 |
| Hotel | 800 Rooms | 760 | 0% | 756 |
| Warehouse | 60,000 GSF | 23 | 0% | 23 |
| <i>Adjusted Parking Demand</i> | | | | 1,849 |
| Community Parking | | | | 25 |
| Unmet Demand for Encore | | | | 195 |
| Parking Inefficiencies (10%) | | | | 207 |
| Operational Capacity (15%) | | | | 310 |
| TNC/Rideshare | | | | 54 |
| Total Parking Demand | | | | 2,640 |
| Total Parking Supply Provided by the Project | | | | 2,640 |

Transportation Demand Management

The FEIR described Transportation Demand Management (TDM) measures that will be implemented by the Proponent to minimize single occupant vehicle (SOV) trips. Proposed TDM measures include:

- Designate a transportation coordinator to oversee transportation issues, including implementation of the TDM measures;
- Continue the Proponent's membership in the Lower Mystic Transportation Management Association (TMA);
- Work with the TMA to establish the Everett Neighborhood Shuttle to serve multiple employers in place of the Neighborhood Shuttle, which has low ridership;
- Staggering employee shifts to avoid peak hours;

- Implement carpool/vanpool and rideshare matching programs;
- Distribute transportation information, including online information regarding commuting options available through the TDM program;
- Provide increased shuttle service between the site and the MBTA's Wellington Station on the Orange Line for use by patrons and employees;
- Provide additional shuttle bus service based on patron demand;
- Provide a shuttle for employees and patrons between the site and off-site parking lots;
- Continue to implement a water shuttle between the site and Long Wharf and Lovejoy Wharf;
- Participate in the MBTA Corporate Pass Program;
- Offer a "guaranteed ride home" program to employees;
- Provide employees with discounted Bluebike memberships;
- Provide 166 bicycle parking spaces, including 96 spaces in Phase 1;
- Provide lockers and showers for employees who commute by walking or bicycling;
- Provide preferential parking for alternatively fueled vehicles; and,
- Provide a total of 96 EV charging stations and 270 EV-ready spaces, of which 66 charging stations and 174 EV-ready spaces will be provided in Phase 1,

The proposed TDM measures are comprehensive and, if implemented and monitored, may be successful in meeting the target mode shares identified in the FEIR. However, the excessive supply of free parking is likely to discourage participation in the TDM incentives and opportunities by employees and patrons and encourage private automobile use. Comments also indicate that the Proponent should maximize opportunities to incentivize TDM measures for employees, including with a 100% transit subsidy. As described in the Scope, the Proponent should identify additional TDM measures that may be necessary to achieve target mode shares.¹

Stormwater

As previously described in the SDEIR, the project change includes construction of a stormwater management system that will be designed to meet the requirements of the Massachusetts Stormwater Management Standards (SMS), including additional requirements for land uses with higher potential pollutant loads (LUHPPLs). The stormwater management system will incorporate BMPs such as infiltration and/or detention systems, phosphorous removal devices with infiltration and proprietary water quality devices to reduce post-development peak discharge rates for the 2-, 10- and 100-year storm events in comparison to pre-development rates, promote infiltration and groundwater recharge, and remove at least 80 percent of Total Suspended Solids (TSS) and 60 percent of the average annual post-construction load of Total Phosphorous in runoff prior to discharge. However, the SDEIR also noted that infiltration BMPs may not be feasible due to subsurface contamination. The FEIR reviewed BMPs that could be used as alternatives to infiltration systems to meet the SMS and phosphorous

¹ I also acknowledge the numerous comments that urge changes to design of the Mystic River Bridge that is currently in design and permitting by the Department of Conservation and Recreation. That bridge was the subject of separate MEPA review (EEA #16015), and will be subject to further public process as the design process progresses. As the FEIR estimates that 15% of employees and 8% of patrons of the East of Broadway development are anticipated to cross the bridge in lieu of driving, it will play a critical role in achieving the Proponent's mode share targets. As noted above, to the extent delays in bridge construction may affect mode share assumptions and mitigation commitments for the project change, another NPC filing may be required.

removal requirements. Alternative treatment and detention technologies that could be used at the site include: proprietary treatment devices with hydrodynamic separators or filtration units; bio-filtration systems, which filter pollutants from runoff and provide temporary storage for stormwater through an engineered soil media, followed by discharge of the treated stormwater into the municipal drainage system; and porous pavement with an under-liner and underdrain with filter material which can remove phosphorous. According to the FEIR, stormwater BMPs will be selected based on the final design of the stormwater management system for each development block. The FEIR included plans showing the approximate locations of BMPs, including areas where BMPs with filtration units may be installed. The FEIR clarified that a proposed 18,000-gallon tank will be used to store roof runoff that will be used to meet the water demand for irrigation and garage washdown, and is not needed to meet SMS requirements related to post-construction discharge rates.

Climate Change

Adaptation and Resiliency

Based on the output report from the Climate Resilience Design Standards Tool prepared by the Resilient Massachusetts Action Team (RMAT) (the “MA Resilience Design Tool”) previously provided in the SDEIR, the East of Broadway project site has Moderate to High exposure to sea level rise/storm surge, High exposure to urban flooding associated with extreme precipitation and High exposure to extreme heat. With respect to extreme precipitation, the output report recommended a planning horizon of 2070 and a return period associated with a 50-year (2 percent chance) storm event when designing the buildings on Blocks A, B and C, and a return period associated with a 10-year (10 percent chance) storm event when designing the building on Block D and the warehouse on Block B. As required by the Scope included in the SDEIR certificate, the Proponent evaluated the feasibility of constructing the stormwater management system to accommodate the 2070 50-year (1% chance) storm event (24-hour rainfall of 9.7 inches), as recommended by the climate output report. According to the FEIR, the Phase 1 stormwater management system design has been revised with the capacity to accommodate the 2070 50-year storm and future phases will similarly be designed to meet the recommendations of the MA Resilience Design Tool. As previously described in the SDEIR, the first-floor elevations will be at 14.6 ft NAVD 88, which is above the minimum wave action elevation of 14.3 ft NAVD 88 identified in the output report. The weighted average wave action elevation in 2070 is 15.8 ft NAVD88 for the three southerly development blocks and 14.7 ft NAVD 88 for the northernmost block. I encourage the Proponent to design buildings with first floor elevations at or above the 2070 minimum wave action elevation. As recommended by the Massachusetts Office of Coastal Zone Management (CZM), the Proponent should continue to evaluate surface treatment designs to maximize pervious surfaces to minimize flooding and urban heat island effect.

Stationary-Source emissions

As previously described in the SDEIR, the project change design includes significant GHG mitigation measures, including:

- No gas use
- Energy use intensity (EUI) at least 13% lower than buildings meeting ASHRAE 2019-Appendix G with Massachusetts amendments

- Performance energy index (PEI) at least 13% lower than mandatory performance energy index target (PEIt) of 0.55
- High-efficiency vertical envelope with window to wall ratios of 6% to 30%
- R-36 roof insulation
- Air tightness of 0.35 cubic feet per minute per square foot (cfm/sf) at 75 Pascals
- Envelope, aperture, solar gain heating coefficient, and ventilation energy recovery which deliver heating thermal energy demand intensity (TEDI) of 6 - 7 kBtu/sf-yr and cooling TEDI of about 3 - 22 kBtu/sf-yr
- Heating plant consisting of air source heat pumps
- Service water plant consisting of electric air source heat pumps in Block D and warehouse and electric resistance in Blocks A, B, and C
- Solar heat gain coefficient of 0.38
- 70% energy recovery in the warehouse and Blocks B, C, and D

As requested by the Department of Energy Resources (DOER), the FEIR provided supplemental analysis to confirm that the proposed measures will comply with or exceed the requirements of the July 2023 Stretch Code. In addition, a 1.089 MW solar PV facility will be constructed on the roof of the parking garage in Phase 1 (Block A) and on all other buildings, 80% of the non-mechanical roof space will be PV-ready.

The project includes 92 EV charging stations (3% of all proposed parking spaces). In addition, 275 spaces will be EV ready, which meets the minimum Building Code requirement of 10% of all proposed parking spaces. As recommended by DOER and the City of Boston, the Proponent should increase the number of EV charging stations to 660 (25% of all proposed parking spaces) and construct the remaining 75% of parking spaces (1,980 spaces) to be EV-ready.

Mobile Source GHG Emissions

The FEIR provided a revised analysis of the project change's mobile-source CO₂ emissions using data from the updated traffic study and the EPA's MOVES3 emissions model. The MOVES3 model calculates estimates of emissions for vehicles expressed in a volume per distance travelled. The analysis calculated GHG emissions under the 2033 No Build, 2033 Build and 2033 Build with Mitigation scenarios. The GHG emissions from mobile sources in the transportation study area are expected to increase from 12,225.87 tpy under 2033 No Build conditions to 13,186.75 tpy under 2033 Build conditions, representing an increase of 960.9 tpy (7%) with the addition of East of Broadway project-generated vehicle trips. Roadway mitigation measures to be implemented by the project modeled in the 2033 Build with Mitigation scenario will reduce study area GHG emissions to 13,034 tpy, an approximately 2 percent (152 tpy) decrease compared to 2033 Build conditions.

Air Quality

As noted, the FEIR included an updated an indirect source review analysis in accordance with the 1991 *MassDEP Guidelines for Performing Mesoscale Analysis of Indirect Sources* based on the revised transportation study, using updated target mode shares, included in the FEIR. The analysis modeled emissions of VOCs, NO_x, PM_{2.5}, NO₂ and Diesel PM (DPM) from all traffic generated by the

project under 2023 Existing, 2033 No Build, 2033 Build, and 2033 Build with Mitigation conditions, and provided estimates of NO₂, PM_{2.5}, and DPM from project-generated trucks only. The results of the analysis for all vehicles are shown in Tables 4 and for trucks only in Tables 5-7 (Tables 2-2, 2-3, and 2-4 in the FEIR). All results in the tables are shown in kilograms per day (kg/day), which can be converted to tons per day (tpy) by multiplying kg/day by 0.402.

Table 4. Project emissions of VOC, NO_x, PM_{2.5}, NO₂ and DPM (Table 5-3 in the FEIR).

| 2023 Existing | 2033 No-Build | 2033 Build | 2033 Build with Mitigation |
|-------------------|---------------|-------------|----------------------------|
| VOC | | | |
| 5.34 kg/day | 3.30 kg/day | 3.56 kg/day | 3.52 kg/day ¹ |
| NO _x | | | |
| 15.31 kg/day | 7.25 kg/day | 7.83 kg/day | 7.74 kg/day ² |
| NO ₂ | | | |
| 2.41 kg/day | 1.82 kg/day | 1.97 kg/day | 1.95 kg/day ³ |
| PM _{2.5} | | | |
| 0.48 kg/day | 0.25 kg/day | 0.27 kg/day | 0.27 kg/day ⁴ |
| DPM | | | |
| 0.29 kg/day | 0.11 kg/day | 0.12 kg/day | 0.12 kg/day ⁵ |

Notes:

1. 0.041 kg/day lower than the 2033 Build scenario.
2. 0.091 kg/day lower than the 2033 Build scenario.
3. 0.023 kg/day lower than the 2033 Build scenario.
4. 0.003 kg/day lower than the 2033 Build scenario.
5. 0.001 kg/day lower than the 2033 Build scenario.

As shown in Table 4, emissions increased by approximately 8% under 2033 Build conditions in comparison to 2033 No Build Conditions for all pollutants; however, 2033 Build emissions were modeled to be well below (a minimum of 18 % below) 2023 Existing emissions levels. Emissions under the 2033 Build with Mitigation scenario, which includes roadway mitigation measures and the TDM plan, are expected to be approximately 1% to 2% lower than 2033 Build emissions.

Table 5. Mesoscale Diesel Heavy Vehicle NO₂ Emissions Summary (kg/day).

| Locations | 2023 Existing | 2033 No-Build | 2033 Build | 2033 Build w/ Mitigation |
|-------------------|---------------|---------------|------------|--------------------------|
| EJ Community | 0.0502 | 0.0476 | 0.0486 | 0.0485 |
| Non- EJ Community | 0.0093 | 0.0094 | 0.0097 | 0.0097 |
| Total | 0.0595 | 0.0570 | 0.0583 | 0.0583* |

*NO₂ emissions reduced by 0.00003 kg/day compared to 2033 Build.

Table 6. Mesoscale Diesel Heavy Vehicle PM_{2.5} Emissions Summary (kg/day).

| Locations | 2023 Existing | 2033 No-Build | 2033 Build | 2033 Build w/ Mitigation |
|-------------------|---------------|---------------|------------|--------------------------|
| EJ Community | 0.0084 | 0.0032 | 0.0032 | 0.0032 |
| Non- EJ Community | 0.0015 | 0.0006 | 0.0006 | 0.0006 |
| Total | 0.0100 | 0.0038 | 0.0039 | 0.0039* |

*PM_{2.5} emissions reduced by 0.000002 kg/day compared to 2033 Build

Table 7. Mesoscale Diesel Heavy Vehicle DPM Emissions Summary (kg/day).

| Locations | 2023 Existing | 2033 No-Build | 2033 Build | 2033 Build w/ Mitigation |
|-------------------|---------------|---------------|------------|--------------------------|
| EJ Community | 0.0092 | 0.0034 | 0.0035 | 0.0035 |
| Non- EJ Community | 0.0017 | 0.0007 | 0.0007 | 0.0007 |
| Total | 0.0108 | 0.0041 | 0.0042 | 0.0042* |

*PM₁₀ emissions reduced by 0.000002 kg/day compared to 2033 Build.

As required in the Scope included in the SDEIR Certificate, the FEIR included truck emissions in EJ and non-EJ populations in the study area. Between 2023 Existing and 2033 No Build conditions, emissions of NO₂ will decrease by approximately 4% and emissions of PM_{2.5} and DPM will decrease by approximately 60%. The Supplemental FEIR should explain the basis for the expected significant drop in DPM emissions under the 2033 scenarios. Project-generated trucks, as modeled in the 2033 Build scenario, will increase emissions of each pollutant by approximately 2 to 3%; however, emissions under 2033 Build conditions are lower than 2023 Existing conditions. Most of the study area is within EJ populations and therefore the levels of emissions in EJ populations under all scenarios are higher than in non-EJ populations; however, the percent decrease in all pollutants between 2023 Existing and 2033 Build is approximately the same in EJ and non-EJ populations. For trucks, mitigation measures included in the 2033 Build with Mitigation scenario include working with vendors to maximize off-peak truck deliveries to the site when truck idling due to congestion will be minimized. In addition, the Proponent will continue to study implementation of the following measures:

- Backhaul Optimization: Empty trucks leaving the site are directed to other sites which have loads to transport
- Co-loading: Loads that have origins or destinations on similar routes are matched
- Electrification of tractor trailers
- Trailer Pairing

As previously noted, the FEIR presented alternative scenarios of transportation impacts based on the project's ability to meet mode share targets; however, these scenarios were not then applied to

provide associated air emissions numbers. This supplemental analysis should be provided in the Supplemental FEIR. The Supplemental FEIR should also respond to comments from the City of Boston relative to air emissions impacts on surrounding parks and recreational resources.

SCOPE

General

As discussed above, this project represents a substantial expansion of a gaming establishment that was reviewed through multiple EIR filings in 2013-15 and resulted in the need for significant mitigation commitments by the Proponent. Review of this project change has shown that the Proponent failed to adhere to strict monitoring protocols previously established by MassDOT and MGC and did not meet “mode share” targets designed to minimize vehicular travel to and from the site and into the surrounding roadway network in Everett, Somerville and Boston. This could set precedents for future development in the surrounding areas, which the City of Everett has proposed to develop as a “destination district” in urban renewal planning documents filed with the state (EEA #15414). Public comments, including several from members of the Lower Mystic Transportation Working Group established to monitor transportation improvements in the area, raise serious concerns about the level of parking proposed by the project, question the methodology used to estimate parking needs for the project change, and request further analysis and consultation to ensure that mitigation commitments are commensurate with the increase in impacts proposed by the project change. The Supplemental FEIR should provide a comprehensive response to these comments and provide the additional analysis and revised mitigation commitments in accordance with this Scope.

The Supplemental FEIR should follow Section 11.07 of the MEPA regulations for outline and content, and provide additional information required in this Scope, which should be interpreted in the context of the analysis provided above. The Supplemental FEIR should clearly demonstrate that the project will use all feasible means to avoid, minimize and mitigate Damage to the Environment to the maximum extent feasible.

Project Description and Permitting

The Supplemental FEIR should include a description of the project and updated plans that clearly identify existing and post-development conditions. It should provide responses to comments on the FEIR that specifically address each issue raised in the comment letter; references to a chapter or sections of the FEIR alone are not adequate and should only be used, with reference to specific page numbers, to support a direct response. Each comment and corresponding response should be easily identifiable.

The Supplemental FEIR should identify any changes in the project since the filing of the FEIR. The Supplemental FEIR should identify and describe state, federal and local permitting and review requirements associated with the project and provide an update on the status of each of these pending actions. It should include a description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of the project’s consistency with those standards.

Environmental Justice

The Supplemental FEIR should provide an update on the Proponent's public outreach efforts since the filing of the FEIR. It should confirm the availability of translated project information on the project website and other locations where project information is posted or provided to the public.

The FEIR provided a sensitivity analysis at the request of MassDOT to assess the impacts to the roadway network assuming that the Proponent may not meet mode share goals, as was the case in the past, and thereby induce more vehicular travel than presented in the traffic study. While this analysis modeled potential changes to LOS at selected intersections, it did not update air emissions numbers to reflect this alternative scenario. The Supplemental FEIR should provide these updated numbers for VOCs, NO_x, NO₂, PM_{2.5}, and DPM, and clearly state the adjusted adt numbers that are associated with the revised emissions estimates. The Supplemental FEIR should explain why emissions are reduced for DPM from existing to future no build conditions, given that improvements in engine technology would not appear to affect emissions associated with diesel emissions. The Supplemental FEIR should respond to the City of Boston's comments regarding air quality at surrounding parks and recreational facilities, and approximate the extent of air emissions increases at such locations within the DGA of the project site.

The FEIR adjusted the overall estimate of truck traffic for the project downward from a "conservative" estimate of 788 to 815 daily trips in the SDEIR (based on assuming that 3.8 percent of project change-generated trips would be associated with trucks) to 70 trips based on counts collected at the existing casino loading dock, which is also used to accept deliveries for other uses at the existing facility. The Supplemental FEIR should indicate what truck adt would be applied to the project change if ITE land use codes were directly applied, and how much this number would diverge from the 70-truck estimate. To the extent the total daily truck trips for the project change would exceed 150 trips per day based on ITE codes, it is my expectation that the Supplemental FEIR will provide EJ analysis for a 5-mile DGA as required by MEPA EJ protocols. If a substantial increase in truck traffic is anticipated, additional public health contributions to surrounding EJ neighborhoods should be considered.

Transportation

The FEIR does not adequately explain how its "sensitivity analysis" based on existing mode shares, including over 80% auto usage by employees and patrons, could be shown to have minimal impact on the surrounding roadway network, and how the project will work to ensure compliance with revised mode share targets (which are even higher than the SDEIR) given its prior track record. The methodology used for the sensitivity analysis and the project's plan for ensuring mode share compliance should be fully explained in the Supplemental FEIR. In the event mode share goals are not met in the future, the Supplemental FEIR should propose a clear framework for how these metrics will be tracked and reported, and what additional filings, including NPCs, would be made to adjust strategies in the event goals are not met.

The Supplemental FEIR should provide additional analysis of the project's proposed parking supply. I note that several comment letters, including those submitted by MBTA, MAPC, the City of

Boston, and the City of Somerville, recommend additional analyses to justify the proposed parking supply, or alternative means of accommodating patrons and employees with fewer parking spaces, disincentives to driving and parking, and greater support for alternative travel modes. While I acknowledge that a gaming establishment could be viewed to be unique, construction of a 2,137-space parking garage offered free of charge (with the exception of special events, discussed below) appears unprecedented for developments of similar size proposed in dense urban areas like Everett and surrounding municipalities. Consistent with comments from the City of Somerville and City of Boston, the Supplemental FEIR should provide further justification for the parking needs presented in the FEIR, including low, medium and high scenarios or ranges based on generally accepted industry methodologies. In particular, the Supplemental FEIR should present a clear rationale for including the 517 spaces to address parking inefficiencies and operational capacity. If such rationale cannot be provided, the project change design should be revised to further reduce parking supply.

According to the FEIR, the Proponent will charge for parking in the Phase 1 garage during special events; the Supplemental FEIR should describe the types of events for which a parking fee will be required and how that will be assessed and collected. The Supplemental FEIR should discuss why the Proponent cannot simply charge for parking, and provide documentation to show why paid parking would not support business needs or otherwise would have adverse consequences such as inducing demand for taxis and TNC travel.

Given that the Phase 1 garage will be constructed with nearly 700 more spaces that are needed to meet the Phase 1 parking demand, it would appear that there is an opportunity for the Proponent to reevaluate the need for more than 2,137 spaces prior to designing the next phase of the project and after additional data on travel modes is available, including results of the Proponent's monitoring program and the status of the implementation of the MBTA's BNRD project, which is likely to provide improved bus service to the project site. The Supplemental FEIR should address the City of Boston's recommendations for additional transit strategies such as a "Night Bus" and Encore-to-Logan shuttles to accommodate the needs of patrons of the proposed entertainment venues. As recommended by MassDOT, the Supplemental FEIR should include commitments to fully subsidize MBTA passes for employees and to file a Notice of Project Change (NPC) prior to commencement of Phase 2. The NPC should review transportation monitoring results, identify any additional mitigation needed to achieve target mode shares, and provide an analysis of whether any additional parking spaces, beyond those constructed in Phase 1, are necessary to accommodate the development program

Given that the target mode shares identify the use of the proposed Mystic River Crossing pedestrian bridge to provide access between the site and the Orange Line by 15% of employees 8% of patrons, the Supplemental FEIR should review the status of the design and construction of the pedestrian bridge. Depending on the transportation monitoring results, the Supplemental FEIR should evaluate whether an increased contribution by the Proponent to the design and construction of the bridge is necessary to achieve mode share targets. The Supplemental FEIR should address comments that advocate for a wider bridge to maximize the potential for non-vehicular travel to and from the site,

including whether a wider facility would enable the project to increase mode share targets associated with pedestrian travel.

The Supplemental FEIR should demonstrate efforts to conduct additional consultation with relevant stakeholders, including MassDOT, the Cities of Somerville and Boston, MBTA, and other members of the Lower Mystic Transportation Working Group to update mitigation commitments. The Supplemental FEIR should respond to the request that additional contribution to the future Silver Line expansion be considered to ensure that mitigation commitments are commensurate with project impacts. The Supplemental FEIR should provide a revised list of final mitigation commitments for the project change. It is my expectation that final mitigation measures will be incorporated into the Section 61 findings and amended gaming license to be issued by the MGC for the East of Broadway project.

Climate Change

While the project change appears to be making notable progress towards minimizing climate change impacts, as noted, it proposes a significant expansion in parking which could induce demand for vehicular travel and result in increased GHG emissions. In addition to providing the analysis and revised mitigation commitments as outlined above, the Supplemental FEIR should discuss whether the Proponent is maximizing opportunities for full installation of EV charging stations and update this commitment to the maximum extent practicable. As recommended by DOER and the City of Boston, 25% of the proposed parking spaces should be constructed with EV charging stations and the remaining 75% should be EV-ready.

Mitigation and Draft Section 61 Findings

The Supplemental FEIR should include a separate chapter summarizing all proposed mitigation measures including construction-period measures. This chapter should also include a comprehensive list of all commitments made by the Proponent to avoid, minimize and mitigate the environmental and related public health impacts of the project change, and should include a separate section outlining mitigation commitments relative to EJ populations. The filing should contain clear commitments to implement these mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation. The list of commitments should be provided in a tabular format organized by subject matter (traffic, water/wastewater, GHG, environmental justice, etc.) and identify the Agency Action or Permit associated with each category of impact. Draft Section 61 Findings should be separately included for each Agency Action to be taken on the project change. The filing should clearly indicate which mitigation measures will be constructed or implemented based upon project change phasing to ensure that adequate measures are in place to mitigate impacts associated with each development phase.

Responses to Comments

The Supplemental FEIR should contain a copy of this Certificate and a copy of each comment letter received on the FEIR. It should include a comprehensive response to comments on the FEIR that specifically address each issue raised in the comment letter; references to a chapter or sections of the

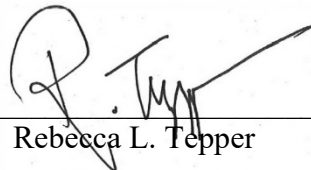
Supplemental FEIR alone are not adequate and should only be used, with reference to specific page numbers, to support a direct response. This directive is not intended to, and shall not be construed to, enlarge the Scope of the Supplemental FEIR beyond what has been expressly identified in this certificate.

Circulation

The Proponent should circulate the Supplemental FEIR to each Person or Agency who commented on the ExNPC, SDEIR, or FEIR, each Agency from which the Proponent will seek Permits, Land Transfers or Financial Assistance, and to any other Agency or Person identified in the Scope. Per 301 CMR 11.16(5), the Proponent may circulate copies of the EIR to commenters in CD-ROM format or by directing commenters to an East of Broadway project website address. However, the Proponent must make a reasonable number of hard copies available to accommodate those without convenient access to a computer and distribute these upon request on a first-come, first-served basis. The Proponent should send correspondence accompanying the digital copy or identifying the web address of the online version of the FEIR indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. A copy of the Supplemental FEIR should be made available for review at the Everett Public Library.

October 16, 2023

Date



Rebecca L. Tepper

Comments received:

| | |
|------------|---|
| 09/20/2023 | Massachusetts Department of Environmental Protection (MassDEP)/Waterways Regulation Program (WRP) |
| 10/06/2023 | Massachusetts Office of Coastal Zone Management (CZM) |
| 10/06/2023 | Friends of the Community Path |
| 10/09/2023 | Aleksey Kliger |
| 10/09/2023 | Amanda Rychel |
| 10/09/2023 | Christopher Cassa |
| 10/09/2023 | David J. Marcus |
| 10/09/2023 | Ellen Shea |
| 10/09/2023 | Lynn Weissman |
| 10/10/2023 | Ben Wan |
| 10/10/2023 | Ben Wetherill |
| 10/10/2023 | Benjamin Spencer |
| 10/10/2023 | Chris Devers |
| 10/10/2023 | Chris Donovan |
| 10/10/2023 | City of Boston |

10/10/2023 City of Somerville
10/10/2023 Darla Munroe
10/10/2023 Ellenor Barish
10/10/2023 Ethan Contini-Field
10/10/2023 Gary Chin
10/10/2023 Gretchen Von Grossmann
10/10/2023 Jared Powell
10/10/2023 Jarod Evenson
10/10/2023 Jeffrey Simon
10/10/2023 Jeremy Morrison
10/10/2023 Jo Oltman
10/10/2023 Kaitlyn Robinson
10/10/2023 Karen Gardner
10/10/2023 Kathe Gregory
10/10/2023 Kim Schmidt
10/10/2023 Kyna Hamill
10/10/2023 Senator Pat Jehlen
Representative Mike Connolly
Representative Erika Uyterhoeven
Representative Christine Barber
10/10/2023 Metropolitan Area Planning Council (MAPC)
10/10/2023 Marian Berkowitz
10/10/2023 Marie-Anne Verougstraete
10/10/2023 Massachusetts Department of Transportation (MassDOT)
10/10/2023 Matt Lindblad
10/10/2023 Massachusetts Bay Transportation Authority (MBTA)
10/10/2023 Mikayla Rooney
10/10/2023 Minja Velimirovic
10/10/2023 Massachusetts Water Resources Authority (MWRA)
10/10/2023 Patrick Hogan
10/10/2023 Peter H. Nersesian
10/10/2023 Robin Weatherill
10/10/2023 Ryland Bennett
10/10/2023 Susan Elsbree
10/10/2023 Thomas Hansen
10/10/2023 Thomas Lau
10/10/2023 Tian Ong
10/10/2023 Trevor Kafka
10/10/2023 Tyler Ogden
10/10/2023 Ulandt Kim
10/10/2023 WalkMedford
10/11/2023 Alan Moore
10/11/2023 Lihlani Nelson
10/11/2023 Lower Mystic Transportation Association (TMA)
10/11/2023 Walther Chen
10/12/2023 Greg Arney

10/13/2023 David MacMillan
10/13/2023 Department of Energy Resources (DOER)

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