

# ***SECTION 3.0***

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***RESPONSE TO COMMENTS***

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## **RESPONSE TO COMMENTS**

The 14 comment letters and public hearing comments in **Section 2.0** are addressed below. Once an issue has been responded to, subsequent responses to similar comments may reference the initial response. If necessary, the Final EIS has been modified in response to issues that have been raised, and the nature and the location of the modification is identified in the response.

### **3.1 AGENCY AND GOVERNMENT COMMENTS**

#### **COMMENT LETTER A1: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY – REGION 4, OCTOBER 15, 2012**

##### **Response to Comment A1-1**

Comment noted.

#### **COMMENT LETTER A2: FLORIDA STATE HISTORIC PRESERVATION OFFICE, OCTOBER 10, 2012**

##### **Response to Comment A2-1**

Comment noted. As described in Draft EIS Section 4.6, the Florida Department of State, Division of Historic Resources, in a letter dated December 29, 2005, provided concurrence with the finding that *No Cultural Resources eligible for listing in the National Register of Historic Places (NRHP) will be effected.*

#### **COMMENT LETTER A3: BROWARD COUNTY, OCTOBER 11, 2012**

##### **Response to Comment A3-1**

It is noted that Broward County (County) continues to oppose the transfer of the project site into federal trust until the decrease in tax revenues and cost of increased County services are “alleviated in an equitable manner.” It is also noted that the County is “pleased that the DEIS contained statements indicating that ‘the STOF have expressed a willingness to discuss compensation to Broward County’ to offset certain project-related costs...” Draft EIS Section 4.10 states that STOF has expressed a willingness to discuss compensation to the County for project-related costs for law enforcement, criminal justice, and fire protection and medical services. Mitigation measures to offset potential law enforcement, emergency services, and fire protection are provided in EIS Section 5.2.8. Additionally, Section 5.2.6 of the Draft EIS states that:

“Although project-related impacts are not expected to result in any significant adverse effect to Broward County (based on degree of impact and not absolute dollar impacts), STOF has also expressed a willingness to discuss compensation to Broward County to offset project-related costs if the property is brought into federal trust.”

### **Response to Comment A3-2**

Comment noted. Comments provided by the County on the Draft EIS are addressed below.

### **Response to Comment A3-3**

Comment noted.

### **Response to Comment A3-4**

County staffs have made a number of comments that are included in County Attachment 1 and 2. These specific comments are addressed below. In addition, the County stated that most of the tax revenue amounts were included in the context of the Alternative C analysis in the Draft EIS, and that these same tax amounts should also be discussed in the context of Alternative A. The commenter also states that such tax amounts should be described as a “loss in tax revenue” in the context of Alternative A because once the land enters federal trust, it will no longer be subject to local property taxes.

The estimated property taxes under Alternative C are listed on page 4.7-13 in Section 4.7.4 of the Draft EIS. This analysis assumes that the project site would be fully developed by STOF and would remain under local jurisdiction. The Draft EIS also analyzed Sub-Alternative C-1, under which the project site would not be taken into federal trust and STOF would not develop the site. Under Sub-Alternative C-1, the property taxes of the project site would remain at approximately the current levels (adjusted for annual increases in assessments), and therefore not increase to the levels described on Draft EIS page 4.7-13. Consequently, the dollar amount of property taxes forgone as a result of Alternative A vary, depending on whether one is comparing Alternative A with Alternative C, or Sub-Alternative C-1. It should also be noted that Alternative C and Sub-Alternative C-1 represent two possible alternatives in what is a range of possible outcomes. In the event that Alternative C was to come to fruition, the actual project may be a development of a size between that analyzed in the full build-out alternative (Alternative C) and the status quo (Sub-Alternative C-1).

The commenter requests that the EIS describe any difference between potential future tax revenues if the site was to remain in fee and the full project build-out were to occur (Alternative C), less the amount of tax revenue should the land be placed into federal trust, as a “loss in tax revenue.” The EIS does not described these differences as a “loss in tax revenue” because that would imply that the tax revenue under the Alternative C full build-out alternative is the baseline assumption. Rather, the EIS describes the tax revenues under the various alternatives. See **Table 1** below for a summary of fiscal year 2015 assessed

values and property taxes for the parcels that constitute the project site. The property tax amounts shown below represent the total taxes to be paid to the Broward County Tax Collector. Subsequent to collection, these tax amounts fund a number of agencies, districts, and governments, including ad valorem and non-ad valorem portions to the City of Coconut Creek, the SFWMD, the Florida Inland Navigation District, the Children’s Services Council, the Cocomar Water Control District, the North Broward Hospital District, Broward County School District, and Broward County. Nevertheless, the commenter is correct that the difference between future tax revenues of the Proposed Project (Alternative A), and the current tax revenues of the parcels that constitute the proposed site, could be described as forgone tax revenues or tax revenue “loss” or “losses.”

**TABLE 1**  
FISCAL YEAR 2015 TAXABLE VALUES AND PROPERTY TAXES

Tract	PIN#	Assessed Value	Tax
G & H	4842 18 03 0080	\$42,839,710	\$1,374,491*
C	4842 18 03 0030	\$4,781,620	\$103,473
B	4842 18 03 0021	\$3,612,380	\$78,171
D	4842 18 30 0040	\$7,713,920	\$207,200*
I	4842 18 23 0010	\$3,912,570	\$98,092*
I	4842 18 23 0011	\$866,450	\$18,750
I	4842 18 23 0012	\$1,883,060	\$47,909*
<b>TOTAL</b>		<b>\$65,609,710</b>	<b>\$1,928,086</b>
SOURCE: Broward County Assessor's Office, 2015 and EIS <b>Appendix I</b> .			
NOTE: Based off Table A in the 2007 Munitlytics Report.			
* Includes non-Ad Valorem Taxes for the Coconut Creek Fire rescue levy.			

Because some of the parcels listed in **Table 1** have recently been developed, the assessed property taxes on these parcels have recently increased significantly. Final EIS Sections 3.7 and 4.7 have been updated to reflect the Fiscal Year 2015 assessed values and property taxes.

While stating that transferring all or a portion of the project site into federal trust would reduce property tax revenues accruing to local governments, the Draft EIS acknowledges that “Alternative A would increase demand for public services, resulting in increased costs for local governments to provide these services” (Draft EIS, page 4.7-2). Section 3.7 of the Draft EIS identifies the regional services funded through property taxes. In order to mitigate for the increased cost of regional services, STOF has previously agreed to provide mitigation to the City of Coconut Creek and discuss compensation to Broward County to offset mutually agreed upon project-related costs. STOF has committed to make payments to the City of Coconut Creek in lieu of taxes for the ad valorem taxes as well as certain non-ad valorem assessment related to fire-rescue services (Section 1.2 of the Municipal Service Providers Agreement with the City of Coconut Creek; EIS Appendix G). STOF has not agreed to compensate the County for the potential loss of increased tax revenues from subsequent development of the property.

As described in the Draft EIS, Alternatives A, B and C will have effects on the resources described by the commenter. Socioeconomic conditions and environmental justice effects are analyzed in Draft EIS Section 4.7, transportation and traffic are analyzed in Draft EIS Section 4.8 and utilities and public services are analyzed in Draft EIS Section 4.10. The effects to tax revenues, including property taxes, are included in Section 4.7. As described above, Final EIS Section 4.7 has been updated to reflect fiscal year 2015 property tax data. It should also be noted that expenditures on goods and services from the operation of Alternative A are calculated to generate a net total output of approximately \$107.7 million annually within Broward County (EIS Section 4.7.2) and provide approximately \$375 million of new construction spending to the region (EIS Appendix I, Update). Furthermore it is estimated that when fully operational, Alternative A would directly provide an estimated 1,294 new jobs and have an annual payroll of \$39.1 million (EIS Appendix I, Update). These positive economic effects would result in positive indirect and induced economic effects, including increases corporate profits tax, income tax, sales taxes paid to the state (a percentage of which is remitted back to counties and municipalities), excise tax, property tax and fees.

Some of the comments and most of the data tables submitted by the commenter includes references to “Land in Trust” and includes estimates of economic effects, including effects to future tax revenues, from these land parcels. It should be noted that land parcels currently in federal trust are not subject to local property taxation, and therefore such parcels will not generate property taxes under any circumstances. Consequently, analyses by the commenter that include forgone or “lost” property taxes from such parcels overstate the total economic and tax effects. Furthermore, parcels currently in federal trust are not included in the proposed Fee-to-Trust action described in EIS, and therefore have not been analyzed in the EIS.

### **Response to Comment A3-5**

Please see **Response to Comment A3-4**.

### **Response to Comment A3-6**

#### *Transit*

The Draft EIS acknowledges that Broward County Transit provides regional fixed route transit service on major roadways, including roadways in the immediate vicinity of the project site. In regards to the increased demand for public transit generated by the Proposed Project, Section 4.8 of the EIS estimates that an additional 59 riders would use Broward County Transit each day when the Proposed Project is operational. In September 2012, Broward County Transit provided a monthly total of 3,045,753 rides on buses, or an average of 101,525 per day, within its fixed routes (Broward County Transit, 2012).

#### *County Services*

**Section 4.10** of the Final EIS states that:

“Based on the experience at the Seminole Hollywood Hard Rock Hotel, it is estimated that the Seminole Coconut Creek Hotel and Spa would experience 175 police incidents per month, of which 70 incidents per month would be prosecuted in court. Based on the experience at the Seminole Hollywood Hard Rock Hotel, use of special law enforcement services, such as emergency helicopter, SWAT team, or K-9 units, would be minimal during any given year... Additionally, STOF has expressed a willingness to discuss compensation to Broward County for project-related costs to the County courts and judicial system.”

The only “behavioral health treatment and other supportive services” mentioned in Attachment 2, Table II of the County comment letter is the Broward Addiction Recovery Center (BARC). Although the Proposed Project does not expand gaming, the State of Florida would receive compensation as outlined in Section V, Part D of the Gaming Compact between STOF and the State of Florida if the Proposed Project indirectly increases revenues at the Coconut Creek Casino. Providing separate mitigation to the BARC would be duplicative.

#### *Affordable Housing*

In regards to access to affordable housing, the Draft EIS, Section 4.7 states that “in order to avoid potential impacts to affordable housing, STOF has previously agreed to comply with the City of Coconut Creek Affordable Housing Program, Section 13-100 through 13-117 (Draft EIS Appendix G, Ordinance No. 2011-005).” Additional mitigation to the County would be duplicative.

The commenter states that “the loss in tax revenue due to the Fee-to-Trust action can be used to provide a sound/reasonable financial impact benchmark, because this amount partially offsets costs for existing and future services.” This statement is not correct because the forgone or “lost” tax revenue does not necessarily reflect the cost of service to the project site. STOF has agreed to discuss compensation to the County to offset mutually agreed upon project-related costs.

### **Response to Comment A3-7**

EIS Appendix I indicates that property taxes paid to the Broward County Tax Collector would be an estimated \$6,038,592 if the project site remains in fee and the proposed full build-out development occurs (EIS Alternative C). As indicated in Response to Comment A3-4, these estimated tax revenues would be distributed to the City of Coconut Creek, Broward County, and other government agencies and districts. The commenter’s calculation of \$5,282,792 in fiscal year 2013 revenue impacts (property taxes plus other taxes) to Broward County and other government agencies and districts is noted.

See **Response to Comment A3-5** regarding the appropriateness of analyzing property tax revenues from land that is already in federal trust.

Under the full build-out Alternative C, STOF has committed to pay for all direct transit service costs related to project development that it is obligated to pay. As stated in Section 4.8 of the Draft EIS, STOF has agreed to discuss transit service to the project site with Broward County Transit (BCT).

The commenter states that, in addition to effects related to property taxes, sales taxes, development fees and tourist development taxes would also be affected. The total of these taxes equals the \$5,282,792 amount described above. \$2,875,000 of this estimate is comprised of the tourist development tax, which is based on an average daily room rate of approximately \$225 and an average occupancy rate of approximately 72%. This figure is included in Section 4.7 of the Final EIS.

The commenter's statement that Board of Rules and Appeals (BORA) permit fee, equal to \$0.68 per \$1,000 in construction value, implies the County "would lose \$234,000 in revenue." Presumably the BORA permit fee is for services rendered. After the project site is brought into federal trust and becomes exempt from County permit review, the County would not incur any costs for the BORA that would need to be offset by one-time or user-based revenues collected during construction.

The commenter also states that the development will not need to acquire various environmental licenses and permits that are required by law in Broward County. It should be noted that many of the licenses and permits required by developers on fee land will also be required for Alternatives A and B. For example, to the extent that environmental licenses and permits are required by federal law, those licenses will be applicable to this project. Required permits and approvals are listed in Draft EIS Section 1.6.

### **Response to Comment A3-8**

Broward County's general concern about placing the project site into federal trust is acknowledged, as are the County's specific issues identified in the recent comment letter.

### **Response to Comment A3-9**

Surface water and stormwater text has been revised (Final EIS, Sections 4.3 and 5.2.2) where appropriate per County comments.

The requested text change to the Stormwater/Drainage Report (Appendix B of the Draft EIS) has not been made because this document is used as reference material for the Draft EIS. Section 3.3 and 4.3 of the Final EIS has, however, been corrected with regards to surfacewater drainage into the correct canal (C-14 rather than C-12) and the continued connection to the Southwest Basin.

### **Response to Comment A3-10**

Suggested text revisions related to solid waste have been made in Sections 3.10.1 and 4.10.1 of the Final EIS, where appropriate. Reference information regarding Monarch Hill Landfill (Central Disposal Sanitary Landfill) has been provided in Final EIS Section 8.0.

### Response to Comment A3-11

Comment noted. Final EIS Tables 3.7-2 and 3.7-3 have been updated with data provided by the County and suggested text revisions related to data have been updated in Final EIS Section 3.7, as appropriate. Reference information regarding census data is provided in Final EIS Section 8.0.

### Response to Comment A3-12

The commenter refers to the “proposed casino” in the context of a discussion of the EIS. This is not correct because the casino currently exists on property currently held in federal trust and not included within the Proposed Project. The Proposed Action and Proposed Project are the transfer of an approximately 45-acre site into federal trust and the development of a hotel/resort and ancillary uses on the project site. The distinction is relevant because only the effects of the Proposed Project, including traffic effects, are analyzed in the EIS. Cumulative effects, including analysis of potential cumulative traffic impacts associated with the casino development on existing trust property, are included in Section 4.15 of the Final EIS.

#### *Transit Routes/Stops*

The commenter states that the description of the BCT bus routes described in Section 3.8.3 of the Draft EIS is not completely accurate because although the BCT routes serve the project area, they do not serve the project site itself. Only one Coconut Creek Community Bus route (Route “N”) provides direct service to the project site and existing Coconut Creek Casino (Tract 65). The second Community bus route (Margate Route A) provides service within 0.5 mile of the project site. The traffic study included in Appendix E to the EIS describes the transit resources in greater detail. Section 3-8.3 and 4-8 of the FEIS has been updated to reflect BCT routes which operate within the “project vicinity” rather than the “project site”, as well as text updated including the suggested “systems” to “routes” change.

The commenter recommends that STOF work closely with the BCT in the development of the project site. The commenter’s statement is acknowledged. During the design phase of the parking structure, STOF was in discussions with BCT to incorporate transit service stops in the parking garage. However, no timely and viable solution was forthcoming and the development of the parking garage did not incorporate these features and was completed without direct service. The garage, nevertheless, was designed to accommodate large tourist buses and provide for existing (Route “N”) and future transit service access. It should be noted that no mitigation is proposed because the Proposed Project will have a less than significant impact to public transportation due to the existing number of routes serving the project area and a less-than-significant increase in estimated ridership. Nevertheless, as stated in Section 4.8 of the Draft EIS, STOF has agreed to discuss transit service to the project site with BCT.

The “local transit station” reference has been corrected in the Final EIS in Section 3.8.3 to indicate that it is “an important local and sub-regional transit transfer point.” Reference to the future planned stop or



transit station at the northeast corner of the intersection of SR-7/US-441 and Sample Road has been included in Section 3.8.3 of the Final EIS.

#### *Transit Ridership*

The commenter states that page 4.8-9 of the Draft EIS includes a reference to 59 transit trips, which is based on a two percent (2%) share of estimated PM trips. The Proposed Project 2020 PM peak hour trips was estimated to be 2,894 trips, including estimated patron and employee trips. This two percent transit ridership share is identical to the approved ridership share included within the previously approved Commerce Center and MainStreet DRIs. The commenter implies that this calculation may be low because the traffic methodology appears to only capture the casino patrons, and not users of ancillary facilities. As described above, the Proposed Project is not the casino, but rather the development of the hotel/resort and ancillary services on the site. The trip value included in EIS Section 4.8 and EIS Appendix E includes trips for the proposed non-gaming developments on the project site, including employee/worker trips.

The commenter states that increases in vehicular traffic can have a negative effect on BCT service. The commenter also states that the methodology for evaluating traffic impacts used in the Draft EIS relies upon an objective LOS rating system. The commenter states that mitigation that improves the LOS rating may not mitigate transit impacts, including potential increases in schedule adherence and the subsequent increase in operational costs to BCT. Roadway LOS is directly related to the delay on the roadway in question. Therefore if the LOS can be improved, as proposed with the incorporation of mitigation provided in Final EIS Section 5.2.7, the travel time along study roadways would also improve. Also, please see **Response to Comment A7-2** that discusses the objective LOS rating system and why it is appropriate in the context of the Proposed Project.

#### *Study Area*

The preliminary transportation study area and the test limits for roadway impact significance for the Proposed Project included all the major roadways in the area bounded by University Drive to the west, the Broward/Palm Beach County line on the north, Powerline Road on the east, and Atlantic Boulevard on the south. The original analysis was based on a five percent (5%) significance of the adopted LOS standard consistent with state rules to assess significance for projects of regional impact. However, based on comments received during the Draft EIS comment period, the significance analysis was revised using a significance test based upon a three percent threshold and updated LOS tables provided by the FDOT in 2012. The link analysis, provided in an updated Appendix H of the FEIS Appendix G, identifies the same impacted links as previously determined using five percent. The identified failing links are as follows: Cullum Road between SR-7 and NW 54<sup>th</sup> Avenue, and NW 54<sup>th</sup> Avenue between Sample Road and Cullum Road. Please see **Response to Comment A7-2** and **A7-3** for further discussion of the significance criteria.

### **Response to Comment A3-13**

The Florida Department of Transportation (FDOT) will be consulted during the planning and construction phases of access improvements and off-site roadway improvements identified as mitigation measures in the FEIS.

### **Response to Comment A3-14**

The provision of crime data by the Broward County Sheriff's Office on May 1, 2012, is acknowledged. However, it was not included in the Draft EIS because it included all calls from the Seminole Police Department and did not differentiate locations, such as tribal reservation property, casinos, or off-reservation hotel. The information, in its raw form, did not allow the accurate estimation of the impact to County law enforcement agencies from development of the Proposed Project. The Draft EIS (Section 4.7.2) included an estimate of expected calls to the Broward County Sheriff's Office and the number of cases referred to County law enforcement agencies based on the experience at the Seminole Hollywood Hard Rock facility, a facility similar to the Proposed Project and adjacent Seminole Coconut Creek Casino.

The data on the "financial impact of each regional service, bookings at the Broward County Jail and the cost per jail inmate" were not included in the Draft EIS, however, mitigation in Section 5.2.6 states the willingness of STOF to discuss compensation for project-related costs to Broward County Law Enforcement agencies.

### **Response to Comment A3-15**

Comment noted. "Law enforcement personnel" has been replaced as requested with "detention deputies" throughout the Final EIS.

Section 4.15 of the Final EIS has been updated to state that increased local tax revenues, resulting from indirect and induced economic output from development of the Proposed Project, existing local agreements between STOF and the City of Coconut Creek, and City/County tax revenue from cumulative projects, would fund expansion of law enforcement services required to accommodate planned growth.

Comment noted. Section 4.7 of the Final EIS has been revised to specify "regionalized public safety services." STOF has not agreed to compensate the County for detention of inmates. However, STOF has agreed to discuss compensation for project-related costs to Broward County Crime and Law Enforcement agencies (Final EIS, Sections 4.10 and 5.2.6).

### **Response to Comment A3-16**

Please see **Response to Comment A3-4**.

### **Response to Comment A3-17**

Comment noted. The text of Final EIS Section 4.7 has been revised to state that “the transfer of six parcels, as currently developed, from fee-to-trust would result in the loss of approximately \$1,649,386 from Broward County’s property tax revenues.”

### **Response to Comment A3-18**

The text that the commenter refers to on page 4.7-13 of the Draft EIS is in reference to the tax effects under Alternative C, not Alternative A. The text on page 4.7-13 of the Draft EIS has been changed to clarify the intended meaning. Also, please see **Response to Comment A3-4**.

### **Response to Comment A3-19**

Comment noted. The text in EIS Section 4.7 is intended to convey that that transferring the project site into federal trust would reduce property tax revenues to Broward County and the various taxing districts within the County. EIS Section 4.7 text also states that while the loss of revenue is not inconsequential in dollar terms, the reduction in property tax revenues would reduce total property tax revenues to the County by far less than one percent. Also, please see **Response to Comment A3-4**.

### **Response to Comment A3-20**

Comment noted. Please see **Response to Comments A3-1, A3-6, and A3-12** above.

### **Response to Comment A3-21**

Please see **Response to Comment A3-4** above.

### **Response to Comment A3-22**

Section 4.7 and Appendix I of the Final EIS provide estimates of the number of jobs and wages generated by operation of the Proposed Project, as well as the availability and cost of rental housing in the area. The socioeconomic analysis within the EIS (Final EIS, Section 4.7) also addressed the current unemployment rate in the County and concluded that there would be an adequate supply of local workers available to fill project-related positions. EIS Section 4.7 concluded that there is an adequate supply of affordable housing in the area to meet any increase in demand from project-related workers who may move into the area. Additionally, in order to avoid potential impacts to affordable housing, STOF has previously agreed to comply with the City of Coconut Creek Affordable Housing Program, Section 13-100 through 13-117 (Final EIS, Appendix G, Ordinance No. 2011-005).

### **Response to Comment A3-23**

The commenter requests that STOF obtain permits/licenses through the Broward County Pollution Prevention, Remediation and Air Quality Division, even if not required. Because the purpose of the EIS is to evaluate the Proposed Action and Proposed Project in the context of NEPA, it is not appropriate for the EIS to make recommendations to STOF that, although requested by the County, are nonetheless not required. The commenter's implication that the preservation of air quality is a high priority is acknowledged. It should also be noted that the Proposed Project will conform with the federal Clean Air Act (CAA) and Clean Water Act (CWA) after the project site is transferred into federal trust as stated in Draft EIS Sections 3.3 and 3.4.

### **Response to Comment A3-24**

The County's continuing concern about the type of chlorine to be used if STOF develops an on-site wastewater treatment facility is acknowledged. Final EIS Section 4.3.1 has been updated to state that if an on-site wastewater treatment facility is developed, liquid chlorine or an equivalent would be used. It should be noted that this type of treatment facility is common throughout the United States.

### **Response to Comment A3-25**

Please see **Response to Comment A3-24** above. It is correct that an on-site wastewater treatment facility is a component of Sub-Alternative A-1 and Alternative B; however, the wastewater treatment facility would not be developed if Alternative A or Sub-Alternative C-1 were selected.

As stated in Final EIS Section 3.3-1, the United States Environmental Protection Agency (USEPA) has delegated regulatory authority under the CWA to STOF on trust property. STOF will ensure compliance with applicable federal regulations regarding water quality on the project site.

### **Response to Comment A3-26**

Please see **Response to Comments A3-4, A3-6, and A3-7**.

As stated above in **Response to Comments A3-1 and A3-6**, STOF has agreed to discuss compensation to the County to offset mutually agreed upon project-related costs (Final EIS, Sections 4.10 and 5.2.6).

### **Response to Comment A3-27**

As stated above in **Response to Comments A3-1 and A3-6**, STOF has agreed to discuss compensation to the County to offset mutually agreed upon project-related costs (Final EIS, Sections 4.10 and 5.2.6).

### **Response to Comment A3-28**

As stated above in **Response to Comments A3-1** and **A3-6**, STOF has agreed to discuss compensation to the County to offset mutually agreed upon project-related costs, including an appropriate level of transit service to the project site (Final EIS, Section 4.8.2). Also, please see **Response to Comment A3-12**.

### **Response to Comment A3-29**

Please see **Response to Comment A3-4**.

### **Response to Comment A3-30**

Please see **Response to Comments A3-4**, **A3-6**, and **A3-7**. Broward County tax revenues on project parcels are presented in Section 4.7 of the Draft EIS and tabulated in **Table 2** above. Final EIS Appendix I provides a discussion of the projected impacts to tax revenue by jurisdiction from the Proposed Project in Tables C and D. The discussion presented in Final EIS Appendix I concludes that removing the project parcels from the tax rolls would not have a significant impact on tax revenues in the County.

### **Response to Comment A3-31**

Please see **Response to Comments A3-4**, **A3-6**, and **A3-7**. The potential loss of sales tax revenue per each EIS alternative is included in Section 4.7.4 of the Draft EIS.

### **Response to Comment A3-32**

Please see **Response to Comment A3-7** regarding the County's estimate of tourist development tax revenues. Information regarding the loss of Broward County tourist development taxes, using 2013 Broward County average room occupancy rates and average daily room rates has been updated in Section 4.7 of the Final EIS. Please see **Response to Comment A3-12** regarding the difference between the Proposed Project and economic activities that occur on land that is currently in trust.

### **Response to Comment A3-33**

Please see **Response to Comment A3-7**.

### **Response to Comment A3-34**

Please see **Response to Comment A3-4**.

### **Response to Comment A3-35**

Please see **Response to Comment A3-4**.

## **COMMENT LETTER A4: THE SCHOOL BOARD OF BROWARD COUNTY, OCTOBER 15, 2012**

### **Response to Comment A4-1**

The comments stated by the School Board of Broward County are acknowledged.

### **Response to Comment A4-2**

Draft EIS Section 4.7 states that property tax revenues would decrease if the project site is transferred into federal trust and that, during fiscal year 2015, the project site generated approximately \$447,000 in property tax revenues for Broward County School District. It is also acknowledged that if the project site remains in fee and is fully developed (Alternative C), property taxes would increase substantially. Final EIS Section 5.2.6 states that STOF would be willing to discuss compensation to the County to offset mutually agreed upon project-related costs if the site is brought into trust. Please see **Response to Comment A3-4** for further information.

### **Response to Comment A4-3**

Please see **Response to Comment A3-4** and **A4-2**.

### **Response to Comment A4-4**

As stated in Draft EIS Section 4.11, estimated noise levels during construction of the Proposed Project at the nearest sensitive noise receptor would be 60.5 decibels A-weight (dBA) Leq. The nearest sensitive noise receptor is an apartment complex located approximately 1,400 feet southwest of the project site. Because the Monarch High School is more than 1,400 feet from the project site (approximately 2,000 feet as stated in Section 3.11 of the Draft EIS) and because noise decreases with the distance between the source and the receptor, noise levels at the Monarch High School would be less than those at the nearest sensitive receptor.

Because estimated noise levels at the nearest sensitive noise receptor would be less than the Federal Highway Administration (FHWA) construction noise threshold of 78 dBA Leq, noise levels at the Monarch High School, located more than 1,400 feet away, would also be less than the threshold. Peak-hour operational traffic noise generally occurs between the hours of 5:00 PM and 9:00 PM, which is outside of the normal school hours; therefore, noise from additional project-related traffic would not affect the ambient noise level in the vicinity of the school. Additional language has been included in Section 4.11 of the Final EIS to clarify this issue.

**COMMENT LETTER A5: CITY OF COCONUT CREEK, OCTOBER 29, 2012****Response to Comment A5-1**

Comment noted. STOF acknowledges the priority that the City places on the Main Street project, and the importance that the City and other stakeholders place on its successful implementation

**Response to Comment A5-2**

Section 1.1 of the 1999 Municipal Service Providers Agreement (MSPA) (Draft EIS, Appendix G) between the City and STOF states that either party has the ability to terminate water and wastewater service. Even though the agreement allows either party the right to terminate portions of the MSPA, the selection of Sub-Alternative A-1 for implementation is highly unlikely. It should be noted that the Final EIS identifies Alternative A as the Preferred Alternative and does not conclude that Sub-Alternative A-1 is environmentally preferable. Additionally, STOF has not expressed any interest in providing on-site water or wastewater services provided that City services remain a viable and feasible option. The description of these on-site services is included in Section 2.2.3 of the Draft EIS.

Alternative B also includes the development of on-site water and wastewater services to STOF trust properties for the reasons stated above. The description of these on-site services is included in Section 2.2.4 of the Draft EIS.

In addition, it should be noted that STOF does not currently have signed commitments from the City to provide all of the domestic water required to operate at full build-out and it is in STOF's interest to retain the option of providing on-site water production and wastewater treatment and disposal. STOF currently has signed commitments from the City to supply a total of 434 Equivalent Residential Units (ERUs) of water to the project site and the Seminole Coconut Creek Casino (Tract 65). Of this total, 170 ERUs are allocated to Tract 65 and 166 ERUs are allocated to existing projects in non-trust lands and, thus, not part of the Proposed Project and the remaining 98 ERUs are paid and available for the Proposed Project. Broward County established that one ERU is equal to 185 gallons per day (gpd) (Final EIS, Section 8.0, Broward County, 2012b), thus the total, currently committed water supply to the Proposed Project is 80,290 gpd. Section 4.10 of the Final EIS estimates that total, average daily water demand would be 390,000 gpd at full build-out of the Proposed Project. Although the City has stated that "we can assure you that the City has available sufficient water and sewer capacity for use by the Tribe" (Final EIS, Appendix M, City of Coconut Creek, 2010), there is an uncommitted demand for water of 309,710 gpd (1,674 ERUs). Retaining on-site water production as an option would allow for STOF project development on the project site in the event that water and wastewater services are not available through the City's systems. Please refer to Section 4.10 and Appendix C of the Final EIS for a complete discussion of water use.

**Response to Comment A5-3**

It is acknowledged that the City would “be in a position to challenge the STOF trust land request” if the 1999 MSPA or the 2011 Coconut Creek Fee to Trust Lands Mitigation Agreement are not in place.

**Response to Comment A5-4**

After the comment letter was received, the City recalculated the quantity of water committed to the STOF Coconut Creek properties and determined that the properties have a total commitment of 434 ERUs. The revised figures show that 170 ERUs are currently committed for the existing casino (Tract 65), 166 ERUs are allocated to existing project in non-trust lands, and another 98 ERUs are available to the project parcels. It appears that the City has acquired adequate reserve capacity to meet the expected demand for water and wastewater services associated with development of the project site as envisioned in Alternatives A and C. No agreement currently exists for STOF to compensate the City for excess reserve capacity if the site is not developed further (Sub-Alternative C-1).

**Response to Comment A5-5**

Final EIS Section 3.5 describes wetland features on and in the immediate proximity to the project site. The cypress wetland is located approximately 2,000 feet to the east of the project site, is directly tied to the existing surface water management system located within the jurisdiction of the Cocomar Water Control District (CWCD) (Final EIS, Section 3.5.6). This cypress wetland, identified in the Coconut Creek Development of Regional Impact (DRI) as a 16.25-acre cypress wetland, is artificially controlled by a system of weirs, maintained by the Broward County Water Management Division. These weirs maintain seasonal water elevations in the wetland feature. Additionally, the Florida legislature has established minimum flows and levels (MFLs) for surface waters and aquifers to limit saltwater intrusion and maintain groundwater supply during the dry season and under drought conditions. Management controls include the maintenance of surface water elevations within canals and surface water bodies and wetland rehydration. The South Florida Water Management District (SFWMD) is additionally developing programs to analyze how the canals and wellfields can be managed to maintain groundwater levels at wetlands (Final EIS, Section 8.0, Broward County, 2009). Additionally, the 16.24-acre cypress wetland is located within the North Broward County Recharge System for wetland rehydration.

Potential surface water drawdown at the cypress wetland would be less than significant for a number of reasons, including: the cypress wetland feature is located approximately 2,000 feet from the potential future on-site groundwater well; pumping would occur approximately 200 feet below ground surface; the existing quantity of surface water located between the well location and the cypress wetland; the interconnected nature of the wetland feature to the existing surface water management system, including canals, ditches, and ponds with the Northwest Drainage Basin; and the fact that water elevations within the cypress wetland can be adjusted to maintain elevation through the existing weir structure.



Final EIS Sections 3.3, 3.5, 4.3, and 4.5 have been updated to include language regarding the cypress wetland and potential impacts to surface water elevations from on-site groundwater pumping.

### **Response to Comment A5-6**

Recharge pumping into the adjoining canal system is not proposed under any of the alternatives under consideration in the EIS. Recharge pumping is mentioned in the Water and Wastewater Feasibility Study (Final EIS, Appendix C) but is not under consideration as a potential project component.

### **Response to Comment A5-7**

The City's consistent opposition to on-site water production and wastewater treatment and disposal is acknowledged.

The Final EIS states that if either Sub-Alternative A-1 or Alternative B are selected and STOF developed on-site wells that did not provide an adequate supply, STOF would contract with adjoining jurisdictions for water (Final EIS, Sections 4.10.1 and 5.2.8). The City correctly states that the 1999 MSPA precludes STOF from seeking water from an outside source. However, in the unlikely event that the MSPA is not in effect in the future, STOF would not be precluded from seeking domestic water from another jurisdiction.

Broward County water supply service boundaries are also acknowledged. In the unlikely event that STOF is unable to obtain sufficient water from the City or its on-site wells, STOF may petition the County to allow connection to another adjacent municipal provider.

Because STOF can exit the MSPA (MSPA Section 1.1), as well as the other existing agreements with the City, it would not be appropriate for the City to withhold approval of utility easements based on the terms of these agreements. In addition, it should be noted that the Water and Wastewater Feasibility Study (Final EIS, Appendix C) does recommend that the project connect to the City for water and wastewater services. The Proposed Project (Alternative A) and Alternative C include connections to City water and wastewater infrastructure as project components. Nothing in the Final EIS indicates that on-site water production or wastewater treatment and disposal are environmentally preferable to connection to the City water and wastewater infrastructure.

### **Response to Comment A5-8**

It is acknowledged that the MSPA currently binds the City and STOF. Please see **Response to Comment A5-2** regarding to the bilateral ability of either the City or STOF to terminate water and wastewater service, as provided in the MSPA.

### **Response to Comment A5-9**

Please see **Response to Comment A5-2**.

### **Response to Comment A5-10**

Comment noted. Table 2.1 of the Draft EIS lists the parcels currently being considered for transfer into federal trust and presents the size of these parcels, rounded to the second decimal.

### **Response to Comment A5-11**

The EIS addresses potential adverse effects to the natural environment, as well as the built environment, as required by NEPA. It is not necessary to state this in the Introduction (Draft EIS, Section 1.0) or in the section headings. Elements of the built environment addressed in the EIS include cultural resources; socioeconomics, transportation and circulation; land use and planning; noise; hazardous materials; and aesthetics.

### **Response to Comment A5-12**

It is acknowledged that the 2011 Coconut Creek Fee to Trust Lands Mitigation Agreement (Final EIS, Section 2.2.2 and Appendix G) does “ensure cooperation between the City and STOF.” It is also noted that the City recommends adding a statement to the Purpose and Need that “a purpose of the Proposed Action is to implement the Coconut Creek Fee to Trust Lands Mitigation Agreement... The parties have developed the Agreement in an express effort to mitigate the potential impacts of the Proposed Action on the City.” As stated in Draft EIS Section 1.4, however, the Proposed Action is to transfer the project site into federal trust for the benefit of STOF and the Proposed Project is to develop the 1,000-room hotel and associated facilities as described in Alternative A. While the Coconut Creek Fee to Trust Lands Mitigation Agreement appears to be compatible and complementary with the Proposed Action, it is not part of the Proposed Action.

Adding the statement as requested would mean that neither Sub-Alternative A-1 nor Alternative B meet the purpose and need for the action and eliminates both from further consideration.

STOF executed the Coconut Creek Fee to Trust Lands Mitigation Agreement with the City and intends to comply with the terms of the agreement, which include mitigation for potential impacts to the City. It would not be accurate to include a statement that mitigating potential impacts to the City is a purpose or need of the Proposed Action.

### **Response to Comment A5-13**

Section 2.0 of the Final EIS presents Sub-Alternative A-1 and Alternative B as options in the unlikely event that a future lawsuit proves successful or existing agreements between the City and STOF are nullified or rendered void.

It is acknowledged that the MSPA has not been legally challenged and that the City currently provides municipal services to the STOF Coconut Creek properties. However, the MSPA states that the agreement could be “declared null and void by the Secretary of the Interior and a state or federal court of competent jurisdiction” (Final EIS, Appendix G, MSPA Section 1.1).

The court in the 2011 *Ripps* case found against the plaintiff and stated that “to the extent that Petitioners may be harmed by the future expansion of a 275 foot hotel, no present or immediate harm was established. The evidence established that construction of a hotel is at least two years away.” The plaintiffs in the *Ripps* case voluntarily dismissed the case with prejudice in December 2012.

The firm of Ropes & Gray, LLP on behalf of Pompano Park, Inc. provided a comment in response to the EIS Notice of Intent (NOI), stating that the 1999 MSPA “may be significantly out-of-date” and that “when the MSPA was signed, the Tribe operated a class II casino on less than five acres, a far cry from the megacasino/destination resort, offering Vegas-style games, that the Tribe now proposes (Seminole Fee-to-Trust EIS Scoping Report, June 2011).” The 2011 Mitigation Agreement between STOF and the City provides updates to the provisions described in the original 1999 MSPA.

Final EIS Sections 2.1, 2.2-4, and 2.3 present Sub-Alternative A-1 and Alternative B as alternatives in the event that agreements with the City are not in place or are rendered invalid. One reason that Sub-Alternative A-1 and Alternative B are included in the Final EIS as viable alternatives is because the potential exists, however remote or unlikely, that the MSPA could be abrogated or challenged in court.

### **Response to Comment A5-14**

As stated in detail in **Response to Comment A5-2** above, because both the City and STOF retain the right to terminate major pieces of the MSPA (water and wastewater service), Sub-Alternative A-1 is a “reasonable” option as defined by NEPA and will remain under consideration in the Final EIS. It should be reiterated that the Final EIS identifies Alternative A as the Preferred Alternative and does not conclude that either Sub-Alternative A-1 or Alternative B are environmentally preferable. Additionally, STOF has not expressed an interest in providing on-site water or wastewater services if City services remain a viable option.

### **Response to Comment A5-15**

Comment noted. Section 2.1 of the Final EIS has been revised to include information about the current uses on the project site, including the parking garage.

### **Response to Comment A5-16**

Comment noted. Section 2.1 of the Final EIS has been revised as requested.

### **Response to Comment A5-17**

Comment noted. Section 2.1 of the Final EIS has been revised as indicated.

### **Response to Comment A5-18**

The MSPA states that improvements and buildings would comply with the South Florida Building Code, which has since been superseded by the Florida Building Code. Sections 2.2 and 2.4 of the Final EIS have been updated to state that Alternative A and Alternative C would be developed in compliance with the Florida Building Code as required under the 1999 MSPA. Sections 2.2 and 2.3 of the Final EIS have additionally been updated to state that development of Sub-Alternative A-1 and Alternative B would comply with the International Building Code and Tribal building codes.

### **Response to Comment A5-19**

Comment noted. As stated in Section 2.2 and 2.3 of the Draft EIS, Sub-Alternative A-1 would be developed only if the agreements between the City and STOF are not in place. Consequently, STOF would provide first responder services under this alternative.

### **Response to Comment A5-20**

As stated in Section 2.2 and 2.3 of the Draft EIS, Sub-Alternative A-1 and Alternative B would be developed only if the agreements between the City and STOF are not in place. Under this scenario, STOF would provide its own public services and utilities.

### **Response to Comment A5-21**

Section 3.3.1 of the Draft EIS states that:

“Section 402 of the CWA establishes a national permitting system known as the National Pollutant Discharge Elimination System (NPDES) that regulates the discharge of pollutants (except for dredged or fill material, which is covered under Section 404 of the CWA) into waters of the United States. Project applicants that propose to discharge pollutants to waters of the U.S. are required to obtain a NPDES permit for such discharges.”

Additional language has been added to Final EIS Section 3.3.1 to state that there is a potential for discharge of “construction-related” pollutants during development of the Proposed Project. As stated in Final EIS Section 3.3.1, the NPDES permit for construction activities permitted by the USEPA on federal

trust property would allow for construction activities with the “potential” to discharge pollutants. However, as noted in Final EIS Section 5.2.2, with construction permit approval by the USEPA, STOF would provide for additional Best Management Practices (BMPs) to further reduce the potential for construction-related pollutants to be discharged from the project site.

A USEPA general construction NPDES permit is similar to construction permits issued by the Florida Department of Environmental Protection on non-federal property.

### **Response to Comment A5-22**

The 2005 Environmental Assessment, prepared by STOF, is cited in order to provide context for the 2005 United States Fish and Wildlife Service (USFWS) Section 7 consultation. As noted in Section 3.5 of the Draft EIS, additional Section 7 consultation was conducted in 2011.

Subsequent to the preparation of the 2005 Environmental Assessment, a Finding of No Significant Impact (FONSI) was issued by the BIA. The FONSI relied, in part, upon the information contained in the 2005 Environmental Assessment. The FONSI was later rescinded by the BIA. This EIS does not rely upon the conclusions stated in the FONSI.

### **Response to Comment A5-23**

Comment noted. Section 3.5 of the Final EIS has been revised as suggested.

### **Response to Comment A5-24**

Comment noted.

### **Response to Comment A5-25**

As described in EIS Section 4.3.1, alternatives that include on-site water sources (i.e. Sub-Alternative A-1 and Alternative B) would have a less-than-significant effect on the water table on and surrounding the project site, after mitigation. As described in Final EIS Sections 3.3.2 and Section 4.3.1, the relatively high transmissivity of the Biscayne Aquifer allows water to flow horizontally through the soil to equalize the height of the groundwater table. Also, please see **Response to Comment A5-5** that addresses the related comments regarding surface water.

### **Response to Comment A5-26**

The off-site transportation improvements cited by the commenter, including PMDD roadway improvements at Sample Road and NW 54<sup>th</sup> Avenue, would potentially be triggered by future traffic conditions or as agreed upon in the PMDD and not the construction phase of the Proposed Project. The

text of the Transportation Planning Study, Appendix G of the Final EIS, has not been revised as requested.

Additionally, Final EIS Section 3.8 has been revised to reflect the proposed configuration of Cullum Road between NW 54<sup>th</sup> Avenue and Banks Road, and the location of the NW 39<sup>th</sup> Street Greenway. The Transportation Planning Study was focused on improvements related to vehicular traffic and not multi-purpose paths, landscaping, or amenities.

### **Response to Comment A5-27**

Please see **Response to Comment A5-1**.

Comment noted. Section 2.2.2 of the Draft EIS states that:

“Although the project site would not be subject to City regulations after being brought into federal trust, STOF would comply with the MainStreet Design Standards of the City-approved Seminole Planned MainStreet Development District (PMDD).”

“STOF would abide by height limits, development densities, off-site improvements, approved levels of service, and emergency vehicle access requirements, but would have the flexibility to modify design standards as necessary to meet constructability considerations.”

Note that the continuation of the terms within the 2011 Mitigation Agreement would only apply to development under Alternatives A and C. Nevertheless, the exterior design features of Sub-Alternative A-1 and Alternative B are not different from either Alternative A or C. Additionally, neither Sub-Alternative A-1 or Alternative B exceed the design limitations called for in the City approved Main Street Design Standards and PMDD.

As stated previously, Sub-Alternative A-1 and Alternative B could be implemented only if the agreements between the City and STOF, including the Coconut Creek Fee-to-Trust Lands Mitigation Agreement, are not in effect. Therefore, it is not correct to include the Coconut Creek Fee to Trust Lands Mitigation Agreement as a required component of all alternatives.

### **Response to Comment A5-28**

Please note that the proposed roadway improvement at SR7 and NW 40<sup>th</sup> Street is proposed for Alternative A, Sub-Alternative A-1, and Alternative C. It is acknowledged that this alternative has received preliminary review and that additional study would be needed prior to approval and implementation. Appendix P has been added to the Final EIS, which includes a Florida Department of Transportation (FDOT) planning level review of this mitigation measure. The FDOT planning level review concludes that this improvement is feasible. As noted in Final EIS Section 5.2.7, improvements to

this intersection would be designed and reviewed by the applicable state and local regulatory agencies prior to construction. The design is anticipated to include multi-modal enhancements pursuant to appropriate City design standards.

Section 5.2.7 of the Final EIS requires that the SR-7/US-441 approach and NW 40<sup>th</sup> Street connector be signalized and widened to two-lanes outbound at the West Access Road due to unacceptable LOS at the intersection of the West Access Road and SR-7/US-441 (Mitigation Measure H). The Final EIS states that Mitigation Measure H would be designed and reviewed by the applicable state and local regulatory agencies prior to construction. The Final EIS also states that STOF would be responsible for full funding of this improvement.

### **Response to Comment A5-29**

The City's concern regarding outside noise is noted. Current plans include a 2,500-seat indoor entertainment venue but do not include outside events or concerts.

### **Response to Comment A5-30**

The discussion of potential impacts to the nearby cypress wetland and the Biscayne Aquifer has been expanded in the Final EIS. See **Response to Comments A5-5** and **A5-25**. Draft EIS Section 4.3 states that if water wells and a wastewater treatment facility are developed, STOF would comply with the terms of the STOF Water Rights Compact. Compliance with the STOF Water Rights Compact is included in Draft EIS Section 5.2.2.

Sub-Alternative A-1 and Alternative B remain alternatives for the reasons described above in **Response to Comment A5-2** and **A5-7**.

### **Response to Comment A5-31**

Please see **Response to Comment A5-2**.

### **Response to Comment A5-32**

The Final EIS does include mitigation measures for socioeconomic impacts. Also, MSPA and the 2011 Mitigation Agreement are now included in the Final EIS (Final EIS, Appendix G). Please see **Response to Comments A5-2** and **A5-12** regarding the applicability of the MSPA and the 2011 Mitigation Agreement to the various alternatives presented in the EIS.

### **Response to Comment A5-33**

As stated previously, Sub-Alternative A-1 and Alternative B will be implemented only if the agreements between the City and STOF, including the MSPA, are not in effect. Therefore, it is not correct to include the provision of fire/emergency medical services by the City as a component of all alternatives.

### **Response to Comment A5-34**

Comment acknowledged. The engineers assigned to evaluate stormwater storage capacity have indicated that it is possible to develop water storage under the existing garage. The discussion of potential effects to nearby wetlands has been expanded in Final EIS Sections 3.5 and 4.5 as a result of discussions with the City. Also, please see **Response to Comment A5-5** regarding wetland issues.

Sub-Alternative A-1 and Alternative B remain alternatives for the reasons described above in **Response to Comment A5-2**.

### **Response to Comment A5-35**

As stated previously, Sub-Alternative A-1 and Alternative B will be implemented only if the agreements between the City and STOF, including the Coconut Creek Fee to Trust Lands Mitigation Agreement, are not in effect. Therefore, it is not necessarily correct to include mitigation measures from the Coconut Creek Fee to Trust Lands Mitigation Agreement for all of the alternatives. These measures would not, however, be precluded strictly because they are part of the Coconut Creek Fee to Trust Lands Mitigation Agreement. The measures may be necessary on environmental grounds regardless of their presence or absence from the Coconut Creek Fee to Trust Lands Mitigation Agreement. Please see **Response to Comments A5-1, A5-12, and A5-32** for additional information.

### **Response to Comment A5-36**

The City's positive comments are noted. A copy of the Administrative Final EIS was provided to the City and the County as NEPA Cooperating Agencies for review and comment.

## **COMMENT LETTER A6: CITY OF CORAL SPRINGS, OCTOBER 12, 2012**

### **Response to Comment A6-1**

The comment states that monetary impacts to the City of Coral Springs from the proposed development would total \$1.3 million annually. This annual impact is stated as originating in an unnamed analysis provided by the South Florida Regional Planning Council (SFRPC) Commerce Center of Coconut Creek DRI. Fiscal impacts to the City of Coral Springs have not been directly analyzed in the EIS due to the location of the project site in the City of Coconut Creek and the lack of municipal services provided to the project site by the City of Coral Springs.



### **Response to Comment A6-2**

Please see **Response to Comment A3-12** regarding traffic model boundaries and the traffic study methodology. The Transportation Planning Study (TPS) included in EIS Appendix E analyzed potential impacts to Sample Road, Wiles Road, and US-441/State Road 7. As stated in EIS Section 4.8, the Proposed Project will not significantly impact the traffic flow on any of these roadway segments. Furthermore, it should be noted that mitigation for the Commerce Center DRI/NOPC has been satisfied with the widening of Sample Road and the potential impacts of the approved PMDD have been addressed in the January 2011 Mitigation Agreement between the STOF and City of Coconut Creek.

The traffic analysis included in EIS Appendix E and referenced in Draft EIS Section 3.8 and 4.8 assumed the removal of the University Drive link between Broward County and Palm Beach County.

### **Response to Comment A6-3**

Comment noted. The collaborative efforts by the cities of Coconut Creek, Coral Springs, Margate, and Parkland to enhance the region's transportation and land use resources are acknowledge.

## **COMMENT LETTER A7: CITY OF PARKLAND, OCTOBER 11, 2012**

### **Response to Comment A7-1**

Please see **Response to Comment A3-12** regarding traffic study area methodology.

### **Response to Comment A7-2**

The five percent (5%) significance test applied within the TPS (Draft EIS Appendix G) and included as Section 3.8 and 4.8 of the Draft EIS was used due to the similarity and existing documentation included in the previously approved Commerce Center DRI and approved 2006 Notice of Potential Change (NOPC). The DRI and NOPC documents were developed in accordance with Florida Statutes.

As requested, to follow the standard practice used to prepare transportation planning studies in Broward County, the analysis included within the TPS was revised to assess significant impacts based on three percent (3%) of the peak-directional adopted LOS criteria. The updated TPS is included in Final EIS Appendix E. The significance and link analysis provided in Appendix H of the Final EIS Appendix E has been revised to reflect the three percent significance test based on the estimated trips. In addition, 2012 Florida Department of Transportation maximum LOS volumes were applied to these updated link tables (FDOT, 2012).

The revision of the link tables to include the three percent significance and 2012 LOS maximum service volumes yielded the same impacted links as the Draft EIS analysis using the five percent significance. Based on this updated analysis, provided in Appendix H of the Final EIS Appendix E, there are no

significant and failing links for Alternatives A, Sub-Alternative A1, Alternative B, Alternative C, or Sub-Alternative C-1. Therefore, no changes to the link analysis are warranted in the Final EIS.

### **Response to Comment A7-3**

#### *Trip Generation*

The trip rate included in the TPS traffic model assumed 0.8222 trips per gaming unit. This trip generation rate was used to model both the cumulative transportation model (Proposed Project plus Tract 65 and other developments) and the non-gaming related trip to the project site under all alternatives.

As presented in Section 3.5.2 of the TPS, provided as EIS Appendix E, the 0.6388 trip rate noted in the comment was derived from trip counts from the existing casino development on Tract 65 (Coconut Creek Casino) in April 2012. This trip rate is based primarily on the gaming units with little supporting facilities.

The 0.9405 trip rate per gaming unit was derived from the Hollywood Hard Rock Casino (HHRC) development, using a peak hour volume (1,992 trips) collected in 2007 divided by the number of gaming units (2,118 units). Contrary to the calculated rate of 0.6388 trip rate at the Coconut Creek Casino site, the 0.9405 trip rate for the HHRC development includes major non-gaming developments on both fee and trust property at the time of counts. This similar sized development, blending both gaming on existing trust property and non-gaming activities on fee property, is more in line with the development of Proposed Project and EIS alternatives and the gaming on the adjacent Tract 65. This HHRC rate provides a basis of the interaction or relationships of multiple uses and is then applied to the project site. To separate out gaming related trips, Table H-23 of the TPS presents the cumulative Tract 65 trips per development phase to complement the link analysis.

Based on an estimate of 3,520 gaming units for 2020 cumulative Proposed Project plus Tract 65 build-out (worse-case analysis), the trip rate for the cumulative build-out is 0.8222 trips per gaming unit.

No other data collection at similar mixed use gaming facilities outside of Broward County was deemed necessary, as both the project site and adjacent Coconut Creek Casino and the HHRC development occupy large and relatively homogenous sites within highly populated areas in the same County, at full build-out both developments would include a mix of uses including restaurants, lounges, retail space, and convention facilities, and both lie adjacent to one of the County's main and highly transited corridors (US 441/SR-7) at approximately 16 miles distance from one another.

### **Response to Comment A7-4**

As stated in Section 4.7 of the Draft EIS, developing the project site for a hotel/resort and associated facilities would bring more people to the area and this would be expected to increase the number of criminal incidents at the project site and in the surrounding area. Please see **Response to Comment A3-4** regarding impacts to socioeconomic conditions.

The city limits of Parkland are located approximately 1.5 miles to the north of the project site along State Route 7 (SR-7). It is not anticipated that patrons coming to or leaving from the project site would concentrate their travels through the City of Parkland. There is no reason, therefore, to expect a significant increase in demand for police protection in the City of Parkland as a result of any of the project alternatives. Providing additional officers for 24-hour, 7-day-a-week service due to a potential increase in traffic incidents and criminal activity originating on project site is not warranted.

The City of Parkland currently receives no direct tax revenue from the existing use of the site, nor would it directly receive any tax revenues if the project site remains in fee and is developed (Alternative C). The City of Parkland does, however, receive a portion of the revenue from the Gaming Compact between STOF and the State of Florida. The City of Parkland received \$1,950 from the State of Florida during fiscal year 2012 as a result of the Gaming Compact and the City included \$10,000 in its 2013 Budget projection as revenue to be provided via the Gaming Compact.

## **COMMENT LETTER A8: SOUTH FLORIDA WATER MANAGEMENT DISTRICT, OCTOBER 4, 2012**

### **Response to Comment A8-1**

Comment noted.

### **Response to Comment A8-2**

Please see **Response to Comments A5-2 and A5-6**.

### **Response to Comment A8-3**

Mitigation language has been added to Final EIS Section 5.2.2, stating that the STOF would obtain an Environmental Resources Permit from the SFWMD prior to constructing any off-site surface water management improvements.

## **3.2 INDIVIDUAL COMMENTS**

### **COMMENT LETTER I1: MARTIN GOLDMAN, OCTOBER 9, 2012**

#### **Response to Comment I1-1**

Comment noted.

## **COMMENT LETTER I2: KAREN STENZEL-NOWICKI, OCTOBER 10, 2012**

### **Response to Comment I2-1**

Comment noted.

### **Response to Comment I2-2**

The EIS in question is related to the development of a resort/hotel development in the City of Coconut Creek while the comments in questions are related to activities located on the existing Seminole trust property in Hollywood-Davie, Florida. Comments related to environmental impacts from the Seminole Hard Rock Hotel and Casino are not a part of the environmental process addressed by this EIS.

### **Response to Comment I2-3**

Comment noted. STOF was a federally recognized tribe in 1934. The *Carciari* and *Patchehk* decisions noted in this comment are not relevant to this EIS.

### **Response to Comment I2-4**

Please see **Response to Comment I2-2** regarding comments related to the Seminole Hard Rock Hotel and Casino. The commenter states that residents at the Stirling Estates Mobile Home Park were recently unlawfully evicted. This assertion is not related to the Proposed Action and Proposed Alternative analyzed in the EIS.

### **Response to Comment I2-5**

Comment noted.

## **COMMENT LETTER I3: DAVID O. STEWART, ROPES & GRAY, LLP ON BEHALF OF POMPANO PARK, INC., OCTOBER 30, 2012**

### **Response to Comment I3-1**

It is acknowledged that Ropes & Gray, LLP represents Pompano Park, Inc., a gaming establishment located approximately 6-½ miles from the STOF project site.

### **Response to Comment I3-2**

It is acknowledged that the proposed transfer of lands from fee ownership to federal trust for the benefit of STOF would be conducted under procedures established by the Indian Reorganization Act (IRA).

It is not correct, however, that the transfer is being conducted under the procedures established by the Indian Gaming Regulatory Act (IGRA). The Proposed Action is to transfer the STOF property into

federal trust and the subsequent Proposed Project is to develop the site for a hotel facility. Section 2.1 of the Draft EIS states that “gaming would not take place on the property currently under consideration and is not part of this proposed action or any of the alternatives currently under consideration.”

### **Response to Comment I3-3**

The statement that the stormwater control approaches described in the Draft EIS range from “the fanciful to the fantastic” is inaccurate. Draft EIS Sections 3.3 and 4.3, supporting technical study (Draft EIS, Appendix C), and responses from regulatory agencies indicate that the approaches for stormwater control are feasible and practical. Specific responses to stormwater control comments are provided below in **Response to Comment I3-9** through **I3-14**.

### **Response to Comment I3-4**

The traffic analysis methodology is detailed in the **Responses to Comment A3-12**.

### **Response to Comment I3-5**

The statement that the “Draft EIS suffers from material errors in its treatment of socioeconomic issues, as well as wetlands and biological resources” is noted. Please see **Response to Comments A3-1** through **A3-8**, **A3-14** through **A3-22**, and **I3-28** regarding socioeconomic issues. Please see **Response to Comments I3-10** through **I3-14**, **I3-26**, and **I3-27** regarding wetlands and biological issues.

### **Response to Comment I3-6**

Comment noted. Poverty alone does not establish a need to transfer fee property into federal trust. As stated in Draft EIS Section 1.4, the Proposed Action involves the transfer of the property into federal trust so that STOF can consolidate its holdings under a single jurisdictional authority and reduce its regulatory burden.

### **Response to Comment I3-7**

The Proposed Action does not require an IGRA Two-Part Determination for the reasons provided in the **Response to Comments I3-29** and **I3-30** below.

### **Response to Comment I3-8**

Comment noted. The following comments are acknowledged:

FDOT provided the five-acre Tract 65 parcel to STOF as compensation for reservation lands required by FDOT for construction of a freeway.

The new parking structure is situated on fee property and is not part of the existing Coconut Creek Casino (Tract 65). The parcels upon which the parking structure is situated (Tracts G and H) are included in the proposed transfer to trust under Alternative A and Sub-Alternative A-1. The parking structure would remain in fee under Alternative B.

The STOF interest in Hard Rock International does not include Hard Rock branded hotels or casinos located west of the Mississippi River; therefore, the Hard Rock in Nevada and California are not controlled by STOF.

In addition to outlining the holdings of Hard Rock International, Citation 3 *Seminole Tribal Council reaffirms Commitment to Management Teams of Seminole Gaming and hard Rock International*, PRWEB.com, July 14, 2011, also states:

“In less than a decade, the Seminole Tribe has become an international force in gaming, entertainment, restaurants and lodging, which has created financial stability for members of the Tribe and allowed it to preserve its legendary culture and history.”

The fact that STOF operates “traditional businesses” in addition to gaming establishments indicates the Tribe’s commitment to diversify its holdings.

It is acknowledged that STOF tribal members receive payments from operation of tribal enterprises.

The reference included in Citation 7 (Michael Vazquez, *Seminoles ask employees to contribute to PAC*, THE MIAMI HERALD, June 30, 2012) does not include the statement that there are “242 employment openings” or that “many of those positions had been unfilled for months.”

The personal behavior of Mr. David Cypress is not relevant to the environmental analysis under NEPA nor are the political activities of STOF.

Unless renewed through affirmative action by the Florida state legislature, the State-Tribal Gaming Compact will expire in 2015 and STOF will lose its “monopoly” at that time. As stated in Section 1.4 of the Draft EIS document:

“The gaming and entertainment industry is a very competitive business and STOF believes that the Proposed Project is crucial for them to compete in the market. Florida recently authorized slot machines at Pari-Mutuel facilities in Broward County and there is a proposed 224-acre gaming related destination resort proposed at the nearby Isle of Capri Casino in Pompano Beach. The Genting Group recently purchased waterfront property in Miami, approximately 40 miles south of the Coconut Creek Casino, and announced plans to build a \$3 billion destination resort and casino on the site. Additionally, the operators of the Las Vegas Sands have reportedly

entered into discussions with the World Center group to develop a casino resort in Miami (Miami Herald 2011). (The Genting Group and the Las Vegas Sands would each need to obtain gaming licenses from the Florida State Legislature before they could operate a casino.) The Proposed Project serves the needs of STOF by promoting meaningful opportunities for continued economic development and self-sufficiency of the tribe and its members.”

### **Response to Comment I3-9**

The characterization that the tribe proposes to build “a massive gambling resort” is a matter of opinion. Section 1.4 of the Draft EIS characterizes the Proposed Project as “a destination resort with a variety of activities that would both diversify revenues and increase income. The hotel and other amenities would attract visitors beyond those interested purely in gaming and would contribute to longer on-site visits for those who are interested in gaming.”

While it is correct that the proposed 1,000-room hotel would be the “largest hotel in South Florida” the Proposed Project complies with the current zoning for the project site and the size of the Proposed Project complies with the PMDD as approved by the City.

The second reference included in Citation 10 (*Florida Seminole’s Casino Expansion Rivals Vegas Resorts*, INDIAN COUNTRY TODAY MEDIA NETWORK, Feb. 4, 2012) does not include any statement that Alternative A and Sub-Alternative A-1 would “impose large environmental impacts.”

### **Response to Comment I3-10**

As developed in Section 4.10 of the Draft EIS, the stormwater management system proposed under Alternatives A and C would utilize a 60-inch-diameter pipe from the project site approximately 900 feet to the east and discharge into a newly constructed stormwater retention pond located on the Johns Family Trust property. Outflow from this pond would flow into the existing stormwater canal that ultimately discharges to the Hillsboro Canal (Northwest Basin). This connection to the Northwest Basin has been envisioned since the Commerce Center stormwater infrastructure system began in 1987 (Draft EIS, Appendix B). The comment incorrectly states that stormwater discharge would flow via a 60-inch-diameter pipe from the project site the entire way to a discharge point into the Hillsboro Canal.

The Proposed Project does not substantially reduce the site’s current capacity for managing stormwater because it does not dramatically increase impervious surfaces. As shown in Figure 1-3 of the Draft EIS, the project site is predominately paved for parking and developed with ancillary structures and the pervious surfaces are stormwater retention ponds, ruderal or disturbed habitat, and a manmade wetland. The reduction in stormwater retention ponds or other pervious surfaces would be offset by development of an off-site stormwater retention pond at either the Johns Family Trust property or at a STOF-owned site north of the project site. Furthermore, it should be noted that an on-site pond (Pond 6) was recently constructed to mitigate the reduction of stormwater retention that was contemplated in the Commerce

Center DRI/NOPC. In effect, the impacts are being mitigated twice. Also, please see related **Response to Comment A6-2** regarding the Commerce Center DRI/NOPC.

Draft EIS Section 4.3 states that the reduction of 1.77 acres of on-site retention capacity is a preliminary estimate that will be finalized during the design process. Draft EIS Section 4.3 also clarifies that the estimated loss of 2.1 acres of on-site retention presented in Draft EIS Appendix C and Draft EIS Section 4.14 is based on an earlier version of the planning level conceptual design and that the 0.34-acre difference is due to a refinement in the planning level design. STOF is committed to providing off-site storage equal to the loss of on-site retention.

The Draft EIS states that under Alternatives A and C, stormwater retention capacity would be developed off-site at either the Johns Family Trust property or at a STOF-owned property situated close to the Hillsboro Canal. SFWMD and the County have indicated a preference for the Johns Family Trust alternative due to potential zoning conflicts with the off-site STOF property.

The Draft EIS also states that under Sub-Alternative A-1 and Alternative B, STOF would develop additional stormwater retention capacity under the existing parking garage located on Tracts G and H. While this alternative is feasible, the City and County have indicated that they would not approve such a facility due to concerns about maintenance of the retention tubes. Sub-Alternative A-1 and Alternative B would be pursued if the STOF is unable to obtain permits or approvals to construct appropriate off-site stormwater retention or transmission of increased stormwater runoff from the site. Regulatory approvals have not been issued because the environmental review process has not been completed.

The commenter appears to have misinterpreted the EIS document and did not note that Alternative C would have a similar intensity of development as Alternative A and Sub-Alternative A-1.

### **Response to Comment I3-11**

STOF and the Johns Family Trust have a history of working together cooperatively with each other and the City. All three parties have agreed to the City of Coconut Creek MainStreet design document that regulates development of the STOF and Johns Family Trust properties. It does not, therefore, “strain credulity” that the parties can work together in the future to their mutual benefit. STOF has contacted the Johns Family Trust and believes that it can reach an accommodation to provide the necessary footprint for STOF required stormwater retention on the Johns Family Trust property.

### **Response to Comment I3-12**

As stated above in **Response to Comment I3-10**, the commenter misstates that the proposed connection to the Hillsboro Canal would entail a 60-inch pipe passing through 35 parcels. The proposed 60-inch diameter pipe would extend from the eastern edge of the STOF property, along City right-of-way, and onto the Johns Family Trust property (Draft EIS, Section 4.14.1 and Figure 4.14.1). The outflow from the



proposed retention pond would tie in to the existing canal system that flows into the Hillsboro Canal. No development would occur or is necessary north of the Johns Family Trust property. This connection has been envisioned since the Commerce Center stormwater infrastructure system began in 1987 (Draft EIS, Appendix B).

### **Response to Comment I3-13**

Under Sub-Alternative A-1 and Alternative B, stored stormwater would be released into the existing stormwater control system and discharged off-site at the currently approved rates. Stormwater from the underground storage vaults would be subject to the same regulations, including the CWA.

STOF recognizes the expense and challenges of constructing underground storage vaults, as well as the maintenance and repair challenges. It is for these reasons that STOF does not propose this solution as a component of the Proposed Project (Alternative A). This stormwater storage solution would be implemented if STOF is unable to obtain necessary permits and approvals to develop off-site stormwater retention ponds.

It is noted that neither the CWCD, the SFWMD, nor the County has approved underground stormwater retention vaults. However, because the vaults would only be developed if the property is brought into federal trust, STOF would not be required to obtain permits or approvals from either the SFWMD or the County. Once again, underground stormwater storage vaults are not the preferred option and would only be implemented if it is not possible to develop off-site retention ponds.

### **Response to Comment I3-14**

The EIS provides a substantive and detailed analysis of stormwater control measures. Please see **Response to Comment I3-10** for additional information.

### **Response to Comment I3-15**

See **Response to Comment A7-3** for information regarding trip generation and the use of assumptions from both the Coconut Creek Casino and the HHRC. The traffic analysis provided in EIS Appendix E noted the differences in square footages and development components in the existing HHRC and the Proposed Project plus cumulative casino development on Tract 65 and adjusted the trip generation numbers accordingly. See EIS Appendix E Section 3.5 for further information.

#### *Mitigation Improvements*

As part of the previously approved PMDD between STOF and the City, STOF has agreed to provide off-site traffic mitigation for transportation impacts from the City-approved development of the project site (Alternative C). Alternative A and Sub-Alternative A-1 would generate similar traffic volumes (Draft EIS, Section 4.8) and would include similar off-site transportation improvement mitigation measures

(Final EIS, Section 5.2.7). Traffic associated with the EIS alternative would not exceed traffic for which mitigation has already been provided or agreed upon in the PMDD. STOF has also provided mitigation to the County for traffic impacts to Sample Road situated south of the project site in response to existing, approved, DRI transportation improvements (Final EIS, Section 4.8).

### **Response to Comment I3-16**

The traffic counts at the project site were performed on April 14 and 15, 2011 just as construction of the parking garage and planned expansion of the Coconut Creek Casino on Tract 65 was getting underway. The level of construction during the April 2011 traffic count event was limited to the closure of the north access on NW 54<sup>th</sup> Avenue and the clearing of the parcels along the north side of NW 40<sup>th</sup> Street.

Section 3.5.3 of EIS Appendix E presents the procedure applied to estimate the development in question (Phase II) to account for the increase in gaming area on Tract 65 between February 2011 and December 2011. The number of trips was based on the trip generation rate for the existing Tract 65 development (0.6388 trips per gaming unit) and applied to the number of units proposed during Phase II expansion on Tract 65 (2,400 gaming units) yielding an estimated 1,533 two-way trips.

### **Response to Comment I3-17**

The HHRC traffic counts, which consisted of continuous hourly counts for an entire week in January 2007 (Friday through Thursday), were not used to evaluate the HHRC site but rather to provide a basis of comparison from a similar development. EIS Appendix E evaluated the interaction of multiple uses on the HHRC site and then applied that relationship to the EIS alternatives on the project site, including the cumulative development on Tract 65. This analysis is provided in Table 3-5 through 3-10 in EIS Appendix E.

As demonstrated in Table 3-10 in EIS Appendix E, the total estimated trips for Alternative A, Alternative C, and Sub-Alternative A-1 are 2,894 trips, which is 902 more trips than the PM peak hour for the HHRC (1,992). This is a 45 percent difference, which is related to the differences in development components between the HHRC and the Proposed Project plus Tract 65.

### **Response to Comment I3-18**

The comment is acknowledged regarding the approximately 25 percent of outbound traffic exiting the site via the NW 40<sup>th</sup> Street to SR-7 under 2020 buildout conditions.

The analysis of the NW 40<sup>th</sup> Street/SR-7 including the implementation of a traffic signal was performed and results are included in Appendix K-14 of EIS Appendix E. The TPS has been updated in the Final EIS, as the output file for this intersection incorrectly indicated a single right-turn lane on the westbound NW 40<sup>th</sup> Street approach. The appropriate improvement, as noted in Section 5.2.7 of the Draft EIS, is the

development and signalization of two outbound lanes. The corrected results incorporating dual signalized outbound lanes would be LOS B at the intersection at full build-out, and LOS A on northbound SR-7 during 2018 and LOS B during 2020 and 2035. Therefore, with incorporation of the proposed mitigation, SR-7 and the NW 40<sup>th</sup> Street intersection would operate at an acceptable LOS.

The implementation of signalization of this intersection would require coordination with and approve of FDOT.

### **Response to Comment I3-19**

Please see **Response to Comment A3-12** regarding the EIS transportation study area as included in the TPS (EIS Appendix E).

### **Response to Comment I3-20**

Please see **Response to Comment A7-3** regarding trip generation rates and analysis regarding the HHRC.

The Coconut Creek Casino does not currently contain a hotel facility, while the HHRC does. As shown in the Transportation Planning Study (Final EIS, Appendix S), the traffic engineers developed estimates of traffic volume per gaming machine at the existing Coconut Creek Casino facility (0.638 trips per gaming unit during peak hour) and compared this rate with a traffic rate from the Hollywood Hard Rock Casino (0.9405 trips per gaming unit during peak hour) in order to estimate Proposed Project and cumulative traffic volumes at the Coconut Creek Casino and the project site after the hotel and associated facilities are developed. This method accounts for the size of the existing gaming facility on Tract 65 and development components included in the Proposed Project, as well as background traffic volumes. The existing traffic conditions at the HHRC do not, therefore, need to be updated to reflect changed conditions.

### **Response to Comment I3-21**

Please see **Response to Comment I3-16** regarding traffic counts at the project site.

### **Response to Comment I3-22**

Please see **Response to Comment I3-17**.

Draft EIS Section 1.4, "Purpose and Need," states that "bringing the surrounding 45-acres of STOF-owned parcels into trust will enable STOF to more easily develop the entire site into a destination resort with a variety of activities that would both diversify revenues and increase income. The hotel and other amenities would attract visitors beyond those interested purely in gaming and would contribute to longer

on-site visits for those who are interested in gaming.” It is incorrect to state that “a key purpose of the proposed project is to ... increase traffic to the casino itself.”

### **Response to Comment I3-23**

Please see **Response to Comment I3-18** regarding the analysis and potential mitigation measure to improve the SR-7 and NW 40<sup>th</sup> Street intersection.

Please note that “Cullen Road” is actually “Cullum Road.”

### **Response to Comment I3-24**

The commenter states that the project site is not a development of regional impact (DRI). In fact, according to the City-approved PMDD “the project is also part of the Commerce Center of Coconut Creek Development of Regional Impact” (FEIS, Appendix G, Exhibit 18). This is confirmed by the 2011 Coconut Creek Fee to Trust Lands Mitigation Agreement between the City and STOF (Final EIS, Appendix G, Exhibit 3). Under Alternative C, the project site would be developed as part of the Seminole PMDD, which is part of the Commerce Center DRI, which was approved in January 2007. STOF and the City agreed that the City-approved Seminole PMDD would guide the design, size, and scope of the alternatives that include a transfer of property from City jurisdiction and into federal trust. The traffic analysis provided in Final EIS Appendix E was prepared using consistent methodologies and standards for all alternatives, as required under NEPA.

### **Response to Comment I3-25**

The commenter’s statement that there are substantive differences between the Coconut Creek Casino and Pompano Park is correct. The EIS states that the properties are similar, not identical. As stated on page 4.7-4 of the Draft EIS, the addition of the hotel/resort may make the STOF property more attractive to some customers. It should also be noted that the Proposed Project involves the construction of a hotel/resort and related uses, not the construction of a casino which currently exists. Please see **Response to Comment A3-12** regarding the distinction between the Proposed Project and the existing casino.

The commenter does not dispute that Pompano Park has plans to expand its facilities but states that these plans remain speculative, “in considerable measure, due to the competitive advantages bestowed by law on the Tribe’s Coconut Creek facility.” The reference on Draft EIS page 4.7-4 regarding a proposed Isle of Capri development that would enhance the Pompano Park development was not intended to imply that such development is imminent. Rather, the reference in the Draft EIS indicates that the Isle of Capris has development alternatives available to it, just as STOF has development alternatives as described in the EIS. As stated above in **Response to Comment I3-8**, gaming is a competitive business and gaming establishments have competition from many sources, not only from tribal gaming. Additionally, the

competitive advantages that the commenter attributes to STOF are not guaranteed to remain after 2015 when the Tribe-State Gaming Compact is up for renewal.

### **Response to Comment I3-26**

Figure 3.5-1 of the Draft EIS provides the location of the 0.23-acre on-site manmade seasonal wetland that is discussed in Section 3.5.4 of the Draft EIS. The 1984 National Wetlands Inventory is the most recent document available from the USFWS regarding the presence of wetlands. Please note that none of the mapped National Wetlands Inventory features are within the project boundary.

As stated on the same page of the data sheet cited by the commenter, the investigator noted the presence of “two drainage culverts located in the ‘natural’ wetland area” and concluded that this precludes inclusion of the wetland as a water of the United States. The other on-site water resources are stormwater retention ponds that manage off-site stormwater runoff and are not waters of the United States. A habitat map of the area is also provided on Page 22 of the Biological Assessment, Final EIS Appendix A.

### **Response to Comment I3-27**

The Biological Assessment (Draft EIS, Appendix A) and Draft EIS Section 3.5.8 recognize the importance of wood stork habitat and conclude that because the stormwater retention ponds are too deep for the birds to use for foraging, the site does not provide suitable habitat for wood stork. Developing the Proposed Project would have no adverse effect on wood stork, regardless of the number of colonies in the area.

On August 15, 2011, the USFWS concurred with the assessment that on-site stormwater retention ponds do not provide forage habitat for wood stork, as well as the determination that the proposed project “may affect, but is not likely to adversely affect” the wood stork (Final EIS, Appendix A, Biological Assessment, Appendix E).

### **Response to Comment I3-28**

The necessity of transferring the project site into federal trust is addressed in Final EIS Section 1.4, “Purpose and Need.” Specifically, EIS Section 1.4 states that transferring the project site into federal trust is necessary to enable STOF to more easily develop the entire site into a destination resort with a variety of activities that would both diversify revenues and increase income. The hotel and other amenities would attract visitors beyond those interested purely in gaming and would contribute to longer on-site visits for those who are interested in gaming. Section 1.4 of the Draft EIS also states that STOF seeks to transfer the property into federal trust in order to consolidate its holdings and reduce its regulatory burden. Unless the project site is unified as federal trust, the project site and Tract 65 (existing trust property) would operate under two different sets of regulations and would effectively need to operate

as two separate businesses. This demonstrates STOF's need for the project to promote tribal self-determination and economic development.

Draft EIS Section 1.4 states that the Proposed Project, including the hotel, restaurants, and lounges, and back-of-house facilities, would be related to gaming but would not expand gaming onto newly acquired trust property. Because the Proposed Project would not expand Class III gaming onto the newly acquired site, an IGRA Two-Part Determination is not required. If STOF were to expand Class III gaming onto the project site, it would need to demonstrate the site's eligibility for gaming.

The statement that transferring "these 45 acres in Coconut Creek will have no impact on the Tribe's self-determination" is not correct. Transferring the 45.65 acres that STOF already owns into federal trust would increase Tribal control over the property and increase its self-determination, regardless of the size of other Tribal land holdings. As previously stated, if the property were to remain in fee and developed as envisioned in Alternative C, STOF would incur the administrative and regulatory costs of complying with state and local regulations in addition to the applicable federal regulations; this would hamper the Tribe's economic development potential. It is correct that the Proposed Action and Proposed Project would have no effect on tribal housing.

The fact that STOF has never signed a treaty does not reduce state and local governmental control over the Coconut Creek property currently in fee.

The Draft EIS is correct when it states that transferring the project site into federal trust would "consolidate STOF land holdings surrounding the existing trust property," which would reduce the regulatory burden on the Tribe and eliminate the need to comply with different regulations on different parts of the Coconut Creek property.

Gaming is a primary source of revenue for STOF and the Gaming Compact between STOF and the State of Florida may expire in 2015, unless the Florida legislature reaffirms the compact. If the Gaming Compact were to expire, the Tribe could suffer substantial economic losses, be unable to fully fund the tribal government and a variety of other services, and it could cease to be "one of the least in need of having its socioeconomic status strengthened by granting additional government benefits." The Proposed Project is intended to strengthen the Tribe's economic position and help diversify its business operations (Draft EIS, Section 1.4).

A comparison between the STOF budget and that of the City is not relevant to the NEPA environmental review process.

The *Menominee* Case cited in this comment is not relevant to the proposed Seminole Fee-to-Trust project. First, the *Menominee* Case involved a trust acquisition for gaming and an IGRA Two-Part Determination. The Seminole Hotel and associated facilities does not expand gaming and would not, therefore, require an

IGRA Two-Part Determination or any other legal determination regarding the eligibility of the site for gaming. Second, the Dairyland Greyhound Park is situated 170 miles from the Menominee Reservation while the Seminole project site is adjacent to existing trust lands on three sides; therefore, the transfer of land into trust would not encourage “the splintering of the Tribal community.” Third, the existing 5-acre trust property (Tract 65) is too small to accommodate the Tribe’s plans to diversify its business in the area and the existing trust property would be unable to support the proposed additional economic development (Draft EIS, Section 1.4).

Because the Proposed Project does not include a casino and is not a gaming project, the comment regarding “the critical policy issues posed by off-reservation casinos, which are by far the most controversial element of tribal gaming” is not applicable.

As stated in Draft EIS Section 2.4, Alternative C includes a hotel and associated facilities development very similar to Alternative A. The major difference between these two alternatives is that under Alternative C the project site remains in fee and under Alternative A the site is transferred into federal trust. As stated in Section 1.4 of the Draft EIS, transferring the property into federal trust would increase the economic efficiency of the Tribe’s enterprise, reduce the regulatory and administrative costs associated with complying with different regulations on different parts of STOF Coconut Creek property, and allow STOF to exercise more control over its property.

Transferring the project site into trust status would allow STOF to fund an educational scholarship for residents of the City of Coconut Creek that may not be possible if the land were to remain in fee status. It is therefore not correct to state that “the Tribe’s current resources amply satisfy this goal” of making donations to charitable organizations and governmental operations, including local educational institutions.

The statement that “the Tribe’s dividend payments more than meet the economic needs of tribal members” is a matter opinion which is not supported by any analysis or facts.

Section 4.7.3 of the Draft EIS states that the Proposed Project would provide employment opportunities for Tribal members and others; not just members of STOF. Construction and operation of the Proposed Project would provide job opportunities for some of the more than 83,000 residents of the County who are currently unemployed. Please see **Response to Comment A3-4** regarding the Proposed Project’s anticipated effects on job creation.

As acknowledged in **Response to Comment I3-8**, STOF received the original Coconut Creek trust property (Tract 65) as mitigation for property acquired by FDOT for highway construction that occurred on reservation land. STOF did not choose this property. Additionally, as the commenter notes, Tract 65 and the project site are located approximately 20 miles from the Hollywood Reservation and this is within a reasonable commuting distance for Tribal members who want to work at the Coconut Creek facility.

Although the Tribe's headquarters and casino located on the Hollywood Reservation do "already offer extensive employment opportunities," operation of the proposed hotel and associated facilities would increase the number of executive, management, and leadership positions available to STOF members.

Because the Proposed Project does not include a casino and is not a gaming project, the comment regarding the distance from the project site to the Tribe's more distant reservations is not germane to this project. The Proposed Project is also adjacent to existing trust property (Tract 65) and this is the impetus for STOF to develop the site and bring it into federal trust.

STOF seeks to continue its drive toward self-reliance and diversification of its business enterprises. Placing the project site in federal trust and developing the hotel and associated facilities would further this Tribal goal. Comparing STOF's financial condition with that of the federal and state governments is not relevant to the NEPA environmental analysis.

Section 3.7.2 of the Final EIS describes the current employment situation in the City and the County, and Final EIS Section 4.7.2 describes the employment effects of the Proposed Project. While it is true that the unemployment rate in the City was 4.1 percent in 2009 when the Draft EIS was prepared, the hotel and associated facilities would draw workers from throughout the County. As stated in Section 3.7.2 of the Draft EIS, the 2009 unemployment rate in the County was 7.2 percent. The Draft EIS also states that "Between 2007 and 2009, Broward County lost 56,500 private sector jobs (Broward Housing Council, 2011)." Final EIS Section 3.7 illustrates the recent recovery in the labor market. As of October 2015, the Broward County unemployment rate declined to 3.7 percent (Final EIS Section 3.7).

Please see **Response to Comment A3-12** regarding the difference between the Proposed Project and the existing casino. As described in Draft EIS Section 1.4, STOF seeks to develop a hotel to diversify its business enterprises, transfer property into federal trust to consolidate management of the site under one set of regulations, and improve its product in order to strengthen its position in a very competitive market.

### **Response to Comment I3-29**

The commenter states that an IGRA Two-Part Determination is the "normal rule" for off-reservation lands to be taken into trust for "potential gaming purposes." The complete quote from the Salazar memo<sup>1</sup> referenced in the comment is "that a 'two part' determination is applied to tribal requests that 'off reservation' lands be taken into trust for potential gaming purposes." Section 2.1 of the Final EIS states that "gaming would not take place on the property currently under consideration and is not part of this proposed action or any of the alternatives currently under consideration." Therefore, because STOF is not requesting that the project site be taken into trust for potential gaming purposes, an IGRA Two-Part Determination or any other legal mechanism to allow for gaming is not required for the Proposed Project.

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<sup>1</sup> Memorandum from Ken Salazar to Assistant Secretary Indian Affairs, June 18, 2010. Available at <http://www.bia.gov/cs/groups/public/documents/textidc009878.pdf>. Accessed December 1, 2012.



### Response to Comment I3-30

IGRA *Section 2719 Gaming on lands acquired after October 17, 1988* states that “gaming regulated by this Act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of enactment of this Act (October 17, 1988)” unless the newly acquired trust lands are located within or contiguous to the boundaries of an existing reservation or the Indian tribe has no existing reservation. IGRA goes on to state that there is an exception when the Secretary determines that a “gaming establishment” would be in the best interest of the Indian tribe and its members and would not be detrimental to the surrounding community, but only if the Governor of the State concurs with the Secretary’s determination (Two-Part Determination). The commenter contends that developing the Proposed Project would constitute a “gaming establishment” requiring a Two-Part Determination under IGRA.

IGRA regulates Class III gaming, which includes slot machines, blackjack, craps, and roulette, but does not regulate Class I gaming (social games for prizes of minimal value or traditional forms of Indian gaming) or Class II gaming (games of chance including bingo, pull-tabs, lotto, or card games explicitly authorized by the laws of the State). IGRA does not regulate operation of hotels, spas, parking structures, or “back-of-house” financial functions that support gaming.

Section 2.4 of the Final EIS explains that “the project components and environmental effects of the development of the PMDD plans (Alternative C) would be similar in size and scope as those evaluated under Alternative A.” The difference between these two alternatives is that Alternative A includes a transfer of property to federal trust and Alternative C keeps the project site in fee. Alternative C is the subject of a planned master development district and has obtained approvals and permits from local authorities. Alternative C includes no action by the federal government and could be built without completion of the NEPA process or any approval by the BIA or the National Indian Gaming Commission.

The Proposed Action (transfer of the site into federal trust) and subsequent Proposed Project (develop a destination resort including a hotel and other amenities) would not expand Class III gaming and, therefore, would not require a Two-Part Determination as required under IGRA.

Nevada law does not apply in Florida where the Proposed Project is located.

### Response to Comment I3-31

Comment noted. Please see **Responses to Comments** above that address the substantive comments that are summarized in this comment I3-31.

**COMMENT LETTER I4: THE BROWARD GROUP OF THE SIERRA CLUB, THE SOUTH FLORIDA AUDUBON SOCIETY, THE SOUTH FLORIDA WILDLANDS ASSOCIATION, REEF RESCUE, AND THE SEA TURTLE OVERSIGHT PROTECTION, INC., OCTOBER 30, 2012**

**Response to Comment I4-1**

Please see **Response to Comment A3-4**. Also, please see **Responses to Comments** below that address the substantive comments that are summarized in this comment **I4-1**.

**Response to Comment I4-2**

As noted in Section 1.1 of the Final EIS, the proposed mixed use development includes a hotel/resort complex with entertainment and conference venues, and retail facilities. The existing casino facility located on existing trust property (Tract 65), the major driver for patrons, is not a component of the proposed mixed use development and is, therefore, not directly analyzed within this Final EIS due to its existing trust status.

Promotional and marketing brochures, such as those cited by the commenter, are designed to promote fun, entertainment and relaxation. Such brochures are not usually intended to convey accurate visitation statistics. However, it is acknowledged that the Proposed Project would attract a large number of visitors to the site. Estimated visitation numbers are not included within the Final EIS. However, estimated vehicular trips are provided in Section 4.8 and Section 4.15 of the Final EIS.

**Response to Comment I4-3**

Please see **Response to Comment A3-1** through **A3-15**.

**Response to Comment I4-4**

Specific responses to bullet point comments are provided below under **Response to Comment I4-5** through **I4-11**.

**Response to Comment I4-5**

The commenter's statements regarding the issues associated with the Biscayne Aquifer are noted. However, as stated in EIS Section 4.3, the Proposed Project's water needs may be supplied either by the City, or through on-site sources. As stated in Section 4.10.1 of the Draft EIS, the City has indicated that there is an adequate supply of domestic water for the Proposed Project (Draft EIS, Appendix G) and has acquired reserve capacity from the County to meet this expected demand. The City and STOF recognized and planned for this increase in water demand in the Seminole PMDD (Draft EIS, Appendix G) that predates the current NEPA environmental process.

Draft EIS Section 4.15.2 states that “development of the project as considered under the cumulative effects analysis would not exceed the planned capacity of public services, including ... municipal water/wastewater ... There would, therefore, be no significant cumulative effects to public services from development of Alternative A in combination with the identified cumulative projects.”

In order to reduce water demand, STOF has agreed to work with the City to extend reclaimed water infrastructure to the project site and use recycled water to the maximum extent feasible (Final EIS, Section 5.2.8). STOF has also agreed to implement water conservation measures into the project design, including low flow fixtures and electronic dispensing devices in faucets (Final EIS, Section 5.2.2).

As stated in Section 4.3.2 of the Draft EIS, effects to the water aquifer would be less than significant if water was obtained on-site.

### **Response to Comment I4-6**

As discussed in Draft EIS Section 3.3.2, off-site stormwater runoff presently either infiltrates into the ground in the 700-foot long irrigation canal along the north side of Sample Road or flows through the C-14 canal where it is available for gravity groundwater recharge via the North Broward County Recharge System (Final EIS, Section 3.3.2; and Broward County, 2009, page 20). After the Proposed Project is implemented, off-site stormwater runoff would flow north into the Hillsboro Canal (Northwest Basin) where it would become available for pumped groundwater recharge via the North Broward County Recharge System (Broward County, 2009). Under Sub-Alternative A-1 and Alternative B, off-site groundwater would continue to flow into the irrigation canal and then into the C-14 canal (Southwest Basin) where it would be available for groundwater recharge. The Proposed Project and the other alternatives would not have a significant effect on saltwater intrusion.

### **Response to Comment I4-7**

According to the Coconut Creek Fee to Trust Lands Mitigation Agreement (Final EIS, Appendix G) between STOF and the City, connection to the existing City wastewater collection system and treatment plant would provide for the conveyance, treatment, and disposal of wastewater produced from the Proposed Project. Wastewater would be treated at the North Regional Wastewater Treatment Plant, a Broward County facility, which meets federal and state treatment standards. Per the Coconut Creek Fee to Trust Lands Mitigation Agreement between STOF and the City, no impacts to wastewater public service providers would occur. The commenter’s statements seem to imply that wastewater discharged from the Proposed Project would not meet, or may be exempt, from Federal, State and City standards. That is not the case.

The Cumulative Effects section of the Final EIS (Section 4.15.2) states that “development of the project as considered under the cumulative effects analysis would not exceed the planned capacity of public services, including ... municipal water/wastewater ... There would, therefore, be no significant

cumulative effects to public services from development of Alternative A in combination with the identified cumulative projects.”

As stated above in **Response to Comment I4-5**, STOF has agreed to work with the City to extend reclaimed water infrastructure to the project site and implement water conservation measures.

Please see **Response to Comment I3-10** regarding stormwater runoff.

### **Response to Comment I4-8**

Section 4.8 of the Draft EIS acknowledges that the Proposed Project would increase the number of automobiles accessing the project site and that these vehicles would potentially increase the quantity of contaminants/pollutants entering the on-site stormwater control system. Draft EIS Section 4.3 states that “Alternative A includes improvements to the local stormwater control system, adequate mitigation for the loss of impervious surface, and adequate measures to ensure water quality of stormwater runoff. Alternative A would, therefore, not result in a significant adverse impact to stormwater or surface water.” Regardless of which alternative is selected, STOF shall comply with all provisions of the CWA, including the NPDES program for wastewater and stormwater discharges.

Mitigation provided in Final EIS Section 5.2.1, states that STOF shall prepare a Stormwater Pollution Prevention Plan (SWPPP) that addresses water quality impacts associated with construction and operation of the project alternatives. Compliance with the CWA and implementation of prescribed mitigation measures would ensure that stormwater runoff from the project site would not result in significant impacts to water quality.

### **Response to Comment I4-9**

The existing roadway and intersection LOS are provided Final EIS Section 3.8 with project related transportation impacts analyzed in Section 4.8. SR-7 and Sample Road are included within the transportation model as provided in EIS Appendix E.

### **Response to Comment I4-10**

Section 4.4.2 of the Draft EIS explains that “the project site is in a region of attainment for all criteria pollutants. Under the federal Clean Air Act 40 CFR Part 93, if a region is in attainment for all criteria pollutants, then the region meets the National Ambient Air Quality Standards (NAAQS) and there are no *de minimums levels* or “thresholds” for a project’s emissions. Mitigation provided in Final EIS Section 5.2.3 would minimize criteria air pollutant emissions from operation of project alternatives. With mitigation measures to minimize emissions of criteria pollutants, the Proposed Project would not result in significant adverse effects associated with the regional air quality environment.” The air quality analysis

conducted for the project in Draft EIS Section 4.4.2 states that the Proposed Project would not result in significant adverse effects to air quality.

### **Response to Comment I4-11**

Potential impacts to avian species (including migratory birds) are addressed in Final EIS Sections 3.5 and 4.5. Final EIS Mitigation Measure 5.2.4 D reduces impacts to potentially occurring avian species to a less-than-significant level through the requirement of downcast exterior lighting on proposed structures. Language has been added to this mitigation measure providing compliance with Bird-Friendly Development Guidelines sponsored by the Fatal Light Awareness Program.

## **COMMENT LETTER I5: ELBERT L. WATERS, OCTOBER 12, 2012**

### **Response to Comment I5-1**

Comment noted.

### **Response to Comment I5-2**

Potential project related impacts to water quality and water resources are analyzed in detail in EIS Section 3.3 and 4.3. Mitigation measures have been included in EIS Section 5.2.2 to reduce or further reduce project related impacts. With mitigation, all project related water quality and water resource impacts would be reduced to a less than significant level.

### **Response to Comment I5-3**

Page 3.5-8 in Section 3.5 of the Draft EIS provides a description of the on-site manmade wetland in the southeastern portion of the project site. Figure 6 in the Biological Assessment (BA) provided as EIS Appendix A, identifies the location of the manmade wetland. Wetland data sheets, included in Appendix D of the BA, provide information obtained during the biological resources and wetland survey. Due to the findings that no wetlands or waters of the U.S. are present on the project site, United States Army Corps of Engineers (USACE) determination is not required.

### **Response to Comment I5-4**

See **Response to Comment I3-10** regarding the proposed off-site connection to the CWCD NW Basin via existing and proposed connections.

**COMMENT LETTER I6: THOMAS A. HALL, OCTOBER 14, 2012****Response to Comment I6-1**

See **Response to Comment A3-7** regarding transportation methodology and the use and adjustment of HHRC trip counts.

**Response to Comment I6-2**

Table 3-4 in the TPS (EIS Appendix E), a section of the TPS which describes the methodology used to adjust and compare HHRC trips with the both the gaming facility on Tract 65 and the non-gaming developments proposed under the Proposed Project, does not reflect the actual trip generation for uses at the HHRC. Rather the trips noted in the table are based on an application of the corresponding ITE rates/formulas for the non-casino used at the existing HHRC. This ITE value does not take into account the actual casino units and other ancillary uses. As determined in the TPS and referenced in Section 3.8 and 4.8 of the EIS, comparing the ITE based 2,746 trips for the gross, unmodified trips non-gaming classifications with actual PM peak hour trip volumes at the HHRC (1,992 trips) during 2007 indicated that the overall HHRC trips are 27.5 percent less than the ITC calculated non-gaming uses.

Page 3-16 of the TPS compares these numbers with existing Coconut Creek Casino plus project site trip generation numbers, which include reduced restaurant and retail uses and do not include a hotel. This comparasion yields 1,353 trips or 639 trips less than the field measured 1,992 peak hour trips. As such, the high internalization as noted is reasonable.

As included in the cumulative environment, the current and future trips related to the Coconut Creek Casino on Tract 65, have been incorporated in all TPS analysis. The trips were considered as background traffic and are included in all corresponding link and intersection tables and analysis in TPS Appendices H and I, and respectively in the EIS.

Please see **Response to Comment A3-7** for additional information regarding transportation analysis and study methodology.

**Response to Comment I6-3**

Please see **Response to Comment A7-3** regarding HHRC traffic counts and **Response to Comment I6-2** regarding internalization.

**Response to Comment I6-4**

Please see **Response to Comment I6-2** regarding internalization.

### **Response to Comment I6-5**

Analysis of project related traffic plus cumulative traffic (including Tract 65 casino traffic) is provided in Section 4.15 of the EIS. With implementation of mitigation measures provided in EIS Section 5.2.7, cumulative impacts to intersections and site access points would be less-than-significant. Please see **Response to Comment A7-3** regarding Proposed Project and cumulative Tract 65 gaming generated traffic.

### **Response to Comment I6-6**

Please see **Response to Comment I6-5**.

### **Response to Comment I6-7**

Please see **Response to Comment A7-2** regarding the transportation study area and significance thresholds.

### **Response to Comment I6-8**

Please see **Response to Comment A7-2** regarding the transportation study area and significance thresholds.

### **Response to Comment I6-9**

These bullet point comments have been addressed above in **Response to Comments A7-2, A7-3, and I6-2**.

## **3.3 PUBLIC HEARING COMMENTS**

### **PUBLIC HEARING COMMENT PH1: SEMINOLE TRIBE OF FLORIDA ENVIRONMENTAL RESOURCE MANAGEMENT DEPARTMENT, OCTOBER 9, 2012**

#### **Response to Comment PH1-1**

Comment noted.

### **PUBLIC HEARING COMMENT PH2: CITY OF COCONUT CREEK, OCTOBER 9, 2012**

#### **Response to Comment PH2-1**

Comment noted.

### **Response to Comment PH2-2**

As acknowledged by the commenter, STOF has entered into agreements with the City regarding the delivery of public services to the project site. Descriptions of these existing agreements are provided in Final EIS Section 2.2.2.

Although previous scoping comments were withdrawn through City of Coconut Creek Resolution 2011-44 (Draft EIS, Appendix G), the comments and environmental concerns included in the scoping comments provided by the City during the Scoping period have been addressed in the EIS analysis.

### **Response to Comment PH2-3**

Comment noted. Comments provided by the City during the preliminary Final EIS stage have been incorporated where warranted. In addition, comments provided by the City are included as **Comment Letter A5**. Responses to these comments are provided under **Response to Comment A5-1** through **Response to Comment A5-20**.

The comment that the City enthusiastically supports the selection and development of Alternative A is noted.

### **PUBLIC HEARING COMMENT PH3: THE CITY OF PARKLAND, OCTOBER 9, 2012**

#### **Response to Comment PH3-1**

Specific traffic-related comments provided by the City of Parkland, including the expansion of the traffic study area, are responded to under **Comment Letter A7**.

### **PUBLIC HEARING COMMENT PH4: MATTHEW SCHWARTZ, OCTOBER 9, 2012**

#### **Response to Comment PH4-1**

The active consultation between the STOF, the City, and the BIA is noted.

#### **Response to Comment PH4-2**

Roadway and intersection levels of service (LOS) and potential transportation impacts from the development of the Proposed Project are described in Final EIS Section 4.8. Mitigation measures and off-site transportation improvements to reduce these potential traffic impacts are located in Section 5.2.7 of the Final EIS.



### **Response to Comment PH4-3**

Please see **Response to Comments I4-5, I4-6, and I4-7** above regarding water supply, wastewater, and stormwater runoff.

### **Response to Comment PH4-4**

Comment noted. Section 4.3 of the Draft EIS states that development of Alternative A (Proposed Project) would reduce on-site retention capacity by 2.1 acres. STOF has committed to provide enough off-site stormwater retention pond storage to offset the loss of on-site stormwater retention.

### **Response to Comment PH4-5**

Please see **Response to Comment I4-8** above in regards to contaminants in stormwater runoff.

### **Response to Comment PH4-6**

Please see **Response to Comment I4-5** above in regards to water supply.

### **Response to Comment PH4-7**

Please see **Response to Comment I4-5** above in regards to water supply.

### **Response to Comment PH4-8**

Please see **Response to Comment I4-7** above in regards to contaminants in stormwater runoff.

### **Response to Comment PH4-9**

Please refer to **Response to Comment I4-11** in regards to potential bird deaths from the development of a hotel tower.

### **Response to Comment PH4-10**

Please see **Response to Comment A3-4** above in regards to the development alternatives.

**PUBLIC HEARING COMMENT PH5: COCOMAR WATER CONTROL DISTRICT, OCTOBER 9, 2012**

**Response to Comment PH5-1**

Mitigation measures in Section 5.2.2 of the Final EIS have been updated to provide for permit approvals from the CWCD and the SFWMD for development of off-site water management systems and connections to the Hillsbough Canal (Northwest Basin). STOF will additionally work with the CWCD and the SFWMD to maintain the interconnection with the C-14 canal system to the south.

**Response to Comment PH5-2**

Comments regarding ad valorem taxes are addressed in **Response to Comment A3-4** above.

**Response to Comment PH5-3**

Please see **Response to Comment PH5-1**.

**PUBLIC HEARING COMMENT PH6: BROWARD COUNTY SHERIFF'S OFFICE PARKLAND DISTRICT, OCTOBER 9, 2012**

**Response to Comment PH6-1**

Responses to comments raised by the City of Parkland regarding potential law enforcement impacts to the City of Parkland from the development of the Proposed Project are included within **Response to Comment A3-4** and **A7-4** above.

**PUBLIC HEARING COMMENT PH7: BROWARD COUNTY, OCTOBER 9, 2012**

**Response to Comment PH7-1**

The willingness of the County and STOF to engage in government-to-government negotiations is acknowledged. Specific responses to potential concerns put forward by the County are addressed in the **Responses to Comment Letter A3** above.

**PUBLIC HEARING COMMENT PH8: TRENNI MARTINEZ, OCTOBER 9, 2012**

**Response to Comment PH8-1**

Please refer to Final EIS Section 4.7.2 regarding the net increase in jobs as a result of the Proposed Project. Also see **Response to Comment A3-4**.

**PUBLIC HEARING COMMENT PH9: ELBERT WATERS, OCTOBER 9, 2012**

**Response to Comment PH9-1**

Comment noted. Section 4.3 of the Draft EIS states that development of Alternative A (Proposed Project) would reduce on-site retention capacity by 2.1 acres. STOF has committed to provide sufficient off-site stormwater retention pond storage to mitigate for the loss of on-site retention ponds.

**PUBLIC HEARING COMMENT PH10: KAREN STENZEL-NOWICKI, OCTOBER 9, 2012**

**Response to Comment PH10-1**

Please see **Responses to Comments I2** above. PH10-1 comments are identical to those in Comment I2.