



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

DEC 13 2006

Kurt G. Chandler  
Regional Environmental Scientist  
Bureau of Indian Affairs  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Dear Mr. Chandler:

The Environmental Protection Agency (EPA) has reviewed the U. S. Department of the Interior, Bureau of Indian Affairs' (BIA) Final Environmental Assessment (EA) of taking 29.31 acres into federal trust for the St. Regis Mohawk Tribe of New York. The project site is on the grounds of the existing Monticello Raceway in Monticello, New York. If the parcel is taken into trust, the Tribe plans to develop the site as a gaming facility of 583,600 square feet on two floors that will offer 125 table games, 3,500 slot machines, and 24 poker tables. Garages and surface parking lots will provide parking for approximately 4,800 cars.

In the final EA, the BIA acknowledges receipt of comments from EPA on the draft EA; yet EPA's comment letter does not appear to be included in the document and as such direct responses to our comments are not provided. Nonetheless, based on BIA's responses to similar comments from others, we presume that BIA rejects our comment regarding the need for a regional traffic analysis. Notwithstanding, EPA still maintains that the final EA did not provide sufficient evidence that Route 17 in Orange County is beyond the area that could be affected by the Monticello project.

We agree that the analysis performed by Creighton Manning Engineering, LLP, for the Mountain Resort and Casino and presented as the "Regional Traffic Impact Analysis, Mountain Resort and Casino, Town of Thompson, NY" concluded that "the net impact of trips generated by the Mountain Resort and Casino on the regional highways such as Route 17, Route 84 and the Thruway (I-87) will be relatively minor when compared to the existing volume of traffic and the inherent variations in traffic volumes." However, it also states that the maximum build-out scenario of three casinos and a VLT (video lottery terminal at the raceway) in the Catskills will cause the queue of vehicles waiting on Route 17 to pass through the Thruway toll plaza during the summer peak hours to increase (page 25 RTIA). A similar regional traffic study that includes the Bethel Performing Arts Center and the proposed Monticello Raceway and Stockbridge-Munsee Casinos could quantify any increases to traffic queues at the Thruway toll plaza, and any associated increase in criteria pollutants. The point of such an analysis is not to require mitigation from BIA or the applicant, but rather to be used by the New York State

Department of Transportation and the New York State Thruway Authority as part of their planning efforts.

EPA's comment that the final EA should also provide clarification as to the environmental regulatory authorities and roles were the property to be taken into trust by BIA, was not discussed nor was this information added to the final EA. We also note that on page 5-17, the final EA implies that any point source air emissions will not require permitting, as Sullivan County is in attainment for the National Ambient Air Quality Standards. This is incorrect; any casino emissions will be evaluated for a construction and/or operating permit.

EPA is also disappointed at the quality of reproduction of Exhibits 6, 7, 8 and 9 in Volume 7 of the EA. These exhibits include the Preliminary Air Quality Evaluation of Proposed Sullivan County Casinos (Air Resources Group, October 2006) and the memo and information provided by Sam Schwartz (October 11, 2006) that provide alternative views on the impacts of the project. Being unreadable, these exhibits are for the most part not provided for review.

The Department of the Interior's (DOI) Departmental Manual, Part 516, Chapter 2.2 states that in applying the National Environmental Policy Act, bureaus shall initiate early consultation and coordination with any federal agency having jurisdiction by law or special expertise. Whereas any land taken into federal trust would, at least initially, fall under the regulatory responsibilities of the EPA, we would like to meet with BIA and appropriate DOI staff to discuss early coordination on NEPA documents for impending land into trust actions as soon as possible. We will be contacting you to set up a date and time.

Thank you for giving EPA the opportunity to comment on this final EA. Should you have any questions about our comments, please call Lingard Knutson of my staff, at 212-637-3747.

Sincerely yours,



Grace Musumeci, Chief  
Environmental Review Section  
Strategic Planning Multi-Media Programs Branch

cc: A. Raddant, DOI  
K. Jock, SRMT