

## Exhibit VIII.C.3.c – Necessary Permits

Submit as Exhibit VIII.C.3.c. a list of any State and/or local permits or special use permits that the Applicant must obtain for the Project Site, and for such permits describe: (i) the procedure by which the Applicant shall obtain the permits; (ii) what conditions, if any, are likely to be placed on the permits; and (iii) the estimated dates by which the Applicant will obtain the permits.

### SEQRA Process

The Capital View Casino and Resort project will undergo an environmental review process pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, which together are known as the State Environmental Quality Review Act (SEQRA). The project is considered a Type 1 Action pursuant to SEQRA since it involves the “physical alteration of 10 acres.”

The site is located in the study area of the Western East Greenbush Final Generic Environmental Impact Statement (GEIS), which was prepared in 2009. The GEIS evaluates the cumulative impacts of potential future development, to plan for and mitigate impacts related to growth over a 20-year time frame, based upon development potential as determined under current zoning.

The GEIS establishes a schedule of mitigation fees for future project-related impacts to be paid by developers in lieu of completing specific off-site mitigation. The following table summarizes the estimated mitigation fees for the Capital View Casino & Resort project, based upon the formulae provided in the GEIS. Actual mitigation provided by the developer may be a combination of mitigation fees and specific mitigation projects completed with the construction of the project.

Mitigation	Cost	Unit	Project Impact	Estimated Project Mitigation Fee
GEIS	\$52.29	Trip	822	\$43,000
Land Use/GIS	\$14.52	Trip	822	\$12,000
Water/Sewer	\$5,100.00	EDU (1 EDU = 2,000 GPD)	325	\$1,657,500
Recreation	\$0.98	SF	270,000	\$265,000
Traffic	\$1,310.00	Trip	822	\$1,077,000
			<b>Total</b>	<b>\$3,054,500</b>

Capital View Casino & Resort is not a land use that was considered as part of the GEIS, and as such, exceeds a number of thresholds established by the GEIS. A Full Environmental Assessment Form (Part 1) has been completed for the project and submitted to the Town. The Town of East Greenbush Town Board will act as Lead Agency for SEQRA and will issue a Positive Declaration for the project, which will formally establish that the project requires a Supplemental Environmental Impact Statement (SEIS).

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The SEIS process will commence with preparation of a Draft Scoping Document, which will be made available for public review over the course of a 30-day Public Scoping period that includes a Public Scoping Session. The Draft SEIS will then be prepared to address the topics and issues identified in the Scoping Document, incorporating comments received during Public Scoping. Subsequently, the Town will review the Supplemental Draft EIS (SDEIS) for completeness and issue a Determination of Completeness, provided that the document addresses all topics identified in the Scoping Document.

A 30-day Public Review and Comment period, including a Public Hearing, will follow the Determination of Completeness. During this period, residents and agencies will be provided the opportunity to comment on technical aspects of the SDEIS. These comments will be addressed in the preparation of a Supplemental Final EIS (SFEIS). Upon deeming the SFEIS complete, the Town of East Greenbush will file a Notice of Completion and prepare a Findings Statement to complete the SEQRA process.

The time frame of the SEQRA process will be approximately five months from submission of the FEAF, with completion anticipated in November 2014.

### **PDD Process**

The project will request the creation of a Planned Development District (PDD) from the Town of East Greenbush, in order to accommodate the unique set of features included in the proposed casino-resort development. The site is currently zoned R-B Residential Buffer, which does not permit the commercial uses proposed for Capital View Casino & Resort.

The establishment of a PDD for the project will introduce a scale of development for the site that was not anticipated in the 2009 Western East Greenbush Final Generic Environmental Impact Statement (GEIS). The project will exceed the use of Town resources and infrastructure assumed under the GEIS Mitigation Fee Schedule, and it is therefore expected that Capital View Casino & Resort will be required to cover costs to municipal/public systems as a result of its development and operation.

Additionally, a PDD amenity package may be negotiated in order to ensure that additional benefits extend to the local community. PDD amenity packages must include provision of on-site and/or off-site amenities beyond measures required to service the needs of the subject project and/or beyond the measures needed to mitigate the impact of the subject project. The Town Board may require a payment to the town in lieu of community benefits, if the Board determines that a suitable community benefit or amenity is not immediately feasible, or otherwise not practical.

As a general guideline, amenity packages must be commensurate with any density increase or use change proposed, based on each additional unit beyond the base or allowed residential density and/or per 1,000 square feet of previously not permitted nonresidential (e.g., commercial) use. The Planning Board may establish and maintain a required amenity schedule, which outlines cash or equivalent reimbursements. The PDD will be formally designated in the adoption of a Local Law which defines the uses and development parameters to be allowed in the district, as well as applicable impact fees and amenity package. This must occur following the conclusion of SEQRA review. The anticipated completion date for PDD establishment is November 2014.

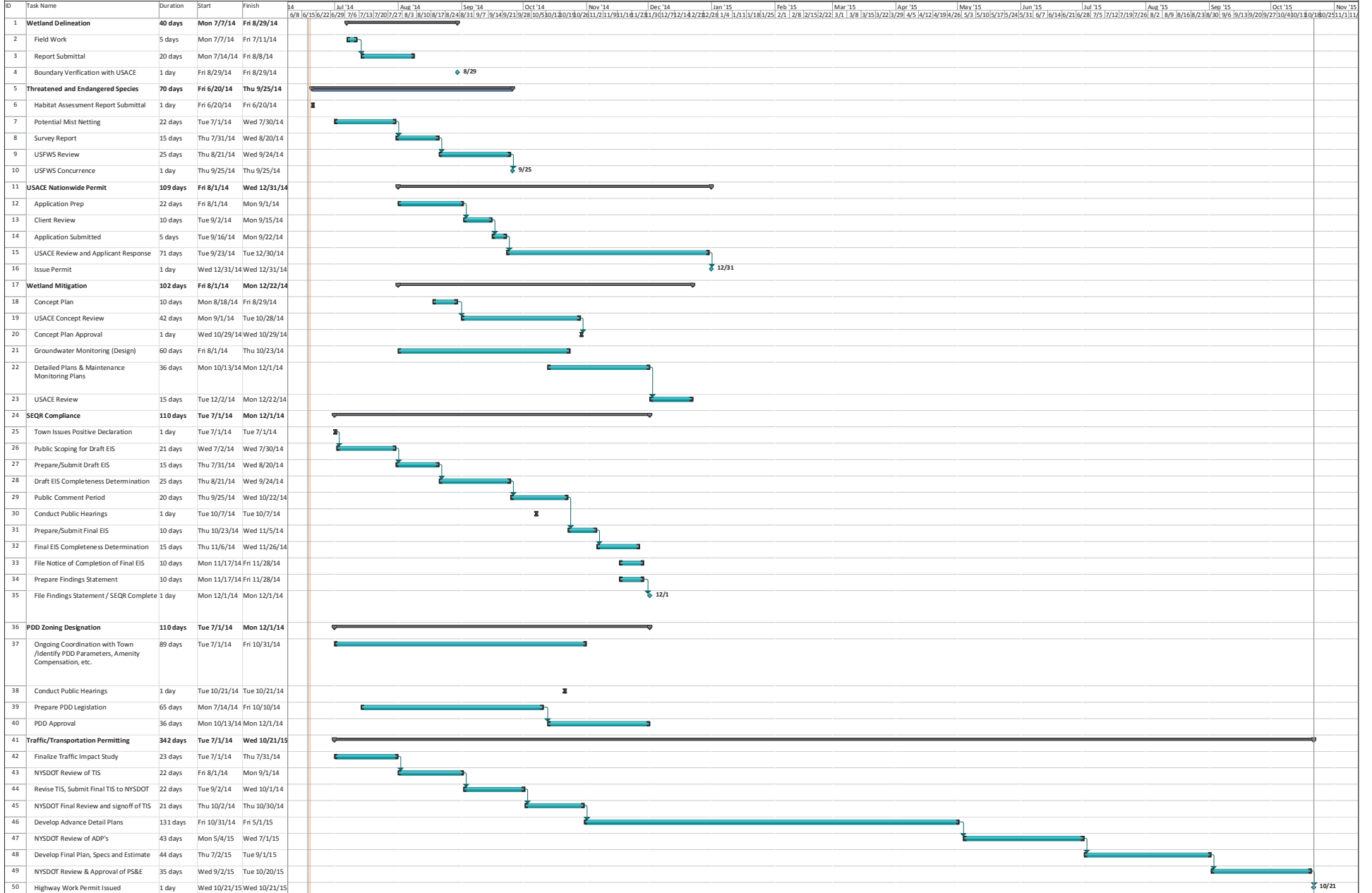


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The developer has officially notified the Town in writing of its proposal to establish a PDD zone to permit the resort-casino uses on the Project Site. Additionally, the developer has attended multiple meetings of the East Greenbush Town Board and Planning Board to present the project to the Town and to the public. These meetings have incorporated public hearings to solicit input from interested members of the public. As project planning and design move forward, there will be ongoing communication between the developer and Town to define project parameters and potential payments/amenity package to occur as a condition of the PDD. A Public Hearing will be held regarding the establishment of a PDD for the Capital View facility; this hearing may be held concurrently with the SEQRA Public Hearing to be held for the project.



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### **U.S. Army Corps of Engineers and NYS Department of Environmental Conservation Approval Summary**

#### **Regulatory Process**

Potential federally regulated wetlands on the Capital View Casino and Resort project property were identified as part of an ecological site assessment conducted by CHA Consulting Inc. (CHA). This level of assessment does not constitute a wetland delineation and was intended to generally locate wetlands for the purpose of calculating approximate impacts. Conceptual site layout focused on the wetland constraints, as well as all the required/desired site program elements. As a result, it appears that the project layout, including preliminary grading, will impact less than 0.5 acres of wetlands, including both on-site and off-site impacts. On-site, the wetland impacts are primarily associated with a road crossing and parking. Additionally, an essential component of this project is the interchange modification at I-90 Exit 9, where off-site wetlands will be impacted to make the necessary improvements.

In general, wetland impacts that are less than 0.5 acres can be authorized by the U.S. Army Corps of Engineers (USACE) under one or more Nationwide Permits. USACE has established the Nationwide Permits to accommodate projects having minimal impacts with a more streamlined and time-effective approach than would be encountered under an Individual Permit. Therefore, we anticipate that the Capital View project will move forward under Nationwide Permit No. 39 (Commercial and Institutional Developments) and Nationwide Permit No. 14 (Linear Transportation Crossings). Both of the Nationwide Permits require Pre-Construction Notification to USACE for approval. This process verifies that the project will meet the general conditions of the permits and sometimes results in the inclusion of special conditions to address situations unique to the site.

The process includes documentation of coordination with the U.S. Fish and Wildlife Service (FWS) for threatened and endangered species and the NYS Office of Parks, Recreation and Historic Preservation – State Historic Preservation Office (SHPO) for cultural resources. This process is explained separately below.

Impacts to wetlands that exceed 0.10 acre typically require mitigation. With a lack of approved wetland mitigation banks in NYS, most mitigation comes in the form of on-site wetland creation. The extent of the mitigation effort depends on the quality of the wetlands impacted and the vegetative community types.

Pursuant to Section 401 of the Clean Water Act, water quality certification must be obtained. If the project exceeds ¼ acre of wetland impact, an individual water quality certification will be required from NYSDEC. Authorization for the Nationwide Permits and water quality certification will be applied for through a single Joint Application for Permit. This process provides that USACE has 45 days to authorize a request for a Nationwide Permit upon receipt of a complete application. If necessary, the time frame for the permit authorization may be extended beyond 45 days based on the potential need for mitigation, individual water quality certification, and coordination requirements with SHPO and FWS, as discussed in further detail below.

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### **Cultural Resources Coordination**

The general conditions of the Nationwide Permits and the potential need for individual water quality certification from the State require coordination with SHPO pursuant to Section 106 of the National Historic Preservation Act and Section 14.09 of the NYS Historic Preservation Act, respectively. The project site will be evaluated for cultural resources by a qualified archeologist. The results of the assessment will be reviewed by SHPO and the permitting agencies. If the project receives a “No Effect” determination from SHPO, no further coordination will be required. A “No Adverse Effect” or an “Effect” determination typically requires avoidance measures to protect the resource or other mitigation. Further agency coordination is typically required and USACE would also coordinate with the Advisory Council on Historic Preservation.

### **Endangered Species**

Preliminary review of State and federal database suggests that the northern long-eared bat (*Myotis septentrionalis*) has the potential to occur within forested areas of the project site. As a result, an assessment of the habitat on-site is being prepared and will be submitted to the U.S. Fish and Wildlife Service (FWS) for their review. Further assessment (surveys) may be required to confirm presence/absence of this species. In lieu of surveys, FWS may accept winter tree cutting within project impact areas to avoid any direct impact to this species, since bats hibernate in caves and mines during the winter months. Depending on the outcome of initial coordination with FWS and any additional follow-up that may be required, USACE will make an effect determination prior to authorizing the Nationwide Permits.

### **Mitigation**

Wetland impacts are likely to exceed 0.10 acre and therefore will require mitigation. It is anticipated that USACE will require on-site wetland creation to replace the functions and values lost through the proposed wetland impacts. The project site was investigated for suitable upland to create wetland communities. Typically, existing wetlands can be expanded to meet this requirement depending on their hydrology characteristics. Preliminary site analysis suggests that suitable areas exist on-site to provide the required mitigation. Additional work will be completed to understand the subsurface conditions of the potential mitigation areas and the groundwater characteristics. A concept plan will be developed during the permitting process that will identify area, proposed elevations, vegetative communities, and other features that would be designed to compensate for the lost wetlands. Upon approval from the regulatory agencies, final plans and details would be prepared.

