

HO CHUNK NATION FEE-TO-TRUST AND CASINO PROJECT

MITIGATION MONITORING AND ENFORCEMENT PLAN

Mitigation Monitoring Overview

This Mitigation Monitoring and Enforcement Plan (MMEP) has been developed to guide mitigation compliance before, during, and after implementation of the Bureau of Indian Affairs' (BIA's) Preferred Alternative. The mitigation measures described below in **Table 1** were developed through the analysis of potential impacts within the Final Environmental Impact Statement (EIS). As specified in **Table 1**, the compliance monitoring and evaluation will be performed by the Ho-Chunk Nation (Nation), the City of Beloit (City), Rock County (County), the Wisconsin Department of Transportation (WisDOT), the United States Fish and Wildlife Service (USFWS), the Bureau of Indian Affairs (BIA), and the United States Environmental Protection Agency (USEPA) as indicated in the description of each measure. An Intergovernmental Agreement (IGA) between the Nation, City, and County was executed in March 2012 and stipulates that development within the proposed fee-to-trust property (33-acre parcel) complies with various chapters of City's Code of General Ordinances and County Ordinances. The MMEP provides:

- Requirements for compliance of the mitigation measures specifically created to mitigate impacts;
- List of responsible parties; and
- Timing of mitigation measure implementation.

Where applicable, mitigation measures will be monitored and enforced pursuant to Federal law, tribal ordinances, and agreements between the Nation and appropriate governmental authorities, as well as the Record of Decision (ROD). Note that numbering of mitigation measures listed in **Table 1** differs from the numbering of the mitigation measures listed in Section 6.0 of the ROD. **Table 1** includes only those mitigation measures that are applicable to Alternative A – the development of a casino-hotel and supporting facilities on 73.5 acres.

TABLE 1
MITIGATION MONITORING AND ENFORCEMENT PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Timing of Implementation	Verification (Date and Initials)
1. Geology and Soils			
<p>The following mitigation measure shall be implemented in accordance with federal regulatory requirements, the City of Beloit’s Municipal Code, and Section 3.9.1 of the</p> <p>A. The Nation shall obtain coverage under the United States Environmental Protection Agency (USEPA) General Construction National Pollutant Discharge Elimination System (NPDES) permit under the federal requirements of the Clean Water Act (CWA). As required by the NPDES General Construction Permit, a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared that addresses potential water quality impacts associated with construction and operation of the Preferred Alternative. The SWPPP shall also contain information to fulfill the City of Beloit’s requirements for an Erosion and Sediment Control Plan and a Storm Water Management Plan. As required by the NPDES General Construction Permit and the City of Beloit’s Municipal Code, the SWPPP shall make provisions for erosion prevention and sediment control and control of other potential pollutants by describing construction practices, stabilization techniques, and structural BMPs that are to be implemented to prevent erosion and minimize sediment transport. The BMPs will meet the performance standards as outlined in the Beloit Code for construction site disturbances and post-construction storm water management. BMPs shall be inspected, maintained, and repaired to assure continued performance of their intended function. Reports summarizing the scope of these inspections, the personnel conducting the inspection, the dates of the inspections, major observations relating to the implementation of the SWPPP, and actions taken as a result of these inspections shall be prepared and retained as part of the SWPPP. The SWPPP shall be submitted for approval to the USEPA, City of Beloit, and Wisconsin Department of Natural Resources (WDNR). To minimize the potential for erosion to occur on the project site, the following items shall be addressed in the SWPPP and implemented pursuant to the NPDES General Construction Permit and the City of Beloit’s Municipal Code:</p> <ol style="list-style-type: none"> 1. Stripped areas shall be stabilized through temporary seeding using dryland grasses. 2. Conveyance channels and severe erosion channels shall be mulched or matted to prevent excessive erosion. 3. Exposed stockpiled soils shall be covered with plastic covering to prevent wind and rain erosion. 4. The construction entrance shall be stabilized by the use of riprap, crushed gravel, or other 	Tribe/USEPA	Planning Phase Construction Phase	

<p>such material to prevent the track-out of dirt and mud.</p> <ol style="list-style-type: none"> 5. Construction roadways shall be stabilized through the use of frequent watering, stabilizing chemical application, or physical covering of gravel or riprap. 6. Filter fences shall be erected at all on-site stormwater exit points and along the edge of graded areas to stabilized non-graded areas and control siltation of onsite stormwater. 7. Dust suppression measures included in Section 5.2.3, Air Quality, shall be implemented to control the production of fugitive dust and prevent wind erosion of bare and stockpiled soils. 			
<p>2. Water Resources</p>			
<p>The following project design measures shall be implemented in accordance with Section 3.9.1 of the IGA.</p> <ol style="list-style-type: none"> A. Pursuant to Chapter 24 of the City of Beloit Municipal Code, the Nation shall be responsible for submitting a stormwater utility service application at the time a building permit application is submitted or a site plan review is conducted, whichever occurs sooner. 	<p>Tribe</p>	<p>Planning Phase</p>	
<ol style="list-style-type: none"> B. Pursuant to the Beloit Code, infiltration shall be met with one of the following methods: <ol style="list-style-type: none"> 1. Infiltrate sufficient volume so the post-development infiltration volume shall be at least 60 percent of the predevelopment infiltration volume. No more than 2 percent of the project site is required as an effective infiltration area. 2. Infiltrate 10 percent of the runoff from the 2-year, 24-hour design storm with a Type II distribution. No more than 2 percent of the project site is required as an effective infiltration area. 	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	
<ol style="list-style-type: none"> C. Pursuant to the Beloit Code, grass swales used for runoff conveyance and pollutant removal shall be designed to be vegetative and be capable of carrying runoff through a swale for 200 feet or more in length and have velocities no greater than 1.5 feet per second for the 2-year design storm. 	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	
<ol style="list-style-type: none"> D. The design of the storm water conveyance system for the Preferred Alternative shall follow the City of Beloit standards and good engineering practices. Curb and gutter shall be placed in the roadways and at various locations in the parking lots to direct storm water to the on-site conveyance system. The storm sewer pipe network used for stormwater conveyance has been designed with appropriate sizes and slopes to maintain proper flow velocities and performance criteria. Storm water structures shall consist of inlets, catch basins and manholes located throughout the parking lots and roadways to maximize the collection of stormwater generated from post-construction facilities. Each stormwater inlet, catch basin or manhole shall be designed to include a minimum of a 2-foot sump to assist with Total Suspended Solids reduction consistent with engineering practices in the area. Grass swales are designed to safely convey 	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	

<p>the storm water, reduce Total Suspended Solids and reduce the velocities to keep scour concerns minimized.</p>			
<p>E. On-site storm water management mitigation measures shall include a combination of the following: storm sewer pipe network, catch basins, grass swale conveyance and treatment systems, on-site detention ponds, and/or regional stormwater detention ponds.</p>	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	
<p>3. Air Quality</p>			
<p>Title 3 Health and Safety Code of the Ho-Chunk Nation Code (HCC), Section 14 Human Health Hazard Ordinance (HHHO; 3 HCC §14) sets forth regulations to protect public health, safety, and general welfare; and maintain and protect the environment by prohibiting and abating the human health hazards defined in the ordinance. The HHHO identifies air pollution as a human health hazard and seeks to abate the emission of smoke, soot, cinders, noxious fumes or gases, fly-ash, industrial emissions, or any other atmospheric pollutant which violates Chapter NR 400 of the Wisconsin Administrative Code (Wis. Admin. Code). The following BMPs shall be implemented consistent with the HHHO.</p>			
<p>Construction</p>			
<p>A. The following dust suppression measures shall be implemented by the Nation to control the production of fugitive dust (PM₁₀) and prevent wind erosion of bare and stockpiled soils consistent with 3 HCC §14 and Wis. Admin. Code § NR 415.04 Fugitive Dust:</p> <ol style="list-style-type: none"> 1. Spray exposed soil with water or other suppressant twice a day. 2. Minimize dust emissions during transport of fill material or soil by wetting down loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, and/or covering loads. 3. Promptly clean up spills of transported material on public roads. 4. Restrict traffic on site to reduce soil disturbance and the transport of material onto roadways. 5. Provide wheel washers to remove particulate matter that would otherwise be carried off site by vehicles to decrease deposition of particulate matter on area roadways. 6. Cover dirt, gravel, and debris piles as needed to reduce dust and wind-blown debris. 7. Locate construction equipment and truck staging areas away from sensitive receptors as practical and in consideration of potential effects on other resources. 	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	
<p>B. The following measures shall be implemented by the Nation to reduce emissions of criteria pollutants, greenhouse gases (GHGs) and diesel particulate matter (DPM) from construction of the Preferred Alternative:</p> <ol style="list-style-type: none"> 1. It is recommended that the Nation control criteria pollutants and GHG emissions whenever reasonable and practicable by requiring all diesel-powered equipment be properly maintained and minimize idling time to 5 minutes when construction equipment is not in use, 	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	

<p>unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines shall be kept in good mechanical condition to minimize exhaust emissions. The Nation shall employ periodic and unscheduled inspections to accomplish the above mitigation.</p> <p>2. Require all construction equipment with a horsepower rating of greater than 50 be equipped with diesel particulate filters, which would reduce approximately 85 percent of DPM.</p>			
<p>Operation</p>			
<p>C. The Nation shall reduce emissions of criteria air pollutants and GHGs during construction and operation through the following actions, as applicable:</p> <ol style="list-style-type: none"> 1. The Nation shall use clean fuel vehicles in the vehicle fleet where practicable consistent with the Solid Waste and Recycling Ordinance of the HCC (3 HCC §1 (22)(a)(3)), which would reduce criteria pollutants and GHG emissions within the Beloit region. 2. The Nation shall provide preferential parking for vanpools and carpools consistent with Wis. Admin. Code § NR 486.06(2)(h), which would reduce criteria pollutants and GHGs. 3. The Nation shall use low-flow appliances where feasible and utilize both potable and non-potable water to the extent practicable consistent with Section 3.6.4 of the IGA. The project proponent shall use drought resistant landscaping where practicable and provide "Save Water" signs near water faucets throughout the development. 4. Consistent with 3 HCC §14, the Nation shall control criteria pollutants, GHG, and DPM emissions during operation whenever reasonable and practicable by requiring all diesel-powered vehicles and equipment be properly maintained and minimizing idling time to five minutes at loading docks when loading or unloading food, merchandise, etc. or when diesel-powered vehicles or equipment are not in use; unless per engine manufacturer's specifications or for safety reasons more time is required. The Nation shall employ periodic and unscheduled inspections to accomplish the above mitigation. 5. The Nation shall use energy efficient lighting consistent with the Solid Waste and Recycling Ordinance of the HCC (3 HCC §1 (22)(a)(1)), which would reduce indirect criteria pollutants and GHG emissions. Using energy efficient lighting would reduce the project's energy usage, thus, reducing the project's indirect GHG emissions. 6. The Nation shall install recycling bins throughout the hotel and casino for glass, cans, and paper products consistent with the Solid Waste and Recycling Ordinance of the HCC (3 HCC §1 (22)(a)). Decorative trash and recycling receptacles shall be placed strategically outside to encourage people to recycle. 7. Environmentally preferable materials shall be used to the extent practical for construction of facilities consistent with Section 3.6.4 of the IGA. 8. The Nation shall plant trees and vegetation on-site or fund such plantings off-site consistent with Section 3.6.4 of the IGA. The addition of photosynthesizing plants would reduce 	<p>Tribe</p>	<p>Planning Phase Operation Phase</p>	

<p>atmospheric CO₂, because plants use CO₂ for elemental carbon and energy production. Trees planted near buildings would result in additional benefits by providing shade to the building; thus reducing heat absorption, reducing air conditioning needs and saving energy.</p> <p>9. The Nation shall use energy efficient appliances in the hotel and casino consistent with the Solid Waste and Recycling Ordinance of the HCC (3 HCC §1 (22)(a)(1)).</p> <p>10. The Nation shall incorporate advanced lighting design and include day lighting, where appropriate consistent with Section 3.6.4 of the IGA. Advanced lighting design and day lighting would reduce project-related GHG emissions by reducing electrical energy usage.</p> <p>11. The Nation shall use solar hot water heaters where appropriate consistent with Section 3.6.4 of the IGA. The use of solar hot water heaters would reduce project related GHG emissions by reducing electrical energy usage.</p>			
<p>4. Biological Resources</p>			
<p>The following mitigation measures shall be implemented in accordance with federal regulatory requirements (Migratory Bird Treaty Act [MBTA]) for the Preferred Alternative.</p>			
<p>A. In accordance with the MBTA, a qualified biologist shall conduct a preconstruction survey within 100 feet around the vicinity of the project site for active nests should construction activities commence during the nesting season for birds of prey and migratory birds (between March and August). The preconstruction survey shall be conducted within 14 days prior to commencement of construction activities. If surveys show that there is no evidence of nests, then no additional mitigation shall be required so long as construction activities commence within 14 days following the survey. If active nests are identified, a 100-foot buffer zone should be established around the nests. A qualified biologist should monitor nests weekly during construction to evaluate potential nesting disturbance by construction activities. The biologist should delimit the buffer zone with construction tape or pin flags within 100 feet of the active nest and maintain the buffer zone until the end of breeding season or the young have fledged. Guidance from the United States Fish and Wildlife Service (USFWS) shall be requested if establishing a 100-foot buffer zone is impractical.</p>	<p>Tribe/USFWS</p>	<p>Planning Phase Construction Phase</p>	
<p>B. Should any trees be anticipated for removal, they shall be removed between October and February, which is outside of the nesting season. If trees are anticipated to be removed during the nesting season, a preconstruction survey shall be conducted by a qualified biologist. If the survey shows that there is no evidence of active nests, then the tree shall be removed within 10 days following the survey. If active nests are located within trees identified for removal, a 100-foot buffer shall be installed around the tree. The tree shall not be removed until the biologist determines that the nestlings have successfully fledged.</p>	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	

5. Cultural and Paleontological Resources			
A. In the event of any inadvertent discovery of prehistoric or historic archaeological resources or paleontological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act (NHPA) as amended (36 CFR 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR 800.13 shall be followed and this would include re-consulting with SHPO and the nearby community and identifying reasonable and prudent measures to avoid, minimize, or mitigate adverse effects to such discoveries.	Tribe/BIA	Construction Phase	
B. If human remains are discovered during ground-disturbing activities on Tribal lands, if applicable, the finds shall be subject to the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and/or Archaeological Resources Protection Act (ARPA).	Tribe	Construction Phase	
C. In the event of accidental discovery of paleontological materials during ground-disturbing activities, a qualified paleontologist shall be contacted to evaluate the significance of the find and collect the materials for curation as appropriate.	Tribe	Construction Phase	
The following specific mitigation measures shall be implemented to avoid impacts to Dougan Round Barn and Farm Complex site under the Preferred Alternative:			
D. It is recommended that no construction be permitted more than 50 feet north of East Colley Road within the Dougan Round Barn and Farm Complex site to ensure that potentially important historic resources are not affected. The historic site should be clearly depicted on all engineering and construction maps and noted as a sensitive area.	Tribe	Construction Phase	
E. Prior to construction and ground disturbing activities flagging and caution tape should be put in place to ensure that there are no inadvertent intrusion into the sensitive area.	Tribe	Planning Phase	
F. If future engineering or development plans change and require excavation of trenches for utilities across the old Dougan parcel an intensive archaeological survey and shovel probes of that specific APE should be conducted.	Tribe	Construction Phase	
G. If significant cultural resources are encountered (buried trash deposits, cisterns, architectural features) they should be avoided or excavated and recorded as part of a Treatment Plan that should be prepared if such resources cannot be avoided.	Tribe	Construction Phase	
The following specific mitigation measures shall be implemented to avoid impacts to unknown cultural resources from construction activities in the vicinity of the former Alfred Field House site under the Preferred Alternative:			

<p>H. No construction associated with the widening of Willowbrook Road should be permitted on the west side of the existing road. The area associated with the former Alfred Field House should be clearly depicted on all engineering and construction maps and noted as a sensitive area.</p>	<p>Tribe</p>	<p>Planning Phase</p>	
<p>I. In the event that future plans do require excavation in the vicinity of the former Alfred Field House site, additional identification efforts shall occur. If significant cultural resources are encountered (buried trash deposits, cisterns, architectural features) they should be avoided or excavated and recorded as part of a Treatment Plan that should be prepared if such resources cannot be avoided.</p>	<p>Tribe</p>	<p>Construction Phase</p>	
<p>6. Socioeconomics</p>			
<p>A. In accordance with Section 3.1.2 of the IGA (Net Win Payment), the Nation agrees to make a payment to the City on or before the fifteenth (15th) day of each month following a quarter of operation, equivalent to two percent (2%) of the Net Win at the Beloit Class III Gaming Facility with respect to such prior Quarter of Operation. The City agrees to make distributions to the County equal to thirty percent (30%) of the amount of each Net Win Payment actually received by the City within twenty (20) days following receipt of each such Net Win Payment from the Nation pursuant to the IGA.</p>	<p>Tribe/County</p>	<p>Operation Phase</p>	
<p>B. In accordance with Section 3.8 of the IGA (Compulsive Gambler Program), the Nation agrees to maintain at the Beloit Class III Gaming Facility, its programs and policies for the assessment, identification, and assistance of compulsive gamblers currently in effect at its other Class III Gaming facilities.</p>	<p>Tribe</p>	<p>Operation Phase</p>	
<p>The following provisions of the Tribal-State Compact are applicable to the Preferred Alternative and would avoid, minimize, or mitigate adverse socioeconomic effects: C. In accordance with Section XXXIV.C.I of the Tribal-State Compact, the Nation is required to make an annual payment of \$1,000 to Rock County for every acre of land owned by the United States of America in trust for the Nation within Rock County. The payment made by the Nation to the County under this paragraph may be expended by the County for any purpose.</p>	<p>Tribe/County</p>	<p>Operation Phase</p>	
<p>7. Transportation</p>			
<p>Construction</p>			
<p>A. The following measures shall be implemented in conformance with the Wisconsin Department of Transportation (WisDOT) requirements for work within federal and state right-of-ways: 1. Proposed changes to State facilities must be designed to current WisDOT and the City of</p>	<p>Tribe/City/WisDOT</p>	<p>Planning Phase Construction Phase</p>	

<p>Beloit standards and specifications.</p> <ol style="list-style-type: none"> 2. Plans for any proposed access or construction within East Colley Road and Willowbrook Road right-of-ways must be reviewed and approved by WisDOT and the City of Beloit prior to beginning work. 3. Engineering calculations, plans, and reports submitted for review and approval must bear the seal and original signature of a professional engineer. 4. Construction must be done in accordance with the current WisDOT 2018 Construction and Materials Manual and the 2018 Wisconsin Standard Specifications. 5. The Nation shall obtain a WisDOT work in right of way permit for any work within state right of way. The permit process shall define any needed inspection activities and who will be responsible for the inspection. 6. A Traffic Management Plan (TMP) shall be prepared to identify where construction routes are proposed, and other standards set forth in the 2009, Federal Highway Administration (FHWA), <i>Manual on Uniform Traffic Control Devices for Streets and Highways</i>. The TMP shall be submitted to WisDOT and the City of Beloit. 7. Prior to development of access driveways along East Colley Road, a site distance analysis shall be performed to ensure the existing tree line is not blocking the view at the proposed access points. 			
<p>Operation – 2025 Buildout Year</p>			
<p>To prevent violation of federal, state and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), and in accordance with the IGA, the following traffic mitigation measures shall be implemented as identified within the Traffic Impact Analysis (TIA) for the Preferred Alternative (Appendix I of the FEIS). Fair share contributions for operational mitigation shall be determined in consultation with the appropriate jurisdiction (i.e. WisDOT, City of Beloit, and/or Illinois Department of Transportation [IDOT]).</p>			
<p>B. Prior to the operation of the Preferred Alternative (2025) the Nation shall implement and/or pay a fair share contribution to the following mitigation measures, which would result in a Level of Service (LOS) of D or better and a less-than-significant impact at the study intersection movements:</p> <ol style="list-style-type: none"> 1. STH-81/Milwaukee Road and Willowbrook Road: Install a fully-actuated traffic signal set to an actuated-uncoordinated cycle. The traffic signal would be installed only after a signal warrant analysis confirming that one is necessary is submitted by the City to WisDOT, and WisDOT approval is granted. 2. STH-81/Milwaukee Road and Branigan Road: Retime the existing traffic signal to improve operations. 	<p>Tribe/City/WisDOT</p>	<p>Planning Phase</p>	
<p>C. Prior to the operation of the Preferred Alternative (2025) the Nation shall implement and/or pay a fair share contribution to the following mitigation measure, which would result in an LOS of D or</p>	<p>Tribe/City/WisDOT</p>	<p>Planning Phase</p>	

<p>better and a less-than-significant impact at all study intersection movements:</p> <ol style="list-style-type: none"> 1. Willowbrook Road and State Line Road: Construct either a roundabout or install a fully-actuated traffic signal. The roundabout would operate with two lanes in the northbound and southbound directions and one lane in the eastbound and westbound directions. The traffic signal would be installed only after a signal warrant analysis confirming that one is necessary is submitted by the City to WisDOT, and WisDOT approval is granted. 2. Willowbrook Road and East Colley Road: Install fully-actuated traffic signals set to an actuated-uncoordinated cycle. Construct a separated, slotted right-turn lane on the northbound approach. Construct a separated left-turn lane on the southbound approach. The traffic signal would be installed only after a signal warrant analysis confirming that one is necessary is submitted by the City to WisDOT, and WisDOT approval is granted. 3. Manual flaggers and/or electronic changeable message signs, barricades or cones shall be used to direct traffic along Willowbrook, East Colley, Milwaukee, and State Line Roads before and after special events. Traffic control personnel and devices shall be provided by the Nation. 4. STH-81/Milwaukee Road and Willowbrook Road: Extend the existing left-turn lane on the westbound approach. 5. Willowbrook Road and Warner Court/Casino Entrance West: Install fully-actuated traffic signals. The traffic signal would be installed only after a signal warrant analysis confirming that one is necessary is submitted by the City to WisDOT, and WisDOT approval is granted. Construct a separated right-turn lane on the northbound approach and a separated left-turn lane on the southbound approach. Construct dual left-turn lanes and shared through/right-turn lanes on the westbound approach. 			
<p>D. Prior to the operation of the Preferred Alternative, the Nation shall implement and/or pay a fair share contribution to the following mitigation measures, which would result in an LOS of D or better and a less than significant impact at all study intersection movements:</p> <ol style="list-style-type: none"> 1. Willowbrook Road and IL-75/Gardner Street: Construct an additional southbound left-turn lane with protected left-turn signal phasing in the southbound direction. 2. STH-81/Milwaukee Road and Cranston Road: Retime the existing traffic signal to improve operations. 	Tribe/City/WisDOT	Planning Phase	
<p>Operation – 2035 Cumulative year</p>			
<p>To prevent violation of federal, state and local policies related to traffic operations imposed for the protection of the environment (40 CFR 1508.27[b][10]), and in accordance with the IGA, the following traffic mitigation measures shall be implemented as identified within the TIA for the Preferred Alternative (Appendix I of the FEIS). Fair share contributions for operational mitigation shall be determined in consultation with the appropriate jurisdiction (i.e. WisDOT, City of Beloit, and/or IDOT). These measures assume completion of identified mitigation provided above for the 2025 Opening Year.</p>			

<p>E. Prior to the operation of the Preferred Alternative in the cumulative year 2035 the Nation shall implement and/or pay a fair share contribution to the following mitigation measures, which would result in an LOS of D or better and a less-than-significant impact at all study intersection movements:</p> <ol style="list-style-type: none"> 1. STH-81/Milwaukee Road and Willowbrook Road: Construct an additional westbound left-turn lane to make the approach accommodate dual-left turns. 2. STH-81/Milwaukee Road and Cranston Road: Construct an additional eastbound left-turn lane to make the approach accommodate dual-left turns and revise signal phasing to protected left turns in the eastbound direction. 3. I-39/90 Southbound Off-Ramp and STH-81/Milwaukee Road: Complete a traffic signal warrant analysis to determine if traffic signals are warranted. If signals are warranted, install fully-actuated traffic signals set to an actuated-uncoordinated half-cycle consistent with the timings west on STH-81/Milwaukee Road. The traffic signal would be installed only after a signal warrant analysis confirming that one is necessary is submitted by the City to WisDOT, and WisDOT approval is granted. 	<p>Tribe/City/WisDOT</p>	<p>Planning Phase Operation Phase</p>	
<p>8. Public Services</p>			
<p>A. Subject to the terms of the Development Agreement, the Nation shall make a two million and no/100 dollar (\$2,000,000.00) Infrastructure Down Payment to the City, payable within thirty (30) days following the Trust Approval Date, which shall be applied against the cost of the City Improvements. Because this Infrastructure Down Payment will be applied by the City against the cost of the City Improvements, it will be paid exclusively to the City and will not be divided between the City and County as provided for in Section 3.3 of the IGA. These payments are intended to compensate the City and/or County for upgrades to facilities and any additional staffing as needed to serve development of the property, allowing the City to maintain public services at existing levels or better.</p>	<p>Tribe/City</p>	<p>Planning Phase</p>	
<p>B. The final design of the sewer and water system shall be in reasonable conformity with Chapters 29.04 and 27.05, respectively of the City of Beloit Municipal Code and the City Public Works Standards.</p>	<p>Tribe/City</p>	<p>Planning Phase</p>	
<p>C. Upon connection to the City sanitary and water systems, the Nation shall pay the current water and sewer capital connection charge, as established by the City. The Nation shall additionally pay monthly service fees for water and sewer service based upon rates adopted annually by the City.</p>	<p>Tribe/City</p>	<p>Construction Phase Operation Phase</p>	
<p>The following provisions of the Tribal-State Compact for Class III Gaming are applicable to the Preferred Alternative and would minimize and/or mitigate adverse effects associated with public</p>	<p>Tribe</p>	<p>Planning Phase Operation Phase</p>	

<p>services:</p> <p>D. In accordance with Item A Section XIV, Public Health and Safety, of the Tribal-State Compact for Class III Gaming, the Nation shall enact ordinances setting forth public health and safety standards for public buildings, electrical wiring, fire prevention, plumbing and sanitation that are at least as restrictive as those standards set forth in Chapter 101 of the Wisconsin Statutes and the administrative rules adopted thereunder including, but not limited to chs. ILHR. 14 (Fire Prevention), 16 (Electrical Wiring), 28 (Smoke Detectors), 160 (Existing Buildings), 162 (Theaters and Assembly Halls), and 81-86 (Plumbing), Wis. Adm. Code. The Nation shall periodically update its public health and safety ordinances in accord with changes in this law and the administrative rules.</p>			
<p>E. The Nation shall engage a state certified inspector to conduct inspections of all facilities for Class III gaming under this Compact on a periodic basis, but not less than annually, and shall promptly repair or correct any and all instances of non-compliance with the requirements of this section. An inspection report shall be prepared by the Nation in connection with each inspection and copies of said reports shall be forwarded to the Lottery Board.</p>	Tribe	Operation Phase	
9. Noise			
Construction			
Pursuant to Sections 3.9.1 and 3.10.1 of the IGA, the Nation shall permit the City to enforce upon the Proposed Fee-to-Trust Property select portions of the City's Code of General Ordinances, including Chapter 15.12 regarding Noise that prohibits the generation of any noise tending to unreasonably disturb the peace and quiet of any person in the vicinity thereof. The following BMPs shall be implemented during construction of the Preferred Alternative in accordance with the requirement of the IGA.			
<p>A. Construction using heavy equipment shall not be conducted between 10:00 p.m. and 7:00 a.m.</p>	Tribe	Construction Phase	
<p>B. All engine-powered equipment shall be equipped with adequate mufflers. Haul trucks shall be operated in accordance with posted speed limits. Truck engine exhaust brake use shall be limited to emergencies.</p>	Tribe	Construction Phase	
<p>C. Loud stationary construction equipment shall be located as far away from residential receptor areas as feasible.</p>	Tribe	Construction Phase	
<p>D. All generator sets shall be provided with enclosures.</p>	Tribe	Construction Phase	
Operation			

<p>The following mitigation measures shall be implemented during operation to prevent violation of the Federal Noise Abatement Criteria (NAC) standards used by the Federal Highway Administration (FHWA) and WisDOT imposed for the protection of the environment (40 CFR 1508.27[b][10]):</p>			
<p>E. Trucks and buses that enter the project site via East Colley Road shall not idle for more than three minutes.</p>	<p>Tribe</p>	<p>Operation Phase</p>	
<p>F. The Nation shall construct a sound wall that would reduce truck idling noise from the loading dock located adjacent to East Colley Road to less than 67 dBA (Federal NAC) at the nearest noise sensitive receptors.</p>	<p>Tribe</p>	<p>Operation Phase</p>	
<p>10. Hazardous Materials</p>			
<p>The HHHO identifies toxic and hazardous material as a human health hazard and seeks to abate the storage, use, or disposal of hazardous materials in such quality or manner that has the potential to create a human health hazard. The following BMPs shall be implemented for the Preferred Alternative to minimize potential effects associated with the exposure to hazardous materials consistent with the HHHO.</p>			
<p>A. Personnel shall follow BMPs for filling and servicing construction equipment and vehicles. The BMPs, that are designed to reduce the potential for incidents/spills involving the hazardous materials, shall include the following:</p> <ol style="list-style-type: none"> 1. To reduce the potential for accidental release, fuel, oil, and hydraulic fluids shall be transferred directly from a service truck to construction equipment. 2. Catch-pans shall be placed under equipment to catch potential spills during servicing. 3. Refueling shall be conducted only with approved pumps, hoses, and nozzles. 4. All disconnected hoses shall be placed in containers to collect residual fuel from the hose. 5. Vehicle engines shall be shut down during refueling. 6. No smoking, open flames, or welding shall be allowed in refueling or service areas. 7. Refueling shall be performed away from bodies of water to prevent contamination of water in the event of a leak or spill. 8. Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents. 9. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with local, state, and federal regulations. 10. All containers used to store hazardous materials shall be inspected at least once per week for signs of leaking or failure. 	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	
<p>B. In the event that contaminated soil and/or groundwater is encountered during construction related earth-moving activities, all work shall be halted until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, representatives of the Nation shall consult with the USEPA to</p>	<p>Tribe</p>	<p>Planning Phase Construction Phase</p>	

determine the appropriate course of action, including development of a Sampling and Remediation Plan if necessary. Any and all contaminated soils that are determined to be hazardous shall be disposed of in accordance with federal regulations.			
--	--	--	--