

APPENDIX ENV ANA

RESOURCES NOT OF ENVIRONMENTAL CONCERN

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APPENDIX ENVIRONMENTAL ANALYSIS

ENVIRONMENTAL ANALYSIS OF RESOURCES NOT OF CONCERN

ENV ANA.1 INTRODUCTION

This section presents relevant information about existing resources and other values that have been determined will not be affected by the Proposed Action. In accordance with NEPA and the BIA's implementing guidelines (59 IAM 3-H), this section describes the existing environment of the area affected by the Proposed Action as well as the environmental consequences of the Proposed Action and alternatives considered. Note that, consistent with 40 CFR § 1508.8, the term "effects" is used synonymously with the term "impacts." Resource areas or issues that are addressed in this section include the following:

- Land Resources
- Water Resources
- Air Quality
- Socioeconomic Conditions
- Public Services
- Noise
- Hazardous Materials
- Visual Resources

ENV ANA.2 LAND RESOURCES

ENV ANA.2.1.1 REGULATORY SETTING

Once the Project Site is brought into federal trust, State and local policies and ordinances would no longer apply. However, Compact Section XIV states that the Tribe shall enact public health and safety standards that are at least as restrictive as those standards set forth in certain chapters of the State of Wisconsin Administrative Code. Pursuant to City IGA, the Tribe adopted certain ordinances, which are substantially like those of the City and County.

The land resources regulatory setting is summarized in **Table ENV ANA-1**, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE ENV ANA-1: REGULATORY POLICIES AND PLANS RELATED TO LAND RESOURCES

Regulation	Description
Federal	
Clean Water Act	– Requires persons engaging in a project that will disturb more than one acre of soil to obtain a Construction General Permit. A site-specific Storm Water Pollution Prevention Plan is required under this permit.
State	
Wisconsin Administrative Code	<ul style="list-style-type: none"> – Promotes the redevelopment of lands with existing infrastructure and public services and the maintenance and rehabilitation of existing residential, commercial, and industrial structures. – Protects natural areas including wetlands, wildlife habitats, lakes, woodlands, open spaces and groundwater resources.
Local	
Kenosha County Land and Water	– Requires persons engaging in land disturbing activities to apply erosion

Resource Management Plan	control measures aimed to maintain conservation practices that intend to control erosion from construction sites and protect and conserve natural resource areas.
City of Kenosha Code of Ordinances	<ul style="list-style-type: none"> Conserve, protect, and develop the City’s soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base, and preserve natural vegetation and cover.
Intergovernmental Agreements	
Tribe, Menominee Kenosha Gaming Authority and City of Kenosha	<ul style="list-style-type: none"> Agreements that describe the financial commitments, charitable contributions and environmental regulations or standards applicable to the county and city of Kenosha.
Tribe, Menominee Kenosha Gaming Authority and Kenosha County	<ul style="list-style-type: none"> Agreements not to enact or promulgate any environmental regulations or standards on the Federal Trust Land that has any effect outside the boundaries of the Federal Trust Land.

ENV ANA.2.1.1 ENVIRONMENTAL SETTING

The Project Site is in the Southern Lake Michigan Coastal region of Wisconsin, directly south of 60th Street, north of 75th Street, and west of Interstate 94 (I-94) within the City of Kenosha. The land surrounding the Project Site is relatively flat, with elevations ranging from 700 to 755 feet above mean sea level (amsl) and is used for commercial and residential development along the I-94 corridor. Landscape features that define the visual character of the project area are related to agricultural development, such as crop fields. The project area is rapidly urbanizing. The Project Site consists of vacant land with a history of agricultural disturbance and generalized plant communities.

Topography and Soils

Topography of the Project Site is generally flat. Elevations on the Project Site range from 700 to 755 feet amsl.

Table ENV ANA-2 summarizes the characteristics of each soil type found at the Project Site.

TABLE ENV ANA-2: PROJECT SITE SOILS

Map Unit Symbol	Map Unit Name	Run-Off Class	% of Project Site	Acres Proposed for Impact	Drainage Rating	Farmland Classification
EtB	Elliot silty clay loam, 2 to 6 percent slopes	High	40.0%	24.6	Somewhat poorly drained	Prime farmland if drained
OzaB	Ozaukee silt loam, 2 to 6 percent slopes	Medium	34.8%	21.4	Moderately well drained	Prime farmland
OzaB2	Ozaukee silt loam, 2 to 6 percent slopes, eroded	Medium	24.1%	14.9	Moderately well drained	Prime farmland
Ww	Wet alluvial land	Low	1.1%	0.7	Poorly drained	Not prime farmland

Source: NRCS, 2023.

Farmland Conversion

According to the NRCS, the majority of the Project Site is designated as prime farmland (approximately 59 percent) and prime farmland if drained (approximately 40 percent) (NRCS, 2023) (**Appendix LAND RES**). However, per CFR Title 7 §658.2, the definition of “farmland” does not include land already in or committed to urban development. As described above, the City’s Comprehensive Land Use Plan map classifies the four parcels as Agricultural Land Holding or Community Business use. Furthermore, lands identified as Urban Area (UA) on the Census Bureau Map

are considered to already be in urban development. According to the U.S. Department of Agriculture (USDA), this Project is exempt because the entire Project Site falls within the Urban Census Area.

Landslides and Liquefaction

Areas susceptible to landslides are comprised of weak soils on sloping terrain. Heavy rains or strong seismic shaking events can induce landslides. The topography of the Project Site is relatively flat. There are no known landslide events that have occurred in the vicinity of the Project Site (USGS, 2023a). Soils on the project site have negligible risk of liquefaction.

Seismic Conditions

The nearest seismic zone is the Wabash Valley liquefaction feature and is located approximately 175 miles southeast of the Project Site (USGS, 2023b). The Modified-Mercalli Intensity Scale evaluates the intensity of shaking as a result from an earthquake at a specific location through consideration of its effects on people, objects, and structures. The Project Site is located within a region with a 4.5 Modified-Mercalli Intensity (MMI), which indicates a potential for light shaking and disturbance (USGS, 2023c).

Mineral Resources

Nonmetallic mineral resources within Kenosha County include sand, gravel, crushed stone, building stone, peat, clay, and asbestos. The Mineral Resources Data System (MRDS) does not indicate that there are mineral records onsite, although it does report three inactive mines within the vicinity (MRDS, 2023).

ENV ANA.2.1.2 IMPACT ANALYSIS

Impacts to land resources would be significant if the alternative were to result in significant changes in topography such that soils on the Project Site become unstable and pose a risk to the environment or human health. An adverse effect could occur if the alternative substantially increased the occurrence of seismic events or risks associated with seismic events. Impacts to soils could be adverse if the alternative significantly increased erosion. Mineral resources would be significantly affected if the alternative were to reduce the availability of commercial mineral resources or increase costs of extracting mineral resources.

ALTERNATIVE A – CASINO AND HOTEL

Topography

The profile of the access roads has been designed to match the existing grade. As described above, the Project Site is relatively flat. Construction of Alternative A would result in a newly disturbed area of approximately up to 53.5 acres (**Appendix GRADE**). Nearly 70 percent of the newly disturbed area will be new areas of impervious surfaces. APNs 03-121-01-101-101, 03-121-01-101-102, and 03-121-01-101-423 would contain detention basins, and APN 03-121-01-101-102 will contain an underground plastic arch detention system to promote infiltration. Topsoil removal would be required to reach a uniform elevation of approximately 727 feet above mean sea level (amsl). The soil removed from these parcels would be used as fill on-site. The grading plan is summarized in **Appendix GRADE**.

Construction of Alternative A would include the construction of three detention ponds and an underground detention system to maintain drainage on the Project Site. As discussed in **Section 2.1.3**, a site-specific geotechnical engineering report would be prepared prior to construction to ensure proper grading and operational stability of site topography. In addition, a Storm Water Pollution Prevention Plan (SWPPP) would be developed and followed during the construction of Alternative A to manage erosion and soil stability risks associated with earthmoving activities. Site clearing, removal of unsuitable soil, proper moisture conditioning, review of imported fill material, fill placement, observation of foundation excavations, and other site grading will be verified during construction to ensure compliance with standard engineering practices. With inclusion of BMPs

listed in **Section 2.1.3**, there would be a less than significant impact.

Seismicity

As described above, the soils on the Project Site consist of silt loams with some clay qualities, are well drained to somewhat poorly drained, and have low to high runoff rates (Natural Resources Conservation Service [NRCS], 2023). The nearest fault is located hundreds of miles from the Project Site (USGS, 2023d). Due to the absence of fault zones and liquefaction features, the shaking hazard for the Project Site and surrounding region is low. As described in **Section 2.1**, construction of Alternative A would adhere to the standards equivalent to the IBC, including equivalent standards for seismic protection. Use of these IBC standards would allow ground shaking-related hazards to be managed from a geologic, geotechnical, and structural standpoint such that risks to the health or safety of workers and members of the public would be reduced. Seismic risks would be less than significant.

Soil Erosion

As described above soils on the Project Site are characterized by minimal slopes and slight to moderate erosion risk. During grading and construction, soil exposure increases the risk of erosion. Compliance with the applicable National Pollutant Discharge Elimination System (NPDES) General Construction Permit would include development of a SWPPP. The SWPPP would ensure erosion control measures are put in place throughout construction and that areas of bare soils are properly stabilized following construction.

Additionally, per the BMPs identified in **Section 2.1.3**, an Erosion Control Plan will be prepared and included in the construction design drawings to identify specific erosion control measures necessary for construction. Operation of Alternative A would not result in ongoing earthmoving and would not generate erosion risk. With implementation of the BMPs contained within NPDES General Construction Permit, and additional BMPs listed in **Section 2.1.3**, the potential for impacts associated with erosion would be less than significant.

Mineral Resources

As described above, there are three recorded sand and gravel mines within the vicinity of the Project Site. These mines are recorded as inactive within the MRDS. There are no known mineral resources or mines within the Project Site. Therefore, construction of Alternative A would not result in the loss of mineral resources.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Under Alternative B, the Project Site would be taken into federal trust and developed with a casino resort, 150-room hotel, parking lot, and associated infrastructure. New areas of hardscape would be introduced and additional grading would occur on the Project Site, but at a smaller scale than Alternative A. Alternative B would follow similar design standards as Alternative A and would adhere to BMPs outlined in **Section 2.1.3**. Additionally, Alternative B would adhere to IBC building standards, and would not increase the likelihood of liquefaction, nor would it impact mineral resources. There would be a less than significant impact.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Under Alternative C, the Project Site would be taken into federal trust and developed with a 150-room hotel, parking lot, and associated infrastructure. New areas of hardscape would be introduced and additional grading would occur on the Project Site, but as a smaller scale than Alternative A. Alternative C would follow similar design standards as Alternative A and would adhere to BMPs outlined in **Section 2.1.3**. Additionally, Alternative C would adhere to IBC building standards, and would not increase the likelihood of liquefaction, nor would it impact mineral resources. There would be a less than significant impact.

ALTERNATIVE D – NO ACTION

Under the No Action Alternative, the Subject Property would not be taken into trust and no development would occur. The Project Site would remain in its current state. No impacts to land resources would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

Effects to land resources associated with past, ongoing, and foreseeable future development in the vicinity of the Project Site would include localized, minor topographical changes, and soil erosion risks generally constrained to construction activities. Future projects would be subject to separate environmental review and the implementation of grading and drainage plans with appropriate measures to address slope stability, erosion, and other potential impacts. Thus, reasonably foreseeable impacts to land resources would be less than significant.

ENV ANA.3 WATER RESOURCES

ENV ANA.3.1.1 REGULATORY SETTING

The water resources regulatory setting is summarized in **Table ENV ANA-3**, and additional information on the regulatory setting is provided in **Appendix REG**.

TABLE ENV ANA-3: REGULATORY POLICIES AND PLANS RELATED TO WATER RESOURCES

Regulation	Description
Federal	
Executive Order (EO) 11988	<ul style="list-style-type: none"> – Requires that federal agencies evaluate the potential effects of any actions they may take in a floodplain. – Requires federal agencies proposing that an action be allowed in a floodplain to consider alternatives to avoid adverse effects. – If the only practicable alternative action requires siting in a floodplain, requires the federal agency to minimize potential harm to or within the floodplain.
Federal Emergency Management Agency (FEMA)	<ul style="list-style-type: none"> – The 1988 Disaster Relief and Emergency Assistance Act created FEMA. – Responsible for determining flood elevations and floodplain boundaries based on U.S. Army Corps of Engineers (USACE) delineations. – Distributes Flood Insurance Rate Maps for the National Flood Insurance Program.
Clean Water Act	<ul style="list-style-type: none"> – Establishes national water quality goals. – Sections 303 and 304 require impaired water bodies be identified and ranked based on severity. – Section 401 requires a permit be obtained for discharge into waters of the U.S. from the USEPA. – Section 402 requires an NPDES permit be obtained to discharge pollutants into waters of the U.S.
Anti-Degradation Policy	<ul style="list-style-type: none"> – Each state is required to develop an anti-degradation policy that maintains surface water quality to levels permissible for existing uses.
Safe Drinking Water Act	<ul style="list-style-type: none"> – The USEPA sets Maximum Contaminant Levels for drinking water contaminants of concern to the domestic water supply.
State	
Wisconsin Administrative Code	<ul style="list-style-type: none"> – Assesses statewide water conservation and efficiency program. – Protects, maintains and improves the quality and management of the waters of the state, ground and surface, public and private.
Local	
City of Kenosha Code of	<ul style="list-style-type: none"> – Requires prevention and control of erosion, sedimentation, and other pollution of the

Regulation	Description
Ordinances	surface and subsurface water. <ul style="list-style-type: none"> – Maintain surface water drainage flow as provided in a drainage plan approved as part of any subdivision plat or plan, Conditional Use Permit or Building Permit. – Requires developers to connect to City municipal systems to provide water and wastewater services. – Set forth design standards for connection to municipal water and wastewater service.
Kenosha County Land & Water Resource Management Plan (LWRMP)	<ul style="list-style-type: none"> – Defines the water and wastewater utilities for Kenosha County, as well as expansion of these services. – Assesses natural resources within Kenosha County, and details management efforts and programs put forth to protect and rehabilitate these resources.
Intergovernmental Agreements	
Tribe, Menominee Kenosha Gaming Authority and City of Kenosha Tribe, Menominee Kenosha Gaming Authority and Kenosha County	<ul style="list-style-type: none"> – Agreements that describe the financial commitments, charitable contributions and environmental regulations or standards applicable to the county and city of Kenosha. – Agreements not to enact or promulgate any environmental regulations or standards on the Federal Trust Land that has any effect outside the boundaries of the Federal Trust Land.

ENV ANA.3.1.2 ENVIRONMENTAL SETTING

Surface Water

The Project Site is located within the Des Plaines River watershed (Hydrologic Unit Code (HUC) 07120004) (WDNR, 2017). The USGS monitors one waterbody within 5 miles of the Des Plaines River watershed: USGS Site 05527800 at the Des Plaines River in Russel, Illinois (USGS, 2023e). The Des Plaines River has been classified by the U.S Environmental Protection Agency (USEPA) as impaired due to phosphorus and is listed on the Clean Water Act (CWA) Section 303(d) list of threatened and impaired waters (USEPA, 2022a). The nearest surface water streams are located approximately 0.2 mile to the north of the Project Site (Wisconsin Department of Natural Resources [WDNR], 2017). There are no wild or scenic rivers on or near the Project Site (National Wild and Scenic Rivers System, 2023).

Drainage and Flooding

The Project Site is not located within a designated floodplain (**Appendix GRADE**; FEMA, 2012). The Project Site is generally flat, with nine wetlands that accumulate upland and impervious surface drainage and runoff. Wetland features are also addressed in **Section 3.2** of the main EA document.

Groundwater

The Project Site is within the Southeast Fox Illinois River Basin (WDNR, 2023). The WDNR maintains groundwater monitoring wells throughout the state. The nearest USGS monitoring well in relation to the Project Site is located approximately 7 miles to the south, in the Village of Pleasant Prairie, Wisconsin in the Silurian-Devonian aquifers. Depth to groundwater of the monitoring well has been measured since 1962 and ranges seasonally between approximately 10 and 30 feet (USGS, 2023f).

ENV ANA.3.1.3 IMPACT ANALYSIS

Impacts to the floodplain or floodplain management could be significant if construction placed people or structures in a floodplain or if construction resulted in a change of flood elevations. Impacts to surface water

resources could be significant if construction or operation would substantially alter, impede, or degrade surface water supplies or water quality. Impacts to groundwater resources could be significant if construction or operation would substantially decrease groundwater levels, reduce or impede groundwater recharge, and/or degrade groundwater quality. Finally, impacts to drainage could be significant if drainage patterns on site were altered such that runoff could result in impacts such as erosion or sedimentation of surface waters.

ALTERNATIVE A – CASINO AND HOTEL

Flooding

The Project Site is not within a designated floodplain, and construction of Alternative A would not alter floodplain levels or storage of the region. Therefore, Alternative A would not place people or structures in a floodplain. Additionally, Alternative A would not involve activities that would change flood elevations. As described in **Appendix GRADE**, up to 70 percent of the Project Site would comprise impervious surfaces under Alternative A. Three detention basins and an underground detention system would be constructed on the Project Site, which would accommodate up to a total of approximately 4.63-acre feet of water. These detention basins and underground detention system would be constructed towards the northwest, northeast and approximately in the middle of the Project Site (**Figure 4** in the main EA document). Collectively, the detention basins and underground detention system would detain approximately 50 cubic feet per second (CFS), or 56 percent of the 89 CFS of storm water flows during a 100-Year event (Tables 4, 5, and 6 in **Appendix GRADE**). With the development of the stormwater drainage features described in **Appendix GRADE**, total stormwater discharge would decrease in all stormwater events. Alternative A would have no impact on flood elevations and floodplain management.

Surface Water

Construction activities under Alternative A would include ground-disturbing activities such as grading and excavation that could lead to erosion of topsoil. Erosion from construction could increase sediment discharge to surface waters during storm events, thereby degrading downstream water quality. Construction would also include the routine use of potentially hazardous construction materials, such as solvents, paint, oil, and grease that could spill onto the ground and be picked up by stormwater.

Discharges of pollutants or soils to surface waters from construction activities and accidents would be a potentially significant impact. There are existing wetland features on site some of which are contiguous with offsite ditches, and the Project Site is within 6 miles of Des Plaines River, which is CWA Section 303(d)-listed.

Temporary erosion and sediment control measures would be implemented during construction. As described in the project BMPs (**Section 2.1.3**), an Erosion Control Plan (ECP) would be included as part of the construction design drawings and would outline requirements and responsibilities for erosion control and stormwater pollution prevention. Additionally, a SWPPP would be required under the USEPA NPDES General Construction Permit for construction of Alternative A. BMPs that will be included in the SWPPP are described in **Section 2.1.3** and would ensure impaired water would not enter surface waters during construction. With adherence to the NPDES permitting program and implementation of the SWPPP, ECP, and BMPs, impacts to surface water quality from construction activities would be less than significant.

As there are no streams on the Project Site, construction of Alternative A would not result in conversion of streams. Furthermore, as discussed below in **Section 3.2** of the main EA document, no impacts to wetlands would occur, and thus there would be no loss of surface waters. Avoidance of impacts or appropriate permitting would reduce impacts to surface waters to a less than significant level.

As described in **Appendix GRADE**, the stormwater facilities constructed on site as part of Alternative A would convey most of the stormwater to three detention basins and an underground detention system on site, and thus reduce stormwater flows that migrate offsite into the City of Kenosha stormwater system. The three detention

basins and underground detention system would be sized to accommodate a 100-year storm event. Although the detention basins would not capture all storm water, the uncaptured flows would be less than under Alternative D, the No Action Alternative. All uncaptured stormwaters would converge on the south border of the Site at a drainage swale, then flow into the Kilbourn Road Ditch, which is a tributary of the Des Plaines River.

Water supply would be provided by Kenosha Water Utility (KWU) and would therefore not impact surface water sources. Wastewater would be treated by the City and would therefore not result in discharge of untreated wastewater into surface waters. Operation of Alternative A would have less than significant impacts on surface waters.

Potential impacts to surface water supply are addressed separately in **Section 3.5, Public Services and Utilities**, under Water Supply.

Ground Water

As described above, up to 70 percent of the Project Site would be impervious surfaces under Alternative A. Introduction of new impervious surfaces has the potential to impact groundwater recharge on-site. However, as described above and in **Appendix GRADE**, the stormwater facilities constructed on site would convey most of the stormwater to three detention basins and underground detention system on site that would be sized to accommodate a 100-year storm event and would allow for collected runoff to percolate into the groundwater table. Therefore, operation of Alternative A would have no impact on ground water.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Under Alternative B, the Project Site would be taken into federal trust and developed with a casino resort, 150-room hotel, parking lot, and associated infrastructure. The Project Site is not within a designated floodplain, and construction of Alternative B would not alter floodplain levels or storage of the region. Detention basins and the underground detention system would decrease the amount of stormwater flowing offsite during a 100-year storm event. Therefore, Alternative B would not impact flooding and flood control.

BMPs relating to the protection of water resources outlined in **Section 2.1.3** would be adhered to, including development of an Erosion Control Plan and a SWPPP. Similar to Alternative A, Alternative B would include detention basins and an underground detention system sized to accommodate most of the flows from a 100-year storm event. With adherence to the NPDES permitting program and implementation of the SWPPP, ECP, and BMPs, impacts to surface water quality from construction activities would be less than significant.

There are no streams on the Project Site and wetlands would be avoided. Similar to Alternative A, water supply and wastewater treatment would be provided by KWU and would not result in impacts to surface waters. Avoidance of impacts or appropriate permitting would reduce impacts to surface waters to a less than significant level.

Although Alternative B would introduce new hardscape to the Project Site, the detention basins and underground detention system would allow for collected runoff to percolate into the groundwater table. Consequently, there would be no impacts to ground water resources.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Under Alternative C, the Project Site would be taken into federal trust and developed with a 150-room hotel, parking lot, and associated infrastructure. Impacts to water resources under Alternative C would be similar to those under Alternative B, but lesser in scope because of the smaller project footprint. Consequently, impacts to water resources would, depending on the specific item of study, be either less than significant or would have no impact.

ALTERNATIVE D – NO ACTION

Under the No Action Alternative, the Subject Property would not be taken into trust and no development would occur. The Project Site would remain in its current state. No impacts above current baseline to water resources would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

The project alternatives would not place structures within a floodplain and would not alter flood patterns. Other projects in the vicinity of the Project Site would be required to comply with the CWA and to adhere to permit conditions for unavoidable impacts to surface waters. As there would be no impacts on flooding and ground water, and less than significant impacts on water quality, reasonably foreseeable impacts would be less than significant.

ENV ANA.4 AIR QUALITY

ENV ANA.4.1.1 REGULATORY SETTING

The air quality regulatory setting is summarized in **Table ENV ANA-4**, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE ENV ANA-4: REGULATORY POLICIES AND PLANS RELATED TO AIR QUALITY

Regulation	Description
Federal	
Clean Air Act (CAA) of 1970	<ul style="list-style-type: none"> – The Clean Air Act (CAA) created the National Ambient Air Quality Standards (NAAQS) for six Criteria Air Pollutants (CAPs): ozone, carbon monoxide, particulate matter, nitrogen dioxide, sulfur dioxide (SO₂), and lead. – States are required to have State Implementation Plans (SIP) for areas that are not achieving the NAAQS (nonattainment areas). – General Conformity Rule requires demonstration that a proposed federal action will conform to the applicable SIP. – Prevention of Significant Deterioration (PSD) program protects Class I areas. – Tribal minor New Source Review (NSR) permits are required if emissions would exceed certain standards.
Executive Order 14154	<ul style="list-style-type: none"> – Executive Order 14154 Unleashing American Energy – Section 4 of this Executive Order revokes many of the previously issued Executive Orders requiring various climate change policies to be addressed through the NEPA process.
State	
Wisconsin Department of Natural Resources	<ul style="list-style-type: none"> – Wisconsin has air quality goals and regulations. The Wisconsin Department of Natural Resources (WDNR) enforces environmental health regulations, including air quality standards, to protect public health and the environment. These regulations aim to reduce emissions from various sources, such as factories and vehicles, to prevent air pollution and respiratory illnesses.
Intergovernmental Agreements	
Tribe, Menominee Kenosha Gaming Authority and City of Kenosha Tribe, Menominee Kenosha Gaming Authority and Kenosha County	<ul style="list-style-type: none"> – Agreements that describe the financial commitments, charitable contributions and environmental regulations or standards applicable to the county and city of Kenosha. – Agreements not to enact or promulgate any environmental regulations or standards on the Federal Trust Land that has any effect outside the boundaries of the Federal Trust Land.

ENV ANA.4.1.2 ENVIRONMENTAL SETTING

Project Region

The WDNR regulates air quality regulation of air pollutant emission from stationary sources within Kenosha County, including the Project Site. However, once the Project Site is taken into trust, air quality would be under the jurisdiction of the USEPA.

Regional Meteorology

The climate and topography of a region can dictate a region’s air quality. Kenosha County has cold winters and warm summers, with temperatures averaging around 20 degrees Fahrenheit (° F) in the winter and approximately 70° F in the summer. Annual average rain fall is 33.36 inches, with an annual average snow fall of 37.0 inches. During most of the year, the prevailing direction of the wind is from the northwest. The structure and orientation of terrain features will often influence and even control air motion and mechanical turbulence in the lower atmosphere, which can dictate whether a region will have an increased or decreased concentration of air pollution. Kenosha County lies in the northern Midwest plains in the region of the great lakes, which greatly influence the regional meteorology.

Attainment Status

To determine conformance with the NAAQS, states are responsible for providing ambient air monitoring data to the USEPA. The USEPA then determines, using the violation criteria, if the results of the monitoring data indicate compliance with the NAAQS. The USEPA classifies areas in compliance with the NAAQS as being in "attainment". Areas that do not meet the NAAQS are classified as being in "nonattainment" by the USEPA. As shown in

Table ENV ANA-5, Kenosha County meets the federal standards or is unclassifiable for all pollutants, except for Ozone. A portion of Kenosha County that is located east of I-94 in nonattainment for Ozone.

TABLE ENV ANA-5: KENOSHA COUNTY NAAQS ATTAINMENT STATUS

Pollutant	NAAQS
Ozone (8-hour)	A portion of Kenosha County is Nonattainment; western edge of Nonattainment area is I-94/I-41; project site is a Maintenance Area
PM ₁₀ (24-hour, annual)	Attainment
PM _{2.5} (annual)	Attainment
Carbon Monoxide (8-hour, 1-hour)	Unclassifiable/Attainment
Nitrogen Dioxide (annual, 1-hour)	Unclassifiable/Attainment
Sulfur Dioxide (24-hour, 1-hour)	Unclassifiable/Attainment
Lead (30-day average)	Unclassifiable/Attainment
SOURCE: USEPA, 2024a.	

Hazardous Air Pollutants (HAPs)

In addition to the above-listed CAPs, Hazardous Air Pollutants (HAPs) are a group of chemical pollutants that can cause adverse effects to human health and/or the environment. HAPs are classified as airborne chemicals, pursuant to a list developed by the USEPA. Sources of HAPs include industrial processes such as petroleum refining and chrome plating operations, commercial operations such as gasoline stations and dry cleaners, cigarette smoke, and motor vehicle exhaust. Cars and trucks release at least 40 different HAPs. The most important, in terms of health risk, are diesel particulates, benzene, formaldehyde, 1,3-butadiene, and acetaldehyde. Health

effects of HAPs can include cancer, birth defects, and neurological damage.

HAPs are less pervasive in the urban atmosphere than CAPs, but are linked to short-term (acute) or long-term (chronic or carcinogenic) adverse human health effects. The majority of the estimated health risk from HAPs can be attributed to relatively few compounds, the most important being the HAPs found in diesel particulate matter (DPM). Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material. The visible emissions in diesel exhaust are particulate matter that includes carbon particles or “soot.” Diesel exhaust also contains a variety of harmful gases and over 40 other cancer-causing substances. Exposure to DPM is a health hazard, particularly to children whose lungs are still developing and the elderly who may have other serious health problems. In the vicinity of the Project Site, HAPs are primarily emitted by mobile sources, such as diesel trucks and airplanes. Other sources of HAP emissions in the region include bulk gasoline distributors, dry cleaners, and paint stripping and miscellaneous surface coating operations.

The WDNR regulates the Wisconsin state toxic air rule, Chapter NR 445 of the Wisconsin Administrative Code. This rule provides thresholds for toxic air contaminants, compliance requirements, review of HAP requirements, and requirements for HAP studies.

Sensitive Receptors

Sensitive receptors are generally defined as land uses that house or attract people who are susceptible to adverse effects from air pollution emissions and. As such, sensitive resources should be given special consideration when evaluating air quality impacts from projects. Sensitive receptors include facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Hospitals, schools, convalescent homes, parks and recreational facilities, and residential areas are examples of sensitive receptors. Receptors located in the vicinity of the Project Site include rural residences, commercial businesses and a health clinic.

ENV ANA.4.1.3 IMPACT ANALYSIS

Impacts to ambient air quality could be significant if construction or operation of the project alternatives would result in violations of federal CAA provisions, or if emissions would impede a state’s ability to meet the NAAQS. The Project Site is in a region classified as being in attainment for all CAPs. Under the federal CAA (40 CFR Part 93), if a region is in attainment for all CAPs, then the region meets the NAAQS and there are no de minimis levels or thresholds for a project’s emissions unless the area is in a maintenance area. The threshold for nitrogen oxides (NO_x) in an ozone attainment area is 100 tons per year. Therefore, for the purposes of this analysis a significant impact would occur if the alternatives would adversely affect public health or safety (40 CFR § 1508.27 [b][2]) or threaten a violation of applicable federal, State, or local law or requirements imposed for the protection of the environment (40 CFR § 1508.27 [b][10]).

Construction Analysis

Construction activities would consist of mass earthwork, fine grading, building, road work, and parking lot construction. A fleet mix of trucks, scrapers, excavators, graders, and other construction equipment would be used to complete construction of Alternatives A, B or C. Effects on air quality during construction were evaluated by estimating the quantity of each CAP emitted over the duration of the construction period. PM₁₀ and fine particulate matter 2.5 microns in diameter (PM_{2.5}) are the pollutants of concern resulting during earth-moving and fine grading activities.

Volatile organic compounds (VOC), NO_x, SO₂, carbon monoxide, and diesel particulate matter (DPM) emissions would be emitted from heavy equipment from the combustion of diesel fuel. VOC emissions would also result from architectural coatings and asphalt paving. Mobile source emissions would result from the use of on-road construction vehicles. Emissions from construction trucks and heavy equipment were calculated using the USEPA

model Motor Vehicle Emission Simulator Version 4.0.0 (MOVES4) (USEPA, 2023a). Emissions were estimated assuming that construction would begin in 2024 which is conservative as emissions for equipment and vehicles are projected to decrease in future years due to turnover of fleets and more stringent equipment and vehicle emission requirements in newer model years and continue for approximately 18 months. In actuality, it is assumed that construction will commence after the land is taken into trust. A detailed list of the proposed equipment and emissions resulting from the equipment is located in **Appendix AIR**.

Operational Analysis

Mobile-Source Emissions

Emission factors in grams per vehicle mile traveled were estimated for patron vehicles and evaluated using the MOVES4 model. MOVES4 calculates emissions for gasoline-fueled and diesel-fueled light-duty vehicles, trucks, heavy-duty vehicles, and motorcycles. The model accounts for progressively more stringent tailpipe emission standards over the vehicle model years evaluated. MOVES4 model input data are site specific.

Output data for Alternative A is provided in **Appendix AIR**. Emissions of PM₁₀, NO_x, SO₂, carbon monoxide, VOCs, and carbon dioxide equivalents from vehicles traveling to, from, and within the Project Site were calculated for each alternative. Calculations were based on emission factors derived from MOVES4 (USEPA, 2023a) and trip generation rates provided in the Kenosha Casino Project Traffic Impact Analysis (**Appendix TIA**). Operation was assumed to start in 2024 as basis for the MOVES analysis which is conservative as emissions are anticipated to decrease in future years due to turnover of vehicles and more stringent emission requirements in newer model year vehicles. Average trip lengths were estimated using distance to nearest population centers and are provided in **Appendix AIR**.

Stationary-Source Emissions

For Alternative A, natural gas would be used as fuel for space heating, water heaters, and cooking equipment. Annual gas usage for Alternative A is based on developments of similar or greater size. Emissions from natural gas combustion are calculated using emission factors from AP-42 (USEPA, 2024b).

Federal General Conformity

Conformity regulations apply to federal actions that would cause emissions of CAPs above certain levels to occur in locations designated as nonattainment or maintenance areas for the emitted pollutants. The Project Site is located in an area that is classified as being in attainment for all NAAQS; but in an ozone maintenance area. Therefore, a federal general conformity analysis is required for Alternative A.

Carbon Monoxide Hot Spot Analysis

Implementation of Alternative A would result in emissions of carbon monoxide. Because carbon monoxide disperses rapidly with increased distance from the source, emissions of carbon monoxide are considered localized pollutants of concern rather than regional pollutants and can be evaluated by Hot Spot Analysis. A Hot Spot Analysis is only required for areas that are in nonattainment or under a maintenance plan for carbon monoxide. Kenosha County is in attainment and is not under a maintenance plan, thus no carbon monoxide hot spot analysis is required.

Federal Class I Areas

If Alternative A emits greater than the PSD threshold of 250 tons per year (tpy) of any one CAP from stationary sources during construction or operation, then a best available control technology analysis would be conducted. The nearest class I areas are located a substantial distance from the Project Site. Emissions are below the 250 tons per year threshold. Therefore, no further analysis is required.

Tribal New Source Review

The Tribe would be required to apply for a permit under the NSR requirements of the CAA if stationary source operational emissions of regulated pollutants would exceed the thresholds presented in **Table 5**. For this analysis, stationary source project-related operational emissions would be quantified and compared to the applicable threshold.

ALTERNATIVE A – CASINO AND HOTEL

Construction Emissions

Construction of Alternative A would result in emissions of PM₁₀, NO_x, SO_x (sulfur oxide), CO (carbon monoxide), VOCs and HAPs (primarily in the form of DPM) from the use of construction equipment and grading activities. Construction is anticipated to begin after land is taken into trust and last approximately 18 months. Construction is assumed to occur for eight hours a day, five days a week. The construction emission totals for Alternative A are shown in **Table ENV ANA-6**.

The Project Site is in a region classified as being in attainment for all CAPs; therefore, in accordance with 40 CFR Part 93, construction of Alternative A would not cause an exceedance of NAAQS. As a maintenance area, it has a general conformity threshold of 100 tons per year. However, construction of Alternative A would produce diesel particulate matter and fugitive dust (PM₁₀) that may impact the commercial uses immediately adjacent to the Project Site. BMPs identified in **Section 2.1.3** would minimize construction-related emissions of CAPs and reduce DPM emissions from construction equipment by approximately 85%, avoiding potentially adverse effects.

TABLE ENV ANA-6: CONSTRUCTION EMISSIONS – ALTERNATIVE A

Construction	Criteria Pollutants (tons)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction	3.36	4.74	14.06	0.01	0.30	0.28
Total Emissions	3.36	4.74	14.06	0.01	0.30	0.28
<i>de minimis Level</i>	<i>N/A</i>	<i>100</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Notes: N/A = Not Applicable. <i>De minimis</i> levels are not applicable because the project area is in attainment.						
Source: Appendix AIR .						

With the implementation of BMPs, construction of Alternative A would not result in significant adverse impacts associated with the regional air quality environment. Alternative A is protective of public health and safety (40 CFR § 1508.27 [b][2]) and compliant with mandates for construction emissions (40 CFR § 1508.27 [b][10]).

Operational Emissions

Buildout and operation of Alternative A would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as stationary-source emissions from combustion of natural gas in stoves, heating units, and other equipment such as emergency generators. Estimated mobile-source and stationary source- emissions from operation of Alternative A are provided in **Table ENV ANA-7**. Detailed calculations of vehicle and area emissions are included in **Appendix AIR**.

As shown in **Table 7**, operational emissions from stationary sources may exceed the minor NSR for NO_x from an emergency generator, depending on the specific size and engine tier selected from the Project Site. Therefore, a Tribal NSR permit may be required. Alternative A would not result in stationary source emissions of any one pollutant in excess of the federal Class I Areas major source threshold of 250 tpy. BMPs in **Section 2.1.3** would minimize CAP emissions resulting from operation of Alternative A. Alternative A is protective of public health and safety (40 CFR § 1508.27 [b][2]) and compliant with mandates for operational vehicle and area emissions (40 CFR

§ 1508.27 [b][10]). With implementation of BMPs, Alternative A would not result in significant impacts associated with the regional air quality environment.

TABLE ENV ANA-7: OPERATIONAL EMISSIONS – ALTERNATIVE A

Sources	Criteria Pollutants (Tons per Year)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Stationary	0.08	0.41	0.36	0.09	0.08	0.04
Mobile	31.42	35.27	295.86	0.20	7.35	1.82
Total Emissions	31.42	35.27	295.86	0.20	7.35	1.82
<i>de minimis Level*</i>	<i>N/A</i>	<i>100</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Notes: N/A = Not Applicable; <i>de minimis</i> levels are not applicable due to attainment status.						
Source: Appendix AIR.						

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Under Alternative B, the Project Site would be developed at a reduced intensity with a smaller casino and hotel.

Construction Emissions

Construction of Alternative B would result in emissions of PM₁₀, NO_x, SO_x, carbon monoxide, VOCs, and HAPs (primarily in the form of DPM) from the use of construction equipment and grading activities. Construction is anticipated to begin after land is taken into trust and last approximately 18 months. Construction is assumed to occur for eight hours a day, five days a week. The construction emission totals for Alternative B are shown in

Table ENV ANA-8.

The Project Site is in a region classified as being in attainment for all CAPs; therefore, in accordance with 40 CFR Part 93, construction of Alternative B would not cause an exceedance of NAAQS. As a maintenance area it has a general conformity threshold of 100 tons per year. However, construction of Alternative B would produce diesel particulate matter and fugitive dust (PM₁₀) that may impact the commercial uses immediately adjacent to the Project Site. BMPs identified in **Section 2.1.3** would minimize construction-related emissions of CAPs and reduce DPM emissions from construction equipment by approximately 85%, avoiding potentially adverse effects.

TABLE ENV ANA-8: CONSTRUCTION EMISSIONS – ALTERNATIVE B

Construction	Criteria Pollutants (tons)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction	2.58	4.64	13.68	0.01	0.30	0.27
Total Emissions	2.58	4.64	13.68	0.01	0.30	0.27
<i>de minimis Level</i>	<i>N/A</i>	<i>100</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
Notes: N/A = Not Applicable. <i>De minimis</i> levels are not applicable because the project area is in attainment.						
Source: Appendix AIR.						

With the implementation of BMPs, construction of Alternative B would not result in significant adverse impacts associated with the regional air quality environment. Alternative B is protective of public health and safety (40

CFR § 1508.27 [b][2]) and compliant with mandates for construction emissions (40 CFR § 1508.27 [b][10]).

Operational Emissions

Buildout and operation of Alternative B would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as stationary-source emissions from combustion of natural gas in stoves, heating units, and other equipment such as emergency generators. Estimated mobile-source and stationary-source emissions from operation of Alternative B are provided in

Table ENV ANA-9. Detailed calculations of vehicle and area emissions are included in **Appendix AIR**.

As shown in

Table ENV ANA-9, operational emissions from stationary sources may exceed the minor NSR for NOx from an emergency generator, depending on the specific size and engine tier selected for the Project Site. Therefore, a Tribal NSR permit may be required. Alternative B would not result in stationary source emissions of any one pollutant in excess of the federal Class I Areas major source threshold of 250 tpy. BMPs in **Section 2.1.3** would minimize CAP emissions resulting from operation of Alternative B. Alternative B is protective of public health and safety (40 CFR § 1508.27 [b][2]) and compliant with mandates for operational vehicle and area emissions (40 CFR § 1508.27 [b][10]). With implementation of BMPs, Alternative B would not result in significant impacts associated with the regional air quality environment.

TABLE ENV ANA-9: OPERATIONAL EMISSIONS – ALTERNATIVE B

Sources	Criteria Pollutants (Tons per Year)					
	VOC	NOx	CO	SO ₂	PM ₁₀	PM _{2.5}
Stationary	0.07	0.41	0.32	0.09	0.06	0.03
Mobile	12.99	14.58	122.29	0.08	3.04	0.75
Total Emissions	12.99	14.58	122.29	0.09	3.04	0.75
<i>de minimis Level*</i>	N/A	100	N/A	N/A	N/A	N/A

Notes: N/A = Not Applicable; *de minimis* levels are not applicable due to attainment status.
Source: **Appendix AIR**.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Under Alternative C, the Project Site would be developed with no casino but include a convention center and hotel.

Construction Emissions

Construction of Alternative C would result in emissions of PM₁₀, NO_x, SO_x, carbon monoxide, VOCs, and HAPs (primarily in the form of DPM) from the use of construction equipment and grading activities. Construction is anticipated to begin after the land is taken into trust and last approximately 18 months. Construction is assumed to occur for eight hours a day, five days a week. The construction emission totals for Alternative C are shown in **Table ENV ANA 10**.

The Project Site is in a region classified as being in attainment for all CAPs; therefore, in accordance with 40 CFR Part 93, construction of Alternative C would not cause an exceedance of NAAQS. As a maintenance area it has a general conformity threshold of 100 tons per year. However, construction of Alternative C would produce diesel

particulate matter and fugitive dust (PM₁₀) that may impact the commercial uses immediately adjacent to the Project Site. BMPs identified in **Section 2.1.3** would minimize construction-related emissions of CAPs and reduce DPM emissions from construction equipment by approximately 85%, avoiding potentially adverse effects.

TABLE ENV ANA 10: CONSTRUCTION EMISSIONS – ALTERNATIVE C

Construction	Criteria Pollutants (tons)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction	3.05	4.46	13.72	0.01	0.29	0.26
Total Emissions	3.05	4.46	13.72	0.01	0.29	0.26
<i>de minimis Level</i>	N/A	100	N/A	N/A	N/A	N/A
Notes: N/A = Not Applicable. <i>De minimis</i> levels are not applicable because the project area is in attainment.						
Source: Appendix AIR .						

With the implementation of BMPs, construction of Alternative C would not result in significant adverse impacts associated with the regional air quality environment.

Operational Emissions

Buildout and operation of Alternative C would result in the generation of mobile emissions from patron, employee, and delivery vehicles, as well as stationary-source emissions from combustion of natural gas in stoves, heating units, and other equipment such as emergency generators. Estimated mobile-source and stationary-source emissions from operation of Alternative C are provided in

Table ENV ANA-11. Detailed calculations of vehicle and area emissions are included in **Appendix AIR**.

As shown in

Table ENV ANA-11, operational emissions from stationary sources may exceed the minor NSR for NO_x from an emergency generator depending on the specific size and engine tier selected for the Project Site. Therefore, a Tribal NSR permit may be required. Alternative C would not result in stationary source emissions of any one pollutant in excess of the federal Class I Areas major source threshold of 250 tpy. BMPs in **Section 2.1.3** would minimize CAP emissions resulting from operation of Alternative C. Alternative B is protective of public health and safety (40 CFR § 1508.27 [b][2]) and compliant with mandates for operational vehicle and area emissions (40 CFR § 1508.27 [b][10]). With implementation of BMPs, Alternative C would not result in significant impacts associated with the regional air quality environment.

TABLE ENV ANA-11: OPERATIONAL EMISSIONS – ALTERNATIVE C

Sources	Criteria Pollutants (Tons per Year)					
	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Stationary	0.07	0.41	0.32	0.09	0.06	0.03
Mobile	0.03	0.03	0.26	0.00	0.01	0.00
Total Emissions	0.07	0.41	0.32	0.09	0.06	0.03
<i>de minimis Level*</i>	N/A	100	N/A	N/A	N/A	N/A
Notes: N/A = Not Applicable; <i>de minimis</i> levels are not applicable due to attainment status.						
Source: Appendix AIR .						

ALTERNATIVE D – NO ACTION

Under Alternative D the Project Site would remain in its current undeveloped state. No impacts to air quality would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

Past, present, and future development projects contribute to a region's air quality conditions on a cumulative basis; therefore, by its very nature, air pollution is largely a cumulative impact. If the individual emissions of a project contribute toward exceedance of the NAAQS, then the cumulative impact on air quality would be significant. In developing attainment designations for criteria pollutants, the USEPA considers the regions past, present, and future emission levels. The Project Site and vicinity is in attainment for all criteria pollutants. The main source of CAP emissions from foreseeable development is mobile sources from automobiles, the generation of which will be reduced as fuel efficiency increases. As automobiles use less, or even run without gasoline, emissions of CAPs per mile will decrease.

Table ENV ANA-12 lists Alternative A's direct construction and area emissions and annual indirect operation emissions in MT of CO₂e (metric tons of carbon dioxide equivalent). Emissions resulting from Alternative A are primarily indirect (indirect mobile emissions from delivery, patron, and employee vehicles).

The federal government has enacted measures that would reduce emissions from mobile sources, some of which have been accounted for in the air quality model used to estimate mobile emissions. BMPs are included in **Section 2.1.3** to reduce project related emissions, such as reducing the idling of heavy equipment and thus CO₂ emissions. Operational BMPs would reduce indirect emissions from electricity use, water and wastewater transport, and waste transport through the installation of energy efficient lighting, heating and cooling systems, low-flow appliances, drought resistant landscaping, and recycling receptacles. Operational BMPs would also reduce indirect mobile emissions by requiring adequate ingress and egress to minimize vehicle idling and preferential parking for vanpools and carpools to reduce project-related trips.

Direct and indirect emissions are not substantial; however, project-related emissions have been quantified (

Table ENV ANA-12) and will be reduced with the implementation of BMPs provided in **Section 2.1.3**.

TABLE ENV ANA-12: CONSTRUCTION AND OPERATIONAL EMISSIONS – ALTERNATIVE A

Direct	Emissions (MT of CO₂e/year)
Construction	3,153
Stationary Sources	1,287
Indirect	Emissions (MT of CO₂e)
Mobile	38,535
Electricity Use	2,106
Water Conveyance/Wastewater Treatment	18.3
Solid Waste Disposal	87.3
Amortized Construction Emissions	158
Annual Operation Emissions	42,191

Notes: CO₂e = carbon dioxide equivalent; MT = metric tons.
 Source: **Appendix AIR.**

Additionally, implementation of BMPs would include measures such as: using clean fuel vehicles, implementing low-flow appliances and water reuse, installing energy efficient lighting and appliances, and promoting waste reduction and diversion. Therefore, Alternative A would have a less than significant impact associated with the reasonably foreseeable significant effect on the quality of the human environment.

Table ENV ANA-13 lists Alternative B’s direct construction and area emissions and annual indirect operation emissions in MT of CO₂e. Emissions resulting from Alternative B are primarily indirect (indirect mobile emissions from delivery, patron, and employee vehicles).

TABLE ENV ANA-13: CONSTRUCTION AND OPERATIONAL EMISSIONS – ALTERNATIVE B

Direct	Emissions (MT of CO₂e/year)
Construction	3,092
Stationary Sources	916
Indirect	Emissions (MT of CO₂e)
Mobile	15,929
Electricity Use	1,476
Water Conveyance/Wastewater Treatment	11.9
Solid Waste Disposal	59.9
Amortized Construction Emissions	154.6
Annual Operation Emissions	18,547
Notes: CO ₂ e = carbon dioxide equivalent; MT = metric tons.	
Source: Appendix AIR.	

Direct and indirect emissions are not substantial; however, project-related emissions have been quantified (

Table ENV ANA-13) and will be reduced with the implementation of BMPs provided in **Section 2.1.3**.

Additionally, implementation of BMPs listed in **Section 2.1.3**, such as using clean fuel vehicles, installing energy efficient appliances, and promoting waste reduction, is consistent with the effort to reduce reasonably foreseeable significant effect on the quality of the human environment. These strategies would include measures such as: using clean fuel vehicles, implementing low-flow appliances and water reuse, installing energy efficient lighting and appliances, and promoting waste reduction and diversion. Therefore, Alternative B would have a less than significant impact associated with the reasonably foreseeable significant effect on the quality of the human environment.

Table ENV ANA-14 lists Alternative C’s direct construction and area emissions and annual indirect operation emissions in MT of CO₂e. emissions resulting from Alternative C are primarily indirect (indirect mobile emissions from delivery, patron, and employee vehicles).

TABLE ENV ANA-14: CONSTRUCTION AND OPERATIONAL EMISSIONS – ALTERNATIVE C

Direct	Emissions (MT of CO ₂ e/year)
Construction	2,915
Stationary Sources	963
Indirect	Emissions (MT of CO ₂ e)
Mobile	34
Electricity Use	1,556
Water Conveyance/Wastewater Treatment	13.9
Solid Waste Disposal	35.1
Amortized Construction Emissions	146
Annual Operation Emissions	2,747
Notes: CO ₂ e = carbon dioxide equivalent; MT = metric tons.	
Source: Appendix AIR.	

Direct and indirect emissions are not substantial; however, project-related emissions have been quantified (**Table ENV ANA-14**) and will be reduced with the implementation of BMPs provided in **Section 2.1.3**.

Additionally, implementation of BMPs listed in **Section 2.1.3**, such as using clean fuel vehicles, installing energy efficient appliances, and promoting waste reduction contribute to the effort to reduce the reasonably foreseeable significant effect on the quality of the human environment. These strategies would include measures such as: using clean fuel vehicles, implementing low-flow appliances and water reuse, installing energy efficient lighting and appliances, and promoting waste reduction and diversion. Therefore, Alternative C would have a less than significant impact associated with reasonably foreseeable significant effect on the quality of the human environment.

ENV ANA.5 SOCIOECONOMIC CONDITIONS

ENV ANA.5.1.1 REGULATORY SETTING AND SOCIOECONOMIC CONDITIONS

The socioeconomics regulatory setting is summarized in **Table ENV ANA-15**, and additional information on the regulatory setting is provided in **Appendix REG**.

TABLE ENV ANA-15: REGULATORY POLICIES AND PLANS RELATED TO SOCIOECONOMIC CONDITIONS

Regulation	Description
Federal	
EO 14173	Ending Illegal Discrimination and Restoring Merit-Based Opportunity (2025). This EO directs federal agencies to eliminate race- and sex-based preferences in hiring, contracting, and policymaking. It revokes prior executive orders supporting affirmative action and mandates a shift toward merit-based practices grounded in individual aptitude and civil rights law.
Intergovernmental Agreements	
Tribe, Menominee Kenosha Gaming Authority and City of Kenosha	<ul style="list-style-type: none"> – Agreements that describe the financial commitments, charitable contributions and environmental regulations or standards applicable to the county and city of Kenosha. – Agreements not to enact or promulgate any environmental regulations or standards

Regulation	Description
Tribe, Menominee Kenosha Gaming Authority and Kenosha County	on the Federal Trust Land that has any effect outside the boundaries of the Federal Trust Land.

ENV ANA.5.1.2 ENVIRONMENTAL SETTING

This section describes the existing socioeconomic conditions of the Tribe, the Project Site, and surrounding regions. The general and site-specific profiles of socioeconomic conditions contained herein provide the environmental baseline by which direct, indirect, and reasonably foreseeable environmental effects are identified and measured.

Population and Demographics

The Project Site is in the City of Kenosha in Kenosha County, approximately 6 south of Racine County Wisconsin and 6 miles north of the Wisconsin/Illinois border. Lake County, Illinois is the neighboring county to the south. The Project Site is approximately 60 miles north of Chicago, Illinois and is approximately 35 miles south of Milwaukee, Wisconsin. The Project Site is within Kenosha County Census Tract 27. Demographic data for the three counties in the vicinity of the Project Site is presented in **Table ENV ANA-16**.

Employment

According to U.S. Census Bureau estimates, the unemployment rate in Wisconsin state was recently 3.6 percent. The Kenosha County unemployment rate was 6.4 percent, nearly three percentage points higher than the state of Wisconsin rate. The City of Kenosha unemployment rate was 6.8 percent. Employment data is listed in **Table ENV ANA-16**.

Housing

Based on the U.S. Census Bureau 2016-2020 American Community Survey (ACS) 5-Year Estimates, the City of Kenosha vacancy rate was 7.1 percent, and Kenosha County vacancy rate was 8.7 percent. There were approximately 6,160 vacant housing units in Kenosha County.

TABLE ENV ANA-16: SOCIOECONOMIC DATA

	Wisconsin State	Kenosha County	Racine County	Lake County, Illinois	City of Kenosha
Population					
Population July 1, 2020 ¹	5,806,975	168,998	195,859	699,682	99,767
Population April 1, 2010 ²	5,637,947	164,328	194,736	697,179	98,297
Population growth	2.9%	2.8%	0.6%	0.4%	1.5%
Employment³					
Employment	2,983,277	85,505	95,265	350,463	48,962
Unemployment rate	3.6%	6.4%	4.0%	5.3%	6.8%
Income³					
Median Household Income	\$63,293	\$66,595	\$62,556	\$92,654	\$56,113
Housing⁴					
Housing units	2,709,444	70,755	82,977	264,681	41,371

Vacant units	331,509	6,160	5,329	15,997	2,955
Vacancy rate	12.2%	8.7%	6.4%	6.0%	7.1%
1. U.S. Census Bureau, 2020a. 2. U.S. Census Bureau, 2010a. 3. U.S. Census Bureau, 2020b. 4. U.S. Census Bureau, 2020c.					

Property Taxes

The individual parcels that comprise the Project Site are listed in **Table ENV ANA-17**. Property taxes are not assessed on the parcels (**Appendix SOCIO**).

TABLE ENV ANA-17: PARCEL INFORMATION

Assessor's Parcel Number (APN)	Acreage
03-121-01-101-101	5.80
03-121-01-101-102	18.65
03-121-01-101-422	10.55
03-121-01-101-423	24.19
Total	59.19
Source: Kenosha County, 2023b.	

Community Infrastructure

Gaming

Alternative A would compete with gaming facilities within a 2-hour drive of the Project Site (**Appendix SOCIO**). These facilities include the Potawatomi Hotel & Casino, which is located approximately 35 miles north of the Project Site, in Milwaukee. The facility includes approximately 2,800 gaming positions and has 500 hotel rooms. The Ho-Chunk Gaming – Madison, which is located approximately 90 miles northwest, has approximately 1,300 gaming positions. Other casinos located in the general vicinity of the Project Site are listed in **Appendix SOCIO**.

Hotels

Due to the proximity of two major metropolitan areas, Chicago and Milwaukee, there are hundreds of hotels within an hour drive of the Project Site. The Chicago Business District has an estimated 43,881 hotel rooms in 135 hotels (Choose Chicago, 2023). The Greater Milwaukee Area has over 25,000 hotel rooms (Visit Milwaukee, 2023). There were approximately 1,200 hotel rooms in Kenosha County, as of 2019 (Milwaukee Business Times, 2019).

Schools

The Project Site is located close to the boundaries of two school districts: the Westosha Central High School District (which includes Paris J1 and Bristol 1 elementary school districts) and the Kenosha Unified School District (KUSD). Although the Project Site is located within the Westosha Central High School District, the population density within the boundaries of KUSD is much higher. Consequently, areas within KUSD boundaries house most of the workers who reside in commuting distance of the Project Site. KUSD is Wisconsin's third-largest school district, with a total enrollment of 19,381 students (Kenosha Unified School District, 2022).

Parks

The City of Kenosha Parks Department lists 64 parks, recreational areas and golf courses within the City limits.

Kenosha County offers more than 1,500 acres of recreational area.

ENV ANA.5.1.3 IMPACT ANALYSIS

Expenditures on goods and services (calculated from estimated costs for construction; investment in furniture, fixtures and equipment; various business and consulting fees; and pre-opening expenses) for construction and operational activities would generate substantial direct economic output, as well as indirect and induced economic output. Output is defined as the total value of all goods and services produced at the establishment or construction site. Direct output would result from money spent on activities for construction and operational activities of the project alternatives.

Indirect output would result from expenditures on goods and services by businesses that receive funds directly from the construction and operation of an alternative. Induced output would result from expenditures on goods and services by employees directly generated from construction and operation of an alternative. Indirect and induced output would be dispersed and distributed among a variety of different industries and businesses throughout the local economy.

To determine the potential effects associated with socioeconomic conditions, the economic effects of temporary construction and ongoing operational activities of each alternative were evaluated.

Because socioeconomic effects would be most pronounced in the vicinity of the Project Site, the scope of the analysis focuses on impacts to the sites and surrounding areas of Kenosha, Racine, and Lake Counties. Impacts from construction would be a one-time occurrence while those from operation would be generated continuously after opening. An adverse economic, fiscal, or social impact would occur if the effect of the alternative were to negatively alter the ability of governments to perform at existing levels or alter the ability of people to obtain public health and safety services.

ALTERNATIVE A – CASINO AND HOTEL

Economy and Employment

Alternative A would result in a variety of benefits to the regional economy, including residents of the City of Kenosha and Kenosha County. Effects of Alternative A would include increases in overall economic output, and employment opportunities. Construction and operation of Alternative A would generate temporary and ongoing employment opportunities and wages that would be primarily filled by the available labor force in Kenosha, Racine and Lake counties. An additional number of indirect and induced jobs would also be created with implementation of Alternative A.

Construction of Alternative A would stimulate the economy by creating approximately 975 full-time equivalent construction jobs for an 18-month period. The development cost is estimated at approximately \$360 million, including \$232.2 million for construction and \$104.5 million for construction payroll (**Appendix SOCIO**). Overall, construction of Alternative A would benefit the local economy.

Operation of Alternative A is anticipated to create 1,075 direct and permanent full-time equivalent employment opportunities (**Appendix SOCIO**). Of these, an estimated 399 positions would be filled by minority employees. The project would also create an estimated 640 new indirect and induced jobs in Kenosha County, for a total of 1,715 full-time equivalent jobs. The anticipated increase in employment opportunities within Kenosha County would result in employment and wages for persons currently unemployed and would also increase wages for those who are underemployed. This would contribute to the alleviation of poverty among lower income households. Alternative A would result in beneficial impacts to local employment.

A portion of revenues would facilitate the ability of the Tribe to satisfy its unmet needs by funding tribal governmental expenditures and providing important services to the Tribe's citizens. Overall, Alternative A would

have a beneficial impact to the Kenosha County economy. However, the impact would be less than significant, given the size of Alternative A in the context of the County's economic output.

Fiscal Impacts

Property Taxes

As stated above in **Section ENV ANA.5.2**, property taxes are not currently being assessed on the Project Site. Under Alternative A, the Project Site would continue to be exempt from property taxes. Consequently, Alternative A would have no impact on Project Site property taxes.

Law Enforcement Services

The Kenosha Police Department provides law enforcement services to the Project Site. The 2022 Budget for the City of Kenosha summarizes the projected revenues and expenses for the City's General Fund and other funds. Selected information from the City of Kenosha 2022 Budget is listed in **Table ENV ANA-18**.

Alternative A would result in an increased number of patrons and employees traveling and commuting to the Project Site. As a result, utilization of local law enforcement would increase. Estimated costs associated with law enforcement, as well as other local governmental services, are summarized in **Table ENV ANA-19**.

TABLE ENV ANA-18: CITY OF KENOSHA 2022 BUDGET – SELECT BUDGET ITEMS

Description	Amount
General Fund	
Public Safety	
Police Department	\$29,929,042
Fire Department	\$13,580,807
Joint Services Costs	\$4,173,836
City Inspections	\$1,370,860
Public Safety Total	\$49,054,545
Special Revenue Funds	
Emergency Medical Services	\$9,360,092
Capital Project Funds	
Fire Department	\$4,983,300
Police Department	\$333,000
Source: City of Kenosha, 2022a.	

TABLE ENV ANA-19: ESTIMATED IMPACTS ON LOCAL GOVERNMENT

Description	Amount Per Year
Police Department	\$1,045,700
Fire Department	\$780,600
Other Services	\$481,500
Total	\$2,307,800
Source: Appendix SOCIO .	

Fire and Emergency Medical Services

Fire and Emergency Medical Services (EMS) would be provided by the Kenosha Fire Department (KFD). The KFD

responded to over 11,674 calls for service during calendar year 2022 (KFD, 2022). Similar to law enforcement, Alternative A would result in an increase in KFD calls for service.

Compact Revenue Share and IGA Payments

As described in **Section 1.6.1**, the Tribe would withhold a portion of gaming Net Win, and remit it to the State of Wisconsin, pursuant to the Compact. As described in **Sections 1.6.2** and **1.6.3**, the Tribe would make additional payments pursuant to intergovernmental agreements with local agencies (IGAs), to compensate them for increased public services, including law enforcement, fire and EMS. Estimated payments pursuant the Compact and IGAs would exceed \$26.3 million per year under Alternative A (**Appendix SOCIO**). IGA payments would include 4 percent of Net Win that the Tribe would remit collectively to the City of Kenosha and Kenosha County. Total Net Win of Alternative A is estimated at approximately \$259 million during its first full year of operations (**Appendix SOCIO**). Consequently, Net Win-based IGA payments to the City of Kenosha and Kenosha County would be approximately \$10.4 million during the first full year of operations. The Tribe would make additional IGA payments to the City and County that are not based on Net Win (**Appendix IGA**).

Total

The entirety of the IGA payments described above would be dedicated for the provision of local governmental services (including additional law enforcement, fire and EMS). These payments would exceed the estimated impacts listed in **Table 19**. Consequently, direct fiscal impacts under Alternative A would be less than significant.

Indirect and Induced Fiscal Impacts

As described in **Appendix SOCIO**, both the construction and operation of Alternative A would create additional tax revenue for state and local governments. Sales and other tax revenue from indirect and induced output is estimated at approximately \$10.5 million per year, approximately 35 percent of which would be collected in Kenosha County. These are beneficial effects. However, these impacts would be relatively small on a percentage basis, in the context of the total City of Kenosha and Kenosha County budgets. Indirect and induced fiscal impacts would be less than significant.

Problem and Pathological Gambling

The American Psychiatric Association describes a person with a gambling disorder as someone who features a continuous loss of control over gambling. Furthermore, this gambler illustrates a progression in the following areas: gambling frequency and the amounts wagered, preoccupation with gambling, and obtaining monies with which to gamble (American Psychiatric Association, 2022).

Problem gambling prevalence is not anticipated to increase as a result of Alternative A because there are several other casinos currently located within the regional market. BMPs to address problem gambling would be implemented during the operation of the casino resort. These are described in **Section 2.1.3** and would reduce the incidence of problem gambling. For these reasons, impacts to problem gambling as a result of Alternative A would be less than significant.

Substitution Effects

Potential substitution effects (the loss of customers at existing businesses to the new business) of Alternative A on existing facilities is considered. The magnitude of the substitution effect can generally be expected to vary by how many and what type of other establishments are within the same market area, as well as other economic and psychological factors affecting the consumption decisions of local residents.

Gaming – Large Facilities

Alternative A operations would have a competitive impact on other gaming operations in the market area. These facilities are described below. Impacts to Wisconsin gaming facilities that are closest to Alternative A are

presented in **Table ENV ANA-20**.

TABLE ENV ANA-20: GAMING SUBSTITUTION EFFECTS – ALTERNATIVE A

	Year 1	Year 2	Year 3	Year 4	Year 5
Total Kenosha Revenue	\$258,890,000	\$267,260,000	\$276,250,000	\$284,540,000	\$293,080,000
Potawatomi Hotel & Casino	\$21,635,575	\$17,868,048	\$13,851,816	\$9,511,664	\$7,347,855
Ho-Chunk Gaming – Madison	\$649,067	\$357,361	\$69,259	\$0	\$0
New Revenue	\$236,605,358	\$249,034,591	\$262,328,925	\$275,028,336	\$285,732,145
SOURCE: Appendix SOCIO .					

Substitution effects are anticipated to decrease after the first year of operations because local residents would have experienced the casino and would gradually return to more typical and diverse spending patterns. Substitution effects also tend to diminish after the first full year of operations because, over time, growth in the total population and economic growth tend to increase the dollar value of demand for particular goods and services.

Substitution effects resulting from Alternative A to competing gaming facility revenues are not expected to significantly impact these facilities or cause their closure. The impacts would be expected to occur and peak within the first 12 months of operation of the casino resort, after which time organic growth at the existing market casinos would be expected to resume. No physical environmental effects would occur. As upheld by the United States District Court for the Eastern District of California, “competition... is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on” a tribe (Citizens for a Better Way, et al. v. United States Department of the Interior, E.D. Cal., 2015). For these reasons, under Alternative A, gaming substitution effects would be less than significant.

Gaming – Card Rooms

In addition to large gaming venues, Illinois allows for smaller gaming facilities with up to six video lottery machines and card tables. There are more than twenty smaller gaming facilities (card rooms) just south of the Illinois border, in the general vicinity of the Project Site. Because card rooms appeal to patrons who prefer smaller venues, and because they are located in a market where large casinos already exist, substitution effects to local card rooms would be less than significant.

Hotels

Casino patrons typically represent 80 to 90 percent of guests at a hotel that is part of a casino resort. The hotel element of Alternative A would primarily cater to these casino patrons and is not intended to compete with existing area hotels. However, some level of substitution effects would occur. Substitution effects to all local area businesses (including hotels) is estimated at \$2.1 million during the first full year of Alternative A operations (**Appendix SOCIO**). Assuming that approximately half of these substitution effects are related to hotel activity implies that hotel substitution effects would be approximately \$1 million. As described above, the greater Milwaukee hotel market consists of over 25,000 rooms, and there were approximately 1,200 hotel rooms in Kenosha County as of 2019. Assuming an average daily room rate of \$100 and 50 percent occupancy, county-wide hotel revenue is estimated at \$22 million per year. Consequently, substitution effects to Kenosha County hotels are estimated at approximately 5 percent. Further, as discussed above under Gaming – Large Facilities, competition in itself is not a detrimental effect. For these reasons, this would be a less than significant effect.

Housing

There were approximately 6,160 vacant housing units in Kenosha as of 2020 (**Table 16**). It is anticipated the majority of Alternative A employees would be persons currently residing in Kenosha County who are either unemployed or underemployed. It is estimated that the amount of new housing demand due to employees relocating to Kenosha County would be approximately 190 units (**Appendix SOCIO**). This is a small amount of demand in the context of the existing housing stock and the 6,160 vacant housing units. Impacts to housing availability would be less than significant.

Schools

It is estimated that Alternative A would stimulate the in-migration of approximately 86 K-12 students (**Appendix SOCIO**). Kenosha County K-12 public schools have a total enrollment of 18,870 students. The total impact equates to 0.5 percent of the student population. In terms of fiscal effects, the additional costs of providing schooling to the estimated 86 new students would be funded by increased local taxes generated by the workers employed at Alternative A. For these reasons, impacts to schools would be less than significant.

Parks and Libraries

Due to the limited number of employees expected to relocate due to Alternative A, it is expected that there will be a negligible change in the utilization of parks and libraries. Impacts would be less than significant.

Unemployment

Alternative A is anticipated to result in 975 new one-time construction jobs and 1,075 new direct permanent employment positions for local residents for the operation of the facility (**Appendix SOCIO**). Most of these employment positions would be filled by persons who are either unemployed or underemployed.

ALTERNATIVE B – REDUCED INTENSITY GAMING ALTERNATIVE

This section analyzes the potential for Alternative B to generate a significant environmental impact. The regulatory setting, environmental setting, and significance criteria under Alternative B are the same as Alternative A.

Economy and Employment

Alternative B is smaller in scope than Alternative A, both in terms of the size of the casino and other amenities (**Section 2.0**). For example, the Alternative B gaming floor area is about half of that of Alternative A. Consequently, the number of Alternative B employees and economic output would be lower, in comparison with Alternative A. Similar to Alternative A, employment and economic impacts would be beneficial.

Fiscal Impacts

Property Taxes

As described above in **Section ENV ANA.5.2**, property taxes are not being assessed on the Project Site parcels. Under Alternative B, the Project Site would continue to be exempt from property taxes. Consequently, Alternative B would have no impact on Project Site property taxes.

Law Enforcement Services, Fire, and Emergency Medical Services (EMS)

As described above in the Alternative A analysis, impacts to law enforcement, fire and EMS would be proportional to casino patronage. Gaming patronage would vary in proportion to casino size, and consequently, Alternative B patronage would be approximately half of Alternative A patronage. Utilization of law enforcement, fire and EMS, as well as the related costs, would also be approximately half of those under Alternative A.

Compact Revenue Share

As described in **Section 1.6.1**, the Tribe withholds a portion of gaming Net Win, and remits it to the state of

Wisconsin, pursuant to the Compact. The Tribe will also remit further payments to the City of Kenosha and Kenosha County, pursuant to IGAs.

Total

Payments under the Compact would vary roughly in proportion to the amount of gaming Net Win. Similar to Alternative A, payments pursuant to the Compact and the IGAs would exceed the costs of providing additional law enforcement, fire, EMS and other services; but the net amount (Compact and IGA payments less costs) would be less than under Alternative A. Consequently, direct fiscal impacts under Alternative B would be less than significant.

Indirect and Induced Fiscal Impacts

Indirect and induced fiscal impacts would be similar to those under Alternative A, but of a lesser amount. Because these impacts are relatively small in the context of the total Kenosha County budget, these impacts would be less than significant.

Problem and Pathological Gambling

Potential impacts from problem and pathological gambling would be less under Alternative B, in comparison with Alternative A. Consistent with Alternative A, impacts to problem gambling would be less than significant.

Substitution Effects

As described above, the gaming element of Alternative B is approximately half the size of the Alternative A casino. Consequently, the gaming substitution effects of Alternative B would be approximately half of the Alternative A substitution effects. The Alternative A and Alternative B hotel elements are both 150 rooms. Thus, Alternative B substitution effects to local hotels would be approximately the same as those under Alternative A. No physical environmental effects would occur. Consistent with Alternative A, substitution effects on casinos, hotels and other businesses would be less than significant.

Housing

Housing impacts would be similar to those under Alternative A, but lesser in scope. Because the local area has sufficient vacant housing to serve the new employees, Alternative B would have a less than significant effect on the availability of housing.

Schools, Parks and Libraries

Similar to Alternative A, in-migration of new workers to staff Alternative B jobs would be moderate. Impacts would be similar to those under Alternative A, but approximately half the size. Impacts to schools, parks and libraries would be less than significant.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

This section analyzes the potential for Alternative C to generate a significant environmental impact. The regulatory setting, environmental setting, and significance criteria under Alternative C are the same as Alternative A.

Economy and Employment

Alternative C is much smaller in scope than Alternatives A and B, both in terms of the number of employees and economic output. Assuming an occupancy rate of approximately 50 percent for its 150 hotel rooms, Alternative C would accommodate approximately 27,000 guests annually. Alternative C would result in a less than significant impact on jobs and local economic activity.

Fiscal Impacts

Property Taxes

As described above in **Section ENV ANA.5.2**, property taxes are not being assessed on the Project Site parcels. Under Alternative C, the Project Site would continue to be exempt from property taxes. Consequently, Alternative C would have no impact on Project Site property taxes.

Law Enforcement Services, Fire and Emergency Medical Services (EMS)

Because Alternative C would draw a fraction of the patrons as compared to Alternatives A and B, impacts to law enforcement would be substantially smaller. Also, Alternative C is similar in scope to other existing hotels. For these reasons, impacts to law enforcement, fire and EMS would be less than significant.

Indirect and Induced Fiscal Impacts

Indirect and induced fiscal impacts would be much less than under Alternative A. Because these impacts would be very small on a percentage basis, in the context of the total Kenosha County budget, impacts would be less than significant.

Substitution Effects

Because Alternative C does not include a casino, there would be no substitution effects to competing gaming facilities. Substitution effects to local hotels under Alternative C would be greater than those under Alternative A or B, because gaming customers would not patronize the hotel. Rather, Alternative C hotel patrons would be sourced from the pool of customers who visit other local hotels. As described above, the greater Milwaukee hotel market consists of over 25,000 rooms, and there were approximately 1,200 hotel rooms in Kenosha County as of 2019. Substitution effects to Kenosha County hotels are estimated at approximately 150 divided by 1,200 or 12.5 percent during the first full year of operations. The impacts would be expected to occur and peak within the first 12 months of operation of the hotel, after which time organic growth at the existing hotels would be expected to resume. No physical environmental effects would occur. Impacts would be less than significant effect.

Housing

Because Alternative C would employ far fewer workers than Alternative A, in-migration of new workers to staff Alternative C jobs would be very limited. Housing impacts would be much less than under Alternative A. Alternative C would have a less than significant effect on the availability of housing.

Schools, Parks and Libraries

Because Alternative C would employ far fewer workers than Alternative A, in-migration of new workers to staff Alternative C jobs would be very limited. Impacts to schools, parks and libraries would be less than significant.

ALTERNATIVE D – NO ACTION

Under Alternative D, the Project Site would remain in its current undeveloped state. No impacts to socioeconomic conditions would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

The project alternatives would introduce new economic activity to Kenosha County, which is a beneficial effect to the region. When considered with the buildout of the City of Kenosha and the Kenosha County Comprehensive Plans, the project alternatives may contribute towards socioeconomic effects including impacts to the local labor market, housing availability, increased costs due to problem gambling, and impacts to local government. Construction and operation of a casino and hotel (Alternatives A and B) or a hotel (Alternative C) would generate employment and increase income in the local community. The project alternatives, when considered in combination with other projects, would not lead to a significant adverse reasonably foreseeable impact to socioeconomic conditions.

Under Alternative D, no reasonably foreseeable impacts would result.

ENV ANA.6 LAND USE

ENV ANA.6.1.1 REGULATORY SETTING

The land use regulatory setting is summarized in **Table ENV ANA-21**, and additional information on the regulatory setting is provided in **Appendix REG**.

TABLE ENV ANA-21. REGULATORY POLICIES AND PLANS RELATED TO LAND USE

Regulation	Description
Federal	
Farmland Protection Policy Act	<ul style="list-style-type: none"> – Minimize the impacts that federal programs have on the conversion of farmland. – The NRCS identifies significant farmland for preservation.
Federal Aviation Regulations (FARs)	<ul style="list-style-type: none"> – Rules prescribed by the Federal Aviation Administration (FAA) governing all aviation activities in the United States. FARs comprise Title 14 of the Code of Federal Regulations (14 CFR)
State	
Wisconsin Statute Chapter 91 - Farmland Preservation	<ul style="list-style-type: none"> – Outlines requirements for farmland preservation planning, zoning and agreements within the State of Wisconsin. Outlines requirements for Counties to have farmland preservation plans. – Outlines requirements for establishing Agricultural Enterprise Areas
Local	
Comprehensive Plan for the City of Kenosha: 2035	<ul style="list-style-type: none"> – A comprehensive plan for the City, providing regional context, examining existing circumstances and providing planning recommendations.
City of Kenosha Zoning Ordinance	<ul style="list-style-type: none"> – Provides regulations for land use zoning and development within the City of Kenosha. Detail regarding Zoning Districts is in Section 3.0 of the Ordinance.
Bristol Neighborhood Plan 2015	<ul style="list-style-type: none"> – A plan serving as the primary public policy document for the area. It is intended to be used to provide guidance from the City about how future development in the neighborhood should occur. – Includes design guidelines.
Kenosha Farmland Preservation Plan	<ul style="list-style-type: none"> – A long-range guide intended to conserve natural and agricultural resources.
Intergovernmental Agreements	
Tribe, Menominee Kenosha Gaming Authority and City of Kenosha	<ul style="list-style-type: none"> – Agreements that describe the financial commitments, charitable contributions and environmental regulations or standards applicable to the county and city of Kenosha.
Tribe, Menominee Kenosha Gaming Authority and Kenosha County	<ul style="list-style-type: none"> – Agreements not to enact or promulgate any environmental regulations or standards on the Federal Trust Land that has any effect outside the boundaries of the Federal Trust Land.

ENV ANA.6.1.2 ENVIRONMENTAL SETTING

The Project Site lies to the west of I-94, within the jurisdiction of the City of Kenosha. Historically, the Project Site was located within the jurisdiction of the Town (now Village) of Bristol. It was incorporated into the City as part of an initial attachment through the enactment of a Cooperative Boundary Plan (CoK&ToB, 2000). This plan allows for gradual urban growth, where over the course of 30 years, land within the specified growth area is assimilated by the City of Kenosha.

Due to its location on the western edge of the City, the Project Site is adjacent to parcels from several other

jurisdictions. To the north are parcels which are part of the Town of Paris, and to the east are parcels which are part of the Town of Somers (Kenosha County, 2023). One isolated parcel to the west is within the jurisdiction of the Village of Bristol (Kenosha County, 2023; **Figure ENV ANA-1**). As Kenosha County administers zoning jurisdiction responsibilities for both the Town of Paris, and the Village of Somers, Kenosha County is also a neighbor to the Project Site (Kenosha County, n.d; **Figure ENV ANA-1**).

The following sections describe existing local jurisdiction conditions. After Fee to Trust implementation land use regulations will change.

Existing Land Use and Zoning

Land uses on the Project Site are a combination of agricultural, undeveloped grassland, and relatively small patches of woodlands. There is a graded gravel lot in the southeastern corner of APN 03-121-01-101-423, which was used as a staging area for construction of West Frontage Road. Based on historic aerial photography, the site has been used for agricultural purposes since at least 1937 (**Appendix HAZMAT**). The City of Kenosha 2035 Comprehensive Land Use Plan map classifies the Project Site as a commercial land use (City of Kenosha, 2023). The site is also located within the City of Kenosha Bristol Neighborhood Plan, in which the Project Site area is classified as being “Regional Commercial” (City of Kenosha, 2020).

Zoning on the Project Site is a mix of “A-2 Agricultural Land Holding District” and “B-2 Community Business District” (**Figure ENV ANA-1**). Three of the parcels are zoned A-2 and one parcel (APN 03-121-01-101-102) is zoned B-2). The purpose of the A-2 Agricultural Land Holding District is to maintain for a period of time those agricultural lands where urban expansion is proposed to take place in the future. It is intended that comprehensive land use plans be prepared for these areas to guide future non-agricultural developments (City of Kenosha, 2021). Permitted uses are any uses permitted in the A-1 General Agricultural District, which include various agricultural activities, low density residential and some ancillary uses. Conditional uses include certain commercial activities. The zone A-2 building height limitation is the same as that for zone A-1, which is 35 feet for residential and 100 feet for farm buildings.

The purpose of the B-2 zoning district is to provide for a wider range of commercial uses and sizes than is provided for by Zone B-1 (City of Kenosha, 2021). B-2 zoning district permitted uses include hotels, convenience retail and service stores, general merchandise, home improvement and gardening supply and similar retail and services. Hotels are classified as a conditional use in this zone. The zone B-2 building height limitation is 50 feet, except for communication towers, radio/television/relay towers and antennas, which may be higher (City of Kenosha, 2021).

Predominant land uses within the vicinity of the Project Site include industrial, agricultural, commercial, residential, government, healthcare and institutional (**Table 22**). Directly to the south of the Project Site is Children’s Wisconsin - Kenosha Clinic The hospital parcel is zoned commercial by both the City of Kenosha, and the Bristol Neighborhood plan (City of Kenosha, 2015a; 2023a). This medical center provides urgent care and pediatric specialties (Children’s Wisconsin, 2023).

Existing zoning in the vicinity of the Project Site includes agricultural, community business, and light manufacturing (**Table 23**).

TABLE ENV ANA-22: EXISTING LAND USE IN THE VICINITY OF THE PROJECT SITE

	Land Use	Source
North (across road)	Industrial; Government and Institutional; Wetland	City of Kenosha Comprehensive Plan
	Commercial	County of Kenosha Comprehensive Plan (Future)
	Residential, Mostly undeveloped	Observed from aerials/other sources

	Land Use	Source
East (across Highway)	Commercial; Primary Environmental Corridor, Medium Density Residential	City of Kenosha Comprehensive Plan
	Commercial; Primary Environmental Corridor	County of Kenosha Comprehensive Plan (Future)
	Commercial	Observed from aerials/other sources
South	Surface Water; Commercial	City of Kenosha Comprehensive Plan
	Surface Water; Commercial	County of Kenosha Comprehensive Plan (Future)
	Open Water; Public Health (Children’s Wisconsin -Kenosha Clinic	Observed from aerials/other sources
West	Industrial, Government and Institutional	City of Kenosha Comprehensive Plan
	High Density Residential	County of Kenosha Comprehensive Plan (Future)
	Residential	Village of Bristol
	Primarily Open field/ agriculture/ undeveloped. Minor commercial (Kutzler Express).	Observed from aerials/other sources
Center (Parcel in between project site)	Commercial	City of Kenosha Comprehensive Plan
	Commercial	County of Kenosha Comprehensive Plan (Future)
	Industrial (Architectural Salvage)	Observed from aerials/other sources

Source: City of Kenosha, 2023; Kenosha County, 2019; Village of Bristol, 2022

TABLE ENV ANA-23: EXISTING ZONING IN THE VICINITY OF THE PROJECT SITE

	Zoning	Jurisdiction
North	A-2 General Agricultural District	Kenosha County
	A-2 Agricultural Land Holding District; C-2 Lowland Resource Conservancy; M-1 Light Manufacturing	City of Kenosha
East (across Highway)	B-2 Community Business; C-1 Upland Resource Conservancy; C-2 Lowland Resource Conservancy; FW Floodway	City of Kenosha
	B-3 Highway Business District; C-2 Upland Resource Conservancy District; R-12 Mobile Home/Manufactured Home Park-Subdivision District	County of Kenosha
South	B-2 Community Business	City of Kenosha
West	IP Institutional Park	City of Kenosha
	A-2 General Agricultural	Village of Bristol
Parcel in between project parcels	B-2 Community Business	City of Kenosha

Source: Figure 8ENV ANA-1.

Airport

The Project Site is located within Air-4 Airport Overlay District Overflight (Air-4), because the Kenosha Regional Airport is located approximately 0.6 miles to the northeast. The Overlay District maintains additional requirements to those found in the underlying zoning. Section 13 of the City of Kenosha Zoning Ordinance requires that developments not exceed the height limitation of the underlying zone district, and also not exceed the height limitation imposed by the Height Limitation Zoning map (City of Kenosha, 2023) (**Figure ENV ANA-2**), and a review of the Site Plan is required.

The Federal Aviation Administration (FAA) has Federal jurisdiction regarding certain construction activities in the vicinity of airports. Pursuant to Title 14 CFR Part 77.29, if FAA review is warranted, it will assess factors including the impact on arrivals and departure procedures, the impact on planned and existing airports, the impact of development, the impact on launch and reentry vehicles, and other relevant factors relating to the safe and effective use of airspace. The FAA maintains a notice criteria tool to assess whether filing with the FAA is required. Preliminary completion of the FAA criteria tool indicates that FAA Form 7460-1, Notice of Proposed Construction or Alteration should be filed (FAA, 2023). Form 7460-1 should be filed at least 45 days before the start of construction or the date an application for construction permit is filed, whichever is earliest. Depending on the results of its review, the FAA may require that an aeronautical study be completed. A favorable FAA determination would be required prior to construction.

Agriculture

The Farmland Protection Policy Act (FPPA) is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to the Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland to nonagricultural use. The NRCS is responsible for the implementation of the FPPA and categorizing farmland. The NRCS identifies significant farmland areas for preservation through a land evaluation and site assessment (LESA) system to establish a Farmland Conversion Impact Rating (FCIR) score. The FPPA point total is based on several factors, including the type of farmland converted, the amount of farmland converted, and the potential for the conversion to impact to the agricultural land uses and infrastructure.

According to the NRCS, the majority of the Project Site is designated as prime farmland (approximately 59 percent) and prime farmland if drained (approximately 40 percent) (NRCS, 2023) (**Appendix LAND RES**). However, per CFR Title 7 §658.2, the definition of “farmland” does not include land already in or committed to urban development. As described above, the City’s Comprehensive Land Use Plan map classifies the four parcels as Agricultural Land Holding or Community Business use. Furthermore, lands identified as Urban Area (UA) on the Census Bureau Map are considered to already be in urban development. According to the USDA (U.S. Department of Agriculture), this Project is exempt because the entire Project Site falls within the Urban Census Area (**Appendix FCIR**).

ENV ANA.6.1.3 IMPACT ANALYSIS

The Project would entail the transfer of the Project Site into federal trust status for the benefit of the Tribe, thereby removing the property from City and County land use jurisdiction. Only federal and tribal land use regulations as well as the IGA with the City of Kenosha and the County of Kenosha pertaining to land use would apply to the Project Site once the land is taken into trust. Accordingly, the following discusses impacts to land use that could occur if a project alternative is incompatible with land use and airport requirements in Appendix C of the IGA, FAA requirements, or results in conversion of prime or unique farmland. Incompatibilities with local regulations are disclosed for informational purposes only.

ALTERNATIVE A – CASINO AND HOTEL

Land Use and Zoning

Under Alternative A, the Project Site would be taken into federal trust and developed with a 150-room hotel, parking lot, casino, convention space, a Hard Rock Live, and associated infrastructure and amenities.

As described above, Alternative A includes amusement facilities, restaurants, a hotel and fitness center, and thus would be compatible with the intended uses of the zoning designations of the Project Site. Alternative A would also be consistent with the land uses permitted within the City of Kenosha land use designations.

Zoning and land uses of parcels located adjacent to the Project Site are under the jurisdiction of the Village of Bristol, Kenosha County, and the City of Kenosha and include Agricultural, Commercial, Residential, Upland and Lowland Resource Conservancies, Floodway, and Light Manufacturing. Three of the four parcels comprising the Project Site would be converted to a commercial use. However, Alternative A would not preclude these surrounding parcels from being utilized in a manner consistent with their existing uses and designated zoning. Once the Project Site is brought into federal trust, local land use goals and ordinances would no longer apply. Instead land use regulations of the IGAs, describing Chapter 594 Kenosha Trust Lands, Article 1, of the Menominee Indian Tribe Ordinances would apply. Alternative A would be generally consistent with the land uses permitted within each relevant land use and zoning document. The Project would be compatible with permitted uses established in the IGAs. Therefore, Alternative A would have a less than significant impact with regard to existing land use and zoning provisions.

Airport Compatibility

As described above, the Project Site is located within Air-4 Airport Overlay District Overflight. The City of Kenosha Zoning Ordinance describes requirements for developments located within Air-4. Implementation of Alternative A would be consistent with the Zoning Ordinance. In addition, it would be consistent with the IGAs, for the following reasons:

Height Limitations

Height limitations listed on the Airport Height Limitation Map vary between 780-828 feet above mean sea level (amsl) (**Figure ENV ANA-2**). The hotel tower is the tallest part of the Proposed Project and would be located in the southern portion of the Project Site. The maximum height of the proposed hotel tower would not exceed a height of 75 feet (**Appendix IGA**). The proposed project would not exceed the 810 feet amsl airport height restriction defined by the FAA at this location (**Figure ENV ANA-2**). Based on these estimates, Alternative A would therefore be consistent with the AIR-4 overlay, FARs, and the IGA.

Emissions

The operation of Alternative A would result in air emissions that are consistent with typical commercial operations and would also result in auto emissions. Therefore, it will not result in particular airborne substances that would impair visibility or interfere with aircraft. It will also not produce electrical or magnetic emissions which would interfere with aircraft communication or navigation systems. Alternative A would be a new source of light and glare, but these would be similar to typical commercial operations near airports.

Wildlife

Alternative A does include three detention basins that could attract wildlife – most notably birds. It is expected that most wildlife would find the Project Site to be less attractive after development.

Flammable or Combustible Material

Alternative A does not include the manufacture of flammable or combustible substances.

Section XIII of the City of Kenosha Zoning Ordinance states that City site plan review is required prior to the issuance of certain building permits for projects located in Airport Overlay Districts. As described above, Alternative A would not be subject to local land use policies once the project site is taken into federal trust; ordinances per the IGAs would then be applicable. Alternative A would be developed in such a way that it is compatible with the existing local land use and zoning designations as set forth in the City of Kenosha Zoning Ordinance and the IGAs. Building and construction plans would be made available to Kenosha Regional Airport for review prior to construction.

Airport Compatibility Conclusions

As described above, the FAA maintains a notice criteria tool to assess whether filing with the FAA is required. Preliminary completion of the FAA criteria tool indicates that FAA Form 7460-1, Notice of Proposed Construction or Alteration should be filed (FAA, 2023). Form 7460-1 should be filed at least 45 days before the start of construction or the date an application for construction permit is filed, whichever is earliest. A favorable FAA determination would be required prior to construction.

The Proposed Project will not exceed the height limitations imposed by the City of Kenosha (**Figure ENV ANA-2**). Furthermore, the development will not produce any sort of emission which will interfere with aircraft, would not attract wildlife, and would not manufacture flammable materials. Therefore, Alternative A would be consistent with the Airport Overlay District Overflight (Air-4) zone as well as the IGAs and FARs. Alternative A would be consistent with FAA regulations. Airport impacts would be less than significant.

Agriculture

The NRCS is responsible for implementing FPPA, and utilizes a Farmland Conversion Impact Rating (FCIR) form to identify significant farmland areas for preservation. The FCIR form has two components: land evaluation, which rates soil quality, and the site assessment, which measures other factors that affect the farm's viability.

While land would be converted from agricultural to non-agricultural use according to the local land use designations, the land is exempt from FPPA because it is considered to be in an Urban Census Area. Therefore, the FCIR form is not needed. Impacts on agriculture and farmland would be less than significant.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Under Alternative B, the Project Site would be taken into federal trust and developed with a 150-room hotel, parking lot, casino, and associated infrastructure and amenities. The development would be similar to Alternative A, but of smaller scope. Three of the four parcels comprising the Project Site would be converted to a commercial use. However, as discussed above, development of a casino, hotel and associated infrastructure would not preclude these surrounding parcels from being utilized in a manner consistent with their existing uses and designated zoning. Alternative B would follow similar design standards as Alternative A, which are generally consistent with local zoning standards. Impact to agriculture would be similar to those under Alternative A. Consequently, Alternative B would not exceed the height requirements of the Airport Overlay District Overflight (Air-4) zone as well as the IGAs and FARs. For these reasons, impacts to zoning, agriculture and the airport would be less than significant.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Under Alternative C, the Project Site would be taken into federal trust and developed with a 150-room hotel, parking lot, convention/exhibition space, and associated infrastructure. The development would be of a substantially smaller scope than Alternative A. Three of the four parcels comprising the Project Site would be converted to a commercial use. However, as discussed above, development of a hotel would not preclude these surrounding parcels from being utilized in a manner consistent with their existing uses and designated zoning.

Impact to agriculture would be similar to those under Alternative A. Consequently, Alternative C would not exceed the height requirements of the Airport Overlay District Overflight (Air-4) zone as well as the IGAs and FARs. For these reasons, impacts to zoning, agriculture and the airport would be less than significant.

ALTERNATIVE D – NO ACTION

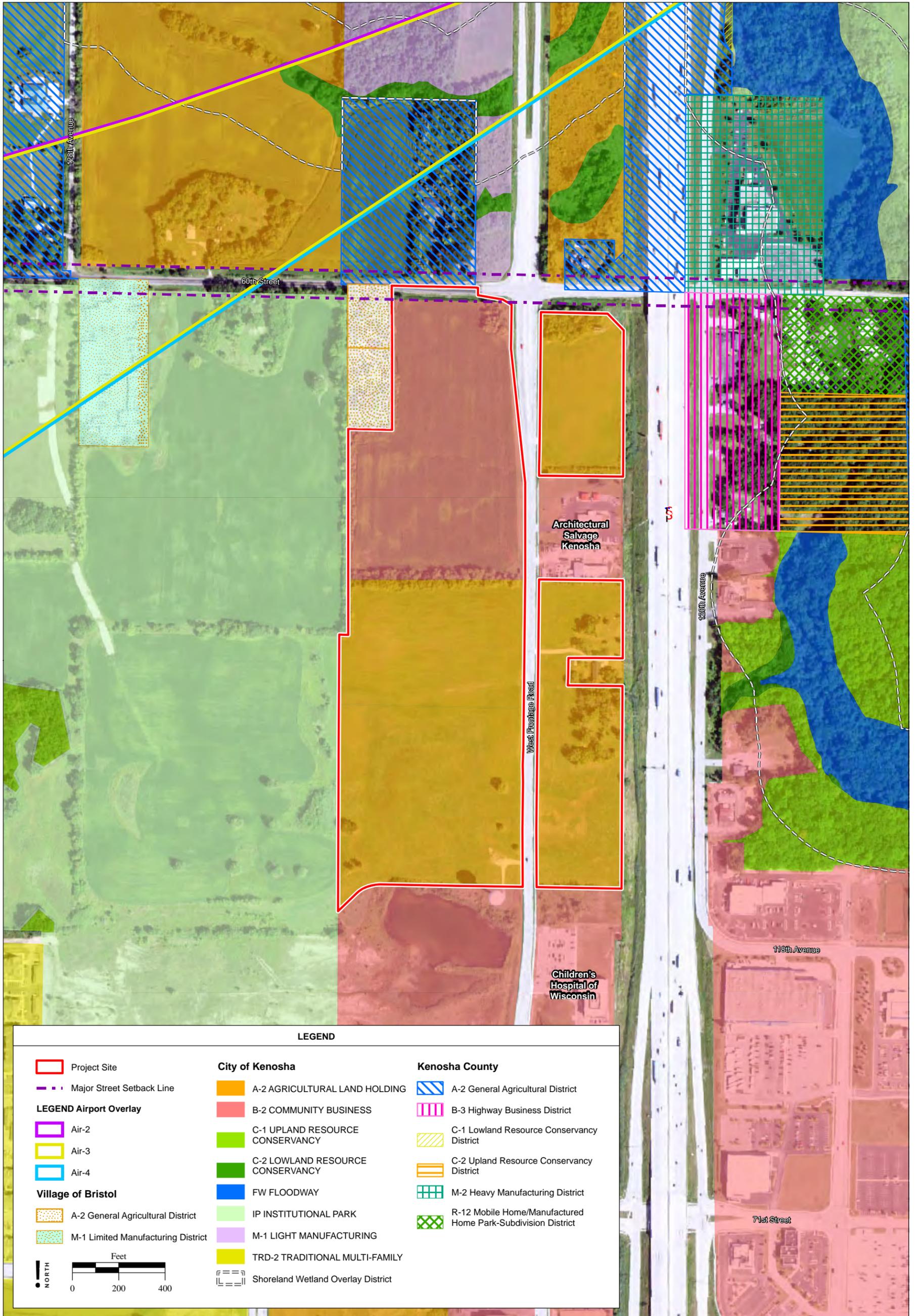
Under Alternative D the Project Site would remain in its current undeveloped state. No impacts to land use would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

As discussed above, while the project alternatives would not be subject to local land use policies, each would be developed in such a way that it is compatible with the existing local land use and zoning designations as set forth in the City of Kenosha Zoning Ordinance, the Comprehensive Plan for the City of Kenosha: 2035 as well as the IGAs. As outlined in **Table 4**, there is a relatively small number of known planned developments in the vicinity of the Project Site. Alternatives A, B and C would not preclude land around the Project Site being utilized consistent with nearby zoning and land use designations, would not prohibit access to parcels, and would not conflict with neighboring land uses. Alternatives A, B and C would adhere to airport land use compatibility plans associated with the Kenosha Airport and would therefore not conflict with safety measures such as height limitations. Other nearby projects in the region would be required to abide by local zoning and land use requirements. Project alternatives would not result in reasonably foreseeable significant impacts with respect to land use and zoning.

Project Site zoning anticipates that the land on the affected parcels will be used for non-agricultural purposes in the future. The Project Site, as well as those sites that comprise the nearby projects listed in **Table 4**, comprise an extremely small portion of farmland in Kenosha County, and the State of Wisconsin. Therefore, Alternatives A, B, and C would not contribute to reasonably foreseeable significant adverse effects to agricultural lands.

Certain development projects listed in **Table 4** are in the vicinity of the Airport and therefore would be subject to the airport elements of the City of Kenosha Zoning Ordinance, and may also be subject to FAA review. Both of these agencies would review the projects' potential for airport impacts. No significant reasonably foreseeable airport impacts would occur.



ENV ANA.7 NOISE

ENV ANA.7.1.1 REGULATORY SETTING

The noise regulatory setting is summarized in **Table ENV ANA-24**, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE ENV ANA-24: REGULATORY POLICIES AND PLANS RELATED TO NOISE

Regulation	Description
Federal	
Federal Highway Administration (FHWA) Construction Noise Thresholds ¹	<ul style="list-style-type: none"> – Noise sensitive locations: 75 dBA (A-weighted decibels) or Baseline + 5 (whichever is louder) – Commercial Areas: 80 dBA or Baseline +5 – Industrial areas: (Daytime) 85 dBA Leq (equivalent sound level) or Baseline + 5 dBA Leq
Noise Abatement Criteria (NAC) ²	<ul style="list-style-type: none"> – Applicable to traffic and other project-related noise sources – 23 CFR 772: Hospitals threshold 52 dBA Leq (Interior), 67 dBA (Exterior) – 23 CFR 772: Park and residential areas threshold: 67 dBA Leq (Exterior) – 23 CFR 772: Developed areas threshold: 72 dBA Leq (Exterior)
Vibration Standards ³	<ul style="list-style-type: none"> – Construction vibration damage criteria for structures of reinforced concrete, steel, or timber (no plaster) is 0.5 Peak Particle Velocity (PPV). – Vibration Category 1- High Sensitivity: vibration-sensitive research and manufacturing, hospitals with vibration-sensitive equipment, and university research operations. The Ground Borne Vibration (GBV) Impact criteria for frequent, occasional, and infrequent events is 65 VdB (vibration decibels). – Vibration category 2- Residential: Encompasses all residential land uses and any buildings where people sleep, such as hotels and hospitals. The Ground Borne Vibration (GBV) Impact criteria for frequent, occasional, and infrequent events is 72, 75, and 80, respectively.
Local	
City of Kenosha Municipal Code of General Ordinances, 2015 ⁴	<ul style="list-style-type: none"> – Prohibits sound levels in areas zoned for business at 70 dBA at any time of day. – Prohibits sound levels in Agriculturally zoned areas to 60 dBA from the hours of 7:00 A.M. to 10:00 P.M. – Day time criteria outlined in §23.6 above shall not apply to construction sites, public utilities, and public works projects and operations during the daytime hours of Monday through Saturday, inclusive provided however that noise production shall be minimized through proper equipment operation and maintenance. – Powered Motor vehicle operation that creates a noise disturbance across a residential real property boundary, in a public space, or within a sensitive noise zone between the hours of 9:00 P.M and 7:00 A.M is prohibited.
SOURCE: ¹ FHWA, 2006; ² FHWA, 2018; ³ Federal Transit Administration (FTA), 2018, ⁴ City of Kenosha, 2015 ⁴ .	

ENV ANA.7.1.2 ENVIRONMENTAL SETTING

Dominant noise sources in the vicinity of the Project Site consist of traffic along I-94 (also known as Wisconsin Veterans Memorial Highway), and 122nd Avenue (also known as West Frontage Road), 60th Street, as well as adjacent commercial uses. Of these noise sources, I-94 is the largest noise source at most receptors in the vicinity of the Project Site. At this location, I-94 consists of 4 lanes in either direction (8 lanes total) with no noise barriers

or walls. The estimated ambient noise level in the vicinity of the Project Site is approximately 60 dBA to 83 dBA. This range was developed from measurements taken from three 15-minute and two 24-hour measurements located northeast and southeast of the Project Site to the west of West Frontage Road, and west of I-94, respectively (Figure ENV ANA-3). The range of ambient noise levels in the Project Site vicinity is caused by different distances to I-94 and varying traffic levels.

Some land uses are considered more sensitive to noise than others due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved., motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, parks, and other Residences outdoor recreation areas generally are more sensitive to noise than commercial or industrial land uses. A sensitive receptor is defined as any living entity or aggregate of entities whose comfort, health, or well-being could be impaired or endangered by the existence of excessive noise. Sensitive noise receptors in the vicinity of the Project Site include single-family residences, an apartment complex, and the Children’s Wisconsin – Kenosha Clinic. The distances of these sensitive receptors from the Project Site boundary are as follows:

- The Project Site surrounds a single-family residence with an approximately 20-foot distance from the Project Site boundary. This residence is located towards the eastern portion of the Project Site.
- A Single-family residence is located approximately 180 feet away from the northwestern boundary of the Project Site.
- Three Single-family residences are located north of 60th street ranging from approximately 180 to 300 feet from the northern boundary of the Project Site.
- The Reserve at Kenosha is an apartment complex located approximately 1,200 feet from the southwestern corner of the Project Site.
- Children’s Wisconsin – Kenosha Clinic is located to the south, approximately 430 feet from the southeastern corner of the Project Site.

There are no schools or additional sensitive receptors in the vicinity of the Project Site.

ENV ANA.7.1.3 IMPACT ANALYSIS

An ambient noise level of 80 dBA is generally considered to be acceptable during construction for commercial areas and an ambient noise level of 75 dBA is generally acceptable in noise-sensitive locations (FHWA, 2006). The FHWA Noise Abatement Criteria (NAC) provides an operational noise threshold of 72 dBA Leq, for projects located near or within developed areas, 52 dBA Leq of perceptible noise from the interior of hospitals, and 67 dBA Leq from the exterior of hospitals. There are no NAC thresholds defined for agricultural land holdings or institutional park designations.

ALTERNATIVE A – CASINO AND HOTEL

Construction

Noise within the Project Site during construction would result from construction equipment and activities and vehicle traffic, which consists of trucks hauling materials and workers entering and exiting the Project Site. Construction would result in temporary periods of elevated noise levels, typically generating maximum noise levels up to 85 dBA at a distance of 50 feet, as indicated in Table ENV ANA-25.

TABLE ENV ANA-25: TYPICAL CONSTRUCTION NOISE LEVELS

Construction Equipment	Maximum Noise Level at 50 ft (dBA)
Crane (mobile or stationary)	85

Dozer	85
Excavator	85
Grader	85
Paver	85
Scraper	85
Tractor	84
Generator (more than 25 kilo-volt-amperes)	82
Backhoe	80
Compressor (air)	80
Front end loader	80
Pickup truck	55
SOURCE: FHWA, 2006.	

These noise levels may vary depending on the particular type, number, and duration of use of various pieces of construction equipment. Noise from stationary point sources such as construction equipment attenuates (lessens) at a rate of six to nine dBA per doubling of distance from the source, depending on environmental conditions (e.g., atmospheric conditions, noise barriers). An attenuation factor of 6.0 dBA per doubling of distance is appropriate for areas with relatively flat topography and lack of ground cover. The Project Site is relatively flat with low vegetative cover. Therefore, an attenuation factor of 6.0 dBA per doubling distance has been used.

Assuming up to three of the loudest pieces of construction equipment operating at one time, the highest noise level would be 89 dBA at 50 feet. Based on the estimates of construction noise described above, the maximum construction noise level at the Project Site would be 89 dBA.

Construction noise levels at the single-family residences to the east, north, and northwest would be approximately, 93 dBA, 74 dBA, and 75 dBA respectively. The noise level at the Reserve at Kenosha apartment complex, southwest of the Project Site boundary, would be approximately 57 dBA. Noise at the Children's Wisconsin - Kenosha Clinic would be approximately 66 dBA, which would not exceed the exterior Noise Abatement Criteria (NAC) threshold for hospitals or the federal construction thresholds. The noise level at the Reserve at Kenosha apartment complex southwest of the Project Site would not exceed the federal thresholds for construction or NAC. Noise levels at the single-family residences would exceed the NAC threshold for developed areas which is 72 dBA as well as the federal construction threshold for noise-sensitive locations. However, noise at the northern and northwestern single-family residences would not exceed the federal construction threshold for commercial areas which is 80 dBA.

As described above, one single-family residence is located approximately 20 feet from the east Project Site boundary. Because this single-family residence is directly adjacent to I-94, the pre-existing ambient noise level at this location is approximately 82 dBA leq. Construction of a surface parking component would increase noise levels at this receptor to approximately 93 dBA. This exceeds both the federal and NAC noise thresholds. However, the surface parking lot component of Alternative A to the southeast of the residence would be constructed to maintain a buffer of vegetation between the closest parking lot and the residence. Given that the construction of the surface parking component north of the residence would not maintain a vegetative barrier and would be conducted within a close distance to the sensitive receptor, BMPs identified in **Section 2.1.3** would reduce noise during construction activities. BMPs include the use of quieter equipment, installation of temporary physical noise barriers, and limiting construction hours to 7:00 a.m. to 10:00 p.m. Therefore, because of the short-term and temporary nature of construction noise, and the implementation of BMPs, effects associated with noise due to construction would

be less than significant.

Construction Traffic

Construction traffic-related noise would likely be temporary and generated from construction workers and deliveries to the Project Site. These trips have the potential to increase noise on West Frontage within the immediate vicinity of the Project Site. Construction employees would be expected to conduct work between the hours of 7:00 a.m. and 4:00 p.m. As described in **Appendix AIR**, approximately 2,600 heavy equipment truck trips are estimated throughout the demolition and construction of Alternative A. Construction material import and export would produce approximately 24 truck trips per day. Construction would generate approximately 130 worker vehicle trips during peak construction per day. Non-worker visits generated by deliveries or other visits would be approximately 60 trucks and automobiles per day.

Current peak hours are weekdays from 4:15 p.m. to 5:15 p.m. (**Appendix TIA**). Peak hourly traffic at the three intersections closest to the sensitive noise receptors are West Frontage Road and 52nd Street, West Frontage Road at 60th Street and West Frontage Road at 71st Street. Peak PM traffic counts at these intersections were calculated as 677, 843 and 841, respectively (Appendix A-3 of **Appendix TIA**). Average annual daily trips (AADT) on I-94 in the vicinity of the sensitive receptors is approximately 101,000 (WisDOT, 2024). Because the level of construction traffic would be relatively small in the context of baseline traffic levels, and because the construction traffic would be concentrated before peak PM traffic level, noise impacts from construction traffic would be less than significant.

Construction Vibration

The vibration levels of typical construction equipment at a distance of 25 feet from the equipment are shown in **Table ENV ANA-26**. With the exception of vibratory rollers, vibrations associated with construction equipment are below the thresholds for structural damage (90 VdB) at a distance of 25 feet. However, vibration levels associated with the equipment in **Table ENV ANA-26** are above the threshold for the ground-borne vibrational impact of category 1 and category 2 receptors at a distance of 25 feet. The nearest residential receptors to on-site building construction are approximately 180 feet north, 150 feet northwest, and 20 feet east of the Project Site. Children's Wisconsin – Kenosha Clinic could be classified as land use category 1 for ground-borne vibration impact criteria, encompassing hospitals with vibration-sensitive equipment (Federal Transit Administration (FTA), 2018). With respect to category 1 land uses, the maximum GBV for frequent, occasional, and infrequent events is 65 VdB re 1 micro-inch/sec (**Appendix REG**). Excessive vibration is usually an issue when construction requiring the use of equipment with high vibration levels (compactors or large dozers) occurs within 25 to 100 feet of a structure.

As described above, construction of one portion of a parking lot would occur close to the single-family residence that is located approximately 20 feet from the Project Site. BMPs identified in **Section 2.1.3**. would reduce vibration at this location. BMPs include the use of less intense vibration equipment and employment of super-silenced compressors. Therefore, with the implementation of BMPs, vibration associated with on-site construction under Alternative A would not have a significant adverse effect on nearby sensitive receptors.

TABLE ENV ANA-26: VIBRATION LEVELS FOR CONSTRUCTION EQUIPMENT

Vibration Source	Approximate Vibration Level (VdB) at 25 feet
Vibratory Roller	94
Large Bulldozers	87
Loaded Trucks	86
Jackhammer	79
SOURCE: FTA, 2018.	

Operation Noise

The level of traffic noise is dependent on three variables: (1) volume of traffic, (2) speed of traffic, and (3) number of trucks in the flow of traffic. Traffic speed or the mix of trucks in the area would not significantly change during the operational phase. However, implementation of Alternative A would increase traffic volumes. As described above, the primary traffic stressors and producers of noise occur on I-94.

Alternative A would add approximately 17,560 daily trips and 1,755 PM Peak trips to existing roadways. Operational trips would approximately double traffic on West Frontage Road yet would have a very small effect on I-94 traffic (which is the dominant existing noise source), the increase in ambient noise levels would be less than 1.0 dBA and FICON (Federal Interagency Committee on Noise) thresholds for ambient noise increase would not be exceeded (FHWA, 2018). Therefore, Alternative A would not result in significant adverse effects associated with traffic noise.

Operational activities under Alternative A would include a courtyard and outdoor spaces and would be unlikely to generate significant noise beyond the Project Site. Buildings would be equipped with Heating Ventilation and Air Conditioning (HVAC) units that would most likely be roof-mounted. The HVAC equipment would have noise shielding and other industry-standard noise abatement measures installed per project BMPs identified in **Section 2.1.3**. Noise levels produced by HVAC systems vary substantially by unit capacity as well as unit design, but generally result in a noise level of 55 dBA Leq at a distance of 20 feet (Berger et al., 2015). HVAC noise would range from approximately 35 to 41 dBA at the single-family residential receptors close to the Project Site, which is significantly below local and federal noise thresholds. Operation of Alternative A would not include sources of vibration as commercial uses do not typically generate perceptible vibration. For these reasons, Alternative A would not result in notable vibration and noise levels at nearby sensitive receptors and would not exceed the federal noise abatement criteria. Additionally, the BMP listed in **Section 2.1** regarding shielding heating, ventilation, and air conditioning equipment to reduce noise and vibration would be implemented. Therefore, operational noise and vibration impacts would be less than significant.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Noise levels associated with the construction and operation of Alternative B would be slightly lower than the noise levels associated with Alternative A, due to the reduction of the gaming floor and the lower traffic volumes under Alternative B. Alternative B would generate slightly less noise than Alternative A because of its smaller scope. The level of construction noise and vibration at the single-family residence located 20 feet from the Project Site boundary would be substantially reduced, because there would be no parking lot element or landscaping constructed on that portion of the site. Additionally, BMPs listed in **Section 2.1.3** for noise and vibration would be implemented. Therefore, noise and vibration levels associated with the construction and operation of Alternative B would not exceed federal or local noise standards, and impacts would be less than significant.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Noise and vibration levels associated with the construction and operation of Alternative C would be substantially less than the levels associated with Alternative A, due to the significantly decreased intensity of the development. The level of construction noise and vibration at the single-family residence located 20 feet from the Project Site boundary would be substantially reduced, because there would be no parking lot element or landscaping constructed on that portion of the site. Additionally, BMPs listed in **Section 2.1.3** for noise and vibration would be implemented. Noise and vibration impacts on sensitive receptors and other receivers would be less than significant.

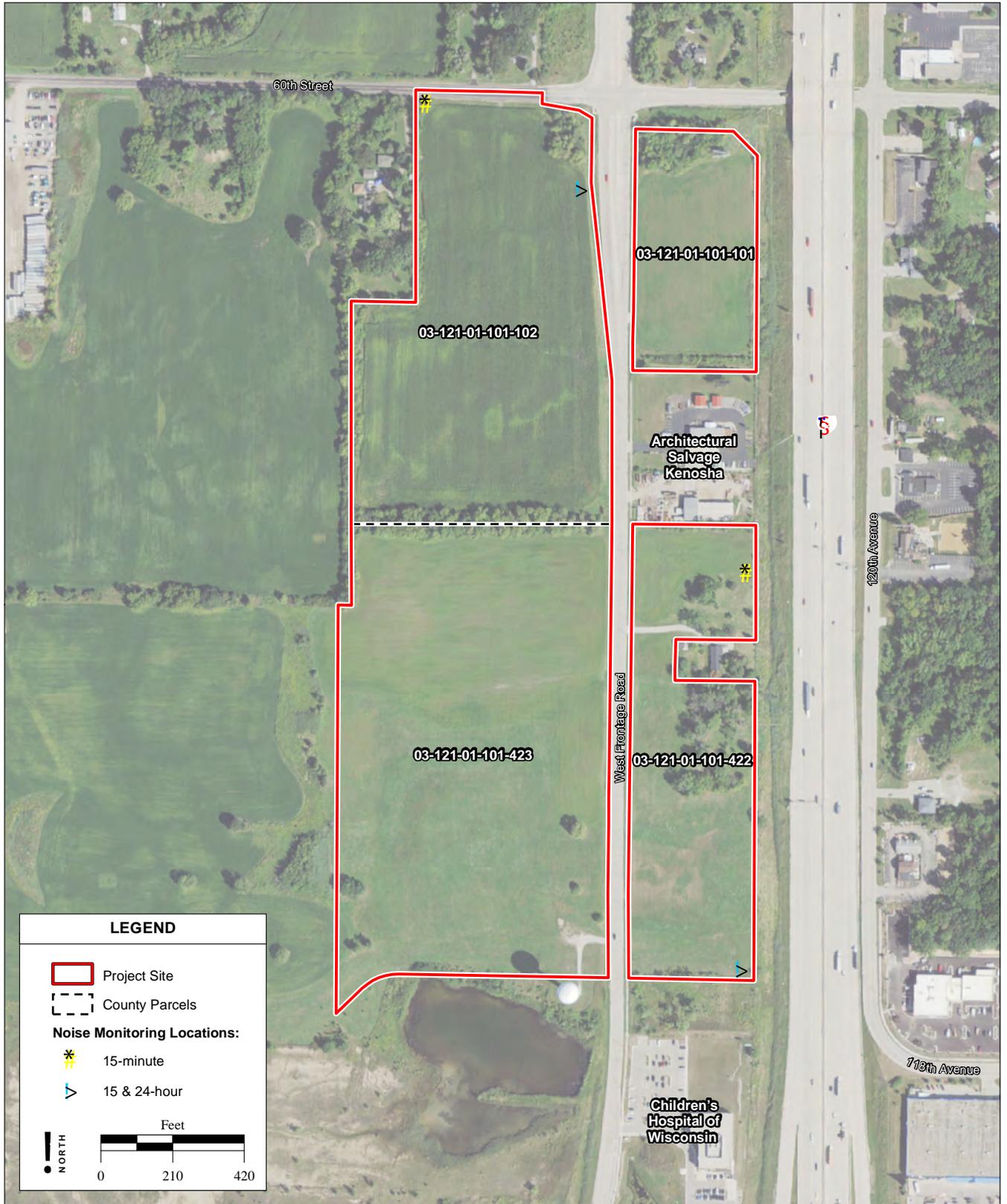
ALTERNATIVE D – NO ACTION

Under Alternative D the Project Site would not be taken into federal trust and would not be developed.

Consequently, there would be no noise and vibration impacts under Alternative D.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

Approved projects in the vicinity of the Project Site would be required to comply with applicable noise regulations during construction and operation. Construction of Alternatives A, B and C would be temporary and would not exceed noise thresholds. Only one of the nearby projects listed in **Table 4** in Section 3 of the main EA document is in the immediate vicinity of the Project Site. That project, Kenosha Midpoint, is located approximately 1,000 feet to the south of the Project Site, and the level of traffic from that project is substantially less than Alternative A traffic trips. Traffic trips from the Kenosha Midpoint project are also factored into the traffic analysis included in **Appendix TIA**. Therefore, Alternative A would not contribute towards adverse reasonably foreseeable impacts associated with traffic noise levels. Other operational activities would be limited to the Project Site, would not exceed noise thresholds, and would not contribute towards adverse reasonably foreseeable impacts associated with noise. For these reasons, reasonably foreseeable impacts associated with Alternatives A, B and C would be less than significant.



SOURCE: USDA NAIP aerial photograph, 9/2/2020; Wisconsin Statewide Parcel Map Initiative, 6/20/2021; ESRI, 2021; Montrose Environmental, 9/23/2024

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Figure ENV ANA-3
Noise Monitoring Locations

ENV ANA.8 HAZARDOUS MATERIALS

ENV ANA.8.1.1 REGULATORY SETTING

The hazardous materials regulatory setting is summarized in **Table ENV ANA-27**, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE ENV ANA-27: REGULATIONS FOR HAZARDOUS MATERIALS

Regulation	Description
Federal	
Resource Conservation and Recovery Act	<ul style="list-style-type: none"> – Grants the USEPA the authority to manage hazardous waste throughout its life cycle, including storage, treatment, transportation, production, and disposal. – Establishes a management framework for non-hazardous solid wastes. – Authorizes the USEPA to respond to environmental problems related to underground hazardous substance storage tanks, including petroleum.
Hazard Communication Standard	<ul style="list-style-type: none"> – Ensures that information about chemical and toxic substance hazards in the workplace and associated protective measures are disseminated to workers exposed to hazardous chemicals, including labels, safety data sheets, and proper handling training for hazardous chemicals. – Requires chemical manufacturers and importers that produce and import chemicals to assess their products for hazards; safety data sheets and labels must be created with information that outlines the dangers of the products.
Federal Hazardous Substances Act (FHSA)	<ul style="list-style-type: none"> – Necessitates that hazardous household products have precautionary labeling to alert consumers of hazards, proper storage, and immediate first aid steps in case of an accident. – Enables the Consumer Product Safety Commission to prohibit severely dangerous products and products with hazards that cannot be labeled accordingly to FHSA standards.
Federal Insecticide, Fungicide, and Rodenticide Act	<ul style="list-style-type: none"> – Mandates that all pesticides sold or distributed be licensed with the USEPA; a pesticide cannot be licensed until it is proven that the pesticide will not generally cause unreasonable adverse effects on the environment if utilized in accordance with its specifications.
Toxic Substance Control Act	<ul style="list-style-type: none"> – Authorizes the USEPA with the authority to require record keeping, reporting, test requirements, and restrictions associated with certain chemicals and/or mixtures. – Addresses the production, importation, use, and disposal of certain chemicals (e.g., lead paint).
Emergency Planning and Community Right-to-Know Act	<ul style="list-style-type: none"> – Requires industry to report on the use, storage, and release of hazardous substances to federal, state, and local governments. – Requires Nations and state and local governments to utilize the information to prepare communities for potential risks.
State and Local	
Wisconsin State Legislature Declaration of Policy: Chapter 291	<ul style="list-style-type: none"> – Provides guidance on waste management to prevent mismanagement of waste and subsequent danger to public health, public safety, and the environment.
Kenosha County Comprehensive Plan	<ul style="list-style-type: none"> – Provides hazardous waste collection and disposal for its residents through a countywide hazardous household waste collection program in cooperation with Waste Management/Pheasant Run Landfill. – Identifies potential limitations to building site development partnering with the Wisconsin Department of Natural Resources (DNR) to identify transitional landfills,

Regulation	Description
	former landfills, solid hazardous waste disposal sites, industrial spills or dumping, buried containers of hazardous substances, closed and contaminated landfills, leaking underground storage tanks (LUST), and areas with petroleum contamination from above ground storage tanks.

ENV ANA.8.1.2 ENVIRONMENTAL SETTING

A Phase I Environmental Site Assessment (Phase I ESA) was prepared for the Project Site to determine if Recognized Environmental Conditions (REC) occur (**Appendix HAZMAT**). RECs refer to the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of a property. The term includes hazardous substances or petroleum products even under conditions in compliance with relevant laws. The Phase I ESA was conducted in accordance with BIA Guidelines (602 DM Chapter 2) and the American Society for Testing and Materials (ASTM) Standard Practice E 1527-21. The Phase I ESA included a review of relevant database listings of hazardous material sites, waste generators, and underground storage tanks (UST), review of historical topographic maps and aerial photographs of the Project Site, and interviews with owners, operators, occupants, and/or local government officials to determine if RECs existed on the Project Site or within a one-mile radius. As part of the Phase I ESA, site visits were conducted on May 9 and May 10, 2023. Ten database listings are located on nine sites within a 0.5 mile radius of the Project Site. No RECs were identified on the Project Site or within a 0.5 mile radius (**Appendix HAZMAT**).

The Phase I ESA concluded that prior to 1963 the Project Site was undeveloped and used for agriculture. Aerial photography indicates that the Project Site experienced minor development activity, including road widening. Some building improvements also are in evidence in aerial photographs from that time period. All of the buildings and residences were demolished and removed from the Subject Property sometime between 1992 and 2000.

ENV ANA.8.1.3 IMPACT ANALYSIS

Impacts associated with hazardous materials used in the construction and operations could be significant if the site has existing hazardous materials onsite that would require remediation or mitigation prior to the development of the alternative. Additionally, impacts could be significant if the alternative results in the use, handling, or generation of a controlled hazardous material in excess of what is permitted, which would increase the potential risk of environmental contamination or human exposure that results in the reduction in the quality of life or in loss of life.

ALTERNATIVE A – CASINO AND HOTEL

Construction

No RECs were identified on the Project Site or within a 0.5 mile radius (**Appendix HAZMAT**). Accordingly, no releases of contaminated materials from the environment would occur during construction. Hazardous materials used during the construction of Alternative A would include common construction materials such as gasoline, diesel fuel, motor oil, hydraulic fluid, solvents, cleaners, sealants, welding flux, various lubricants, paint, paint thinner, and other products. During the handling or usage of hazardous material, the potential for an accidental release exists. In general, common construction materials pose a limited risk of accidental release when handled in accordance with the manufacturer's protocols. Construction BMPs identified in **Section 2.1.3**, including adherence to the NPDES General Construction Permit, and required SWPPP (**Table 2** in the EA main document), would minimize the potential of such accidental releases and would prevent accidental releases from escaping

the Project Site or entering surface water. Additional BMPs listed in **Section 2.1.3** for hazardous materials and water quality would be implemented to minimize the possible hazards associated with any potentially undiscovered contamination. Therefore, there would be a less than significant impact.

Operation

The routine transport, use, and disposal of hazardous materials associated with the operation of Alternative A would be comprised of common substances used in routine maintenance of the casino, resort, restaurants, and lounge areas. Some of the substances utilized would likely include paints, and commercial cleaners. These substances would be handled in accordance with the directions from the manufacturer. The use of limited quantities of common materials would not create significant impacts. Overall, the operation of Alternative A would be a less than significant impact.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

The regulatory setting, environmental setting, significance criteria under Alternative B are the same as Alternative A.

Under Alternative B the Project Site would be taken into federal trust. Alternative B is smaller in scope than Alternative A, both in terms of the size of the casino and other amenities (**Section 2.0**). Additionally, Alternative B will have fewer restaurants than Alternative A.

The potential for impacts associated with hazardous materials during the construction of Alternative B is similar to that of Alternative A. Construction would adhere to the BMPs identified in **Section 2.1.3**, including adherence to the NPDES General Construction Permit and required SWPPP (**Table 2** in the EA main document). Adherence to BMPs would minimize the potential of accidental releases.

Because of its smaller size, the quantity of Alternative B hazardous materials used during operations would be less than under Alternative A. Hazardous materials would similarly be limited to commonly used substances, which would be handled in accordance with manufacturer directions. Therefore, impacts from operations under Alternative B would be less than significant.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Under Alternative C the Project Site would be taken into federal trust and developed as a hotel with 150 rooms, fitness center and limited meeting space. The parking lot, and associated infrastructure that would be smaller in scope than Alternative A. Therefore, the potential for impacts associated with hazardous materials during the construction of Alternative C would be less than Alternative A and Alternative B.

As with Alternative A, construction of Alternative C would adhere to the BMPs identified in **Section 2.1.3**, including adherence to the NPDES General Construction Permit and required SWPPP. Adherence to BMPs would minimize the potential of accidental releases.

During operations, the quantity of hazardous materials used would be less than Alternative A to account for the lack of gaming, smaller development footprint, and fewer amenities. Hazardous materials would similarly be limited to commonly used substances, which would be handled in accordance with manufacturer directions. Therefore, impacts from operations under Alternative C would be less than significant.

ALTERNATIVE D – NO ACTION

Under Alternative D the Project Site would not be taken into federal trust and would not be developed. Consequently, there would be no impacts from hazardous materials under Alternative D.

SIGNIFICANT EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT ANALYSIS

Developments of similar scope would typically require the implementation of BMPs similar to those listed in **Section 2.1.3** regarding hazardous materials. Additionally, such developments would be required to adhere to applicable federal, State, and municipal regulations regarding the delivery, handling, and storage of hazardous materials, thereby reducing the risk to the environment and the public's health and welfare due to accidental exposure. As discussed above, when properly handled, common construction materials and maintenance materials pose little risk to the environment and public health. Therefore, there would be no significant reasonably foreseeable hazardous materials impacts associated with the project alternatives.

ENV ANA.9 VISUAL RESOURCES

ENV ANA.9.1.1 REGULATORY SETTING

The visual resources regulatory setting is summarized in **Table 28**. Additional information about the regulatory setting can be found in **Appendix REG**.

TABLE ENV ANA-28: REGULATORY POLICIES AND PLANS RELATED TO VISUAL RESOURCES

Regulation	Description
Federal	
National Scenic Byway Program	– Administered by the Federal Highway Administration and was established to preserve scenic but less-traveled roadways
State	
Wisconsin Scenic Byways Program	– Administered by WisDOT, and identifies notable local roadways.
Rustic Roads Program	– Identifies and protects scenic backroads within the state for use of hikers, cyclists and motorists.
Local	
Code of General Ordinances	– 4.07 Outlines requirements regarding all outdoor lighting within the City of Kenosha including shielding and illumination intensity.
Zoning Ordinance	– 14.07.D.11 outlines the development standards for exterior lighting. 13.07 outlines the requirements of airport overlay districts with regards to light emissions.
Bristol Neighborhood Plan 2015	– A plan serving as the primary public policy document for the area. It is intended to be used to provide guidance from the City about how future development in the neighborhood should occur. – Includes design guidelines.
Intergovernmental Agreements	
Tribe, Menominee Kenosha Gaming Authority and City of Kenosha Tribe, Menominee Kenosha Gaming Authority and Kenosha County	– Agreements that describe the financial commitments, charitable contributions and environmental regulations or standards applicable to the county and city of Kenosha. – Agreements not to enact or promulgate any environmental regulations or standards on the Federal Trust Land that has any effect outside the boundaries of the Federal Trust Land.

ENV ANA.9.1.2 ENVIRONMENTAL SETTING

Visual Character and Quality

The City of Kenosha (City) is located along the western edge of Lake Michigan. Notable scenic attributes of the City are situated along the shoreline and in scenic recreation opportunities within the region (Visit Kenosha, 2023a). The Project Site is located within the boundaries of the City, and to the east of the Village of Bristol. The closest major outdoor recreation area (Bristol Woods County Park) is located approximately 3.3 miles to the southwest of the Project Site (Visit Kenosha, 2023b).

The Project Site consists of undeveloped land and agricultural fields, with several patches of wooded areas (**Figure 3** in the main EA document). Based on historic aerial photography, the Project Site has been in agricultural use since at least 1937 (**Appendix HAZMAT**). In 1963, several long rectangular buildings are visible in aerial photographs on the southwest part of the Project Site. These were demolished sometime between 1992 and 2000 (**Appendix HAZMAT**). The topography of the Project Site ranges between approximately 710-730 above mean sea level (amsl). Land use in the vicinity of the Project Site is primarily a mixture of agricultural, commercial, and residential. Examples of commercial businesses located in the immediate vicinity of the Project Site include retail shops, hotels, restaurants, a children's medical clinic, and an architectural salvage business. Overall, the features contribute to a relatively low-density environment.

Scenic Highways and Visual Resources

There are no scenic byways, and no protected Rustic Roads in the vicinity of the Project Site (WisDOT, 2023a, WisDOT, n.d.). The area surrounding the Project Site does not include unique natural or cultural scenic amenities or vistas. As discussed above, the nearest outdoor recreation area is approximately 3.3 miles to the southwest. Due to topography, existing vegetation and development, the Project Site is not visible from this recreation area.

Viewer Groups

The primary viewers of development on the Project Site would be local residents, employees of existing local businesses, and motorists travelling on I-94 and other local roads. Typically, local residents would be more sensitive to changes to the viewshed, due to physical proximity and length of time spent in the area. It is expected that employees of local businesses and motorists would be less sensitive to changes to the viewshed.

Description of Viewsheds

Current views of the Project Site are of open fields bordered by trees, similar to the views from the Project Site to the south and west. Other viewsheds from the Project Site are intermixed with existing commercial and residential development, with associated roadways and parking lots.

Major roadways in the vicinity of the Project Site include I-94 and State Highway 50 (aka 75th Street) (**Figure ENV ANA-4**). Other roadways in the vicinity of the Project Site include 71st St to the south, Highway K (aka 60th Street) to the north, and 122nd Avenue (aka West Frontage Road) which runs through the site. Viewshed impacts of Alternative A from the perspective of passing motorists and local sensitive receptors are discussed below. Duration of views is dependent on traffic conditions, vehicle speed, obstruction due to buildings or landscape, and direction of travel. For the purposes of analysis, three viewpoints have been identified.

View 1: County Highway K/Residential Homes

View 1 is looking south from Highway K, located immediately to the north of the Project Site. From this viewpoint, the primary visual feature in the foreground is an asphalt road. There is an open field in the midground and trees to the right and left. In the background are trees and the water tower.

View 2: I-94

View 2 is looking southwest from I-94. From this viewpoint, primary visual features include roadways in the foreground, signage, trees and open space in the midground, and trees in the background.

View 3: Children’s Wisconsin – Kenosha Clinic

View 3 is looking northwest from the Children’s Wisconsin – Kenosha Clinic. The primary visual features in the foreground are asphalt and overgrown open space. The midground is occupied by trees and the water tower.

Light and Glare

There are few existing sources of nighttime light and daytime glare existing on the Project Site. On-site sources for both would be limited to the light and glare generated by farm equipment when harvesting crops or maintaining open spaces.

ENV ANA.9.1.3 IMPACT ANALYSIS

Impacts related to visual resources would be considered significant if the alternative were to substantially alter or interrupt protected or locally important scenic vistas or create sources of excessive glare or nighttime illumination. Impacts would include potential effects to flight patterns. Alternatives A, B and C would adhere to airport land use compatibility plans associated with the Kenosha Airport and would therefore would not create visual conflict. Note that potential impacts to Kenosha Regional Airport are analyzed separately in **Section ENV ANA.6**.

ALTERNATIVE A – CASINO AND HOTEL

Views of the Project Site from approximately 0.5 miles away to both the east and the west are largely obscured by existing topography, trees, and development. Existing vegetation in and around the Project Site would help to screen views of Alternative A for employees and residents of neighboring parcels. The design and nature of Alternative A would be generally consistent with other development in the region except for the height of the hotel tower which would be taller than existing hotels and commercial developments in the vicinity. The maximum height of the proposed hotel tower is multi-floors, a total height of up to 75 feet per the IGAs . The water tower directly to the south of the Project Site is approximately the same height as the proposed hotel tower.

Construction

BMPs described in **Section 2.1.3** would minimize the intensity of construction impacts on local visual resources by requiring that publicly visible areas on-site be maintained or screened from view, to the extent practicable.

Operations

The setback from Project Site boundaries, and angled positioning of the hotel tower would reduce the visual impact on neighboring parcels. The project design includes landscaping features such as raised berms, and planting of trees and shrubs, which would complement buildings and parking areas consistent with the IGAs. BMPs described in **Section 2.1.3** would minimize the intensity of visual impacts. BMPs include the incorporation of earth toned paints and building materials into project design where possible.

Effects on Viewsheds

View 1: County Highway K/Residential Homes

Motorists would have clear views of Alternative A, though they would be brief due to the speed of travel. Residents of the houses on this road would have direct views of the project. However, the distance of the project buildings would reduce the visual impact, and proposed on-site landscaping would provide screening.

View 2: I-94

Motorists on I-94 to the east of the site would have clear sightlines to the Project Site, particularly the proposed parking lots to the east. Views of Alternative A would be brief due to the 70 mph speed limit. Existing

developments and vegetation would provide some screening, as would on-site landscaping.

View 3: Children’s Wisconsin – Kenosha Clinic

The distance to the casino and hotel tower would be approximately 1,100 feet, which would reduce the visual dominance of Alternative A. Proposed vegetation would provide some screening. Further, due to the orientation of the clinic building, most of the windows are oriented away from the Project Site.

Light and Glare

Alternative A would be a source of nighttime lighting in the local area during both construction and operation. Lighting would be located in parking areas, in and around buildings, and on proposed signage, including the Hard Rock guitar sign. BMPs listed in **Section 2.1.3** for visual resources would be incorporated into project design. These include requirements requiring that light fixtures be cutoff, shielded, or installed to be consistent with City of Kenosha lighting policies, that signs will not be flashing or animated, and all exterior glass will be glazed to minimize glare and nighttime illumination.

Overall, Alternative A would not impede flight traffic, interrupt or substantially alter important local views, or create excessive glare or nighttime illumination. Therefore, impacts to visual resources under Alternative A would be less than significant.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Alternative B would be generally consistent with other development in the region. With regards to the hotel tower, while it would be taller than existing development in the region, the setback and positioning of the tower on site would reduce the visual impact. Further, Alternative B would follow similar design standards as Alternative A and would include BMPs outlined in **Section 2.1.3**. Alternative B would not impede flight traffic, create excessive glare or illumination, or alter a scenic vista or protected byway. Therefore, impacts to visual resources would be less than significant.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Alternative C would follow similar design standards as Alternative A and would adhere to BMPs outlined in **Section 2.1.3**. Alternative C would be substantially less in comparison with Alternative A. For these reasons, Alternative C would not impede flight traffic, create excessive glare or illumination, or alter a scenic vista or protected byway. Therefore, impacts to visual resources would be less than significant.

ALTERNATIVE D – NO ACTION

Under Alternative D the Project Site would remain in its current undeveloped state. Consequently, there would be no impacts to visual resources.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

Alternatives A, B and C would be generally consistent with other development in the surrounding area. It would not significantly impact important scenic views or features. Other developments in the vicinity would be subject to local review and approval. Therefore, impacts to visual resources, when considered in combination with other past and reasonably foreseeable future actions, would be less than significant.



SOURCE: Kenosha County 2022 Aerial Photography; 5/1/2022; Google Streetview Imagery, 2021, 2022, 2023; ESRI, 2023; Montrose Environmental, 9/23/2024

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Figure ENV ANA-4
Viewsheds