ENVIRONMENTAL ASSESSMENT

MENOMINEE INDIAN TRIBE OF WISCONSIN KENOSHA CASINO PROJECT

MARCH 2026

LEAD AGENCY:

U.S. Department of the Interior,
Bureau of Indian Affairs, Midwest Region,
Norman Point II Building
5600 W. American Boulevard, Suite 500
Bloomington, MN 55437

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SECTION 1.0

INTRODUCTION

This Environmental Assessment (EA) has been prepared for the U.S. Bureau of Indian Affairs, Midwest Regional Office (BIA) to support an application from the Menominee Indian Tribe of Wisconsin (Tribe) for land to be placed into federal trust (Proposed Action). The Project Site is currently held in fee and consists of approximately 59 acres within the City of Kenosha, Kenosha County, Wisconsin (Figures 1 and 2). As a result of the Proposed Action, the Tribe proposes to develop a casino and hotel on the Project Site with associated amenities, parking, and utilities (Proposed Project).

Because the Tribe is seeking to acquire off-reservation land in trust for gaming purposes, compliance with Section 20 of the Indian Gaming Regulatory Act (25 USC (United States Code) § 2719) (IGRA) is required. The transfer into trust of the Proposed Fee-to-Trust Property for gaming requires the Secretary of the Interior (Secretary) to determine gaming on the newly acquired lands would be 1) in the best interest of the Tribe and 2) not detrimental to the surrounding community (25 USC § 2719[b][1][A]). This Secretarial two-part determination may only be made after consultation with the applicant tribe and appropriate state and local officials, including officials of other nearby tribes, defined in this instance as tribal lands located within a 25-mile radius of the Project Site, or, if the tribe has no trust lands, within a 25-mile radius of its government headquarters (25 CFR (Code of Federal Regulations) § 292.2). In addition, the Governor of Wisconsin must concur in the determination before gaming could occur on the Proposed Fee-to-Trust Property.

This document has been completed in accordance with the requirements set out in the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §4321 et seq.); and the DOI NEPA Interim Final Rulemaking 7-2025,[1] 43 CFR Part 46; and Executive Order 14154, Unleashing American Energy (Jan 20, 2025). This document provides a detailed description of the Proposed Action and analyses of potential environmental consequences associated with the subsequent development of the Proposed Project. This document also includes a discussion of alternatives, impact avoidance, and recommended mitigation measures. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action, and either determine that a Finding of No Significant Impact (FONSI) is appropriate, request additional analysis, or request that an Environmental Impact Statement (EIS) be prepared. After the NEPA process is complete, the BIA may issue a determination on the Tribe's fee-to-trust application.[2]

In a similar undertaking, the August 2013 Record of Decision (ROD) by the U.S. Department of the Interior, Bureau of Indian Affairs, addressed a Secretarial Determination for the 223-acre Dairyland Greyhound Park Site in Kenosha County, Wisconsin, for the Menominee Indian Tribe of Wisconsin. This prior work, which involved the proposed construction of a gaming facility, hotel, and parking facilities, thoroughly analyzed potential environmental impacts through an Environmental Impact Statement (EIS). Both the Draft EIS (DEIS) and Final EIS

[1] The DOI NEPA Final Rulemaking 2-2026, 43 CFR Part 46 is the current governing regulation.

[2] Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The [bureau] verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The [bureau] has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 C.F.R. Parts 1500–1508, as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

(FEIS) considered various alternatives and feasible mitigation measures.

The 2013 ROD ultimately concluded that, with the implementation of appropriate mitigation measures, the preferred alternative would not result in significant adverse impacts on the human environment. This determination was made after a comprehensive review of the Tribe's application, applicable statutory and regulatory authorities, the DEIS and FEIS, and public and agency comments. The ROD explicitly stated that "all identified impacts can be adequately mitigated". This precedent indicates that a similar finding of no significant adverse impact, supported by robust environmental analysis and mitigation strategies, is a plausible outcome for projects of this nature.

1.1 TERMINOLOGY

Below is a list of commonly used terms used throughout this EA:

- Project Site: The approximately 59-acre proposed fee-to-trust parcel owned in fee by the Tribe (Kenosha County Assessor's Parcel Numbers (APNs) 03-121-01-101-101, 03-121-01-101-102, 03-121-01-101-422, and 03-121-01-101-423) (Figure 3).
- Proposed Action: Acquisition of the Project Site into trust for the Tribe pursuant to the Secretary of the Interior's authority under the Indian Reorganization Act, 25 USC § 5108.
- Alternative A (Proposed Project): Development of a casino, hotel, and associated amenities and infrastructure on the Project Site.
- Alternative B: Development of a reduced in size casino, hotel and associated amenities and infrastructure on the Project Site.
- Alternative C: Development of a hotel, conference center and associated amenities and infrastructure on the Project Site.
- Alternative D: No Action.

1.2 BACKGROUND

The Menominee Indian Tribe of Wisconsin is a federally recognized Tribe with an ancestral territory that includes portions of modern-day Wisconsin, Michigan and Illinois (Menominee Indian Tribe of Wisconsin, 2023). The Tribe has approximately 8,700 enrolled members. The Tribe's existing Reservation is comprised of approximately 365 square miles of land in federal trust in Wisconsin. The Tribe currently operates the Menominee Casino Resort located on Reservation land in Keshena, Wisconsin, approximately 180 miles north of the Project Site.

1.3 PURPOSE AND NEED

The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development. This would satisfy the United States Department of the Interior's (Department) land acquisition policy as articulated in the Department's trust land regulations at 25 C.F.R. Part 151. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 C.F.R. § 151.11. Acquisition of the Project Site into trust and subsequent development of Alternative A would allow the Tribe to meet the following goals:

- Facilitate tribal self-sufficiency, self-determination, and economic development;
- Engage in diverse and self-sustaining economic development;
- Allow the Tribal Government to exercise sovereign authority over land that it owns, and protect and enhance the wellbeing of Tribal members;

- Assist the Tribe in meeting long-term goals of increased Tribal revenue, employment and managerial experience for Tribal members, and enhanced economic self-sufficiency; and
- Strengthen the Tribe's ability to serve tribal members.

1.4 PROJECT LOCATION

The Project Site consists of four parcels located directly south of 60th Street, north of 75th Street, and west of Interstate 94 (I-94) in the City of Kenosha, Wisconsin, within Section 1, Township 2 North, Range 21 East, as depicted on the "Pleasant Prairie, WI" U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. The Kenosha County APNs for the Project Site are as follows:

- 03-121-01-101-101, 5.80 acres
- 03-121-01-101-102, 18.65 acres
- 03-121-01-101-422, 10.55 acres
- 03-121-01-101-423, 24.19 acres

The Project Site parcels are internally separated by 122nd Avenue (also known as West Frontage Road), which runs parallel to the west of I-94. **Figure 1** and **Figure 2** show the location of the Project Site, and **Figure 3** presents an aerial photograph.

Regional access is to the Project Site is provided by I-94, which runs in a north-south direction, and is situated to the east to the Project Site. Local access is provided by 60th Street and 122nd Avenue. In the vicinity of the Project Site, 122nd Avenue is one lane in either direction. Land uses near the Project Site include residential areas, agriculture, commercial uses and undeveloped grassland. Topography of the Project Site is relatively flat. Elevations range from approximately 700 feet to 755 above mean sea level.

1.5 REGULATORY APPROVALS

The Proposed Action may require direct and indirect approvals and actions, as shown in **Table 1.**

TABLE 1: POTENTIAL PERMITS AND APPROVALS REQUIRED

Agency	Permit or Approval	Alternative
Federal		
Department of the Interior – Bureau of Indian Affairs	Fee-to-Trust transfer of approximately 59-acres	Alternatives A, B, C
	Finding of no effects/no adverse effects on historic properties or resolution of adverse effects in accordance with Section 106 of the National Historic Preservation Act	Alternatives A, B, C
Federal Aviation Administration (FAA)	Review and approval of FAA Form 7460-1, Notice of Proposed Construction or Alternation	Alternatives A, B, C
Secretary of the Interior	Issuance of a two-part determination Under Section 20 of IGRA	Alternatives A, B
U.S. Environmental Protection Agency (USEPA)	Verification of project coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Stormwater Discharges from Construction Activities as required by the CWA	Alternatives A, B, C

Agency	Permit or Approval	Alternative
	Permitting pursuant to Section 401 of the CWA	Alternatives A, B, C
U.S. Fish and Wildlife Service (USFWS)	Consultation with USFWS under Section 7 of the Federal Endangered Species Act if endangered species may be affected by the Proposed Action	Alternatives A, B, C
U.S. Army Corps of Engineers (USACE)	Acquisition of a CWA Section 404 permit for impacts to waters of the U.S., if the Proposed Action impacts waters of the U.S.	Alternatives A, B, C
National Indian Gaming Commission	Approval of a gaming management contract	Alternatives A, B
State		
Wisconsin Department of Transportation	Approval of off-site road improvements/mitigation	Alternatives A, B, C
Wisconsin Bureau of Aeronautics	FAA Runway Protection and Airport Overlay District Conformity Review	Alternatives A, B, C
Local		
City of Kenosha and/or Kenosha County	Approval of water, wastewater, and/or drainage connections	Alternatives A, B, C
	Approval of off-site road improvements/mitigation	Alternatives A, B, C
	Issuance of encroachment permits for off-site utilities, frontage and access improvements, and traffic mitigation	Alternatives A, B, C
	Agreements with local public service providers	Alternatives A, B, C

1.6 AGREEMENTS

Gaming on tribal land is authorized by the Indian Gaming Regulatory Act (IGRA). Class III gaming is governed by a tribal ordinance that must meet federal guidelines and be approved by the National Indian Gaming Commission (NIGC). Tribes may retain their authority to conduct, license, and regulate Class III gaming provided the Tribal government adopts a gaming ordinance approved by the NIGC. The Tribe has already adopted a Tribal ordinance that covers the proposed gaming facility. The ordinance has been approved by the NIGC (**Appendix NIGC**).

1.6.1 TRIBAL-STATE COMPACT FOR CLASS III GAMING

In June 1992, the Tribe and the state of Wisconsin entered into a Tribal-State Gaming Compact (Compact) for the purpose of establishing a mutually respectful government-to-government relationship through developing and implementing a regulatory framework for Class III gaming in accordance with the IGRA. The Compact has been amended, most recently in August 2022. The Compact authorizes gaming facilities, limited to gaming eligible lands held in trust for the Tribe, and outlines, among other things, the scope of Class III gaming; licensing requirements; procedures regarding the enforcement of compact provisions; regulations for the operation and management of the tribal gaming operation; and revenue distribution. Pursuant to the Compact, the Tribe is obligated to make certain payments to the State of Wisconsin, according to a formula based on gaming Net Win (Compact, 2022).

1.6.2 INTERGOVERNMENTAL AGREEMENT – CITY OF KENOSHA

On January 3, 2024, the Tribe, the Menominee Kenosha Gaming Authority (also referred to as "Tribe" herein) and the City of Kenosha entered into an Intergovernmental Agreement (City IGA; **Appendix IGA**). In the City IGA, the Tribe and the City of Kenosha acknowledge that each have an interest in ensuring adequate public services at the Project Site if it is accepted into trust by the federal government. To mitigate the potential financial burdens of the City of Kenosha providing services to the property after it is taken into trust, the City IGA provides for payments to mitigate the cost of economic, social and other impacts arising out of gaming activities and to mitigate revenues lost from the loss of taxable development. The Tribe agrees to make the following recurring payments to the City of Kenosha:

- Recurring payments equal to 3 percent of Net Win, defined as the total amount wagered, less the amount paid out as prizes (Section 2(A)(1)). This amount is subject to minimum annual payments.
- Two payments of $500,000 each to facilitate the purchase of an advance life support vehicle (Section 2(A)(6)).
- Six annual payments of $500,000 each to finance the construction of a fire/police/public works facility in the vicinity of the Project Site (Section 2(A)(7)).

The Tribe agrees to make the following charitable donations:

- Ten annual payments of $500,000 each to fund public museums and to support a Homeownership Program in the City of Kenosha (Section 2(B)(1)).
- In any year where payments under Section 2(A)(1) exceed $2,000,000, the Tribe shall pay $750,000 to the City of Kenosha for distribution to the public schools located in the City (Section 2(B)(2)).

Among other things, the Tribe also agrees to create and implement a responsible gaming program; to promulgate an affirmative action program; to give a preference to local and minority contractors; to recognize the jurisdiction of the City of Kenosha over criminal offenses that occur on the Federal Trust Land. The Tribe agrees to pay customary charges for sewer and water services, as well as pay the Kenosha Water Utility the costs associated with upgrading the sewer, water, and stormwater infrastructure for the Project Site (Section 2(K)).

Additionally, the Tribe has enacted an ordinance governing land use on the Kenosha Trust Land, which has been incorporated into the City IGA.

1.6.3 INTERGOVERNMENTAL AGREEMENT – KENOSHA COUNTY

In February of 2024, the Tribe, the Menominee Kenosha Gaming Authority and Kenosha County entered into an Intergovernmental Agreement (County IGA; **Appendix IGA**). In the County IGA, the Tribe and the County recognize that the demand for municipal services, infrastructure improvements, accelerated maintenance of infrastructure and lost tax revenue would occur due to the development on the Project Site. The County IGA provides for the following payments.

- The Tribe agrees to recurring payments of 1 percent of New Win for the first eight years of operations (Section 2.A.1). Payments shall increase to 1.33 percent of New Win during the ninth year. These amounts are subject to minimum annual payments.
- In calendar years 9 through 12, the Tribe shall pay $650,000 annually for debt service related to the construction of a new human services building (Section 2.A.6).
- The Tribe shall match Kenosha County expenditures up to $75,000 per year for the assessment and treatment of problem gamblers (Section 2.A.7).

- Within the first 12 years, the Tribe shall pay a minimum of $850,000 to charitable organizations addressing the cultural and Charitable needs in Kenosha County (Section 2.B.).
- In calendar years 1 through 8, the Tribe shall remit to the County 75 percent of Tribal sales tax that it collects in lieu of State of Wisconsin sales tax. Beginning in calendar year 9, the Tribe shall remit 25 percent. The County shall use such funds for infrastructure projects, including road construction and road maintenance (Section 2.Q. and Exhibit F).

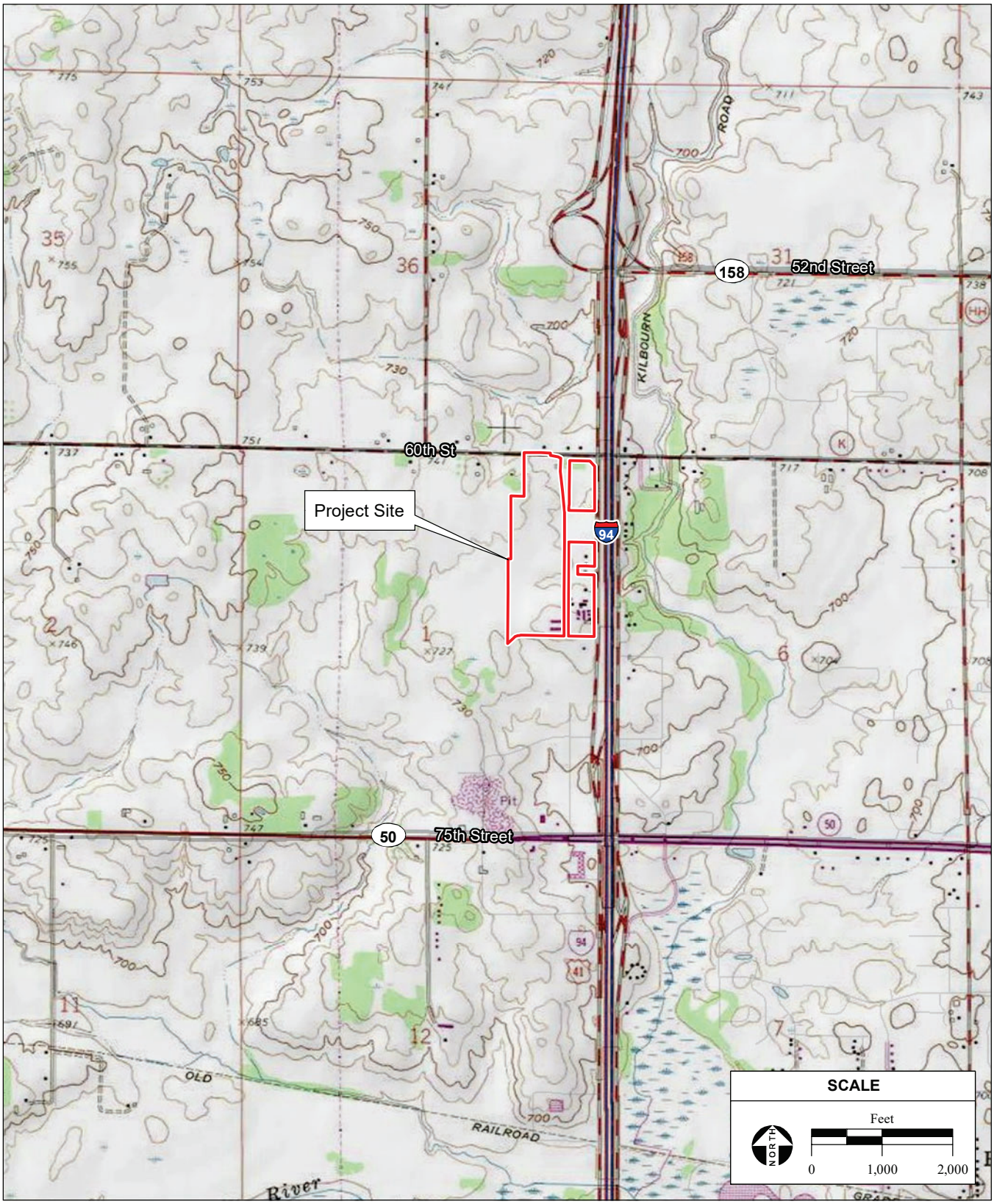
Additionally, the Tribe has enacted an ordinance governing land use on the Kenosha Trust Land, which has been incorporated into the County IGA.

1.6.4 AGREEMENT REGARDING TOURISM PROMOTION

On January 10, 2024, the Tribe and the Kenosha Area Tourism Corporation entered into an agreement regarding tourism promotion and room tax (Tourism Agreement; **Appendix IGA**). The Tourism Agreement provides support for the development of tourism attractions, events and other visitor infrastructure, and for the payment of services. Under the Tourism Agreement, the Tribe agrees to pay the Kenosha Area Tourism Corporation 90 percent of the room tax collected by the Tribe pursuant to its room tax ordinance.

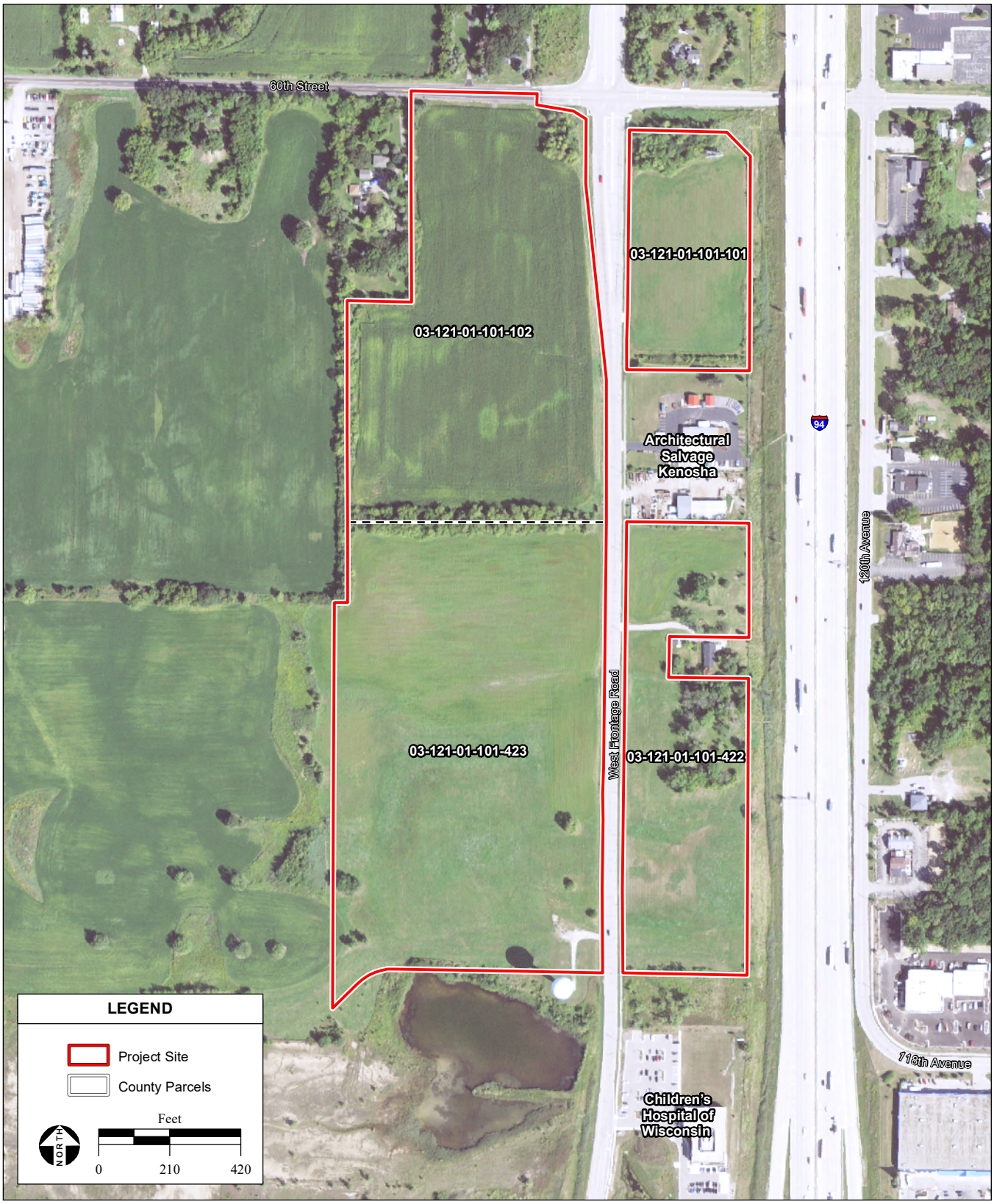
SOURCE: ESRI, 2023; Montrose Environmental, 9/12/2023

Figure 1
Regional Location



SOURCE: "Pleasant Prairie, WI" USGS 7.5 Minute Topographic Quadrangle, Section 1, T2N R21E, 4th Principal Meridian & Baseline of Extended 4th P.M; ESRI, 2023; Montrose Environmental, 9/12/2023

Figure 2
Site and Vicinity



SOURCE: USDA NAIP aerial photograph, 9/2/2020; Wisconsin Statewide Parcel Map Initiative, 6/20/2021; ESRI, 2021; Montrose Environmental, 9/12/2023

Figure 3
Aerial Photograph

SECTION 2.0

DESCRIPTION OF ALTERNATIVES

2.1 ALTERNATIVE A – CASINO AND HOTEL

Alternative A consists of: (1) placing four parcels that total approximately 59-acres into federal trust (Proposed Action), and (2) construction and operation of a casino-resort facility with up to approximately 70,000 square feet (sf) of gaming floor, a multi-story hotel with a total of 150 rooms, and associated amenities and utilities within the Project Site. Components of Alternative A are described in more detail below.

2.1.1 LAND TRUST ACTION

Alternative A consists of the fee simple conveyance of the approximately 59-acre Project Site into federal trust status for the benefit of the Menominee Indian Tribe of Wisconsin (Tribe). The land transfer would be in accordance with procedures set forth in 25 CFR § 151.3. The trust action would shift civil regulatory jurisdiction over the Project Site from the State of Wisconsin (State), Kenosha County (County), and the City of Kenosha (City) to the Tribe and federal government.

2.1.2 PROJECT COMPONENTS

A site plan of Alternative A is provided in **Figure 4**. Proposed facilities include a casino of up to 95,000 square feet, a Hard Rock Live venue of up to approximately 33,000 square feet, food, and beverage venues, a multi-story hotel with 150 rooms, a fitness center, and supporting facilities (see **Appendix PROJ DESC Table 1**). Parking would consist of a surface-level lot with approximately 2,400 spaces.

The proposed casino-resort would have a gross footprint of up to approximately 346,000 square feet. The casino gaming floor would include up to 1,500 Class III slot machines, 55 tables, 330 table game seats and associated circulation on the ground floor of the facility, and would be open 24 hours a day, seven days a week. It is anticipated that the food and beverage facilities will include a bar, a steakhouse, noodle restaurant and other dining options.

Alternative A also includes back of house (BOH) and front of house (FOH) support, such as offices, storage, and kitchens. The hotel tower would be built at grade, up to 75 feet in height above existing grade. The hotel tower would not exceed the 75-foot restriction on development height required by the nearby Kenosha Regional Airport (**Appendix IGA**).

Plans for entertainment spaces would serve to support events and provide additional pre-function space. The Hard Rock Live space would support approximately 2,000 seats and would host concerts, performances, banquets, conferences, and other special events. It would allow for ballroom seating of up to approximately 600 seats.

In addition to the casino and hotel, development would include surface parking, site access and circulation, and landscaping. Primary access would be via 122nd Avenue. Additional access would be provided from the north and south. In total, on-site parking lots would provide approximately 2,400 parking spaces.

Construction

Construction of Alternative A would begin after the Project Site has been placed into federal trust. Construction would involve earthwork, placement of concrete foundations, steel and wood structural framing, masonry, electrical and mechanical work, and building finishing, among other construction trades. Construction of Alternative A would be consistent with the International Building Code (IBC). Construction would commence after the land has been taken into trust and would last approximately 18 months. This construction period would include the completion of all project components including the surface parking lots, the gaming floor, food and

beverage areas, meeting space, the hotel tower, the fitness room, landscaping, site access and circulation, and BOH/FOH support. Following completion of construction, facilities would open to the public.

Temporary employment opportunities would be generated during construction of Alternative A. Additionally, permanent employment opportunities would be generated by the operation of Alternative A. Construction of Alternative A would generate approximately 975 temporary employment opportunities. Operation of Alternative A would create approximately 1,075 direct and permanent jobs. The project would also create an estimated 640 new indirect and induced jobs in Kenosha County, for a total of 1,715 full and part time permanent employment opportunities.

Architecture, Signage, Lighting, and Landscaping

The architecture and exterior signage would be contemporary in style and appearance, utilizing Hard Rock brand colors and materials in the design. The design and color palette would complement building architecture in the surrounding Kenosha area. Signage for Alternative A may include one building sign at the primary entry at the porte-cochere, two entry signs at the secondary north and southeast entries, and one freestanding sign in the shape of a guitar alongside 122nd Avenue (Hard Rock, 2024).

The architectural design of Alternative A would be enhanced by landscaping consistent with the surrounding area. Landscaping would be used throughout parking lots. Furthermore, meridians at the end of each row and at other suitable locations would be planted with suitable vegetation and landscaping. Suitable trees and shrubs would be used at main entrances and main drives to highlight and emphasize these areas. Native vegetation requiring minimal water usage will be used in landscaping where possible.

The hotel tower façade is proposed to include glazed surfaces, both for decoration and utilitarian purposes.

Signs will be illuminated and would blend with the light levels of the building and landscape lighting levels and colors. The exterior lighting of Alternative A would be integrated into components of the architecture and would be strategically positioned to minimize off-site lighting.

Water Supply

Alternative A would connect to the Kenosha Water Utility (KWU) to meet both potable and non-potable (i.e. landscape irrigation) water demands of the project. The City of Kenosha's Water Utility department is responsible for constructing and maintaining the City's water delivery system (Kenosha Water Utility, 2023). The City water supply is derived from Lake Michigan (Kenosha Water Utility, 2023). Water is transferred to a water production plant with a capacity of 42 million gallons per day (MGD) (Kenosha Water Utility, 2022). It is anticipated that Alternative A would have a water demand of up to approximately 115,000 gallons per day (GPD) (**Appendix GRADE**).

Wastewater Treatment

Alternative A would connect to the municipal sewer system maintained by the City of Kenosha. A sewer line owned and operated by the City is located on the southeast end of the property. The City's wastewater treatment plant (WWTP) is in Southport Park within the City. The WWTP is operated by the Kenosha Water Utility. The Kenosha Water Utility administers the structure, processes, equipment, and arrangements necessary to treat and discharge wastewater at the WWTP. Currently, the WWTP treats an average of approximately 19.6 MGD (Kenosha Water Utility, 2022). Alternative A would generate up to approximately 113,000 GPD of wastewater (**Appendix GRADE**).

Electricity and Natural Gas

Electricity is provided to the Project Site by Wisconsin Electrical Power Co., also known as We Energies (We Energies, 2019). Currently, the Project Site contains a power transmission line crossing 122nd Avenue, a power transmission line running on the north side of the Project Site, and a transformer located on the property adjacent

to the Project Site. Natural gas is provided to the Project Site by We Energies. Natural gas lines are located adjacent to 122nd Avenue. Alternative A would utilize existing electrical and natural gas services available on site and provided by We Energies.

Grading and Drainage

Construction of Alternative A would involve grading and excavation for building pads and parking lots. A Preliminary Grading and Drainage Study was completed for Alternative A and is included as **Appendix GRADE**. Approximately 53.5 acres of the Project Site would be graded during construction, of which up to 70 percent would comprise impervious surfaces. To accommodate the total drainage area and new impervious surfaces, three above ground detention basins and one underground detention system would be constructed for 100-year storm events. The detention basins would accommodate up to approximately 4.63-acre feet of water. Wetlands located on the Project Site would be avoided, and 25-foot buffers or setbacks would be established between wetlands and project improvements.

Security / Law Enforcement

The Tribe would provide on-site casino and parking lot security. The Kenosha Police Department would provide services to the Project Site. The Patrol Division is primarily responsible for law enforcement activities within the local community, including traffic enforcement (City of Kenosha, 2024a). As described in **Appendix IGA.**

Fire Protection / Emergency Response

The Kenosha Fire Department (KFD) provides emergency services, paramedic level medical care and fire suppression as well as fire inspections and fire prevention education (City of Kenosha, 2024b). The fire department has 7 stations. Station 7 is located at 9700 52nd Street and is the station nearest the Project Site. As described in **Appendix IGA.**

Access

Primary access to Alternative A would be via two entryways off 122nd Avenue. These would provide access to both parking and the main casino/resort facility. The parking lots, including RV and bus parking, would be accessible via additional entryways off of 122nd Avenue and 60th Street. Proposed roadway access is shown on **Figure 4**. Rights of way have been reserved along the 122nd Avenue, 60th Street, and the south end of the Project site to accommodate future road widening improvements that may be implemented as project mitigation or as a condition of access approvals from the applicable jurisdictional agencies (**Figure 4**).

Off-Site Improvements

Alternative A would require access improvements, new site access points off 122nd Avenue and 60th Street, connections to adjacent water, wastewater, electric and other utilities, and possibly off-site traffic mitigation improvements. Potential off-site traffic improvements are discussed in Sections 3.8, 3.14, and 4.0, and detailed in **Appendix TIA**. All offsite utility connections would be within existing disturbed rights of way. These disturbances would be limited because of the proximity to utility infrastructure.

2.1.3 BEST MANAGEMENT PRACTICES

Protective actions and best management practices (BMPs) have been incorporated into project design to eliminate or substantially reduce environmental impacts. These are discussed in **Table 2**.

TABLE 2: BEST MANAGEMENT PRACTICES

Resource Area	Best Management Practices
Land Resources	The Tribe will implement the following activities to protect land resources:

Resource Area	Best Management Practices
	– A site-specific geotechnical report will be prepared prior to construction. – 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. – Erosion control measures will be implemented during construction as described further under the Water Resources BMPs.
Water Resources	The Tribe will implement the following activities to protect water resources: – Low-flow Energy Star/Water Sense fixtures will be used where possible. – Native vegetation requiring minimal water usage will be used in landscaping where possible. – An Erosion Control Plan will be included in the construction design drawings, and will outline general erosion BMPs, requirements, and responsibilities for erosion control and stormwater pollution prevention. – The detention basins will be sized to accept runoff from a 100-year storm event. – The NPDES General Construction Permit will be complied with. – Sanitary facilities will be provided for construction workers. – Petroleum products will be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC §§ 1251 to 1387). – A refueling area will be designated on site during construction and will be located at least 100 feet from surface waters. – A Stormwater Pollution Prevention Plan (SWPPP) will be prepared, implemented, and maintained throughout the construction phase of the development, consistent with Construction General Permit requirements. The SWPPP prepared for the Project Site will include the following BMPs. o Grading activities will be limited to the area required for construction. o Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary re-vegetation, rock bag dams, erosion control blankets, and sediment traps) will be employed for disturbed areas. o Construction activities will be scheduled to minimize land disturbance during peak runoff periods. o Bare soil will be re-vegetated following construction activities. o Construction area entrances and exits will be properly maintained and stabilized to prevent track-out o A spill prevention and countermeasure plan will be developed which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, etc.) used onsite. o Construction materials, including topsoil and chemicals, will be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater. o Fuel and vehicle maintenance areas will be established away from drainage courses and designed to control runoff. o Appropriate disposal facilities will be provided for solid wastes produced during construction. o Paved surfaces will be swept, and unpaved surfaces will be watered as needed to prevent track-out or fugitive dust production.
Air Quality	The Tribe will implement the following dust suppression measures to control the production of fugitive dust (particulate matter 10 microns in size [PM_{10}]) and prevent wind erosion of bare and stockpiled soils during construction. – Exposed soil will be sprayed with water or other suppressant twice a day or as needed to

Resource Area	Best Management Practices
	suppress dust. – Non-toxic chemical or organic dust suppressants will be used on unpaved roads and traffic areas. – Dust emissions during transport of fill material or soil will be minimized by wetting down loads, ensuring adequate freeboard (space from the top of the material to the top of the truck bed) on trucks, cleaning the interior of cargo compartments on emptied haul trucks before leaving a site, and/or covering loads. – Spills of transported material on public roads will be promptly cleaned. – Traffic speeds on the Project Site will be restricted to 15 miles per hour to reduce soil disturbance. – Wheel washers will be provided to remove soil that would otherwise be carried offsite by vehicles to decrease deposition of soil on area roadways. – Construction equipment and truck staging areas will be located away from sensitive receptors as practical and in consideration of potential effects on other resources. – Dirt, gravel, and debris piles will be covered as needed to reduce dust and wind-blown debris. The following measures will be implemented to reduce emissions of criteria air pollutants (CAP)and diesel particulate matter (DPM) from construction. – Criteria pollutants will be controlled by requiring diesel-powered equipment to be properly maintained and minimize idling time to five minutes when construction equipment is not in use, unless per engine manufacturer's specifications or for safety reasons more time is required. Since these emissions would be generated primarily by construction equipment, machinery engines will be kept in good mechanical condition to minimize exhaust emissions. – Construction equipment with a horsepower rating of greater than 50 will be equipped with diesel particulate filters, which would reduce approximately 85% of DPM. – The use of low reactive organic gases (150 grams per liter or less) will be required for architectural coatings to the extent practicable. – Environmentally preferable materials, including recycled materials, will be used to the extent readily available and economically practicable for construction of facilities. Emissions of CAPs will be reduced during operation through the following actions: – Clean fuel vehicles will be used in the vehicle fleet where practicable. – Preferential parking for vanpools and carpools will be implemented where practicable. – Electric vehicle charging stations will be implemented. – Water consumption will be reduced through low-flow appliances and drought resistant landscaping to the extent feasible. – Energy-efficient lighting and appliances will be implemented where feasible. – Recycling bins will be installed throughout the facility for glass, cans, and paper products. – Native trees and woodland will be avoided to the extent feasible. – Environmentally preferable materials will be used to the extent practical for construction of facilities. – Adequate ingress and egress at entrances will be provided to minimize vehicle idling and traffic congestion. – All diesel-powered vehicles and equipment will be maintained, and idling time will be minimized to five minutes when equipment is not in use, or when loading or unloading goods. However, this can be extended if for safety reasons more time is required per engine manufacturer's specifications.
Living Resources	The Tribe will implement the following activities to protect living resources: – Existing native vegetation, including native trees in the mixed hardwood forest, will be preserved to the extent practicable.

Resource Area	Best Management Practices
	– Digging, trenching, and grading within the driplines of retained trees will be minimized to the extent practicable to support the longevity of retained vegetation and trees.
Socioeconomic Conditions	The Tribe will implement the following activities to protect socioeconomic conditions pertaining to problem gaming: – Implement policies which include employee training, self-help brochures available on site, signage near automatic teller machines (ATMs) and cashiers, and self-banning procedures to help those who may be affected by problem gaming. The signage and brochures will include advertising the Wisconsin Council on Problem Gambling helpline and website.
Public Services and Utilities	The Tribe will implement the following activities to prevent impacts to public services and utilities: – Construction equipment will contain spark arrestors, as provided by the manufacturer. – Staging areas, welding areas, or areas slated for development using spark-producing equipment will be cleared of dried vegetation or other materials that could serve as fire fuel. – The Tribe will contact the utility notification center to notify the utility service providers of excavation at the work site. In response, the utility service providers will mark or stake the horizontal path of underground utilities, provide information about the utilities, and/or give clearance to dig. – During construction, the site will be cleaned daily of trash and debris to the maximum extent practicable.
Visual Resources	The Tribe will implement the following activities to protect visual resources: – Contractors will ensure construction activity is as inconspicuous as practicable in areas visible to the public. This may be accomplished by clearing unneeded construction materials and debris promptly, by storing materials and equipment in designated staging areas, or by utilizing screening methods such as fences. – Earth, natural or neutral tones will be used in paints and coatings, and native building materials such as wood and stone will be used wherever possible. – Exterior glass will be glazed with a non-reflective, tinted coating, or shall otherwise be treated to be both non-reflective and low-glare, to minimize glare and nighttime illumination. – All outdoor light fixtures will be fully or partially shielded and filtered consistent with City Ordinance Chapter 4.07 and Zoning Ordinance 14.7.D.11. All exterior lighting with more than 1,000 lumens (exempting low output outdoor lighting as noted in §4.07B) shall be directed downward, be fully shielded, shall not flash or change color or intensity. – Lighting will be positioned to minimize the amount of light trespassing offsite. – Lighting shall be turned off at close of business, or at 10pm, whichever is later, unless an alternative configuration is needed for security or emergency purposes. – All illuminated signs will meet the lighting standards set forth in City Ordinance 15.15. – Signs and facades shall avoid the use of flashing lights.
Noise	The Tribe will implement the following activities to protect minimize noise generation: – Construction - General: o Construction activities will be limited to daytime hours between 7:00 am and 10:00 pm, Monday through Saturday, to the extent feasible, consistent with the City's Municipal Code 23.06 & 23.09. o Powered equipment will comply with applicable federal regulations and such equipment will be fitted with adequate mufflers according to the manufacturer's specifications to minimize construction noise effects.

Resource Area	Best Management Practices
	○ The following additional measures shall be followed by the Tribe for construction activities occurring within 100 feet of the single-family residence that is adjacent to Accessor Parcel Number 03-121-01-101-422: ▪ Stationary equipment would, to the extent feasible, be shielded or located so as to not cause unnecessary noise. ▪ Physical noise barriers will be erected, to the extent feasible, to reduce noise transmission from construction. ▪ Consider selecting super-silenced compressors, silenced jackhammers, and damped bits where possible as alternatives to pneumatic equipment. ▪ When renting (or purchasing) equipment, select quieter pieces of construction equipment that produce less vibration, where feasible. ▪ Throttle settings will be reduced, and equipment will be turned off when it is not being used to the extent feasible. ▪ To the extent feasible, when operating loud equipment, only one piece of equipment would operate at once. – Operations: ○ Heating, ventilation, and air conditioning equipment will be shielded to reduce noise.
Hazardous Materials	The Tribe will follow BMPs for filling and servicing construction equipment and vehicles. – BMPs that are designed to reduce the potential for incidents/spills involving the hazardous materials include the following: ○ To reduce the potential for accidental release, fuel, oil, and hydraulic fluids will be transferred directly from a service truck to construction equipment. ○ Catch-pans will be placed under equipment to catch potential spills during servicing. ○ Refueling will be conducted only with approved pumps, hoses, and nozzles. ○ Disconnected hoses will be placed in containers to collect residual fuel from the hose. ○ Vehicle engines will be shut down during refueling. ○ No smoking, open flames, or welding will be allowed in refueling or service areas. ○ Refueling will be performed away from bodies of water to prevent contamination of water in the event of a leak or spill. ○ Service trucks will be provided with fire extinguishers and spill containment equipment, such as absorbents. ○ Should a spill contaminate soil, the soil will be put into containers and disposed of in accordance with local, state, and federal regulations. ○ Containers used to store hazardous materials will be inspected at least once per week for signs of leaking or failure. – In the event that contaminated soil and/or groundwater is encountered during construction related earth-moving activities, the Tribe will halt work until a professional hazardous materials specialist or other qualified individual assesses the extent of contamination. If contamination is determined to be hazardous, consultation with the USEPA will occur to determine the appropriate course of action. Contaminated soils that are determined to be hazardous will be disposed of in accordance with federal regulations. – The Tribe will handle hazardous materials used throughout construction and operation in accordance with manufacturer specifications.
Cultural Resources	The following measures are recommended and will be implemented by the Tribe for Alternative A, B and C to avoid and/or reduce the potential for significant impacts on cultural or paleontological resources uncovered during construction:

Resource Area	Best Management Practices
	– Work within 50 feet of any other potential find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR § 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA, the Tribe, and other appropriate agencies. – If a find is determined to be significant by the archaeologist or paleontologist, a Tribal representative shall meet with the archaeologist or paleontologist to determine the appropriate course of action, including the development of a treatment plan and implementation of appropriate provisions, if necessary. – If human remains are discovered during ground-disturbing activities on Tribal lands, the County Coroner, the Tribe, and the BIA shall be contacted immediately. If the coroner determines that the remains are Native American, the provisions of Native American Graves Protection and Repatriation Act (NAGPRA) shall apply. No further disturbance shall occur in the vicinity of the find until the Tribe and BIA have consulted regarding treatment and disposition of the remains.

2.2 ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Alternative B is similar to Alternative A in some aspects including the transfer of the approximately 59-acre Proposed Fee-to-Trust Property into trust. However, the casino portion of Alternative B is substantially reduced when compared to Alternative A. Furthermore, there would be fewer food and beverage options, less parking spaces and there would not be a Hard Rock Live, nor conference amenities such as a ballroom. Construction of Alternative B has an estimated duration of 18 months. Components of Alternative B are described below. BMPs outlined in **Table 2** would apply to Alternative B.

2.2.1 ALTERNATIVE B PROJECT COMPONENTS

Alternative B (see **Appendix PROJ DESC Table 2**) is located on the same site as Alternative A, and a site plan of Alternative B is provided in **Figure 5**. Proposed facilities include a casino of up to 48,000 square feet, food and beverage venues, a multi-story hotel up to 75 feet in height with 150 rooms, a fitness center, and supporting facilities. Parking would consist of a surface-level lot with up to approximately 1,900 spaces.

The proposed casino-resort would have a gross footprint of up to approximately 256,000 square feet. The casino gaming floor would include up to 750 slot machines, 30 tables, and 95 table game seats and associated circulation on the ground floor of the facility, and would be open 24 hours a day, seven days a week. It is anticipated that the food and beverage facilities will include a Hard Rock Café, a bar, a steakhouse, noodle restaurant and other dining options. Site access would be the same as for Alternative A.

Construction of Alternative B would begin after the Project Site has been placed into federal trust. Construction would involve earthwork, placement of concrete foundations, steel and wood structural framing, masonry, electrical and mechanical work, and building finishing, among other construction trades. Construction of Alternative B would be consistent with the International Building Code (IBC).

Water, wastewater, utilities and grading and drainage elements would be similar to those of Alternative A. As described in **Appendix GRADE**, the intensity of grading would be less than under Alternative A. Also, water usage and wastewater generation under Alternative B would be less. For example, Alternative B would generate up to approximately 74,000 GPD of wastewater, compared to the 113,000 GPD generated by Alternative A. Wetlands located on the Project Site would be avoided, and 25-foot buffers or setbacks would be established between wetlands and project improvements.

Temporary employment opportunities would be generated during construction of Alternative B. Additionally, permanent employment opportunities would be generated by the operation of Alternative B. The number of employees would be approximately half of the 1,715 full and part time permanent employee count in comparison with Alternative A due to the smaller size and scope.

Off-site improvements would not be necessary, aside from access improvements.

2.3 ALTERNATIVE C – NON-GAMING ALTERNATIVE

Alternative C is a non-gaming alternative that would consist of a hotel and associated amenities and infrastructure with an overall footprint of up to approximately 326,250 square feet (**Figure 6**). In addition to the larger conference/convention amenities, Alternative C would also have fewer food and beverage options than under Alternatives A and B. The land trust action would also occur as described under Alternative A. Components of Alternative C are discussed below. BMPs outlined in **Table 2** would apply to Alternative C.

2.3.1 ALTERNATIVE C PROJECT COMPONENTS

Alternative C (see **Appendix PROJ DESC Table 3**) includes food and beverage venues, a multi-story hotel with 150 rooms, a pool, and a fitness center, a conference ballroom/meeting space of up to approximately 126,000 square feet and supporting facilities. Parking would consist of a surface level lot with approximately 1,400 parking stalls.

Alternative C would introduce new hardscape, however, as Alternative C has a smaller footprint than Alternative A, without the casino and associated amenities. Construction would commence after land has been taken into trust.

Utility connections would be the same as identified under Alternative A. Water, wastewater, utilities and grading and drainage elements would be similar to those of Alternative A, but usage would be lower, due to the smaller scope of Alternative C. As described in **Appendix GRADE**, the intensity of grading would be less than under Alternative A. Wetlands located on the Project Site would be avoided, and 25-foot buffers or setbacks would be established between wetlands and project improvements. Site access would be provided via two new entry and exit points on 122nd Avenue.

Temporary employment opportunities would be generated during construction of Alternative C Additionally, permanent employment opportunities would be generated by the operation of Alternative C. Because of its smaller scope, the number of employees would be lower, in comparison with Alternative A. Off-site improvements would not be necessary, aside from access improvements.

2.4 ALTERNATIVE D – NO ACTION

Under the No-Action Alternative, the Project Site would not be placed into trust for the benefit of the Tribe and would not be developed with the casino, hotel, and associated facilities as identified under Alternative A or with the hotel and amenities identified under Alternative C. Jurisdiction of the Project Site would remain with the City. The Project Site could be developed by the Tribe or by a private purchaser, consistent with local zoning. For the purposes of the environmental analysis in this EA, it is assumed that the Project Site would remain in its current undeveloped state under Alternative D.

2.5 COMPARISON OF ALTERNATIVES

As indicated above, development of the Project Site under Alternative A, B, and C would transfer approximately 59 acres of vacant land owned in fee by the Tribe into federal trust status. All three alternatives require similar site preparation activities, including grading, reshaping, and revegetation. The area of impact under all three build alternatives would be approximately 53.5 acres. Alternative D, as the No-Action Alternative, would not result in ground disturbance.

Impacts from developing Alternative A, B, and C would include temporary construction activities, increased impervious surface, increased traffic and increased human activities on the site. Selection of Alternative A would increase economic activity and provide employment and income opportunities for area residents. Alternatives B, C, and D would have proportionally less impact to traffic, air emissions, noise, public services, erosion potential, water and energy use, and wastewater generation as compared to Alternative A. Alternatives B, C, and D would each result in less economic development and lower employment rates compared to the full-scale casino-resort proposed in Alternative A. Alternative B, with its reduced gaming floor, fewer amenities, and shorter construction timeline, would generate fewer jobs and less sustained economic activity in hospitality, entertainment, and food services. Alternative C, a non-gaming hotel and convention center, would offer some employment opportunities but would lack the economic draw and revenue potential of a casino, leading to more modest and seasonal job creation. The No Action Alternative (Alternative D) would result in no new development, and therefore no increase in employment or economic stimulation, representing the lowest potential for economic benefit among all options.

Alternative A would satisfy the Department's land acquisition policy per the Department's trust land regulations (25 CFR §§ 151) through facilitating tribal self-sufficiency, self-determination, and economic development. The need for the Department to act on the Tribe's application is established by the Department's regulations at 25 CFR §§ 151.12. While Alternative D would not result in any of the environmental effects identified for Alternative A, B, or C this alternative would not meet the purpose and need or the Tribe's objectives of providing economic opportunities for Tribal members. Despite the proportionately greater overall effects on the environment of Alternative A, identified impacts would not be significant and unavoidable following adherence to best management practices (**Table 2**) and implementation of mitigation measures recommended in this document.

2.6 COMPARISON TO PROPOSED 2013 CASINO PROJECT

It is worth noting the proposed Kenosha Casino Project sites in both the current Environmental Assessment (EA) and the 2013 Record of Decision (ROD) discussed in Section 1.0 are in close proximity within Kenosha County, Wisconsin, just east of Interstate 94. The 2013 ROD focused on the 223-acre Dairyland Greyhound Park (DGP) site, which was previously developed and included existing racetrack infrastructure. This site is situated approximately half a mile east of I-94, making it highly accessible and visible from the interstate corridor. The current EA proposes a new 59-acre site also located adjacent to I-94, specifically along 122nd Avenue (West Frontage Road), between 60th and 75th Streets. This location is similarly positioned to benefit from regional transportation infrastructure and is surrounded by compatible land uses such as commercial, residential, and undeveloped parcels.

The geographic proximity of the two sites underscores the strategic intent of the Menominee Indian Tribe to establish a gaming and hospitality facility within a well-connected and economically active corridor. Both sites are within the same general development zone and share similar environmental and infrastructural contexts, including access to municipal utilities and emergency services. The selection of the current site reflects a scaled-down footprint while maintaining the locational advantages of the original DGP site, such as visibility, accessibility, and integration with local and regional planning efforts. This continuity in location supports the Tribe's long-term goals for economic development and community engagement in the Kenosha area.

Table 3 compares the development alternatives from both the current EA and the 2013 ROD.

TABLE 3: COMPARISON OF ALTERNATIVES BETWEEN THE CURRENT EA AND 2013 ROD

Alternative	Current EA	2013 ROD
A – Casino & Hotel	59-acre site on 122nd Avenue with 70,000 sf gaming floor, 150-room hotel, Hard Rock	223-acre Dairyland Greyhound Park site with 107,300 sf gaming, 400-room hotel,

Alternative	Current EA	2013 ROD
	Live venue, food & beverage, and 2,400 parking spaces	5,000-seat entertainment venue, future expansion (water park, RV park)
B – Reduced Intensity	Smaller casino (48,000 sf), 750 slots, 150-room hotel, fewer amenities, 1,900 parking spaces	Interim casino using existing clubhouse, limited gaming (37,600 sf), no new hotel or entertainment venue
C – Non-Gaming Alternative	Hotel, conference center, food venues, 1,400 parking spaces, no casino	Expansion of existing Keshena facility on reservation land (39,996 sf gaming, 200-room hotel, parking garage)

2.7 ALTERNATIVES ELIMINATED FROM CONSIDERATION

The intent of the analysis of alternatives in the EA is to present to decision-makers and the public a reasonable range of alternatives that are both feasible and sufficiently different from each other in critical aspects.

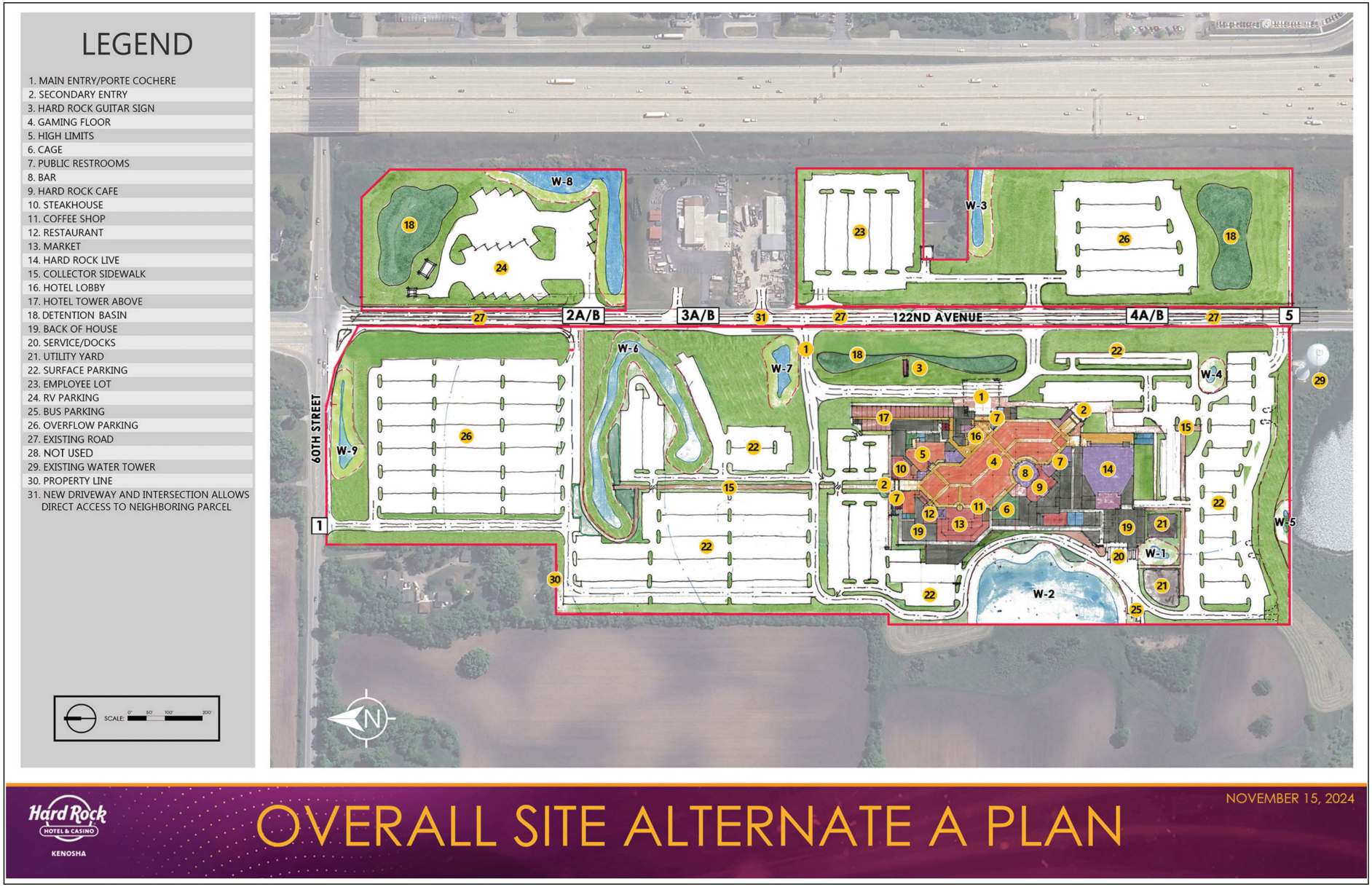
The alternatives discussed herein were considered and rejected from further consideration because these alternatives were determined to be infeasible or would not fulfill the stated purpose and need of the Proposed Action.

2.7.1 BIG-BOX RETAIL

The Tribe considered development of a big-box retail facility at the Project Site, but rejected this from further consideration because this type of development is less likely to be economically feasible due to the abundance of existing big box retail in the greater Kenosha area. A non-gaming alternative is evaluated under Alternative C and therefore a big-box alternative would be somewhat redundant. Construction of a retail facility on the Project Site could, if it were feasible, potentially avoid or reduce the potential for adverse environmental effects when compared to Alternative A.

2.7.2 OFF-SITE DEVELOPMENT

Alternative Project Site locations for Alternative A could include other undeveloped parcels near the Project Site. However, other suitable parcels in the vicinity were generally unavailable for acquisition and it is unlikely that an alternative site would result in less environmental impacts than Alternative A.

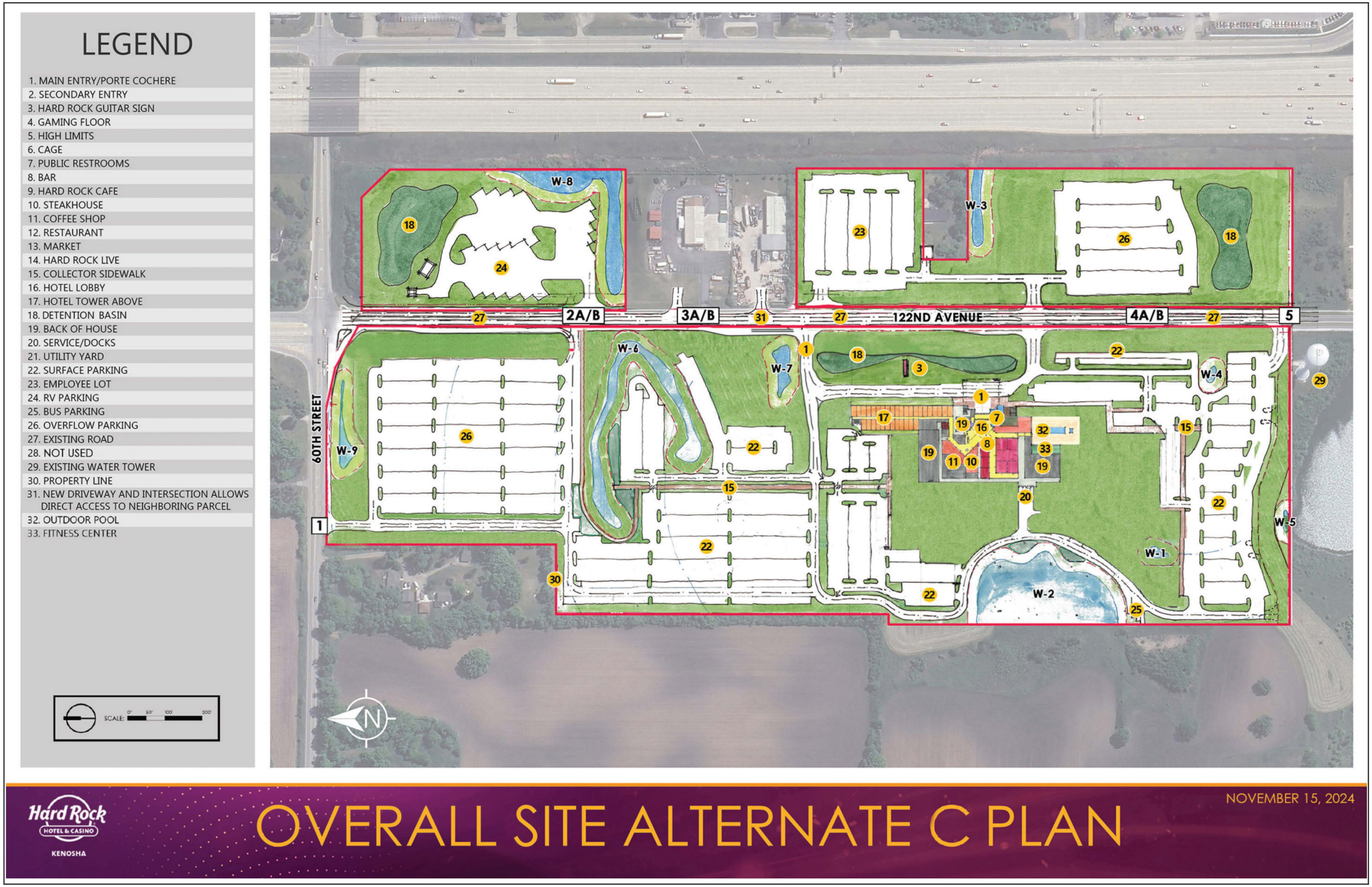


SOURCE: Hard Rock, 11/15/2024

Figure 4
Site Plan - Alternative A

SOURCE: Hard Rock, 11/15/2024

Figure 5
Site Plan - Alternative B



SOURCE: Hard Rock, 11/15/2024

Figure 6
Site Plan - Alternative C

SECTION 3.0

AFFECTED ENVIRONMENT & ENVIRONMENTAL CONSEQUENCES

3.1 INTRODUCTION

This section presents relevant information about existing resources and other values that may 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." Discussion regarding environmental resources on which the project would have no significant impact, specifically land resources, water resources, air quality, socioeconomic conditions, land use, noise, hazardous materials, and visual resources is presented in **Appendix ENV ANA**. Resource areas or issues that are addressed in this section include the following:

- Living Resources
- Cultural and Paleontological Resources
- Transportation/Circulation
- Public Services
- Indirect and Growth-Inducing Effects

3.1.1 DIRECT AND INDIRECT IMPACTS

Direct impacts are caused by an action and occur at the same time and place while indirect impacts are caused by the action and occur later in time or further in distance but are still reasonably foreseeable. Indirect and growth-inducing effects of the alternatives to each resource area are assessed in **Section 3.6**.

3.1.2 REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT ANALYSIS

For the purposes of this analysis, the reasonably foreseeable effects include growth and development that is consistent with the uses envisioned in the City of Kenosha and Kenosha County Comprehensive Plans and zoning ordinances. The reasonably foreseeable effects also include development projects that are proposed, planned, and/or currently being constructed in the region, including those listed below:

Commercial, Industrial and Residential Developments

The portion of Interstate 94 (I-94, also known as Wisconsin Veterans Memorial Highway) in Kenosha County has become a significant distribution and commercial hub. For example, Amazon.com Inc. operates a fulfillment center on 120th Avenue. The company announced plans in 2022 to expand its fulfillment operations by approximately 1 million square feet. Other commercial and industrial projects are listed below in **Table 4**. There are various residential and office/commercial development projects in the planning stage.

Transportation Facility Improvements

The City of Kenosha and the Wisconsin Department of Transportation (WisDOT) have various capital projects that are in process. As described in **Appendix TIA**, the Kenosha Gateway project is located directly to the south of the Project Site. In 2023 WisDOT completed the WIS 50 Reconstruction project, which consisted of road improvements along an approximate 4-mile length of WIS 50 (WisDOT, 2023). Further, the City plans to widen and upgrade North 128th Avenue between 60th Street and 38th Street from a two-lane rural road section to a three-

or four-lane urban road profile (City of Kenosha, 2024). The City also plans to extend 52nd Street between 128th Avenue and the industrial area at I-94.

TABLE 4: PLANNED DEVELOPMENT PROJECTS IN THE VICINITY OF THE PROJECT SITE

Project Name	Size of Project	Miles to Project Site	Project Location	Project Description	Project Status
Rosen Hyundai - parking lot expansion	Not Available	< 1 mile	68th Street and 118th Avenue	Parking lot	Review stage
Southport Commons site grading	Not Available	< 1 mile	West Frontage Road at 53rd Place	Other Type of Development	Review Stage
Flint 94 Commerce Center	1.9 million sq. ft / 128 acres	2 miles	West Frontage Road at Hwy E (12th Street)	Mixed-use business park / industrial	Pre construction
Kenosha Midpoint (aka: Kenosha Gateway)	25 acres	< 1 mile	122nd Avenue at 71st Street	Mixed-use business park / industrial	Planning/Review stage
Leo at Bristol	531 units / 72 acres	1 mile	130 Avenue, south of Hwy 50 and west of I 94	Apartments and owner-occupied homes	Planning stage
Towne Place Hotel	95 rooms	< 1 mile	Southeast corner of 125th Ave and 71st St	95 beds, 126 parking spaces, 2.19 acres	Review stage
SOURCES: City of Kenosha, 2023b; Kenosha Area Business Alliance, 2023; City of Kenosha, 2024c; **Appendix TIA**.					

3.2 LIVING RESOURCES

3.2.1 REGULATORY SETTING

The living resources regulatory setting is summarized in **Table 5**, and additional information on the regulatory setting can be found in **Appendix REG**.

TABLE 5: REGULATORY POLICIES AND PLANS RELATED TO BIOLOGICAL RESOURCES

Regulation	Description
Federal	
Federal Endangered Species Act (ESA)	Enforced by the U.S. Fish and Wildlife Service (USFWS) for terrestrial species Protects federally listed wildlife and their habitat from take through provisions Requires consultation under Section 7 of the ESA for federal agencies if take of a listed species is necessary to complete an otherwise lawful activity Considers habitat loss an impact to the species Defines Critical Habitat as specific geographic areas within a listed species range that contain features considered essential for the conservation of the listed species
Migratory Bird Treaty Act (MBTA)	Protects migratory birds and requires project-related disturbances to be reduced or eliminated during the nesting season
Bald and Golden Eagle Protection Act	Prohibits take, possession, and commerce of bald and golden eagles and associated parts, feathers, nests, or eggs with limited exceptions The bald eagle was federally delisted under the ESA in 2007; however, provisions of the act

Regulation	Description
	remain in place for bald and golden eagles
Clean Water Act (CWA) Section 404 and 401	Defines "Waters of the United States" subject to jurisdiction of the U.S. Army Corps of Engineers (USACE) Affords for the regulation of filling or dredging of waters of the U.S. under the authority of Section 404 of the CWA by USACE or the U.S. Environmental Protection Agency (USEPA) Projects requiring a 404 permit under the CWA also require a Section 401 certification from either USEPA for trust land, or the Regional Water Quality Control Board (RWQCB) for non-trust land
State	
Wisconsin State Statute 29.604 and Administrative Rule Chapter NR 27	Wisconsin State Statute 29.604 and Administrative Rule Chapter NR 27 established and defined Wisconsin's endangered and threatened species laws. Chapter NR 29 of the Wisconsin Administrative Code defines the endangered resources information fees related to providing rare species data to the public.
Wisconsin Department of Natural Resources	Maintains a list of special-status species within the state Protects state-listed wildlife and plants from take and other disruptions or harm Issues permits for state-listed species handling and other uses
Local	
City of Kenosha Comprehensive Plan	Aims to preserve and enhance the City of Kenosha's natural resources, including Lake Michigan, and park and open space sites Aims to encourage the preservation of open spaces and natural resources as part of future development proposals
County of Kenosha Comprehensive Plan	Encourages the preservation of natural features and open space as part of future development proposals in the County Emphasizes the importance of identifying and preserving open space areas and natural resources
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.

3.2.2 ENVIRONMENTAL SETTING

Habitat assessments for the Project site were conducted by Montrose Environmental Solutions on May 8 and May 9, 2023, and by Heartland Ecological Group, Inc. on July 19 and 25, 2024. During these site visits, qualified scientists characterized on-site vegetation communities (habitats), delineated sensitive aquatic resources, and documented the presence/absence of suitable habitat for listed threatened and endangered species within a 66.33-acre study area that included the Project site plus a buffer around the Project site perimeter. For listed species and aquatic resources, preliminary desktop analysis included the following sources (**Appendix BIO**):

- A USFWS list of federally-listed species with the potential to occur within the Project Site (USFWS, 2024a);

- A map of USFWS proposed and designated Critical Habitat (USFWS, 2024b);
- USFWS National Wetlands Inventory (NWI) (USFWS, 2023).

The USFWS Information for Planning and Consultation online tool (IPaC) identified four (4) federally listed or federal candidate species with potential to occur in the Project Site. In addition, there is one species proposed for federal listing as threatened. There is no proposed or designated Critical Habitat on or near the Project Site (**Appendix BIO**), and there is no designated Essential Fish Habitat present on the Project Site.

- Whooping crane (Grus americana); experimental population, non-essential
- Monarch butterfly (Danaus Plexippus); candidate
- Western regal fritillary (Argynnis idalia occidentalis); proposed as threatened
- Eastern prairie fringed orchid (Platanthera leucophaea); federally threatened.

Habitat Types

The majority of the Project site consists of abandoned agricultural fields, which includes the old field and a mowed hay field, present in the southeast corner of the site. These habitats are dominated by weedy upland meadow plant species. Several small, disjointed, woodland areas are present in the north and central portions of the site, and this habitat is dominated by an overstory of shagbark hickory (*Carya ovata*), northern red oak (*Quercus rubra*), stone fruit (*Prunus* sp.), and swamp white oak (*Quercus bicolor*). The woodland understory is composed of lilac (*Syringa* sp.) and common buckthorn (*Rhamnus cathartica*). The Project site contains two meadow habitats: the meadow with intermittent scattered trees type is found along the eastern side of the site, and the open meadow type, dominated by invasive reed canary grass (*Phalaris arundinacea*), is found in the northeast corner of the site. The Project site also contains areas that are classified as developed/disturbed and that contain road pavement, hard-pack dirt road-edge, and patches of weedy vegetation that are regularly disturbed by human activities along the roadside. **Figure 7** provides a map of the habitats described above, and the area represented by each habitat type is listed in **Table 6**.

TABLE 6: HABITAT TYPES IN THE PROJECT SITE

Habitat Name	Area in Project Site (acres)
Hay Field	5.85
Meadow with Scattered Trees	2.41
Old Field	41.52
Open Meadow	0.25
Woodland	3.17
Wetland	2.64
Developed/Disturbed	3.36
TOTAL	**59.19**

Wetlands/Waters of the U.S.

Based on results of a Wetland Delineation performed in 2024 by two assured wetland delineators qualified by the Wisconsin Department of Natural Resources (WDNR), the Project site contains nine (9) wetland areas covering approximately 2.64 acres, including six (6) emergent wet meadow wetlands, two (2) shrub carr wetlands, and one

(1) wet meadow/shallow marsh. The site does not contain any non-wetland waters (i.e. flowing waterways). The wetlands identified during the delineation may be subject to federal regulation as waters of the U.S. protected under Section 404 of the Clean Water Act based upon an analysis of connectivity and the presence of positive indicators for wetland hydrology, wetland soils, and hydrophytic vegetation. The boundaries of these wetland resources are presented on **Figure 7,** and further detail on each of the wetlands is presented in the delineation report (**Appendix BIO**).

Listed Species

Based upon the results of on-site field investigation and an understanding of species life history requirements, the Project Site does not support habitat for federally listed, proposed or candidate species. The site lacks suitable host plants and/or tall roosting trees to support Monarch butterflies; it lacks tallgrass prairie habitat with larval foodplants for the western regal fritillary; and the level of historic disturbance renders the meadow habitat unsuitable for the eastern prairie fringed orchid and whooping crane. Potential habitat for protected bat species was also determined to be absent from the site based upon the absence of suitable tree roosting habitat for species found in the vicinity of the Project site (Northern long-eared bat and tricolored bat), and the WDNR concurred that the site does not support the two bat species due to the absence of suitable habitat elements and recent near-by occurrences (WDNR 2024).

Active bird nests were not observed during the surveys; however, nesting migratory birds have the potential to occur on and in the vicinity of the Project Site. The general nesting season for migratory birds occurs between February 15 and September 15, at which time birds and their young are most vulnerable.

3.2.3 IMPACT ANALYSIS

Impacts to living resources could be significant if the alternative:

- Has a substantial adverse effect on species listed under the Federal Endangered Species Act (FESA);
- Has a substantial adverse effect on habitat necessary for the future survival of such species, including areas designated or proposed as Critical Habitat by the USFWS or areas designated as Essential Fish Habitat (EFH) by the National Marine Fisheries Service (NMFS);
- Results in a take of migratory bird species as defined by the Migratory Bird Treaty Act (16 USC §703-712);
- Results in take of bald or golden eagles as defined under the Bald and Golden Eagle Protection Act; or
- Has a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means.

The evaluation of adverse effects to biological resources is based on survey results, desktop review, and a comprehensive examination of how proposed Project activities under each alternative could affect sensitive biological resources.

ALTERNATIVE A – CASINO AND HOTEL

Habitats

Casino and hotel development under Alternative A would require site preparation activities, such as grading and clearing, across a large portion of the Project site to support construction access and subsequent vehicle parking, RV parking, building structure and detention basin development. Site preparation would result in the removal of existing mapped vegetation communities, as identified in **Table 7**.

TABLE 7: AREA OF VEGETATION REMOVAL UNDER ALTERNATIVE A

Habitat Name	Area in Project site (acres)	Area Removed under Alternative A	Percent of Existing Habitat Removed under Alternative A
Hay Field[a]	5.85	5.81	99%
Meadow with Scattered Trees	2.41	2.24	93%
Old Field[a]	41.52	39.19	94%
Open Meadow	0.25	0.24	96%
Woodland	3.17	3.01	95%
Wetland	2.64	0	0%
Disturbed/Developed[a]	3.36	2.97	88%
TOTAL	**59.19**	**53.46**	**90%**

Notes:

a. The habitats indicated are not considered sensitive because they have been modified from the original state.

Agriculture/disturbed habitat is not considered sensitive, as it has previously been modified from its original state and provides limited habitat value to wildlife species. Although woodland habitat generally provides a greater value to plants and wildlife than agricultural habitat, woodland habitat is not considered sensitive or of limited distribution and is not afforded special protection at the federal level. The Project site does not contain sensitive terrestrial habitats; therefore, construction and operations of the project under Alternative A would have no impact on sensitive terrestrial habitat.

Wetlands are considered sensitive habitats and impacts to protected aquatic resources would be considered significant. The project design under Alternative A, including all grading and subsequent land-use planning, was altered during the planning process to avoid wetlands and afford each wetland feature a permanent 25-foot-wide avoidance buffer. As a result, no impacts to protected aquatic habitat, including wetlands, would result from construction and operations under Alternative A.

Wetlands/Waters of the U.S.

The nine (9) mapped wetlands identified within the Project site are potential jurisdictional waters of the U.S., protected under section 404 of the Clean Water Act. Disruption of the functions and values associated with these features through direct removal, contamination, and or disturbance during construction or operations under Alternative A would constitute an adverse impact to jurisdictional wetlands. Project plans were developed to avoid all impacts to these features through intentional design decisions and the implementation of an Erosion Control Plan, as described in the project BMPs (**Section 2.1.3**) and **Section ENV ANA.3** in **Appendix ENV ANA**. As a result, the Project would have no direct adverse impacts on waters of the U.S.

Listed Species

Based on biological desktop review and survey results, no federally listed species have the potential to occur on the Project Site therefore adverse impacts to these resources would not occur. The Proposed Project mainly impacts agricultural/disturbed habitats which are broadly unsuitable for federally listed species; however, may support migratory birds, and construction during the nesting period for migratory birds could impact nesting birds and their young. Implementation of mitigation for nesting birds, including work avoidance periods, as described in **Table 20**, **Section 4.0**, would avoid potential impacts to nesting birds. No adverse impacts to federally listed or

protected plant and animal resources would occur under Alternative A.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Alternative B contains less extensive building infrastructure development than under Alternative A, with removal of the Hard Rock Live facility from site development plans. Despite the absence of the Hard Rock Live building, development under Alternative B would require site preparation activities and vegetation clearing consistent with the level of disturbance anticipated under Alternative A. Existing vegetation/mapped habitat losses would be consistent with estimates presented in Table 7; however, the Project site does not contain sensitive terrestrial habitats and therefore, construction and operations of the project under Alternative B would have no impact on sensitive terrestrial and aquatic habitat.

The potential for Alternative B to impact listed species is analogous to Alternative A and is limited to disturbance to migratory and nesting birds. Therefore, BMPs and mitigation described in **Section 4.0** would apply to Alternative B. Direct impacts to wetlands would be avoided under Alternative B through implementation of an Erosion Control Plan, as described in the project BMPs (**Section 2.1.3**) and **Section ENV ANA.3** in **Appendix ENV ANA**. As a result, adverse impacts to federally listed or protected plant and animal resources or jurisdictional wetlands would not occur under Alternative B.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Alternative C includes considerably less building infrastructure than that proposed under Alternatives A and B; however, development under Alternative C would still require site preparation activities, including grading, shaping, and re-vegetation, consistent with levels proposed under Alternatives A and B. Existing vegetation/mapped habitat losses would be consistent with estimates presented in Table 7; however, the Project site does not contain sensitive terrestrial habitats and therefore, construction and operations of the project under Alternative C would have no impact on sensitive terrestrial and aquatic habitat.

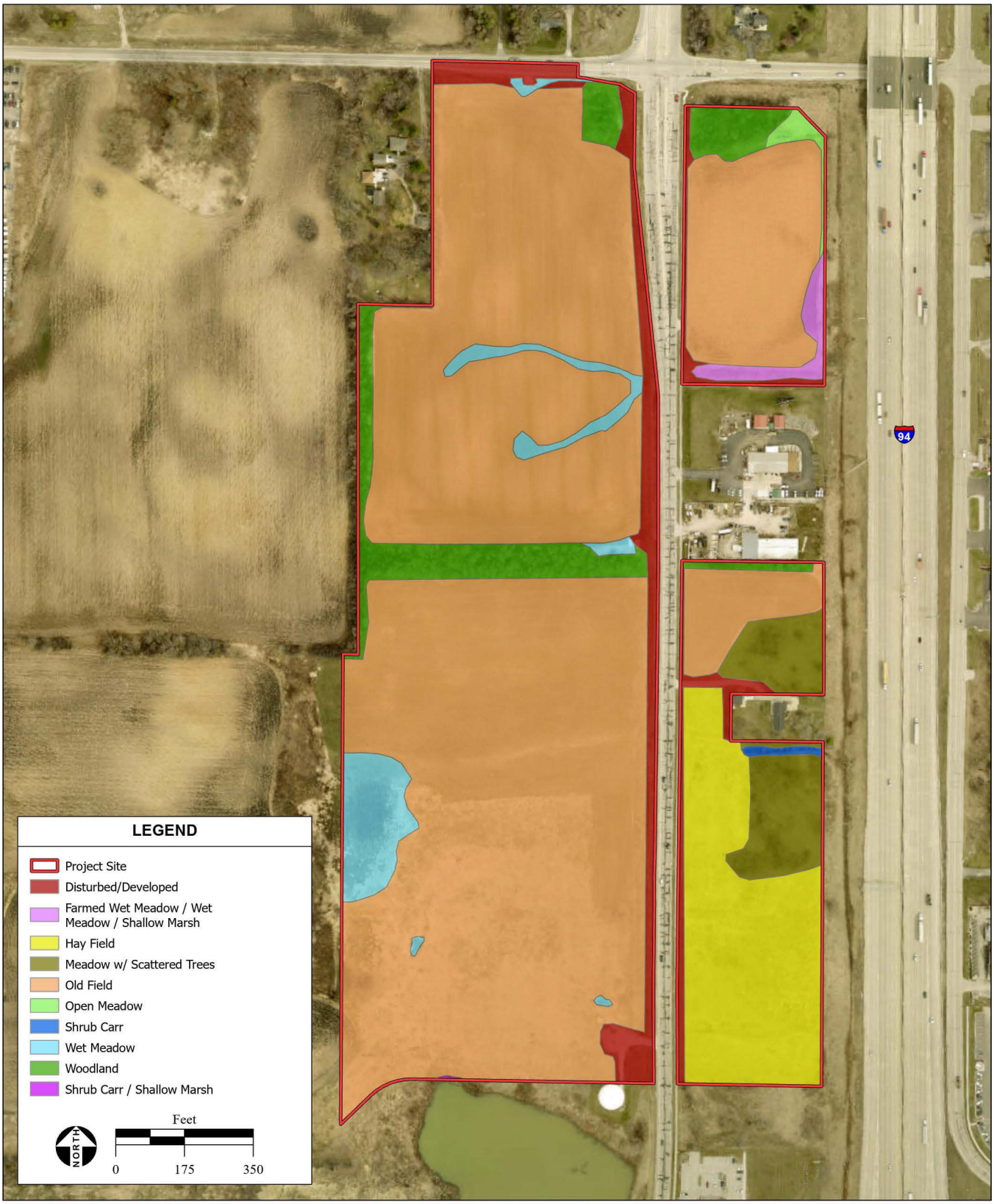
The potential for Alternative C to impact listed species is analogous to Alternatives A and B and is limited to potential habitat for migratory and nesting birds. Therefore, BMPs and mitigation in described in **Section 4.0** related to nesting birds would apply to Alternative C, and impacts would be less than significant with the inclusion of mitigation. Similar to Alternatives A and B, direct impacts to wetlands would be avoided under Alternative C through implementation of an Erosion Control Plan, as described in the project BMPs (**Section 2.1.3**) and **Section ENV ANA.3** in **Appendix ENV ANA**. As a result, adverse impacts to federally listed or protected plant and animal resources or jurisdictional wetlands would not occur under Alternative C.

ALTERNATIVE D – NO ACTION

Under Alternative D the Project Site would remain in its current undeveloped state. No impacts to living resources, including federally listed or protected plant and animal resources and jurisdictional waters, would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

The Project alternatives would avoid impacts on living resources and potentially federally protected waters of the U.S. As a result, no reasonably foreseeable actions have been identified in the Project vicinity that would interact with the Project Alternatives to generate reasonably foreseeable impacts to federally protected waters of the U.S., or to federally listed or protected plant and animal resources. Therefore, none of the alternatives would result in reasonably foreseeable significant impacts to living resources.



SOURCE: SE Wisconsin 2022 Imagery, 5/1/2022; Heartland Ecological Group, 2024; ESRI, 2024; Montrose Environmental, 9/23/2024

Figure 7
Habitat Types

3.3 CULTURAL AND PALEONTOLOGICAL RESOURCES

3.3.1 REGULATORY SETTING

The cultural resources regulatory setting information is summarized in **Table 8,** and more detailed information can be found in **Appendix REG**.

TABLE 8: REGULATORY POLICIES AND PLANS RELATED TO CULTURAL RESOURCES

Regulation	Description
Federal	
Section 106 of the National Historic Preservation Act	Federal agencies must identify cultural resources that may be affected by actions involving federal lands, funds, or permitting actions. Significance of the resources must be evaluated for National Register of Historic Places (NRHP) eligibility. If an NRHP-eligible resource will be adversely affected, measures to avoid or reduce adverse effects must be taken.
Archaeological Resources Protection Act	Archaeological resources and sites on public and Indian lands are protected resources.
Native American Graves Protection and Repatriation Act	Includes provisions governing the repatriation of Native American remains and cultural items under the control of federal agencies and institutions that receive federal funding ("museums"), as well as the ownership or control of cultural items and human remains discovered on federal or tribal lands.
Paleontological Resources Preservation Act	Paleontological resources on federal lands are protected resources.
State	
Wis. Stat. § 44.47	Illegal to remove artifacts or disturb sites on public lands.
Wis. Stat. § 157.70	Illegal to disturb burials.
Local	
Comprehensive Plan for the City of Kenosha: 2035	Chapter VIII, Agricultural, Natural, and Cultural Resources Element Part 4 includes cultural resources goals, objectives, policies, and programs.

3.3.2 ENVIRONMENTAL SETTING

Wisconsin's geophysical features were formed primarily by glacial rather than tectonic or volcanic processes. The result is a wide-scale absence of igneous rock formations, and the prevalence of sedimentary and metamorphic rock formations as the underlying bedrock profile throughout the majority of Wisconsin. Oak Creek till is the principal drift in the north-south trending Lake Border morainic system in which the Project Site is situated.

Regional prehistory falls into four principal periods.

- The Paleoindian Period (11,400 B.C. – 8500 B.C.), when the earliest human inhabitants of Kenosha County appear to have been nomadic hunters and gatherers who exploited floral resources and Pleistocene mammals such as mammoth mastodon, musk ox, and caribou. Representative artifacts include fluted projectile points, rhyolite and basalt trihedral adzes.

- The Archaic Period (8500 B.C. – 1000 B.C.), marked by the technological shift from lanceolate projectile points to stemmed and notched varieties as well as a broader range of groundstone tools such as grooved axes, mauls, and gouges. New plant species that appeared with the warmer and dryer climate became more important in subsistence and big game was replaced by smaller forest and prairie species.
- The Woodland Period (1000 B.C. – A.D.-1000), when subsistence and social patterns continued to evolve, with the introduction of ceramics, construction of earthen mounds for burials, and cultivation of plants. Throughout the period, populations increased, exotic goods representing extensive exchange networks become more commonplace, and burial customs became more elaborate.
- Mississippian period (1000 A.D. – A.D.-1500) populations have been characterized as village farmers pursuing a subsistence economy based on maize horticulture, fishing, and hunting (Overstreet et al., 2004).

Menominee Tribe

The Menominee occupied a vast territory, over 10 million acres of land, in what is now Wisconsin and Upper Michigan. Menominee Dreamers foresaw the coming of a light skinned people in large boats that would come into the bay of Green Bay and change Tribal history forever. This prophesy came true in 1634 when the French explorer Jean Nicolet arrived at Green Bay in search of a water route to the east. Soon after Nicolet's arrival, the Menominee became involved in the fur trade and dependent upon trade goods and a new way of life (Menominee Tribe, 2023).

Historic Overview

In 1835, John Bullen established a settlement at modern-day Kenosha at the behest of the New York-based Western Emigration Company. The community was originally called Southport but was renamed Kenosha in 1850 when it broke off from Racine County. Kenosha's advantageous position on Lake Michigan, with its harbor, connection to plank roads, and location along rail lines connecting Green Bay, Milwaukee and Chicago nourished manufacturing in the city in the 19th century. At the turn of the 20th century, Italian, Danish, German, Polish and Irish immigrants established solid communities in Kenosha. Their work in local factories made the city well known for the production of brass and iron beds and other metal furniture, leather, wagons and automobiles, which served as a mainstay of the local economy through much of the 20th century (Wisconsin Historical Society, 2009).

Native American Consultation

The Menominee Indian Tribe Tribal Historic Preservation Officer (THPO) was consulted prior to and during the field effort. Per the recommendation of the THPO, cultural survey work was supported by Dr. David Overstreet, Wakec Minekan. On June 4, 2024, the THPO provided a finding of no Historic Properties Affected for the construction and operation of Alternative A to the US Department of Interior, Bureau of Indian Affairs (BIA). Nine Tribes identified by the Tribal Directory Assessment Tool (TDAT) that have interest in the Kenosha area received notification of the Project. These Tribes are the Citizen Potawatomi Nation, Forest County Potawatomi Community, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Little Traverse Bay Bands of Odawa Indians, Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan, Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan, Miami Tribe of Oklahoma, Ottawa Tribe of Oklahoma, Prairie Band Potawatomi Nation.

State Historic Preservation Office Consultation

On August 1, 2024, the State Historic Preservice Office (SHPO) provided a No Effect concurrence determination of the proposed federal undertaking on historic properties.

Paleontological Resources

During the Paleozoic, warm, shallow seas covered Wisconsin, and as a result, Paleozoic invertebrate fossils such as corals, brachiopods, gastropods, crinoid stems, and bivalves occur in the project region (Nehm and Bemis, 2002). While 188 fossils have been noted from the state of Wisconsin, none from Kenosha County have been included on the online database from the University of California Museum of Paleontology (UCMP) (UCMP, 2023).

3.3.3 IMPACT ANALYSIS

For historic properties, impacts could be significant if the alternative resulted in one of the following effects to cultural resources that are listed, or eligible for listing, on the NRHP:

- Physical destruction of or damage to all or part of the resource
- Alteration of a resource
- Removal of the resource from its historic location
- Change of the character of the resource's use or of physical features within the resource's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the resource's significant historic features
- Neglect of a resource that causes its deterioration
- Transfer, lease, or sale of the property

Paleontological resources are considered important for their scientific and educational value. Fossil remains of vertebrates are considered significant. Invertebrate fossils are considered significant if they function as index fossils. Index fossils are those that appear in the fossil record for a relatively short and known period of time. This allows geologists to interpret the age range of the geological formations in which they are found.

ALTERNATIVE A – CASINO AND HOTEL

Impacts to cultural and paleontological resources were evaluated using a combination of background research, a pedestrian survey, and shovel testing program completed in 2023. A cultural resources study was prepared and included a review of historic maps and aerial photographs and records on file with the Wisconsin Historical Society (WHS) completed on January 9, 2023. The WHS results extended for 1 mile from the Project Site and indicated that no resources or archaeological surveys have been documented within the Project Site. In addition, a combination of pedestrian and subsurface field surveys and Tribal consultation were completed in order to identify any prehistoric and historic-period resources within or adjacent to the Project Site that may be impacted by Alternative A.

Survey efforts were completed by archaeologists who meet the U.S. Secretary of the Interior's professional qualifications in archaeology, using the methodology provided in the Wisconsin Archaeological Survey Guide for Public Archaeology in Wisconsin. All work was completed in May 2023 and August/September 2023. The two northern parcels (APNs 03-121-101-101 and 03-121-101-102) and southwestern parcel (APN 03-121-01-101-423) were all investigated using pedestrian survey transects spaced 5 meters apart, as each included ground surface visibility averaging at least 95 percent either due to harvesting or plowing and disking. The southeastern parcel (APN 03-121-01-101-422) was covered in dense weeds and grasses, and land use history indicated severe modifications to APN 03-121-01-101-422. An aerial photograph from the mid-1960s indicates a large commercial/industrial operation on the south 75 percent of this tract. Once the operation, a turkey farm, was discontinued the buildings and other facilities were razed and a mantle of heavy clay fill was brought onto the site

and leveled. Minor scarps could be observed to estimate the fill depth, but that varied with undulations in the original ground surface. Due to the lack of surface visibility, shovel tests were hand excavated at 50-foot intervals to a maximum depth of about 40 centimeters throughout the parcel; all extracted soils were screened through ¼-inch hardware cloth.

A site was found during shovel pit testing. Site boundaries were not fully defined, but at the request of Mr. David J. Grignon, Tribal Historic Preservation Officer, no additional subsurface excavation was employed as avoiding resource disturbance is consistent with the Tribe's long-term cultural resources management plan. As the boundaries of the site were not fully defined, a buffer zone, designed to include both the site footprint and a 15-foot or greater buffer was established, in accordance with the provisions of the Wisconsin Archaeological (Survey Guide for Public Archaeology in Wisconsin (Dudzik et al., 2012).

Alternative A has been designed to avoid the area of the site, per the recommendation of the THPO. The mitigation measure in **Section 4.0** details the avoidance area for the site and calls for construction monitoring to ensure that the construction activities do not encroach upon the site. As a result of this avoidance plan, construction and operation of Alternative A would result in *No Historic Properties Affected*.

The potential for buried archaeological deposits is considered to be moderate. The terrain within the APE affords some level areas near drainages, partially disturbed by previous agricultural use. The identification of a site indicates an increased potential either from the identified site or other, as-yet undiscovered deposits for resources that might contain data values which would make them eligible for listing on the NRHP under Criterion D. Best management practices (BMPs) included in **Section 2.0** would lessen the potential impacts to cultural or paleontological resources discovered during project construction by requiring halting work if such resources are found during construction and, if avoidance is infeasible, implementing testing, documentation, removal, or other measures as appropriate.

A structural remnant may be associated with structures visible in 1958, thereby making the remnants more than 50 years old. However, no significant ties to specific events or patterns in history or people could be found (NRHP Criteria A and B), there were no significant artistic or architectural values (NRHP Criterion C), and there do not appear to be potentially significant data values (NRHP Criterion D) associated with the remnants, and therefore this site is recommended not eligible for listing on the NRHP.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Under Alternative B, the Project Site would be developed to a lesser degree; however, the identified site would still be avoided and no ground disturbance associated with Alternative B would disturb the site. As with Alternative A, there is always a possibility that cultural or paleontological resources may be uncovered during construction. Cultural resources BMPs included in **Section 2.0** would lessen the potential impacts to cultural or paleontological resources by requiring testing, documentation, removal, or other measures as appropriate. Implementation of these measures would ensure that impacts would be less than significant.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Under Alternative C, the Project Site would only be developed as a hotel with associated amenities and infrastructure. The identified site would continue to be avoided, and BMPs included in **Section 2.0** would lessen the potential impacts to cultural or paleontological resources discovered during construction by requiring testing, documentation, removal, or other measures as appropriate. Implementation of these measures would ensure that impacts 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 cultural resources would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

Effects to cultural resources typically occur when sites that contain cultural features or artifacts or paleontological resources are disturbed by development. As these resources are destroyed or displaced, important information is lost and connections to past events, people and culture is diminished. One resource on the Project Site was discovered during field investigations, and it includes a temporally diagnostic artifact. No paleontological resources were identified within or adjacent to the Project Site. As the current plan calls for avoidance of Site, there would be no impacts to this resource. If other cultural resources are uncovered during construction, impacts to these resources would be potentially significant; significant reasonably foreseeable impacts to cultural or paleontological resources could occur if sites continued to be lost, damaged, or destroyed without appropriate recordation or data recovery. BMPs to address potential reasonably foreseeable impacts to unknown cultural and paleontological resources have been specified in **Section 2.0**. Implementation of these measures would ensure that reasonably foreseeable impacts would be less than significant.

3.4 TRANSPORTATION AND CIRCULATION

3.4.1 REGULATORY SETTING

The transportation and traffic regulatory setting is summarized in **Table 9**, and additional information on the regulatory setting can be found in **Appendix REG.**

TABLE 9: REGULATORY POLICIES AND PLANS RELATED TO TRANSPORTATION NETWORKS

Regulation	Description
Federal	
Federal Transportation Improvement Program	Identifies a plan to allocate funding for long-term capital improvement projects
State and Local	
Wisconsin Department of Transportation (WisDOT)	The managing agency over permitting and regulation of state roadways which include the frontage roads within this corridor
County of Kenosha Comprehensive Plan	Presents long range transportation goals and objectives
Comprehensive Plan for the City of Kenosha: 2035	Describes transportation goals, objectives, policies, and programs
Intergovernmental Agreements	
Tribe, Menominee Kenosha Gaming Authority and City of Kenosha	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	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.

3.4.2 ENVIRONMENTAL SETTING

Transportation Networks and Intersections

Intersections surrounding the Project Site were analyzed within the Kenosha Casino Project Traffic Impact Analysis (TIA) (**Appendix TIA**). The TIA evaluated the potential impacts of the Proposed Project on the following existing

ten intersections in the vicinity of the Project Site:

- State Trunk Highway 158 (also known as STH 158 and 52nd Street) at West Frontage Road (also known as 122nd Avenue): stop-controlled
- I-41 southbound at STH 158: signalized
- I-41 northbound at STH 158: signalized
- STH 158 at East Frontage Road: signalized
- 60th Street (also known as County Trunk Highway (CTH) K) at West Frontage Road: stop-controlled
- 60th Street at East Frontage Road (also known as 120th Avenue): stop-controlled
- West Frontage Road at 71st Street: stop-controlled
- I-41 southbound at 71st Street: signalized
- I-41 northbound at 71st Street: signalized
- 71st Street at 125th Avenue: partial stop control

Intersections were analyzed for the weekday evening peak hour (4:15 PM – 5:15 PM). While the project will be open during the weekday morning peak hour, traffic generated by the project is expected to be negligible during that time. Saturday peak hour for background traffic is assumed to occur 11:00 AM – 2:00 PM, which does not coincide with the peak hour of the traffic generated by the project alternatives. For these reasons, **Appendix TIA** analyzes impacts during the weekday peak hour only.

Level of Service

Level of Service (LOS) is a qualitative measure reflecting the traffic operation of the intersection, with LOS A representing best performance, and LOS F the worst. LOS describes traffic conditions in terms of factors such as capacity, travel time, delay, and freedom to maneuver. **Table 10** shows the corresponding average delay per vehicle and a description of vehicular conditions at intersections for each LOS category from A to F. LOS A – D are considered acceptable operations, based on WisDOT's Traffic Impact Analysis Guidelines manual; LOS E and F typically require infrastructure modifications to bring operations into the acceptable range. LOS E can be considered acceptable in certain instances and is determined on a case-by-case basis.

TABLE 10: LEVEL OF SERVICE FOR INTERSECTIONS

Level of Service	Unsignalized Average Total Delay (seconds/vehicle)	Signalized Average Total Delay (seconds/vehicle)	Delay Type
A	<10	<10	Short
B	>10 – 15	>10 – 20	Short
C	>15 – 25	>20 – 35	Short
D	>25 – 35	>35 – 55	Moderate
E	>35 – 50	>55 – 80	Moderate
F	>50	>80	Long
SOURCE: **Appendix TIA, Table 3-2**.			

Existing Intersection Traffic Volumes

Traffic count data was obtained from WisDOT where available and supplemented by independent counts as needed. Intersection turning movement counts were obtained in August 2023 (three intersections), September 2023 (two intersections), October 2023 (four intersections), and August 2024 (one intersection). The intersection turning movement counts are included in Appendix A of **Appendix TIA**.

Existing Bicycle, Pedestrian, and Transit System

There are paved shoulders present on both sides of the West Frontage Road and along 60th Street, which are suitable for bicycle use. There are no shared-use paths in the immediate vicinity of the Project Site. Kenosha Area Transit operates a route (Route 31) that is adjacent to the Project Site. Sidewalk is currently located on the east side of the West Frontage Road from 71st Street to 60th Street. This connects to existing sidewalk on the north side of 71st Street.

3.4.3 IMPACT ANALYSIS

ALTERNATIVE A – CASINO AND HOTEL

Impacts to the transportation system would be significant if Alternative A increased traffic volumes to the point where traffic exceeds operating standards adopted by the respective transportation authorities after implementation of feasible mitigation measures.

2028 Base Year Background Conditions

As described in the TIA, off-site development trip generation and subsequent distributions were determined by the 2020 Greeneway Development TIA, the 2022 Gateway Development TIA, and the 2023 ULINE Developments TIA. Off-site development traffic was applied based on construction phasing between 2028 and 2038. Other than the off-site developments described above, **Appendix TIA** assumed no additional off-site development traffic. The TIA also incorporated traffic growth forecast data, provided by WisDOT, to establish background traffic volume adjustments that occur independent of the off-site developments. As shown in **Table 11**, intersections are forecast to operate at acceptable levels for the 2028 background traffic condition.

TABLE 11: 2028 BASE YEAR BACKGROUND INTERSECTION OPERATIONS

		Weekday PM Peak Hour	
Intersection		**Delay**	**LOS**
100	STH 158 at West Frontage Road	12.1	B
200	I-41 southbound at STH 158	26.7	C
300	I-41 northbound at STH 158	12.3	B
400	STH 158 at East Frontage Road	13.1	B
500	60th Street at West Frontage Road	13.7	B
600	60th Street at East Frontage Road	13.6	B
700	West Frontage Road at 71st Street	15.4	C
800	I-41 southbound at 71st Street	13.2	B
900	I-41 northbound at 71st Street	11.6	B

Intersection		Weekday PM Peak Hour	
		Delay	LOS
1000	71st Street at 125th Street	10.6	B
SOURCE: **Appendix TIA, Exhibit 3-3**.			

Background growth rates are expected to be low (less than 1%). Due to these low rates, no significant operational changes are expected for background traffic conditions by the 2038 horizon year.

Trip Generation and Assignment

Table 12 summarizes the average weekday and weekday peak hour traffic generated to and from Alternative A, based on trip rates provided in **Appendix TIA**. A trip distribution pattern was developed considering the development location, major trip attractors in the area, as well as regional travel patterns.

TABLE 12: TRIP GENERATION – ALTERNATIVE A

Land Use	Size	Units	Weekday Two-way	Weekday PM Peak Hour		
				Total	In	Out
Casino	1,830	Gaming Positions	14,660	1,075	560	515
Hotel	150	Rooms	1,200	90	50	40
Event Center	2,000	Seats	1,600	600	600	0
Fine Dining Restaurant	28.8	1,000 s.f.	2,415	240	145	95
Apparel Store	1.25	1,000 s.f.	85	5	5	0
Raw Trips			19,960	2,010	1,360	650
Linked Trips			(2,400)	(255)	(180)	(75)
Total New Trips			**17,560**	**1,755**	**1,180**	**575**
SOURCE: **Appendix TIA, Exhibit 4-3A**.						

2028 Base Year Plus Alternative A Conditions

The base year 2028 total traffic conditions were derived by adding the traffic assignment for Alternative A to base year 2028 background traffic conditions. **Table 13** provides a summary of base year intersection operations. As shown in **Table 13**, most of the study intersections are expected to operate at acceptable levels in the base year (2028) total conditions. The exceptions are STH 158 at West Frontage Road, I-41 northbound at STH 158, 60th Street at West Frontage Road, and 71st Street at West Frontage Road. The I-41 intersection and the 71st Street intersection do not appear to be operating at an unacceptable level from an intersection perspective; however, specific movements are expected to operate below acceptable levels: I-41 – northbound shared left turn/through movement (LOS F); 71st Street – southbound shared left turn/through movement (LOS E) and the northbound single lane approach (LOS E). Based on WisDOT policy, these approaches must also be addressed.

TABLE 13: 2028 BASE YEAR PLUS PROJECT ALTERNATIVES

Intersection	Weekday PM Peak Hour		
	Alternative A	Alternative B	Alternative C

		Delay	LOS	Delay	LOS	Delay	LOS
100	STH 158 at West Frontage Road	**416.1**	**F**	**38.9**	**E**	14.2	B
200	I-41 southbound at STH 158	24.9	C	25.2	C	26.4	C
300	I-41 northbound at STH 158	45.6	D	16.0	B	14.8	B
400	STH 158 at East Frontage Road	13.5	B	13.2	B	13.1	B
500	60th Street at West Frontage Road	**169.2**	**F**	21.7	C	15.8	C
600	60th Street at East Frontage Road	16.3	C	14.4	B	11.9	B
700	West Frontage Road at 71st Street	32.2	D	18.8	C	16.7	C
800	I-41 southbound at 71st Street	11.8	B	13.1	B	13.2	B
900	I-41 northbound at 71st Street	12.0	B	11.7	B	11.6	B
1000	71st Street at 125th Street	11.6	B	10.9	B	10.8	B
SOURCE: **Appendix TIA, Exhibits 5-3A**, **5-3B**, **5-3C**. Bold text denotes unacceptable LOS.							

In addition, **Appendix TIA** identified improvements that are warranted at the access points to the Project Site. Implementation of the mitigation measures discussed in **Section 4.0** include payments from the Tribe to fund the construction of traffic improvements. The Tribe will pay a fair-share contribution to WisDOT, Kenosha County and/or the City of Kenosha towards the construction of the improvements. Mitigation measures would reduce traffic impacts to acceptable levels.

Bicycle, Pedestrian, and Transit Networks

Alternative A would not generate a large number of new pedestrian trips, bicycling activity, or transit riders along public roads in the area. Thus, no significant impacts are projected to these networks as a result of Alternative A.

ALTERNATIVE B – REDUCED INTENSITY GAMING ALTERNATIVE

Trip Generation and Assignment

Table 14 summarizes the average weekday and weekday peak hour traffic generated to and from Alternative B, based on trip rates provided in **Appendix TIA**.

TABLE 14: TRIP GENERATION – ALTERNATIVE B

Land Use	Size	Units	Weekday Two-way	Weekday PM Peak Hour Total	In	Out
Casino	845	Gaming Positions	6,770	530	275	255
Hotel	150	Rooms	1,200	90	50	40
Fine Dining Restaurant	18.7	1,000 s.f.	1,570	155	95	60
Apparel Store	1.25	1,000 s.f.	85	5	5	0
Raw Trips			9,625	780	425	355
Linked Trips			(1,815)	(155)	(95)	(60)
Total New Trips			**7,810**	**625**	**330**	**295**
SOURCE**: Appendix TIA, Exhibit 4-3B**.						

2028 Base Year Plus Alternative B Conditions

The base year 2028 total traffic conditions under Alternative B were derived using the same methodology as described above for Alternative A. Traffic levels associated with operation of Alternative B would be lower than the traffic levels associated with Alternative A because a lower intensity development is proposed. As shown in **Table 13**, all of the study intersections except one are expected to operate at acceptable levels in the base year (2028) total conditions. The one exception is the intersection of STH 158 at West Frontage Road. Alternative B does not require any additional improvements at the access points to the Project Site. Implementation of the mitigation measures discussed in **Section 4.0** include payments from the Tribe to fund the construction of traffic improvements. Mitigation measures would reduce traffic impacts to less than significant levels.

Bicycle, Pedestrian, and Transit Networks

Alternative B would not generate a large number of new pedestrian trips, bicycling activity, or transit riders along public roads in the area. Thus, no significant impacts are projected to these networks.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Trip Generation and Assignment

Table 15 summarizes the average weekday and weekday peak hour traffic generated to and from Alternative C, based on trip rates provided in **Appendix TIA**.

TABLE 15: TRIP GENERATION – ALTERNATIVE C

Land Use	Size	Units	Weekday Two-way	Weekday PM Peak Hour Total	In	Out
Convention Center	126	1,000 s.f.	1,380	185	10	175
Hotel	150	Rooms	1,200	90	50	40
Raw Trips			2,580	275	60	215
Linked Trips			(600)	(45)	(25)	(20)
Total New Trips			**1,980**	**230**	**35**	**195**
SOURCE: **Appendix TIA, Exhibit 4-3C**.						

2028 Base Year Plus Alternative C Conditions

The base year 2028 total traffic conditions under Alternative C were derived using the same methodology as described above for Alternatives A and B. Traffic levels associated with operation of Alternative C would be lower than the traffic levels associated with Alternative B because a lower intensity development is proposed. As shown in **Table 13**, all of the study intersections are expected to operate at acceptable levels in the base year (2028) total conditions. Similar to Alternative B, Alternative C does not require any additional improvements at the access points to the Project Site. Implementation of the mitigation measures discussed in **Section 4.0** include payments from the Tribe to fund the construction of traffic improvements. Mitigation measures would reduce traffic impacts to less than significant levels.

Bicycle, Pedestrian, and Transit Networks

Alternative C would not generate a large number of new pedestrian trips, bicycling activity, or transit riders along public roads in the area. Thus, no significant impacts are projected to these networks as a result of Alternative C.

ALTERNATIVE D – NO ACTION

Under Alternative D, the Project Site would remain in its current undeveloped state. No impacts to traffic and transportation would occur.

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 traffic standards during operation. **Appendix TIA** includes the background traffic forecasts and traffic flows from off-site project traffic growth through the year 2038, (the identified horizon year). **Table 16** provides a summary of the horizon year 2038 intersection operations.

TABLE 16: 2038 HORIZON YEAR PLUS PROJECT ALTERNATIVES

Intersection		Weekday PM Peak Hour					
		Alternative A		Alternative B		Alternative C	
		Delay	LOS	Delay	LOS	Delay	LOS
100	STH 158 at West Frontage Road	**423.9**	**F**	**53.6**	**F**	20.6	C
200	I-41 southbound at STH 158	29.3	C	26.7	C	26.9	C
300	I-41 northbound at STH 158	**61.3**	**E**	20.9	C	19.6	B
400	STH 158 at East Frontage Road	7.6	A	7.5	A	7.4	A
500	60th Street at West Frontage Road	**176.8**	**F**	23.4	C	16.7	C
600	60th Street at East Frontage Road	17.7	C	15.4	C	14.7	B
700	West Frontage Road at 71st Street	32.3	D	19.0	C	16.8	C
800	I-41 southbound at 71st Street	12.0	B	13.3	B	13.4	B
900	I-41 northbound at 71st Street	12.1	B	11.9	B	11.8	B
1000	71st Street at 125th Street	11.8	B	11.1	B	10.9	B
SOURCE: **Appendix TIA, Exhibits 5-5A**, **5-5B, 5-5C**.		Bold text denotes unacceptable LOS.					

As shown in **Table 16**, most of the study intersections are expected to operate at acceptable levels in the horizon year (2038) total conditions under Alternative A. The exceptions are STH 158 at West Frontage Road, I-41 southbound at STH 158, I-41 northbound at STH 158, 60th Street at West Frontage Road, and 71st Street at West Frontage Road. Four are the same intersections that do not operate at acceptable levels during the 2028 base year. No new movements at these three intersections are expected to operate at less than acceptable levels; the same movements identified in 2028 need to be addressed based on WisDOT policy (all now are expected to be LOS F). The I-41 southbound at STH 158 intersection was added to the list. While unacceptable operations do not show up at the intersection level, the eastbound right turn movement is expected to operate at less than acceptable levels (LOS F) and needs to be addressed.

In addition, **Appendix TIA** identified improvements that are also warranted at the access points to the Project Site. Implementation of the mitigation measures discussed in **Section 4.0** include payments from the Tribe to fund the construction of traffic improvements. Mitigation measures would reduce traffic impacts under Alternative A to acceptable levels of service.

For Alternative B, as shown in **Table 16**, all of the study intersections except one are expected to operate at

acceptable levels in the horizon year (2038) total conditions. The one exception is the intersection of STH 158 at West Frontage Road, as was the case for 2028. Alternative B does not require any additional improvements at the access points to the Project Site.

Appendix TIA does not recommend any traffic improvements under Alternative C, other than those already identified for the 2028 base year. No significant reasonably foreseeable impacts related to transportation and circulation would occur under Alternative C.

Under Alternative D, no reasonably foreseeable impacts would occur.

3.5 PUBLIC SERVICES AND UTILITIES

3.5.1 REGULATORY SETTING

The regulatory setting for public services is summarized in **Table 17** and further discussed in **Appendix REG**.

TABLE 17: REGULATORY POLICIES AND PLANS RELATED TO PUBLIC SERVICES

Regulation	Description
Federal	
Safe Drinking Water Act	Sets minimum national drinking water standards and groundwater protection
State and Local	
Wisconsin Comprehensive Groundwater Protection Act	Establishes groundwater quality standards Multi-Agency regulatory settings Creates Groundwater monitoring program Establishes local authority and responsibility to protect groundwater
Wisconsin Groundwater Protection Act, 2003	Expands state authority on water quantity issues Tracks well construction and water use Designates Groundwater Management Areas
Wisconsin State Statute §66 Subchapter VIII- Public Utilities	Grants cities the right to provide municipal public utility Grants cities the right to collect payment for the operation of public utilities Gives a town, village or city the authority to acquire any plant or equipment to provide water, light, heat or power to the inhabitants of its municipality.
Kenosha City Comprehensive Plan	Discusses city's existing public utilities and future plans.
City of Kenosha Code of Ordinances	Outlines policies and requirements regarding connecting to and using public utilities including water, wastewater and solid waste. Gives city authority to establish Police, Fire and other public services
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.

3.5.2 ENVIRONMENTAL SETTING

Water Supply

Water is supplied by the Kenosha Water Utility (KWU), which provides water and wastewater services to more than 100,000 people in the Greater Kenosha area, including the City of Kenosha, and the villages of Bristol, Pleasant Prairie and Somers. Drinking water is supplied by surface water from Lake Michigan and is treated at the O. Fred Nelson Water Production Plant (**Section 2.1**; Kenosha Water Utility, 2022; 2023). KWU freshwater capacity is approximately 42 million gallons per day (MGD), and peak flows are approximately 27 MGD (Kenosha Water Utility, 2022).

There are two water mains adjacent to the Project Site. Specifically, there is a 16-inch diameter water main that runs adjacent to both 60th Street and 122nd Avenue. There is also a 20-inch diameter water main that is located on the southern border of the Project Site (**Appendix GRADE**, Figure 3).

Wastewater Service

KWU operates the Kenosha Wastewater Treatment Plant (WWTP). In 2021 the WWTP collected and treated approximately 7.2 billion gallons of wastewater, an average of approximately 19.6 MGD (Kenosha Water Utility 2022). The plant has a capacity of 28.6 MGD.

A 21-inch diameter wastewater main runs in the east-west direction, located in a utility easement at the southern portion of the Project Site (**Appendix GRADE,** Figure 3). This wastewater main is located immediately north of the existing KWU water tank structure. There is no sewer main immediately adjacent to where the main casino/hotel facility would be located. KWU has stated that an internal study has recommended the installation of a new sewer main line that would run north from the existing line, and through an existing easement that runs through the Project Site (**Appendix GRADE**). This extension would provide wastewater service to new developments located to the north and west of the existing main.

Solid Waste Service

Solid waste collection services in the City of Kenosha is provided by the City Department of Public Works Waste Division. Solid waste is deposited in the Pheasant Run Landfill in the Town of Paris (City of Kenosha, 2010). The landfill is owned by Waste Management, and as of January 2023, had a remaining capacity of approximately 8.3 million cubic yards and an estimated remaining life of 39 years (WDNR, 2022).

Electricity and Natural Gas

WE Energies provides electric power and natural gas to Kenosha from its Paris Generating Station in Paris, Wisconsin. This station is located approximately 8 miles north of the Project Site. The plant uses natural gas in its four-unit plant that has a 400-megawatt capacity (We Energies, 2019). The plant uses #2 ultra low-sulfur fuel oil as it's secondary fuel, the average fuel use is 1.2 million cubic feet per hour per unit. The unit has a 1.5-million-gallon fuel tank on site for the fuel oil and the natural gas is transported to the site through a pipeline.

Law Enforcement

Law enforcement services for the City of Kenosha are provided by the Kenosha Police Department. The Patrol Division is primarily responsible for law enforcement activities within the local community, including traffic enforcement (City of Kenosha, 2024a). The Police Department is located at 1000 55th Street, approximately 7 miles to the east of the Project Site.

Fire Protection and Emergency Medical Services

The Kenosha Fire Department (KFD) provides emergency services, paramedic level medical care and fire

suppression as well as fire inspections and fire prevention education (City of Kenosha, 2024b). The fire department has 7 stations. Station 7 is located at 9700 52nd Street and is the station nearest the Project Site, at approximately 2 miles to the east.

The nearest hospital is Aurora Medical Center located approximately 2 miles southeast of the Project Site. The Center is open 24 hours a day, 7 days a week. The hospital is designated Level III Trauma Center and a Stroke Center of Excellence (Aurora Health Care, 2023). As described above in the Land Use Section, Children's Wisconsin – Kenosha Clinic, is located directly to the south of the Project Site.

3.5.3 IMPACT ANALYSIS

Impacts related to public services and utilities could be significant if the alternative generates demands on public services or utilities such that system capacities would be exceeded and would result in significant effects to the physical environment.

ALTERNATIVE A – CASINO AND HOTEL

Water Supply

Alternative A would connect to municipal water services to meet both potable and non-potable (i.e. landscape irrigation) water demands of Alternative A. As discussed above under Water Resources, water demand of Alternative A is estimated to be approximately 42 million gallons per year, or 115,000 gallons per day (GPD) (**Appendix GRADE**). Also as described above, KWU water capacity is approximately 42 MGD, and peak flows are approximately 27 MGD (Kenosha Water Utility, 2022). Thus, peak daily flows of the system are less than the existing capacity and Alternative A usage would constitute approximately 0.27 percent of KWU capacity. Consequently, the existing service capacity would not be exceeded and would therefore not result in actions such as expansion of infrastructure.

The existing water mains located adjacent to the Project Site are more than adequate to provide necessary water flows (**Appendix GRADE**). A 12-inch diameter service connection would connect Alternative A to the existing KWU water infrastructure. As described in **Section 1.6.2**, pursuant to the City IGA the Tribe agrees to pay customary charges for sewer and water services, and to pay KWU the project related costs associated with upgrading the sewer, water, and stormwater infrastructure. For these reasons, operation of Alternative A would have a less than significant impact on water supply.

Wastewater Service

As described above, KWU is contemplating the construction of a sewer line extension that would be located in an easement that runs north-south through the Project Site. If this project is not completed prior to the construction of the casino/resort, Alternative A would connect to the existing KWU wastewater service located on the south portion of the Project Site. If the sewer line extension is completed by then, Alternative A would connect to the new KWU extension on-site, but at a location closer to the main casino/resort facility.

As discussed in **Section 2.0**, Alternative A would generate approximately 113,000 GPD of wastewater, or 0.4 percent of the capacity of the Kenosha WWTP. KWU infrastructure has the capacity to process Alternative A wastewater (**Appendix GRADE**). As described above, the WWTP has approximately 19.6 MGD of average flows and its capacity is 28.6 MGD, indicating that there is sufficient capacity to service Alternative A. Alternative A therefore would not exceed service capacity and would therefore not result in actions such as expansion of infrastructure that could impact the environment. As described in **Section 1.6.2**, pursuant to the City IGA the Tribe agrees to pay customary charges for sewer and water services, and to pay KWU the project related costs associated with upgrading the sewer, water and stormwater infrastructure. Impacts on wastewater services and infrastructure would be less than significant.

Solid Waste

Solid waste from construction may include paper, wood, glass, aluminum, and plastics. Production of construction waste would be limited and temporary in nature and would not exceed capacity of waste collection facilities. As described above, the City of Kenosha Department of Public Works would provide solid waste collection services to the Project Site. The Pheasant Run Landfill has adequate capacity to absorb solid waste generated by Alternative A. As described in **Section 4.0**, the Tribe would enter into a service agreement for solid waste collection services prior to operation of Alternative A. For these reasons, operation of Alternative A would have a less than significant impact.

Electricity and Natural Gas

Electrical and natural gas infrastructure occur adjacent to the Project Site along 122nd Avenue. Agreements with WE Energies would facilitate electricity and natural gas connections to the Project Site. For these reasons, operation of Alternative A would have a less than significant impact.

Law Enforcement

The Kenosha Police Department would continue to provide services to the Project Site. Alternative A would result in an increase in demands on the Kenosha Police Department. Potential fiscal impacts related to law enforcement are analyzed separately in **Section ENV ANA.5** in **Appendix ENV ANA**. Because of the IGAs the Tribe will be paying funds to support any additional law enforcement services needed (**Appendix IGA**). For these reasons, operation of Alternative A would have a less than significant impact.

Fire Protection and Emergency Medical Services

Construction-related impacts include the potential fire threat associated with equipment and vehicles coming into contact with vegetated areas. Construction vehicles and equipment such as welders, torches, and grinders may accidentally spark and ignite vegetation or building materials. The increased risks of fire during the construction of Alternative A would be similar to that found at other construction sites in the area. BMPs to reduce fire risks, such as prohibition of open flames near refueling areas during construction, are included as part of the project design (see **Section 2.1.3**).

Additionally, Alternative A would generate additional fire protection and emergency medical service (EMS) demands at the Project Site. Potential fiscal impacts related to fire protection and emergency medical services are analyzed separately in **Section ENV ANA.5** in **Appendix ENV ANA**. Because of the IGAs the Tribe will be paying funds to support any additional fire protection and emergency medical services needed (**Appendix IGA**). For these reasons, operation of Alternative A would have a less than significant impact.

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. Water and wastewater services would be provided by KWU. Because of the reduced scope of the project, water and wastewater usage would be lower under Alternative B (**Appendix GRADE**). For example, wastewater flows would be approximately 74,000 GPD. Consistent with Alternative A, electricity and natural gas would be provided by WE Energies and solid waste services would be provided by the City of Kenosha Department of Public Works. Law enforcement and fire/EMS would be provided by the City of Kenosha. Impacts under Alternative B would be of a similar nature to Alternative A, but of a lesser magnitude, due to the smaller scope of Alternative B. As described in **Section 1.6.2**, pursuant to the City IGA the Tribe agrees to pay customary charges for sewer and water services, and to pay KWU the project related costs associated with upgrading the sewer, water, and stormwater infrastructure. Impacts to public services would be less than significant.

Potential impacts to law enforcement and fire / EMS are analyzed separately in **Section ENV ANA.5** in **Appendix ENV ANA**.

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 public services under Alternative C would be lesser in scope when compared to Alternative A, because of the smaller project footprint. As described in **Section 1.6.2**, pursuant to the City IGA the Tribe agrees to pay customary charges for sewer and water services, and to pay KWU the project related costs associated with upgrading the sewer, water and stormwater infrastructure. Impacts to public services would be less than significant.

Potential impacts to law enforcement and fire / EMS are analyzed separately in **Section ENV ANA.5** in **Appendix ENV ANA**.

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 public services would occur.

REASONABLY FORESEEABLE SIGNIFICANT EFFECT ON THE QUALITY OF THE ENVIRONMENT

Alternatives A, B and C would be accommodated by existing and planned public services. As development of other areas of the City of Kenosha and the County continues, the combined need for public services may create a reasonably foreseeable impact. However, future projects would be subject to approvals by local governments, and would include provisions for public services, including payment mechanisms such as development fees and mitigation payments (if warranted). Mitigation for the project alternatives would ensure that the appropriate payments for proportional impacts would occur in order to address contributions to reasonably foreseeable public services demands. Alternatives A, B and C would not result in significant reasonably foreseeable impacts to public services.

3.6 INDIRECT AND GROWTH INDUCING EFFECTS

3.6.1 REGULATORY SETTING

Under NEPA, indirect and growth-inducing effects must be analyzed. Indirect effects are those that are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Growth-inducing effects are defined as effects that foster economic or population growth, either directly or indirectly. Direct growth inducement could result, for example, if a project included the construction of a new residential development. Indirect growth inducement could result if a project established substantial new permanent employment opportunities (e.g., new commercial, industrial, or governmental enterprises) or if it removed obstacles to population growth (e.g., expansion of a wastewater treatment plant to increase the service availability).

3.6.2 IMPACT ANALYSIS

ALTERNATIVE A – CASINO AND HOTEL

Indirect Effects

Indirect effects could occur if project construction, notably off-site utility or roadway upgrades, cause environmental impacts that occur at a later time or distance from the Project site. Alternative A would require frontage access improvements and off-site traffic mitigation improvements, as detailed in **Section 4.0** and **Appendix TIA**. Alternative A would connect to existing utilities off site including water, wastewater, electricity,

and natural gas. Pursuant to the City IGA, the Tribe will reimburse the City of Kenosha for costs of utility connections (**Section 1.6.2**). Construction of access improvements and traffic mitigation improvements would occur within the Project site and adjacent roadways.

Land Resources

Roadway improvements and off-site utility connections may require grading and/or the introduction of fill material, which could result in soil erosion and runoff from increased impervious surface. Stable fill material, engineered embankments, and erosion control features would be used to reduce the potential for slope instability and erosion in accordance with requirements imposed by local jurisdictional agencies, such as WisDOT, the County, and/or the City. In accordance with the federal Clean Water Act (CWA), ground disturbing construction over one acre in area would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit program and sites less than one acre would still be prohibited from discharging sediments and other pollutants to off-site waterways. A Stormwater Pollution Prevention Plan (SWPPP) would be developed and would include soil erosion and sediment control practices to reduce the amount of exposed soil, prevent runoff from flowing across disturbed areas, slow runoff from the site, and remove sediment from the runoff. With compliance under the CWA, standard construction practices and specifications required by the jurisdictional agencies, and an NPDES General Construction Permit for activities over one acre in size, indirect effects to land resources would be less than significant.

Water Resources

Roadway improvements and other construction activities could incrementally increase impervious surfaces and modify drainage patterns, leading to potential indirect impacts to surface water and groundwater, through discharges to offsite surface waters and decreases in groundwater recharge. Any additional impervious surface, including curbs, gutters, inlets, and other drainage facilities, would be constructed to meet the standards of the City, County, and/or WisDOT and provide adequate facilities to direct stormwater runoff to planned detention basins. As discussed above, construction of improvements that exceed one acre of land would be required to comply with the NPDES General Construction Permit Program, including the development of a SWPPP that would include soil erosion and sediment control measures and work covering less than one acre would still be prohibited from discharging sediments and other pollutants to off-site waterways under the CWA. With adherence to the requirements of the CWA, indirect effects to water resources would be less than significant.

Air Quality

Roadway improvements and other construction activities could result in additional short term, construction-related air pollutant emissions; however, construction of improvements would be limited in scope and duration. The limited nature of roadway improvement and pipeline construction activities, combined with adherence to applicable federal and state rules and regulations, would result in less-than-significant indirect effects to air quality. Construction of off-site improvements would be less extensive than those proposed under Alternative A; correspondingly, emissions would be less extensive as well. Given the limited and temporary nature of off-site construction, indirect effects to air quality and emissions would be less than significant.

Operational effects would occur if the roadway improvements resulted in localized increases in carbon monoxide (CO) concentrations or if they contributed to increased traffic or congestion at large intersections. However, it is expected that the roadway improvements described in **Section 4.0** would reduce congestion and improve traffic flow. With the improved circulation resulting from traffic mitigation, LOS would be improved, thereby reducing idling time and associated vehicle emissions. Therefore, operational effects to air quality from roadway improvements would be less than significant.

Living Resources

Roadway improvements and other construction activities are anticipated to occur beyond the Project site, in areas

currently disturbed by agriculture or existing rights-of-way. Vegetation and habitat in the Project site are not deemed sensitive, with the exception of the identified wetlands, nor supportive of sensitive plant or wildlife species. Similarly, habitat adjacent to the Project area is also highly disturbed and consists primarily of paved areas, compacted dirt, graveled road shoulders, agriculture, and ornamental or weedy vegetation. Construction noise and light associated with roadway improvements and utility connections could impact living resources associated with wetlands and wildlife beyond the boundaries of the Project site; however, these indirect impacts would be minimized by implementation of erosion control measures associated with NPDES compliance, the short duration of the work, and the absence of sensitive wildlife species habitat within and adjacent to the Project site. Due to the degraded habitat conditions within and around the Project site and implementation of required construction measures associated with NPDES compliance, roadway and utility improvements would not result in indirect effects to living resources.

WisDOT, City of Kenosha, and Kenosha County have requested that right-of-way easements for potential future roadway improvements be reserved on the Project site. Future roadway improvements could result in potentially significant indirect effects to waters of the U.S. If future roadway improvements have the potential to affect jurisdictional waters of the U.S., then consultation with the U.S. Army Corps of Engineers will be sought. No construction activities shall occur within any potentially jurisdictional wetland without prior consultation with the U.S. Army Corps of Engineers. If impacts to potentially jurisdictional aquatic features are unavoidable, required permits shall be obtained from the U.S. Army Corps of Engineers. Through consultation with the U.S. Army Corps of Engineers, implementation of mitigation would reduce impacts to less than significant.

Cultural Resources

No cultural resources that are listed on the NRHP or determined eligible for the NRHP are located in the immediate vicinity of the project; therefore, there would be no indirect impact to known historic properties. The project has been designed to avoid site 7KN-0493, which is potentially a historic property. Implementation of the cultural resources mitigation measure, listed in **Section 4.0**, would reduce any inadvertent impacts to this site. Therefore, a less-than-significant indirect effect to cultural resources would result.

Socioeconomic Conditions

Construction of roadway improvements and the installation of utility connections within roadways could result in short term disturbances to traffic flow and minor traffic delays due to constricted traffic movement. Nearby businesses and residences could be affected by the change in traffic movement; however, all businesses would remain accessible throughout construction. Roadway impacts would be limited in size and duration and would not create significant adverse socioeconomic effects. Further, the improvements would not result in long-term disruption of access to surrounding land uses or to minority or low-income populations; therefore, construction and operation of the off-site utility connections are not anticipated to have indirect effects on socioeconomic conditions.

Transportation/Circulation

Construction of roadway improvements and the installation of utility connections within roadways could result in short term inconvenience and minor delays due to constricted traffic and circulation; however, these traffic disruptions are not expected to result in long term disruption in access to surrounding land uses. In the event that construction activities require temporary lane closures to accommodate construction equipment, a traffic management plan would be prepared in accordance with state and local agency requirements, thus avoiding potential indirect impacts from construction. Roadway improvements would improve operational conditions/LOS in the project area and thus there would be no significant indirect impacts following construction. Construction and subsequent operation of roadway improvements and the off-site utility connections are not anticipated to indirectly affect transportation and circulation.

Land Use

Construction of roadway improvements and utility connections are not anticipated to conflict with the surrounding land uses. A right-of-way easement would be required on the Project side of the road and therefore adjacent property owners would not be impacted. The improvements would not result in land use changes inconsistent with the Comprehensive Plans, IGAs, or other guiding documents. For these reasons, construction and operation of roadway improvements and off-site utility connections would not result in indirect effects to land use.

Public Services

Construction of off-site improvements may require relocation of utilities, including overhead electricity lines and telecommunication lines. Relocation of these lines could result in a temporary break in service to some homes and businesses in the area. However, because these effects are common when upgrading and maintaining utility services, and because potential service breaks would be temporary, indirect impacts to public services are considered less than significant. No significant indirect impacts to police, fire, or emergency medical services are expected, as access to homes and businesses would be maintained during the construction period either through design or with implementation of a traffic management plan prepared in accordance with City, County and/or WisDOT regulatory requirements.

Noise

Construction of off-site improvements would result in short-term increases in local ambient noise levels. Construction would be required to adhere to City and/or County noise requirements, which generally limit activities to daytime hours. As such, indirect impacts to sensitive receptors outside of the Project site from construction noise would be less than significant.

Hazardous Materials

The accidental release of hazardous materials used during grading and construction activities for roadway improvements and utility connections could pose a hazard to construction employees, surrounding residents, and the environment. This hazard, which is common to construction activities, would be minimized with adherence to state and federal statutes overseeing hazardous materials transportation. For construction improvements that exceed one acre of land, the NPDES General Construction Permit Program would be applicable, including the development of a SWPPP. The SWPPP would include measures to reduce the potential for hazardous releases and protocol for handling hazardous materials releases. As such, indirect impacts from the construction of off-site improvements would be less than significant.

Visual Resources

Visual impacts associated with roadway improvements and utility connections would be minimal, as all roads and utilities associated with the work are existing features and would not increase in size or visibility. The off-site utility connections would be underground and would not result in visual effects. All roadway improvements and utility upgrades would conform to applicable City, County and WisDOT design standards and thus indirect impacts to visual resources would be less than significant.

Growth-Inducing Effects

Growth inducement may constitute an adverse impact if the increase is not consistent with, or accommodated by, the land use and growth management plans and policies for the affected area. Local land use plans provide for development patterns and growth policies that allow for orderly development supported by adequate public services and utilities such as water supply, roadway infrastructure, sewer services, and solid waste disposal services. A project that would induce “disorderly” growth (i.e., would conflict with local land use plans) could indirectly cause adverse environmental or public service impacts.

Alternative A would result in development of a site that has previously been engaged in agriculture. Alternative A is generally consistent with the zoning and planned development on the Project Site and would therefore not induce disorderly or unplanned growth. Additionally, transportation infrastructure improvements would be limited to infrastructure necessary for orderly access to the Project Site and, as improvements would be limited to access to the Project Site, would not facilitate regional growth. Similarly, existing utility connections would be utilized, and connections would only serve Alternative A and would therefore not facilitate regional growth.

Alternative A would temporarily employ personnel during construction. Operational employment opportunities would consist of hotel, office, retail, and casino personnel. As detailed in **Section 2.1.2,** permanent employment opportunities would be generated by operation of Alternative A. It is anticipated that Alternative A would generate approximately 975 direct and temporary employment opportunities during construction, 1,075 direct and permanent employment opportunities during operation, and 640 permanent indirect/growth inducing employment opportunities. As discussed in **Section ENV ANA.5** in **Appendix ENV ANA**, employment opportunities, including growth-induced opportunities are anticipated to be filled mostly those residing locally. A relatively small number of new employment opportunities would be filled by persons who in-migrate to the area. However, as discussed in **Section ENV ANA.5** in **Appendix ENV ANA,** such induced growth effects would be less than significant.

ALTERNATIVE B – REDUCED INTENSITY ALTERNATIVE

Indirect and growth-inducing effects associated with the construction and operation of Alternative B are similar to those under Alternative A. However, impacts would be proportionally less than those of Alternative A, due to the slightly reduced scope of Alternative B. Consequently, indirect, and growth-inducing impacts under Alternative B would be less than significant.

ALTERNATIVE C – NON-GAMING ALTERNATIVE

Indirect and growth-inducing effects associated with the construction and operation of Alternative C would be substantially less than those associated with Alternative A, due to the decreased intensity of the development. Consequently, indirect and growth-inducing impacts 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 indirect or growth-inducing impacts under Alternative D.

SECTION 4.0

MITIGATION MEASURES

Mitigation consists of "avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation; rectifying the impact by repairing, rehabilitating, or restoring the affected environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; [or] compensating for the impact by replacing or providing substitute resources or environments…" (40 CFR 1508.20). Mitigation measures for each alternative are discussed in **Table 18** below. Mitigation is enforceable because it is inherent to the project design, required by federal law, or required by a binding agreement such as the Intergovernmental Agreement.

TABLE 18: MITIGATION MEASURES

Resource Area	Mitigation Measure
Living Resources	The following measure is recommended to avoid and/or reduce the potential for significant impacts to living resources. **Nesting Migratory Birds** – Site preparation activities, including tree trimming and removal should occur between September 16 and February 14, to avoid the bird-nesting season. If tree disturbance or other project-related activities cannot avoid the nesting season, preconstruction surveys following USFWS protocols shall be conducted by a qualified biologist up to 14-days prior to vegetation removal or ground disturbance activities. If active nests are identified within 500-feet of construction areas, temporary protective construction exclusion zones shall be established by a qualified biologist in order to avoid direct or indirect mortality or disruption of birds, nests and/or young. The buffer distance is dependent on the species, surrounding vegetation and topography and will be determined by a qualified biologist. Exclusion zones shall remain in place until all young have fledged or until the nest has been naturally abandoned. Work may proceed if no active nests are found during surveys or once nests are determined to be inactive. – Cleared vegetation shall be collected and transported offsite to prevent birds from nesting in vegetative debris. – If there is a lapse in construction activity for more than 7 consecutive days, or if construction activity is phased at the work site, preconstruction and nesting bird surveys shall be repeated. **Jurisdictional Wetlands** – Project components and any applicable mitigation measure improvements, including roadways and utilities, shall be designed to avoid grading or placement of fill in wetlands to the extent feasible. – Where impacts to wetlands are unavoidable, crossing design shall consider use of a free span bridge with footings and abutments located outside of the wetland to avoid direct impacts to aquatic habitats. – No construction activities shall occur within any potentially jurisdictional wetlands without prior consultation with the U.S. Army Corps of Engineers. If impacts to potentially jurisdictional wetlands are unavoidable, required permits shall be obtained from the U.S. Army Corps of Engineers. – If Project impacts are deemed to impact jurisdictional wetlands a section 404 permit will be required, and mitigation shall be conducted at a minimum 1:1 ratio.

Resource Area	Mitigation Measure
Cultural Resources	The following measure is recommended for Alternative A, B, and C to avoid and/or reduce the potential for significant impacts on cultural or paleontological resources uncovered during construction. – No construction or ground-disturbing activity shall occur within the avoidance area of the identified site, and all ground disturbing activities within 25 feet of avoidance area boundaries shall be actively monitored by a representative of the Tribe and a qualified professional archaeologist who meets the U.S. Secretary of the Interior's professional standards in archaeology. Should any artifacts or features be uncovered during monitoring, all excavation shall halt immediately, the Tribe and BIA notified, and a program of Phase II controlled excavation shall be implemented to define and assess the NRHP eligibility of the resource, if complete avoidance is not possible. Should the resource be determined eligible for the NRHP and should avoidance be infeasible, a program of Phase III Data Recovery may be required; to be determined by the Tribe in consultation with the BIA.
Transportation and Circulation	The following measures are recommended to avoid and/or reduce the potential for significant impacts associated with transportation/circulation and are consistent with recommendations based upon the technical analysis performed in the traffic impact analysis supporting this NEPA analysis (Appendix TIA) and additional requested improvements from the State, City, and County. Potential implementation of the following mitigation would involve further project development processes (planning, design, and environmental impact analyses, etc.) to be defined in the future. The below measures are recommendations only. The roadway maintaining authority retains the right to modify the mitigation measures. Any changes in mitigation requirements will be documented as part of the commenting process. The level of project development necessary will vary based on the scale of each improvement. The Tribe would pay a fair-share contribution to WisDOT, Kenosha County and/or the City of Kenosha towards the construction of the Project related roadway improvements. In addition, the Tribe will implement Project related roadway improvements according to the IGAs established with City of Kenosha and Kenosha County. **2028 Base Year** The following measures are recommended for Alternative A. – *STH 158 at West Frontage Road*. Install a traffic signal and coordinate the signal with the STH 158 corridor: o Southbound – two approach lanes: Maintain one exclusive left turn lane of 300-feet plus appropriate tapers and one through movement lane. Include protected/permissive phasing for the left turn. o Westbound – three approach lanes: Expand and construct two exclusive left turn lanes from the existing left turn lane of 425-feet plus appropriate tapers. Maintain one exclusive right turn lane. o Northbound – two approach lanes: Maintain the existing through movement lane. Construct one exclusive right turn lane of 200-feet plus appropriate tapers. Include permissive with overlap phasing for right turn. – *I-41 southbound at STH 158, I-41 northbound at STH 158, and STH 158 at East Frontage Road:* Retime and coordinate the traffic signals with the STH 158 corridor. – *60th Street at West Frontage Road:* Install a traffic signal: o Southbound – four approach lanes: Maintain the existing approach lanes and stop-controlled channelized right turn lane. o Westbound – two approach lanes: Extend existing exclusive left turn lane to 275-feet plus appropriate tapers and maintain the existing shared through/right turn lane. o Northbound – three approach lanes: Maintain all existing approach lanes.

Resource Area	Mitigation Measure
	○ Eastbound – two approach lanes: Extend existing exclusive left turn lane to 275-feet plus appropriate tapers. Maintain the existing shared through/right turn lane. Include protected/permissive phasing for left turn. – *60th Street at Access 1.* Construct a side street stop-controlled access: ○ Westbound – one approach lane: Maintain the existing through lane but also allow left turns. ○ Northbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. ○ Eastbound – one approach lane: Maintain the existing through lane but also allow right turns. – *West Frontage Road at Access 2A/B.* Construct a side street stop-controlled access: ○ Southbound – two approach lanes: Maintain the existing through lane but also allow left turns. Construct one exclusive right turn lane of 100-feet plus appropriate tapers. ○ Westbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one shared through/right turn lane. Install stop control for this approach. ○ Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. ○ Eastbound – one approach lane: Construct one exclusive right turn lane; do not allow left or through movements. Install stop control for this approach. – *West Frontage Road at Access 3A/B.* Construct a side street stop-controlled access: ○ Southbound – two approach lanes: Maintain the existing through lane but also allow left turns. Construct one exclusive right turn lane of 100-feet plus appropriate tapers. ○ Westbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one shared through/right turn lane. Install stop control for this approach. ○ Northbound – two approach lanes: Construct one exclusive left turn lane of 200-feet plus appropriate tapers. Maintain the existing through lane but also allow for right turns. ○ Eastbound – one approach lane: Construct one exclusive right turn lane; do not allow left or through movements. Install stop control for this approach. – *West Frontage Road at Access 4A/B.* Construct a side street stop-controlled access: ○ Southbound – two approach lanes: Maintain the existing lane but also allow left turns. Construct one exclusive right turn lane of 100-feet plus appropriate tapers. ○ Westbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one shared through/right turn lane. Install stop control for this approach. ○ Northbound – two approach lanes: Construct one exclusive left turn lane of 200-feet plus appropriate tapers. Maintain the existing through lane but also allow for right turns. ○ Eastbound – two approach lanes: Construct one exclusive left turn lane of 125 feet plus appropriate tapers and construct one shared through/right turn lane. Install stop control for this approach. – *West Frontage Road at Access 5.* Construct a side street stop-controlled access: ○ Southbound – one approach lane: Maintain the existing lane but also allow for right turns. ○ Northbound – two approach lanes: Construct one exclusive left turn lane of 200-feet plus appropriate tapers. Maintain the existing through lane. ○ Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach.

Resource Area	Mitigation Measure
	– *West Frontage Road at 71st Street.* Maintain the existing traffic control: o Southbound – two approach lanes: Convert existing left lane to an exclusive left turn lane of 255-feet. Convert existing right lane to a shared through/right turn lane. o Westbound – two approach lanes: Maintain the existing shared left turn/through movement lane and the existing shared through/right turn lane. o Northbound – two approach lanes: Maintain the existing shared through/left turn lane. Construct one exclusive right turn lane of 150-feet plus appropriate tapers. o Eastbound – two approach lanes: Maintain the existing shared left turn/through movement lane and the existing shared through/right turn lane. The following measures are recommended for Alternative B. – *STH 158 at West Frontage Road*. Install a traffic signal and coordinate the signal with the STH 158 corridor. o Southbound – two approach lanes: Maintain one exclusive left turn lane of 300-feet plus appropriate tapers and one through movement lane. o Westbound – two approach lanes: Maintain one exclusive left turn lane and one exclusive right turn lane. o Northbound – one approach lane: Maintain the existing shared through/right turn lane. – *I-41 southbound at STH 158, I-41 northbound at STH 158, and STH 158 at East Frontage Road.* Retime and coordinate the traffic signals with the STH 158 corridor. – *60th Street at Access 1*. Construct a side street stop-controlled access: o Westbound – one approach lane: Maintain the existing through lane but also allow left turns. o Northbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. o Eastbound – one approach lane: Maintain the existing through lane but also allow right turns. – *West Frontage Road at Access 2A*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. – *West Frontage Road at Access 3A*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. – *West Frontage Road at Access 4A*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus

Resource Area	Mitigation Measure
	appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. – *West Frontage Road at Access 5*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. The following measures are recommended for Alternative C. – *I-41 southbound at STH 158, I-41 northbound at STH 158, and STH 158 at East Frontage Road.* Retime and coordinate the traffic signals with the STH 158 corridor. – *West Frontage Road at Access 2A*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. – *West Frontage Road at Access 3A*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. – *West Frontage Road at Access 4A*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. – *West Frontage Road at Access 5*. Construct a side street stop-controlled access: o Southbound – one approach lane: Maintain the existing through lane but also allow right turns. o Northbound – one approach lane: Maintain the existing through lane but also allow for left turns. o Eastbound – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. **2038 Horizon Year** Intersections not requiring improvement measures beyond those identified for the 2028 base year

Resource Area	Mitigation Measure
	have been omitted. Retiming of any signalized intersections should be considered due to natural traffic fluctuations and other development. The following measures are recommended for Alternative A. – *I-41 northbound at STH 158*. Consider implementing westbound queue detection to mitigate queue spillback into the upstream intersection. The following measures are recommended for Alternative B. – *STH 158 at West Frontage Road*. Retime and coordinate the traffic signal with the STH 158 corridor: o Southbound – two approach lanes: Maintain one exclusive left turn lane of 300-feet plus appropriate tapers and one through movement lane. Add protected permissive phasing for the left turn. o Westbound – two approach lanes: Maintain one exclusive left turn lane and maintain one exclusive right turn lane. o Northbound – two approach lanes: Maintain the existing shared through movement lane. Construct an exclusive right turn lane of 200-feet plus appropriate tapers. Add permissive with overlap phasing for the right turn. No additional measures are recommended for Alternative C beyond retiming existing traffic signals.
Public Services and Utilities	The following measures are recommended for Alternatives A, B and C. – Prior to operation, the Tribe shall enter into a service agreement with the City of Kenosha, or another qualified services provider, to provide solid waste and recycling collection services. The service agreement shall include provisions for periodic service charges consistent with rates paid by other commercial users within the City of Kenosha.

SECTION 5.0

MITIGATION MONITORING AND ENFORCEMENT PLAN

5.1 INTRODUCTION

The Bureau of Indian Affairs (BIA) is the lead agency for National Environmental Policy Act (NEPA) compliance purposes. Mitigation Measures adopted within the BIA's Environmental Assessment for the Preferred Alternative have been incorporated into this MMEP.

5.2 MITIGATION MONITORING OVERVIEW

This MMEP has been developed to guide mitigation compliance before, during and after implementation of the BIA's Preferred Alternative. The mitigation measures described below in **Table 19** below were developed through the analysis of potential impacts within the Environmental Assessment. The MMEP provides the requirements for compliance of the mitigation measures, the parties responsible for each mitigation measure, and the timing of mitigation measure implementation.

Based on the intergovernmental agreements (IGAs) responsibility for road repairs is clearly delineated among the participating governmental entities, such as the City of Kenosha, Menominee Indian Tribe of Wisconsin and Kenosha County. Each agreement outlines which party is accountable for the maintenance, repair, and reconstruction of specific roadways within their jurisdiction or shared project areas identified in the table below. In many cases, the agreements specify that the local municipality will undertake the physical work, while cost-sharing arrangements will be established to ensure equitable financial responsibility. These arrangements may include direct payments, reimbursements, or contributions based on usage or benefit derived from the infrastructure.

To enforce these responsibilities and ensure compliance, the agreements invoke statutory authority under Wisconsin Statutes, particularly §66.0301, which governs intergovernmental cooperation. Additionally, the contracts include enforcement mechanisms such as binding dispute resolution procedures, performance timelines, and termination clauses. These legal tools ensure that each party adheres to its obligations and that road repairs are completed in a timely and financially responsible manner. The combination of statutory backing and contractual enforcement provides a robust framework for managing shared infrastructure responsibilities.

Where applicable, mitigation measures will be monitored and enforced pursuant to Federal law, tribal ordinance, and agreements between the Tribe and appropriate governmental authorities, as well as the Finding of No Significant Impact.

TABLE 19: MITIGATION MONITORING AND ENFORCEMENT PROGRAM

Resource Area	Mitigation Title	Location	Mitigation Measure	Implementing Responsibility	Enforcement Mechanism	Phase/ Timing	Current Status [Verification Date/Initial]
Living Resources	Nesting Migratory Birds	Project Site	Site preparation activities, including tree trimming and removal should occur between September 16 and February 14, to avoid the bird-nesting season. If tree disturbance or other project-related activities cannot avoid the nesting season, preconstruction surveys following USFWS protocols shall be conducted by a qualified biologist up to 14-days prior to vegetation removal or ground disturbance activities. If active nests are identified within 500-feet of construction areas, temporary protective construction exclusion zones shall be established by a qualified biologist in order to avoid direct or indirect mortality or disruption of birds, nests and/or young. The buffer distance is dependent on the species, surrounding vegetation and topography and will be determined by a qualified biologist. Exclusion zones shall remain in place until all young have fledged or until the nest has been naturally abandoned. Work may proceed if no active nests are found during surveys or once nests are determined to be inactive. Cleared vegetation shall be collected and transported offsite to prevent birds from nesting in vegetative debris. If there is a lapse in construction activity for more than 7 consecutive days, or if construction activity is phased at the work site, preconstruction and nesting bird surveys shall be repeated.	Developer	Qualified Biologist Survey	Prior to and during construction	

Resource Area	Mitigation Title	Location	Mitigation Measure	Implementing Responsibility	Enforcement Mechanism	Phase/ Timing	Current Status [Verification Date/Initial]
Living Resources	Jurisdictional Wetlands	Project Site	Project components and any applicable mitigation measure improvements, including roadways and utilities, shall be designed to avoid grading or placement of fill in wetlands to the extent feasible. Where impacts to wetlands are unavoidable, crossing design shall consider use of a free span bridge with footings and abutments located outside of the wetland to avoid direct impacts to aquatic habitats. No construction activities shall occur within any potentially jurisdictional wetlands without prior consultation with the U.S. Army Corps of Engineers. If impacts to potentially jurisdictional wetlands are unavoidable, required permits shall be obtained from the U.S. Army Corps of Engineers. If Project impacts are deemed to impact jurisdictional wetlands a section 404 permit will be required, and mitigation shall be conducted at a minimum 1:1 ratio.	Developer	Section 404 Permitting Process	Prior to and during Construction	
Cultural Resources	Avoidance Areas	Project Site	No construction or ground-disturbing activity shall occur within the avoidance area of site 7KN-0493 , and all ground disturbing activities within 25 feet of avoidance area boundaries shall be actively monitored by a representative of the Tribe and a qualified professional archaeologist who meets the U.S. Secretary of the Interior's professional standards in archaeology. Should any artifacts or features be uncovered during monitoring, all excavation shall halt immediately, the Tribe and BIA notified, and a program of Phase II controlled excavation shall be implemented to define and assess the NRHP eligibility of the resource, if complete avoidance is not possible. Should the	Developer	Active Construction Monitoring	During Construction	

Resource Area	Mitigation Title	Location	Mitigation Measure	Implementing Responsibility	Enforcement Mechanism	Phase/ Timing	Current Status [Verification Date/Initial]
			resource be determined eligible for the NRHP and should avoidance be infeasible, a program of Phase III Data Recovery may be required; to be determined by the Tribe in consultation with the BIA.				
Transportation and Circulation		STH 158 at West Frontage Rd	**Southbound** – two approach lanes: Maintain one exclusive left turn lane of 300-feet plus appropriate tapers and one through movement lane. Include protected/permissive phasing for the left turn. **Westbound** – three approach lanes: Expand and construct two exclusive left turn lanes from the existing left turn lane of 425-feet plus appropriate tapers. Maintain one exclusive right turn lane. **Northbound** – two approach lanes: Maintain the existing through movement lane. Construct one exclusive right turn lane of 200-feet plus appropriate tapers. Include permissive with overlap phasing for right turn.	WisDOT/City of Kenosha/ Developer	IGA	During Construction	
		I-41 SB & NB at 5th 158	Retime and coordinate the traffic signals with the STH 158 corridor.	WisDOT/City of Kenosha/ Developer	IGA	During Construction	
		60th St at West Frontage Rd	Install a traffic Signal **Southbound** – four approach lanes: Maintain the existing approach lanes and stop-controlled channelized right turn lane. **Westbound** – two approach lanes: Extend existing exclusive left turn lane to 275-feet plus appropriate tapers and maintain the existing shared through/right turn lane.	WisDOT/City of Kenosha/ Developer	IGA	During Construction	

Resource Area	Mitigation Title	Location	Mitigation Measure	Implementing Responsibility	Enforcement Mechanism	Phase/ Timing	Current Status [Verification Date/Initial]
			Northbound – three approach lanes: Maintain all existing approach lanes.				
		60th Street at Access 1	Construct a side street stop-controlled access: **Westbound** – One approach lane: Maintain the existing through lane but also allow left turns. **Northbound** – Two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach. **Eastbound** – One approach lane: Maintain the existing through lane but also allow right turns.	Developer	IGA	During Construction	
		West Frontage Rd (Access 2A-/B)	Construct a side street stop-controlled access: **Southbound** – Two approach lanes: Maintain the existing through lane but also allow left turns. Construct one exclusive right turn lane of 100-feet plus appropriate tapers. **Westbound** – Two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one shared through/right turn lane. Install stop control for this approach. **Northbound** – One approach lane: Maintain the existing through lane but also allow for left turns. **Eastbound** – one approach lane: Construct one exclusive right turn lane; do not allow left or	Developer	IGA	During Construction	

Resource Area	Mitigation Title	Location	Mitigation Measure	Implementing Responsibility	Enforcement Mechanism	Phase/ Timing	Current Status [Verification Date/Initial]
			through movements. Install stop control for this approach.				
		West Frontage Road at Access 3A/B	Construct a side street stop-controlled access. **Southbound** – two approach lanes: Maintain the existing through lane but also allow left turns. Construct one exclusive right turn lane of 100-feet plus appropriate tapers. **Westbound** – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one shared through/right turn lane. Install stop control for this approach **Northbound** – one approach lane: Maintain the existing through lane but also allow for left turns. **Eastbound** – one approach lane: Construct one exclusive right turn lane; do not allow left or through movements. Install stop control for this approach.	Developer /WisDOT	IGA	During Construction	
		West Frontage Road at Access 4A/B	Construct a side street stop-controlled access. West Frontage Road at Access 4A/B. Construct a side street stop-controlled access **Southbound** – two approach lanes: Maintain the existing lane but also allow left turns. Construct one exclusive right turn lane of 100-feet plus appropriate tapers. **Westbound** – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate	Developer/ WisDOT	IGA	During Construction	

Resource Area	Mitigation Title	Location	Mitigation Measure	Implementing Responsibility	Enforcement Mechanism	Phase/ Timing	Current Status [Verification Date/Initial]
			tapers and construct one shared through/right turn lane. Install stop control for this approach. **Northbound** – two approach lanes: Construct one exclusive left turn lane of 200-feet plus appropriate tapers. Maintain the existing through lane but also allow for right turns. **Eastbound** – two approach lanes: Construct one exclusive left turn lane of 125 feet plus appropriate tapers and construct one shared through/right turn lane. Install stop control for this approach.				
		West Frontage Road at Access 5	Construct a side street stop-controlled access. **Southbound** – one approach lane: Maintain the existing lane but also allow for right turns. **Northbound** – two approach lanes: Construct one exclusive left turn lane of 200-feet plus appropriate tapers. Maintain the existing through lane. **Eastbound** – two approach lanes: Construct one exclusive left turn lane of 100-feet plus appropriate tapers and construct one exclusive right turn lane of 100-feet plus appropriate tapers. Install stop control for this approach.	Developer/ WisDOT	IGA	During Construction	
		West Frontage Road at 71st Street	Maintain the existing traffic control. **Southbound** - two approach lanes. Convert existing left lane to an exclusive left turn lane of 255-feet.	Developer/ WisDOT	IGA	During Construction	

Resource Area	Mitigation Title	Location	Mitigation Measure	Implementing Responsibility	Enforcement Mechanism	Phase/ Timing	Current Status [Verification Date/Initial]
			Convert existing right lane to a shared through/right turn lane. **Westbound** - two approach lanes. Maintain the existing shared left turn/through/right turn lanes **Northbound** - two approach lanes. Maintain the existing shared through/left turn lane. Construct one exclusive right turn lane of 150-feet plus appropriate tapers.				
Public Services and Utilities	Solid Waste and Recycling	Project site	The following measures are recommended for Alternatives A, B and C. – Prior to operation, the Tribe shall enter into a service agreement with the City of Kenosha, or another qualified services provider, to provide solid waste and recycling collection services. The service agreement shall include provisions for periodic service charges consistent with rates paid by other commercial users within the City of Kenosha.	Tribe	CFR 40 Resource Conservation and Recovery Act	Prior to operation	

SECTION 6.0

CONSULTATION, COORDINATION, AND PREPARERS

LEAD AGENCY

Bureau of Indian Affairs (BIA) Midwest Regional Office

TRIBES CONSULTED

Menominee Indian Tribe of Wisconsin

AGENCIES CONSULTED

TABLE 20: AGENCIES CONSULTED

Agency	Details
Menominee Indian Tribe of Wisconsin Tribal Historic Preservation Officer	The Menominee Tribal Historic Preservation Officer participated in and reviewed the cultural resources study. The United States Department of the Interior Bureau of Indian Affairs Midwest Regional Office consulted with the Tribal Historic Preservation Officer. A copy of the concurrence is included in **Appendix CULTURAL**.
U.S. Department of Agriculture, Natural Resources Conservation Service	A custom Soil Resource Report of soil types on the project area was obtained. A copy of the search results is included in **Appendix LAND RES.** A draft NRCS form was obtained and is included in **Appendix FCIR.**
U.S. Fish & Wildlife Service, Minnesota-Wisconsin Field Office	The USFWS was consulted to obtain a list of federally listed species with the potential to occur in the project area. A copy of search results is included in **Appendix BIO**.
Wisconsin Department of Natural Resources	The Wisconsin Department of Natural Resources (WDNR) was consulted via their Endangered Resources (ER) Review Verification Broad Incidental Take Permit/Authorization for No/Low Impact Activities. A copy of the form and correspondence is included in **Appendix BIO**.
Wisconsin Historical Society, State Historic Preservation Office	The United States Department of the Interior Bureau of Indian Affairs Midwest Regional Office consulted with the Wisconsin State Historic Preservation Office. A copy of the concurrence is included in **Appendix CULTURAL**.
Wisconsin Department of Transportation	The Wisconsin Department of Transportation participated in the review of the Traffic Impact Analysis. Correspondence is included in **Appendix TIA.**
City of Kenosha	The City of Kenosha entered into an Intergovernmental Agreement with the Menominee Kenosha Gaming Authority included in **Appendix IGA**. Additionally, the City of Kenosha participated in the review of the Traffic Impact Analysis.
Kenosha County	Kenosha County entered into an Intergovernmental Agreement with the Menominee Kenosha Gaming Authority included in **Appendix** IGA. Additionally, the County of Kenosha participated in the review of the Traffic Impact Analysis.

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Subconsultants

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Grading and Drainage Study; Water and Wastewater Study

Heartland Ecological Group
Wetland Delineation and Endangered Resources Habitat Screening

MSA Professional Services, Inc.
Traffic Impact Analysis

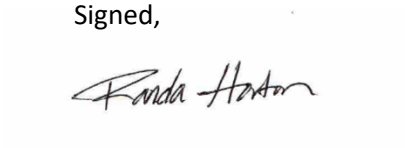
CONTRACTOR DISCLOSURE AND PROFESSIONAL INTEGRITY STATEMENT

In accordance with 43 CFR § 46.105(c), I hereby certify that:

1. **Disclosure of Interest**
   I, Randa Horton, on behalf of Montrose Environmental, affirm that neither I nor my firm has any financial or other interest in the outcome of the proposed federal action for which this environmental document has been prepared. This includes no direct or indirect benefit from the approval or disapproval of the action.

2. **Professional and Scientific Integrity**
   I further certify that this environmental document has been prepared with the highest standards of professional and scientific integrity. All data, analyses, and conclusions presented herein are based on reliable sources and methodologies consistent with current professional practices and the requirements of the National Environmental Policy Act (NEPA) and applicable Departmental and bureau-specific procedures.

Signed,



Randa Horton, Senior Environmental Professional
Montrose Environmental