



**REQUEST FOR APPLICATIONS
TO DEVELOP AND OPERATE
A GAMING FACILITY IN NEW YORK STATE**

SEQRA QUESTION & ANSWER REVISIONS

May 19, 2014

THE ANSWERS TO THE FOLLOWING PREVIOUSLY POSED QUESTIONS HAVE BEEN REVISED. THE NEW, REVISED ANSWERS NOW CONTROL.

Q.189. Article VIII, § C (3)(c) of the RFA requires “a list of any State and/or local permits or special use permits that the Applicant must obtain for the Project Site,” however, the State Environmental Quality Review Act (SEQRA), is not specifically identified. Please explain:

c. Once a license is issued by the Commission, the licensee has 24 months to commence gaming at an approved facility. Failure to commence gaming within 24 months shall subject the licensee to fines and penalties. Will the Commission toll the 24 month time limit until such time as the SEQRA process for a licensed project is completed?

Delete the prior answer to Question 189.c. and replace it with the following:

A.189.c. The Commission will not toll the 24-month time period before a Gaming Facility opens, as the award of the license by the Commission will occur after the requirements of SEQRA have been satisfied.

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Q.215. Is the award of a Gaming Facility License subject to SEQRA, and if so, will that SEQRA review and determination encompass the eventual approval of site plans for the Gaming Facility?

Delete the prior answer to Question 215 and replace it with the following:

A.215. The actual award of a license by the Commission – as contrasted to the authorized recommended casino selection by the Board - will occur after the requirements of SEQRA have been satisfied. Since speed to market is a graded factor in the RFA evaluation, the Commission assumes that Applicants will timely commence the SEQRA process.

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Q.227. Applicability of the NYS Environmental Quality Review Act, "SEQRA", ECL Article 8: The New York State Environmental Quality Review Act, ECL article 8 and implementing regulations at 6 NYCRR Part 617 ("SEQRA") require that all discretionary actions undertaken, approved or funded by a State or local agency comply with the requirements of SEQRA prior to authorizing the action. For Type I actions (6 NYCRR §617.4), which are likely to include a casino facility, SEQRA requires a coordinated review among State and local agencies with discretionary actions (involved agencies). The N.Y. Racing, Pari-Mutuel Wagering and Breeding Law contains no reference to the provisions of the New York State Environmental Quality Review Act, ECL article 8 and implementing regulations at 6 NYCRR Part 617. Similarly, the RFA makes no reference to SEQRA.

b. If the SEQRA process has already been initiated at a local level, should the Board and/or Commission be added as involved or interested agencies?

Delete the prior answer to Question 227.b. and replace it with the following:

A.227.b. If the SEQRA process has already been initiated at a local level, the Commission should be added as an involved agency.

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Q.324. Will the Commission toll the twenty-four (24) month time limit until such time as the SEQRA process is completed?

Delete the prior answer to Question A.324 and replace it with the following:

A.324. The actual award of a license by the Commission – as contrasted to the authorized recommended casino selection by the Board - will occur after the requirements of SEQRA have been satisfied. Since speed to market is a graded factor in the RFA evaluation, the Commission assumes that Applicants will timely commence the SEQRA process.

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FOR REFERENCE, THE FOLLOWING PREVIOUSLY POSED QUESTIONS CONTEMPLATED SEORA ISSUES:

Round 1 - Questions and Answers

189, 211, 214, 215, 226, 227

Applicant Conference - Questions and Answers

324, 332, 339

Round 2 - Questions and Answers

360, 407, 408

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