



Exhibit IX.A.3. – Mitigation of Impact to Host Municipality and Nearby Municipalities

Submit as Exhibit IX.A.3. a description of Applicant’s commitments to mitigate impacts of the proposed Gaming Facility (during construction and operation) on each Host Municipality and the nearby municipalities including for traffic mitigation, infrastructure costs, costs of increased emergency services and the other impacts identified in the studies included in Item IX.A.2.b of this RFA. Provide copies of any contracts, agreements or other understandings evidencing such mitigation commitments.

Any impacts with respect to water, wastewater and stormwater infrastructure will be handled onsite by the privately owned and maintained systems. Each privately owned infrastructure has a State entity regulating but Tioga Downs is responsible for the daily operation and maintenance of each system. Therefore, there is no impact to local municipal mitigation measures with respect to utility infrastructure.

As referenced in Exhibit VIII.C.17.d. by an independent traffic study prepared by Bergmann Associates, off site traffic improvements will be required by the New York State Department of Transportation (NYSDOT). During the State Environmental Quality Review, NYSDOT required compliance with their review comments and requirements of the level of service required at any locally impacted intersection. The proposed traffic improvements have been verbally approved; refer to correspondence presented in Exhibit VIII.C.17.d. As the development of the Tioga Downs Casino Resort continues, a Highway Work Permit will be required by NYSDOT for any work being performed in their state highway right-of-way. The Highway Work Permit is a contract between the developer (Tioga Downs) and NYSDOT.