

Via email to: Terrence J. McKenna <tmckenna@keatingnet.com>  
The Keating Group [1600 Arch Street, Suite 300, Philadelphia, PA 19103]

Re: Unauthorized site work at the proposed site for the SugarHouse slots parlor

Dear Mr. McKenna,

SugarHouse is embroiled in ongoing and major controversy. Engaging in preliminary construction at this time will further increase the controversy and worsen your situation. Your current actions may violate the law and constitute grounds for further legal challenges to an already politically-isolated and legally-bogged down project.

The City's site grading permit states that no work can be done in the "remaining areas of archaeological concern until clearance is obtained from PHMC [Pennsylvania Historical and Museum Commission] and ACE [Army Corp of Engineers]." Further the NPDES permit for discharge of stormwater associated with construction activities issued recently by the PA Department of Environmental Protection explicitly says: "You are also cautioned not to disturb areas that may be subject to historic investigation by the Pennsylvania Historic and Museum Commission or the federal 'Section 106' historic investigation being undertaken pursuant to the permit application pending before the U.S. Army Corps of Engineers" (italics added). PHMC has not given clearance and, according to an e-mail we have seen, has made explicitly clear that its permission has not been given.

The investigation being overseen by the PHMC as well as the 106 process being overseen by the Army Corps considers the entire site to be the permit area. Large swathes of the site may contain remnants of a British revolutionary fort, artifacts from the Lenapi peoples before European contact, and other historic artifacts and objects. This site may have national historical significance. While your firm may consider the area of concern to be limited to certain parts of the property, we do not believe that your firm's opinion is determinative of that issue.

While Casino-Free Philadelphia is not primarily a historical organization, we do care about the history and cultural significance just as we care about the preservation of neighborhoods and a well-functioning democracy. We believe you threaten all three.

Disturbing areas currently designated as part of the permit area without express authorization from the PHMC appears to be in violation of the City grading permit and the NPDES permit and, under such a circumstance, we believe you have a duty to cease and desist. We insist you do so immediately.

Sincerely,



- Daniel Hunter  
Co-Director, Casino-Free Philadelphia

cc: John Kennedy, Penna. Dept. of Environmental Protection, Southeast Region  
David Kwiat, PGCB, Director of Investigations & Enforcement  
Representative Harold James, House Gaming Oversight Committee  
Representative Paul I. Clymer, House Gaming Oversight Committee  
State Senator Vincent J. Fumo  
State Representative Michael O'Brien  
Councilman Frank DiCicco  
The Honorable Mayor Michael Nutter  
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