

**A. INTRODUCTION**

This chapter describes the general history of the Cayuga Nation, the existing cultural resources in the vicinity of the Nation's properties included in the fee-to-trust application, and the potential for archaeological sensitivity on or near the properties.

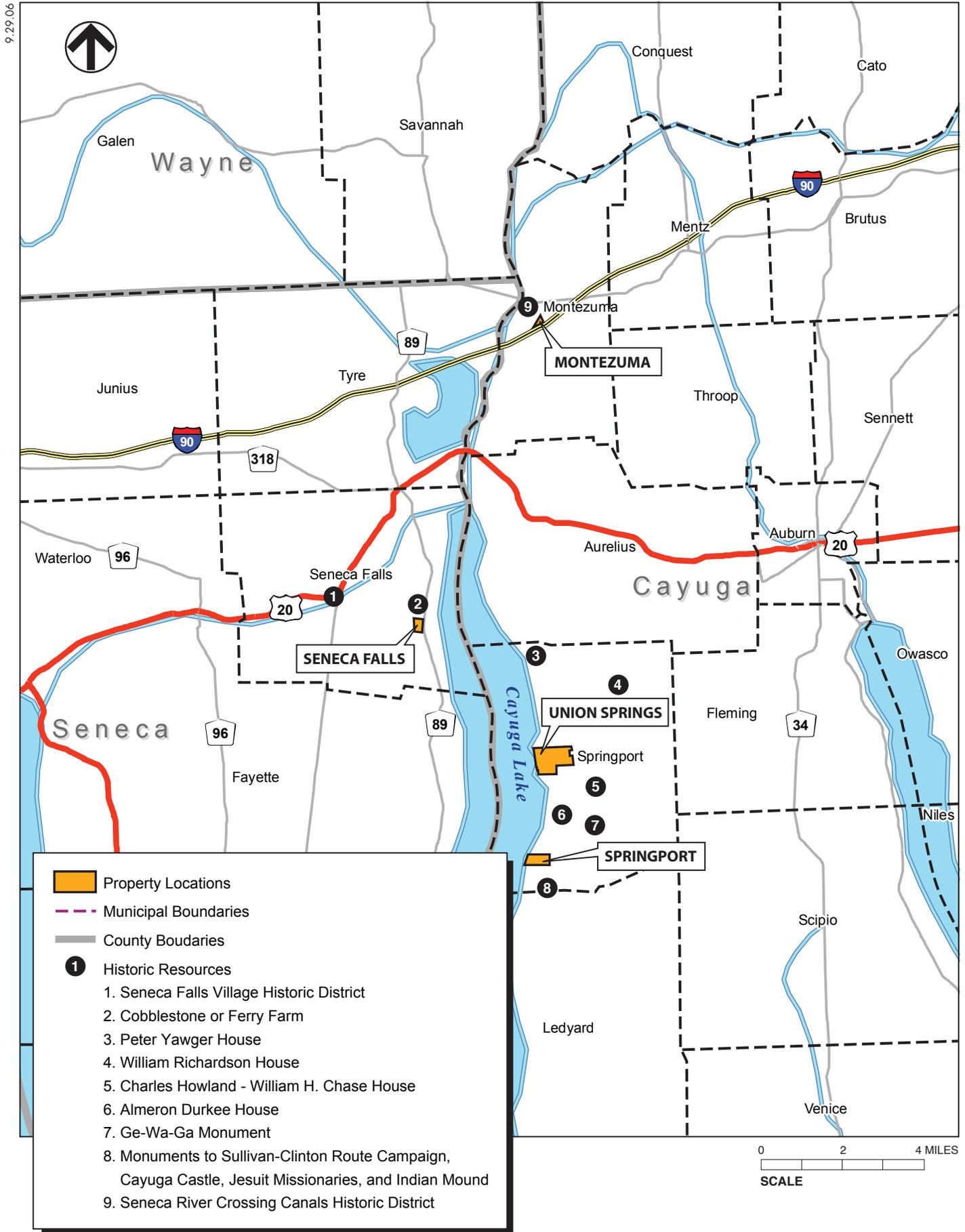
The primary sources for this section include publically available information obtained through the New York State Office of Historic Preservation Office (SHPO), publically available USGS topographic maps, and aerial photographs (see figures 3.6-1 through 3.6-4), which were supplemented by site visits to observe the potential visibility of the proposed action from the State or National Register (S/NR) listed sites in the potentially affected areas. Potential impacts to these resources were evaluated in terms of potentially visibility and direct disturbance. Given the intervening topography, built environment, vegetation, and distance, none of the S/NR resources were found to be affected by the proposed actions. Additional information on the S/NR listed sites was obtained from the publically available SHPO website<sup>1</sup> which features extensive on-line resources including: GIS location data (including historic and sensitive archaeological areas); digital copies of the original United States Department of the Interior—National Park Service: National Register of Historic Places Registration Form (including photographs); and lists of all places that have been surveyed by SHPO and their determination.

Potentially historic locations, indicated by markers installed by the New York State Education Department in the 1930s, were also identified and evaluated in terms of potentially visibility and direct disturbance. The text of these markers was noted and is summarized below. Photographs of these markers, the Cayuga properties, and the general environment in the vicinity of the Cayuga properties are available in Appendix L. The location of these markers is indicated on Figure 3.7-1.

No Phase 1 Cultural Resource Studies were performed as part of this work, nor were sites visited with the intent of discovering new sites. These studies were not required because the proposed action would not change the use of the properties, and no ground disturbance related to the proposed fee-to-trust transfer is proposed. Accordingly, no new archeological or culturally sensitive sites were observed. The existing conditions and potential presence of archaeological resources on the Nation's properties are discussed in this section.

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<sup>1</sup> <http://nysparks.state.ny.us/shpo/resources/index.htm>



## **B. AFFECTED ENVIRONMENT**

### **GENERAL HISTORY**

The general area was the ancestral homelands of the Nation, which was part of the Iroquois Confederacy, formed by the “Great Law of Peace,” and established in the mid-1400s. The confederacy mapped out territories for each of the nations, with each having its own capitol and participation in the Iroquois democratic system. The Cayuga Nation capitol was located in or near modern day Aurora, New York, with a number of small communities along Cayuga Lake.

During the Revolutionary War, four of the five Iroquois Nations sided with British, including the Cayugas. As a punishment for British allegiance, George Washington ordered the destruction of villages and homes, in an aggressive military action known as the Sullivan-Clinton Campaign. This campaign, which started in 1779, marked the end of the Cayuga Nation as it existed for over 300 years. In 1781, New York authorized the transfer of lands held by the Nation to continental military soldiers. In 1788, titles to the Nation lands were extinguished by the Fort Stanwix Treaty, and this area was subdivided into the area known as the “Military Tract,” into the individual townships, and, for the most part, many of which still bear the same names and boundaries established in the 1789 survey of this area.<sup>1</sup>

In 1789, the State of New York and the Nation entered into a treaty ratified by the Cayugas in 1790 whereby the Nation relinquished all of its lands to the State of New York for a parcel surrounding the northern end of Cayuga Lake consisting of approximately 64,015 acres. This land constitutes the Nation’s “Original Reservation.”

In 1790, the first Congress of the United States enacted the Indian Trade and Intercourse Act which prohibited the sale or transfer of lands by an Indian tribe without the formal approval of the federal government. That statute or its successors has been in effect since 1790, and is currently codified as 25 U.S.C. § 177 (the "Nonintercourse Act").

On November 11, 1794, the Six Iroquois Nations entered the Treaty of Canandaigua with the United States.<sup>7</sup> Stat. 44. This treaty acknowledged the Original Reservation the Nation retained in the 1789 treaty with New York, and promised the Nation that the land would remain theirs until they “chose to sell the same to the people of the United States who have the right to purchase.” This Treaty was signed between friendly sovereign Nations during a time of peace, in order to provide a relational framework to maintain that peace.

On June 16, 1795, William Bradford, then Attorney General of the United States, issued an opinion concluding that, under the 1793 version of the Nonintercourse Act, no Indian land sale was valid, nor could the land claims of the Six Iroquois Nations be extinguished, except pursuant to a treaty entered into by the Federal Government.

On July 27, 1795, the Cayuga entered into a treaty with the State of New York in which the State acquired the entire Original Reservation of the Cayugas (except for a three square mile area on the eastern shore of Cayuga Lake) in exchange for a promise that the State pay the Cayuga Nation \$1,800 annually in perpetuity. This treaty was never explicitly ratified by a treaty of the

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<sup>1</sup> Dr. Bob Spiegelman, Sullivan-Clinton Campaign, interactive, [www.sullivanclinton.com](http://www.sullivanclinton.com)

Federal Government. In 1807, the State of New York purchased the Cayugas' remaining three mile parcel for \$4,800. Again, the Federal Government never explicitly ratified this treaty.<sup>1</sup>

After the disposition of the Nation's lands to white settlement, the history of this area was forever intertwined with agriculturally based settlements from a variety of western European backgrounds.

The properties subject to this analysis lie within a region considered to be shared aboriginal territory of the Cayuga Nation and the Seneca-Cayuga Tribe of Oklahoma. On March 22, 2006, in compliance with Section 106 of the National Historic Preservation Act, the BIA provided the Seneca-Cayuga Tribe with a formal consultation letter in respect to any impacts that the Proposed Action may have on sites having religious or cultural significance to the Seneca-Cayuga Tribe. No response has been received from the Seneca-Cayuga Tribe. A copy of the BIA March 22, 2006 letter is in Appendix C.

### **STATE AND NATIONAL REGISTER LISTINGS**

The vicinity of the Nation's properties contains five homes and two historic districts that are listed on the National Register of Historic Places or the New York State Register of Historic Places. These historic places include: the Ferry Farm located near the Nation's Seneca Falls property; the Peter Yawger House, the William Richardson House and Charles Howland-William H. Chase House, located near the Nation's Union Springs property; the Almeron Durkee House, located near the Nation's Springport property; the Seneca River Crossing Canals Historic District, located near the Nation's Montezuma property; and the Seneca Falls Village Historic District, located near the Nation's Seneca Falls property (see Figure 3.7-1).<sup>2</sup>

#### *TOWN OF SENECA FALLS*

The Seneca Falls Village Historic District is located approximately 2 miles west of the Nation's Seneca Falls property. The Seneca Falls Village Historic District is comprised of 188 contributing buildings, 8 contributing structures, and 2 contributing objects. Fourteen of the contributing resources were listed on the National Register prior to being included in the Historic District. The Historic District contains 99 non-contributing buildings and structures.<sup>3</sup>

The Seneca Falls Village Historic District contains a variety of architectural styles common to residential and commercial structures from the nineteenth and early twentieth centuries. The district also reflects the historical significance of events that occurred in Seneca Falls, and the development of the Village over time. Features of this include the Wesleyan Chapel, which was the site of the National Women's Rights Convention in 1848; and a portion of the New York State Barge Canal and Van Cleef Lake which reflect the industrial past and commercial development of Seneca Falls.<sup>4</sup>

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<sup>1</sup> United States Court of Appeals for the Second Circuit, August Term, 2003, (Argued: March 31, 2004; Decided: June 28, 2005)

<sup>2</sup> <http://nysparks.state.ny.us/shpo/>

<sup>3</sup> National Register of Historic Places Registration Form, dated 2/5/91

<sup>4</sup> National Register of Historic Places Registration Form, dated 2/5/91

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The Nation's Seneca Falls property is not part of the Seneca Falls Village Historic District, nor is the Historic District visible from the Property due to the approximately 2 mile distance between the sites, existing topography and vegetation, and the built environment.

In addition, approximately 0.2 miles northeast the Nation's Seneca Falls property and along Cayuga Lake is the Ferry Farm which was added to the National Register of Historic Places in 2006 (National Register Listing Number: 06NR05660).<sup>1</sup> A New York State Education Department marker identifies the site as "Cobblestone or Ferry Farm" and a station on the Underground Railroad. According to the plaque, during the Civil War a ferry was run between that location and the abolitionist Village of Union Springs across Cayuga Lake. Also according to the sign, the ferry launch site was originally an Indian canoe ferry launch site. The Cobblestone or Ferry Farm is separated from the Nation's property by Route 89, commercial properties, and a portion of Cayuga Lake State Park. Therefore, this historic home is not visible from the Nation's Seneca Falls property.

### *VILLAGE OF UNION SPRINGS*

#### *Charles Howland-William H. Chase house*

The Charles Howland-William H. Chase house is approximately 0.6 miles south of the Nation's Union Springs property. The Greek Revival style home was constructed in 1840. It is two stories and was constructed with quarried limestone. The home and three contributing structures—including a stone barn, stone shed, and stone smokehouse—are situated on an eight acre parcel of land (a portion of the original 100 acre estate). The home is listed on the National Register for its architectural significance.<sup>2</sup>

Although this home is relatively close to the Nation's property, the distance and the existing intervening vegetation and topography obscures the view of this historic home from the Nation's Union Springs property.

#### *Peter Yawger House*

The Peter Yawger House is approximately 2.5 miles north of the Nation's Union Springs property. The Greek Revival style home was constructed between 1838 and 1840. It is a brick, one and one-half story, gabled-roof building with a one-story gabled-roof kitchen wing. The home is situated on a seven acre parcel of land, a portion of the original 150 acre estate. Although the home is listed on the National Register for its architectural significance, Peter Yawger was a significant figure in State and local politics. He was a member of the 50th and 54th Sessions of the New York State Assembly in 1827 and 1831, respectively. He also served as Cayuga County Sheriff in 1831.<sup>3</sup>

The distance, existing vegetation, and topography, between the Peter Yawger house and the Union Springs property, completely obscure the view of this historic home from the Nation's property.

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<sup>1</sup> <http://nysparks.state.ny.us/shpo/>

<sup>2</sup> National Register of Historic Places registration Form, prepared by Nancy L. Todd, Division of Historic Preservation, dated 11/06/04

<sup>3</sup> National Register of Historic Places Registration Form, dated 2/17/04

*William Richardson House*

The William Richardson House is approximately 1.75 miles north of the Nation's Union Springs property. The house is a mid-nineteenth century late Federal/early Greek Revival style brick farmhouse situated on an 80 acre estate (the entirety of the first owner's holdings). In addition to the home there are four contributing barns on the property which were constructed in the late nineteenth and early twentieth centuries. The home is listed on the National Register for its architectural and agricultural significance.

Due to the distance, existing vegetation, and topography, the William Richardson House is not visible from the Nation's Union Springs Property.

*TOWN OF SPRINGPORT*

The Almeron Durkee House is located approximately one mile north of the Nation's vacant Springport property. Although the house is located in the Village of Union Springs, it is in closer proximity to the Nation's Springport property than the Union Springs Property. The Federal style home was constructed circa 1820. It is a two-story limestone-block home situated on a nine acre parcel of land, a portion of the original 90 acre farmstead. The site also contains a contributing large frame barn and stone smokehouse dating from the early to mid-nineteenth century. The home is listed on the National Register for its architectural significance.

Due to the distance, existing vegetation, and topography, the Almeron Durkee House is not visible from the Nation's Springport or Union Springs properties.

*TOWN OF MONTEZUMA*

A small portion of the Seneca River Crossing Canals Historic District is located approximately 395 feet (at its nearest point) west of the Nation's vacant and wooded Montezuma property (see Figure 3.7-2). The Seneca River Crossing Canals Historic District includes approximately one mile of Enlarged Erie Canal prism; towpath and heelpath; a drydock; remains of the Richmond (Montezuma) Aqueduct crossing the Seneca River; remnants of the original Erie Canal; piers from the original mule bridge that crossed the canal; a culvert that carries a natural stream beneath the Enlarged Erie Canal; and a one-half mile portion of the Cayuga & Seneca Canal. The Historic District is located within the towns of Montezuma, Cayuga County and Tyre, Seneca County. The portion of the Historic District that is nearest the Nation's Montezuma property is the remnants of the Cayuga & Seneca Canal.

The Cayuga & Seneca Canal was constructed between 1849 and 1857 to connect the Erie Canal with the Cayuga and Seneca Finger Lakes. It was abandoned, largely intact, in the early twentieth century. It was then cut off by the construction of the New York State Thruway in the 1950s. The Seneca River Crossing Canals Historic District is listed on the National Register for historical significance in the areas of Transportation, Engineering, and Commerce. It is also listed on the New York State Register of Historic Places.

The Nation's small and undeveloped Montezuma property is separated from the Seneca River Crossing Canals Historic District by a street, a mobile home, and a small vegetated area. Due to the vegetation, the canal itself is not visible from the Nation's Montezuma property.



## **POTENTIAL HISTORIC RESOURCES**

In the 1930s, the New York State Education Department placed a series of plaques and historical markers throughout Cayuga and Seneca Counties (see Figure 3.7-1). Several of these plaques are located in the vicinity of the Nation's properties. Although these plaques do not identify sites and buildings that are listed on the State or National Register, they do represent places of local interest that an agency once considered to be worthy of noting.<sup>1</sup>

### *VILLAGE OF UNION SPRINGS*

On NYS Route 90, approximately one mile south of the Nation's Union Springs property, is a monument that marks the approximate location of Ge-Wa-Ga, a Cayuga Nation Village that was occupied and destroyed by a detachment from the army of General John Sullivan in 1778. The plaque was erected in 1929. Therefore, the Nation's Union Springs property is within one mile of the historic Cayuga Nation Village of Ge-Wa-Ga. The proximity of the Nation's property to this historic village signifies the cultural connection between the current Nation's property and their historic village center.

### *TOWN OF SPRINGPORT*

Approximately 0.3 miles south on NYS Route 90 from the Nation's Springport property is a roadside pull-off with several monuments and markers. Included in these is a monument to the Sullivan-Clinton Route campaign; a Cayuga Castle marker; a memorial marker for Joseph Chaumrot, Rene Menard, Chief Saonchiogwa, Stephen De Carheil and Peter Raffwix; and an Indian Mound marker.

The Sullivan-Clinton Campaign monument maps the 1779 routes of the armies of American Generals John Sullivan and James Clinton. The Sullivan-Clinton Campaign was an expedition against the Iroquois Indian nations, including the Cayuga Nation, that had sided with the British during the American Revolution. The plaque was erected by the State of New York in 1929.

The Cayuga Castle, also known as "Goi-O-Gouen," marker identifies the site of the principal Cayuga Village which was destroyed Sept. 23, 1779 during the Sullivan Campaign. The marker was erected by State Education Department in 1932.

The memorial marker for Joseph Chaumrot, Rene Menard, Chief Saonchiogwa, Stephen De Carheil and Peter Raffwix was in honor of the French Jesuit missionaries, who as guests of Chief Saonchiogwa, built the first house of Christian worship in western New York in 1656.

The Indian Mound marker identifies the site of an early Jesuit mission and was erected by the New York State Education Department in 1932.

As indicated by these markers, the Nation's Town of Springport property is located in close proximity to the historic Cayuga Village of Goi-O-Gouen and other culturally significant events, such as the Sullivan-Clinton Campaign.

### *TOWN OF MONTEZUMA*

Approximately one half mile from the Nation's Montezuma property is a marker for the Old Erie Canal, which was completed from Utica to Montezuma in 1819. The "Montezuma", a ship that

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<sup>1</sup> These markers were observed by AKRF staff on July 31, 2006.



was built there, was the first boat on the canal. The marker as erected by State Education Department in 1935.

### **ARCHAEOLOGICAL SENSITIVITY**

The Nation's Union Springs, Springport, and Montezuma properties, and much of the Finger Lakes Region, are located in areas deemed to be archeologically sensitive by the New York State Historic Preservation Office ("SHPO") (see Figure 3.7-3). The Seneca Falls parcel is not located within an archeologically sensitive area. Areas deemed by SHPO to be "sensitive" include generous buffer areas around previously discovered archeological sites. Archeologically sensitive areas in the vicinity of the Nation's properties include sites such as the Seneca River Crossing Canals Historic District, the Montezuma National Wildlife Refuge, former industrial sites such as Van Cleef Lake in Seneca Falls, and former Native American settlements such as Frontenac Island in Cayuga Lake.

There are no known archeological sites on any of the Nation's properties. Over years of settlement and development, the Seneca Falls property has been heavily disturbed by earthmoving, grading, and the construction of the former campground and existing buildings and parking lots. As a result, the presence of archaeological resources is unlikely. Foundation work for the installation of improvements would have likely yielded the presence of archeological artifacts on developed portions of the sites.

Similarly, the Nation's Union Springs properties, with the exception of the approximately 100 acre field, have been extensively disturbed. The Nation's Union Springs fields property has potential to yield archaeological resources given its proximity to Cayuga Lake and favorable conditions that could have potentially supported village life. However, during the historic era this property has been intensively farmed and the soil disked and tilled, and therefore it is anticipated that any potential prehistoric resources that might have been present on this property would be disrupted, and scattered over the years of farming and agricultural uses.

The Nation's Montezuma property is wet woods where prehistoric occupation would have been unlikely. In addition, the vacant Montezuma property appears to have been altered during the construction of the New York State Thruway. This assessment is supported with the proximity of the property to the Thruway, and the age of the brush on the property, indicating that it had been cleared and allowed to return to its natural state. Any available artifacts on this site would have been found and removed or destroyed during the process of constructing the Thruway.