

This Chapter discusses the potential impacts that the proposed action and the alternatives may have on resource use patterns.

A. ALTERNATIVE 1: PROPOSED ACTION

Under this alternative, which involves placing the Nation's property into trust and reopening the temporarily closed LakeSide Entertainment gaming facilities, no changes are proposed to existing resource use patterns, as described in Section 3.11, "Resource Use Patterns." Under this alternative, the property would continue to be used as it is now and there would be no changes to onsite or area agriculture, recreation or site land uses. Under the Proposed Action, the Nation would gain jurisdiction over the land, and local land use and zoning requirements that currently apply to the Nation's lands would no longer apply. However, there would be no significant impacts to the resource use patterns as a result of the Proposed Action and the Nation's resource use policies would be applicable to its trust lands.

For each affected municipality, Nation lands proposed for conveyance into trust under the Proposed Action and other alternatives comprise only a small percentage of the entire area of the community, minimizing the geographic extent of the effect. In addition, most Nation lands are currently consistent with existing zoning and land use regulations in the communities in which they are located.

Under this alternative, land use regulation would be conferred on the Nation and be subject to the Cayuga Nation Land Use Ordinance, Ordinance No. CN-2003-01, adopted in 2003 (see Appendix K). This ordinance provides for the regulation of the type and scale of development that occurs on the Nation's lands, including trust lands. This ordinance mandates that no existing land uses can be substantially changed or altered unless a Land Use Permit is obtained. The provisions of the Nation's ordinance further require that the Nation consider compatibility of use, location of the proposed use, its congruity with the area, and the environmental effect of the use. These requirements, therefore, provide a measure of protection to adjacent land uses; public health and safety of residents, neighborhood character and comprehensive planning that are similar to the type of protection provided by local zoning, land use and other regulations. The application of this ordinance is expected to ensure the health, safety and welfare of the Nation and the surrounding communities.

B. ALTERNATIVE 2: NO ACTION

Under this alternative, the properties would not be taken into trust and no changes would occur to resource use patterns, as described in Section 3.11, "Resource Use Patterns." Under this alternative, the property would continue to be used as it is now and there would be no changes to onsite or area agriculture, recreation, land use plans, zoning or public policy. Therefore, there would be no impacts to resource use patterns as a result of the proposed action. Under this alternative, properties will continue to be subject to local land use and zoning regulations. In

addition, under this alternative, the status quo with respect to jurisdictional issues and disputes between the Nation and State and local governments would continue.

C. ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

Under Alternative 3, which would place the Nation's property in Seneca Falls and Union Springs into trust, no changes are proposed to existing resource use patterns as described in Section 3.11, "Resource Use Patterns." Under this alternative, the Enterprise properties would continue to be used as they are now and there would be no changes to onsite or area agriculture, recreation, or site land uses. The local land use and zoning requirements that currently apply to the Nation's lands would no longer apply to the Enterprise Properties if the land is placed into trust. Status quo conditions would continue to exist on the non-Enterprise properties in Springport and Montezuma, as discussed under Alternative 2.

Under this alternative, once the affected properties are placed into trust, the properties in the Town of Seneca Falls and the Village of Union Springs will be subject to land use regulation by the Nation pursuant to the Nation's Land Use Ordinance, CN-2003-01. As with the Proposed Action, the application of this ordinance is expected to ensure the health, safety and welfare of the Nation and the surrounding communities. Therefore, there would be no significant impacts to resource use patterns as a result of the Enterprise Properties into Trust Alternative.

D. CUMULATIVE IMPACTS

At this time the BIA is not aware of any proposed future fee-to-trust applications by the Cayuga Nation, although it is considered to be possible. Should future fee-to-trust applications occur and if those lands were brought into trust, the local governments would no longer have jurisdiction over land use plans and zoning for the applicable Cayuga Nation properties. The Congressional support for providing tribes a suitable landbase is documented within the 25 USC 465 provisions which necessitate jurisdictional changes to comply with the law. Jurisdictional impacts for fee-to-trust applications are subject to review under the 25 CFR 151 process implementing 25 USC 465 for such applications. Should future fee-to-trust applications occur, jurisdictional impacts will be considered according to these procedures. Jurisdictional impacts of each proposed action are considered in the review process required by this regulation. Therefore, cumulative jurisdictional impacts under the Nation's proposed alternative and the Enterprise Properties Alternative are not considered significant. No cumulative jurisdictional impacts are anticipated from the No Action Alternative.