

This Chapter discusses the potential impacts that the Proposed Action and the alternatives may have on living resources.

A. ALTERNATIVE 1: PROPOSED ACTION

Under this alternative, which involves placing the Nation's property into trust, no changes are proposed aside from reopening the temporarily closed LakeSide gaming facilities at the Nation's Seneca Falls and Union Springs properties. The property would continue to be used as per the baseline environmental conditions, and there would be no changes to onsite vegetation or wildlife resources as described in Section 3.6, "Living Resources." The New York State Natural Heritage Program ("NHP") and the U.S. Fish and Wildlife Service (FWS) were contacted for information on past records of occurrence of any State-listed or Federally-listed plant and animals species in the vicinity of the four subject properties. The FWS has indicated that there is potential for the Federally- and State-listed endangered Indiana bat (*Myotis sodalist*) to occur within the proposed project areas, which are approximately 4-10 miles from known roosts and approximately 33-36 miles from known hibernacula in Onondaga County. No other Federally-listed or proposed endangered or threatened species under the jurisdiction of the FWS are known to exist in the project areas.

Since the Proposed Action would not result in any changes to onsite vegetation or wildlife resources, there would be no significant impacts to living resources as a result of the Proposed Action. Correspondence received from the FWS dated November 15, 2007 acknowledged the determination of no effect, and stated that no further consultation regarding endangered species was required.

B. ALTERNATIVE 2: NO ACTION

Under this alternative, the Nation's properties would not be placed into trust, and the Nation would continue to own the properties in fee. The Nation would continue use of its properties for the multiple purposes in operation at the time of the fee-to-trust application (e.g., gas stations and convenience stores, and a car wash). Under this alternative, the Nation may elect to return the subject properties to the environmental baseline conditions by reopening its temporarily closed gaming facilities, in which case, no changes from the environmental baseline would occur. There would be no changes to onsite vegetation or wildlife resources as described in Section 3.6, "Living Resources." A letter, confirming that there are no endangered or threatened species has been sent to the U.S. Fish and Wildlife Service (FWS). The FWS has indicated that there is potential for the Federally- and State-listed endangered Indiana bat (*Myotis sodalist*) to occur within the proposed project areas, which are approximately 4-10 miles from known roosts and approximately 33-36 miles from known hibernacula in Onondaga County. No other Federally-listed or proposed endangered or threatened species under the jurisdiction of the FWS are known to exist in the project areas.

Therefore, there would be no significant impacts to living resources as a result of the No Action Alternative.

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 uses aside from reopening the temporarily closed LakeSide gaming facilities at the Nation's Seneca Falls and Union Springs properties. The property would continue to be used as it is now and there would be no changes to onsite vegetation or wildlife resources as described in Section 3.6, "Living Resources." A letter, confirming that there are no endangered or threatened species has been sent to the U.S. Fish and Wildlife Service (FWS). As discussed above, the FWS has indicated that there is potential for the Federally- and State-listed endangered Indiana bat (*Myotis sodalis*) to occur within the proposed project areas, which are approximately 4-10 miles from known roosts and approximately 33-36 miles from known hibernacula in Onondaga County. No other Federally-listed or proposed endangered or threatened species under the jurisdiction of the FWS are known to exist in the project areas.

Therefore, there would be no significant impacts to living resources as a result of the Enterprise Properties into Trust Alternative. Correspondence received from the FWS dated November 15, 2007 acknowledged the determination of no effect, and stated that no further consultation regarding endangered species was required.

D. CUMULATIVE IMPACTS

No cumulative impacts on living resources are anticipated for the proposed action under any of the analyzed alternatives. No other currently active proposals are similar to the proposal in either county. Tribal fee-to-trust applications in other New York counties are also not anticipated to produce statewide cumulative impacts, since any living resource impacts from other proposals, if any, would be localized. Implementation of the Nation's proposal would return both Counties' conditions to those of the environmental baseline date of the Nation's application, which included the gaming operation. With no impacts on living resources resulting from the proposal, and no other proposals impacting the same resources, no cumulative impacts are anticipated.