

April 28, 2009

Mr. Clint Halftown
Cayuga Indian Nation
P.O. Box 11
Versailles, NY 14168

Re: Phase I Environmental Site Assessment
Vacant Parcel, High Street,
Cayuga County Tax Map No.85.00-1-28.1
Town of Montezuma, New York
AKRF Project Number 40212

Dear Mr. Halftown:

AKRF, Inc. is pleased to submit this Phase I Environmental Site Assessment Report for the above-referenced site. This report includes the findings of a site inspection, an evaluation of available historical information, the interpretation of selected federal and state environmental databases, and a review of selected Cayuga County records. AKRF, Inc. met the requirements of American Society for Testing and Materials (ASTM) as established by ASTM Standard E1527-05 unless noted otherwise in Section 7: "Limitations".

We appreciate the opportunity to provide you with our services. If you should have any questions or comments regarding the enclosed report, please do not hesitate to contact us.

Sincerely,
AKRF, Inc.

Marc S. Godick, LEP
Senior Vice President

Kerry Gallagher
Environmental Scientist

Enc.

EXECUTIVE SUMMARY

AKRF, Inc. (AKRF) was retained by the Cayuga Indian Nation of New York to perform a Phase I Environmental Site Assessment of a vacant parcel located in the Town of Montezuma, Cayuga County, New York. The Property consisted of an unfenced, undeveloped parcel approximately 0.018-acres in size, legally defined as Cayuga County Tax Map Parcel No.85.00-1-28.1. The Property was located in a predominantly rural area and was abutted by the termination of High Street (a dead end street) followed by residences and undeveloped land to the north and west, the New York State Thruway to the south and southeast and residences and undeveloped land to the east and northeast.

This assessment revealed no evidence of Recognized Environmental Conditions. A summary of pertinent findings is as follows:

- The property comprised a vacant wooded lot. Historical land use maps, the regulatory database search and previous environmental studies at the Property and adjacent areas indicated that the Property has historically been undeveloped vacant land surrounded by some residences and agricultural or vegetated land.
- One pole-mounted transformer was located on a utility pole adjacent to the northwest corner of the subject Property. There is a potential for the transformers to have utilized PCB-containing fluids. Any release of oil due to transformer failure would spill to the underlying ground surface. There were no areas of stained soil or stressed vegetation beneath the transformers.
- According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

Recommendations:

- A subsurface (Phase II) investigation is not recommended at this time, however if future on-site development requires subsurface disturbance, soil (and groundwater if dewatering were to be required) would need to be managed in accordance with applicable local, state and federal requirements. If any unforeseen fuel oil tanks or evidence of contaminated soil (stains or odors) are encountered during site development, these materials (and all other materials requiring off-site disposal) should be disposed of in accordance with applicable federal, state and local regulations.
- Radon levels would need to be tested in accordance with applicable regulations for any future on-site development.

TABLE OF CONTENTS

| | |
|---|----|
| EXECUTIVE SUMMARY | i |
| 1.0 INTRODUCTION | 1 |
| 2.0 PHYSICAL SITE DESCRIPTION..... | 2 |
| 2.1 General Site Conditions | 2 |
| 2.2 Topography and Hydrogeology..... | 2 |
| 2.3 Storage Tanks | 2 |
| 2.3.1 Underground Storage Tanks (USTs) | 2 |
| 2.3.2 Aboveground Storage Tanks (ASTs)..... | 2 |
| 2.4 Polychlorinated Biphenyls (PCBs) | 3 |
| 2.5 Lead-Based Paint | 3 |
| 2.6 Utilities..... | 3 |
| 2.7 Waste Management and Chemical Handling | 3 |
| 2.8 Radon | 3 |
| 2.9 Asbestos-Containing Materials (ACM) | 3 |
| 3.0 ADJACENT LAND USE..... | 4 |
| 4.0 PROPERTY HISTORY AND RECORDS REVIEW | 4 |
| 4.1 Prior Ownership and Usage..... | 4 |
| 4.1.1 Historical Maps | 4 |
| 4.1.2 Historical Aerial Photographs | 5 |
| 4.1.3 Property Tax Files and Zoning Records | 5 |
| 4.1.4 Recorded Land Title Records..... | 5 |
| 4.2 Regulatory Review | 5 |
| 4.2.1 Federal Review..... | 6 |
| 4.2.2 State Review | 7 |
| 4.2.3 Local Review | 9 |
| 4.2.4 Additional Record Sources | 9 |
| 5.0 USER-PROVIDED INFORMATION..... | 10 |
| 6.0 PREVIOUS STUDIES..... | 10 |
| 7.0 LIMITATIONS AND DATA GAPS | 11 |
| 8.0 CONCLUSIONS AND RECOMMENDATIONS | 12 |
| 9.0 SIGNATURE PAGE | 13 |
| 10.0 QUALIFICATIONS | 14 |
| 11.0 REFERENCES | 15 |

FIGURES

- Figure 1 - Project Site Location
- Figure 2 - Site Plan Detail

APPENDICES

- Appendix A - Photographic Documentation
- Appendix B - Historical Maps / Aerial Photographs
- Appendix C - Local Records
- Appendix D - Regulatory Records Review

1.0 INTRODUCTION

AKRF, Inc. (AKRF) was retained by The Cayuga Nation of New York to perform a Phase I Environmental Site Assessment of a vacant parcel located in the Town of Montezuma, Cayuga County, New York. The Property consisted of an unfenced, undeveloped parcel approximately 0.018-acres in size, legally defined as Cayuga County Tax Map parcel No.85.00-1-28.1. The Property was located in a predominantly rural area and was abutted by the termination of High Street (a dead end street) followed by residences and undeveloped land to the north and west, the New York State Thruway to the south and southeast and residences and undeveloped land to the east and northeast.

The scope of services for this assessment included the following:

The scope of services for this assessment was in conformance with ASTM Standard E1527-05 (*Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*), with any exceptions to, or deletions from, this practice described in Section 7.0: "Limitations and Data Gaps." AKRF's scope addressed the ASTM scope by conducting the following:

- Observations of the Property (reconnaissance) were made to identify potential sources or indications of hazardous substances, including: aboveground storage tanks (ASTs); underground storage tanks (USTs); tank vents and fill ports; transformers and other items that could contain polychlorinated biphenyls (PCBs), drums or areas where hazardous materials were used, stored, or disposed; stained surfaces and soils; stressed vegetation, leaks, odors. In addition, where possible, neighboring properties were viewed, but only from public rights-of-way, to identify similar concerns.
- Readily available geological and groundwater (hydrogeological) information were evaluated to assist in determining the potential for contamination migration within, from and onto the Property.
- Historical topographic maps and aerial photographs for the Property and adjacent properties were reviewed to evaluate historic land uses.
- The following federal regulatory databases were reviewed to determine the regulatory status of the Property and properties within the ASTM-specified radii: National Priority List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); Emergency Response Notification System (ERNS); Toxic Chemical Release Inventory System (TRIS); the Permit Compliance System of Toxic Wastewater Discharges (WWD); the Air Discharge Facilities Index (ADF) the USEPA Civil Enforcement Docket. The federal listing of facilities which are subject to corrective action under the Resource Conservation and Recovery Act (CORRACTS) is discussed with the State databases of RCRA listings.
- The following state regulatory databases were reviewed to determine the regulatory status of the Property and properties within the ASTM-specified radii, hazardous material spills (SPILLS); Resource Conservation and Recovery Act Notifiers (RCRA); Chemical Bulk Storage (CBS); Solid Waste Facilities (SWF); Petroleum Bulk Storage (PBS); State Inactive Hazardous Waste Disposal Sites (SHWS); Major Oil Storage Facilities (MOSF); Historic Utility Sites; Environmental Restoration Program (ERP); Voluntary Cleanup Program (VCP); and Brownfield Cleanup Program (BCP).
- A review of pertinent local (obtained at the County Clerk's Office of Cayuga County, NY) and online records for the Property was conducted.

In addition to the ASTM Scope items, AKRF's scope (unless noted in Section 7.0) included:

- A state database of radon concentrations was used to determine whether indoor radon levels in the area (data are by county) generally comply with United States Environmental Protection Agency (USEPA) guidelines.

2.0 PHYSICAL SITE DESCRIPTION

Visual inspection of the site and adjacent areas was performed on March 20, 2009 by Kerry Gallagher of AKRF. At the time of the inspection, the weather was sunny and approximately 40 °F, the visibility good. The site was inspected for the presence of stained surfaces and soils, stressed vegetation, storage tanks, drums, leaking pipes, transformers, suspect asbestos-containing materials, suspect lead-containing paint, and any other evidence of hazardous material usage and storage on-site. Photographs documenting the site inspection are included in Appendix A.

2.1 General Site Conditions

The Property consisted of a triangular-shaped, unfenced, undeveloped vacant parcel approximately 0.018-acres in size, located in the Town of Montezuma, New York and was legally defined as Cayuga County Tax Map Parcel No.85.00-1-28.1. The Property was located in a predominantly rural area and was abutted by the termination of High Street (a dead end street) followed by residences and undeveloped land to the north and west, the New York State Thruway to the south and residences and undeveloped land to the east. The Property was occupied entirely by wooded land with dense tree cover. No vehicular entrances were noted. No solid waste, debris or evidence of illegal dumping activity was noted throughout the property. No evidence of material releases, i.e. stained surfaces, oil sheen, odors or stressed vegetation were noted at the property and no other significant observations were made.

2.2 Topography and Hydrogeology

The surface topography is relatively level. Based on reports compiled by the U.S. Geological Survey Montezuma, New York Quadrangle, the Property lies at an elevation of approximately 425 feet above the National Geodetic Vertical Datum of 1929 (an approximation of mean sea level). Groundwater most likely flows in a northwesterly direction toward the Seneca River, located approximately ½-mile to the northwest. However, actual groundwater flow at the site can be affected by many factors including subsurface openings or obstructions such as basements, bedrock geology, area pumping of groundwater, and other factors beyond the scope of this study.

2.3 Storage Tanks

2.3.1 Underground Storage Tanks (USTs)

During the site inspection, no evidence, such as vent pipes, fill caps, or concrete patches, was observed that would indicate past or present underground storage tanks (USTs) being located at the Property. There were no records of USTs identified during a review of local Cayuga County files. Off-site USTs are discussed in Section 4.2.2.

2.3.2 Aboveground Storage Tanks (ASTs)

No evidence, such as concrete foundations, containment walls, pedestals, or steel support structures, was observed during the site visit to indicate that aboveground storage tanks (ASTs) were located on-site either at the time of the inspection or in the past. A review of the State regulatory records did not cite any ASTs for the subject property. There were

no records of ASTs identified during a review of local Cayuga County files. Off-site ASTs are discussed in Section 4.2.2.

2.4 Polychlorinated Biphenyls (PCBs)

Prior to 1979, polychlorinated biphenyls (PCBs) were widely used for their cooling properties in electrical equipment such as transformers, capacitors, switches and voltage regulators. One pole-mounted transformer was located on a utility pole adjacent to the northwest corner of the subject Property. There is a potential for the transformers to have utilized PCB-containing fluids. Any release of oil due to transformer failure would spill to the underlying ground surface. There were no areas of stained soil or stressed vegetation beneath the transformers.

2.5 Lead-Based Paint

The use of lead-based paint in commercial structures was severely restricted by the Consumer Products Safety Commission in 1977. The use of lead-based paint in commercial structures was severely restricted by the Consumer Products Safety Commission in 1977. Lead-based paint is potentially hazardous when in a deteriorating condition (i.e. chipped, broken, crumbling, pulverized); lead is potentially harmful to humans, particularly children, if ingested, inhaled or otherwise absorbed.

The Property comprised vacant land and no painted surfaces were observed on-site.

2.6 Utilities

The Property was vacant; no utilities were operational during the site inspection.

2.7 Waste Management and Chemical Handling

No waste generation was observed at the Property.

2.8 Radon

Radon is a colorless, odorless gas produced by the radioactive decay of certain elements. The most common sources of radon are igneous and metamorphic rocks containing uranium (such as pitchblende), granite, shale, or phosphate, as well as soils or sediments derived from these parent materials. Radon may also be found in soils contaminated with certain industrial wastes (such as uranium or phosphate mine tailings) or in earth-derived building products which include industrial wastes that contain phosphate slag. In areas where the potential for radon accumulation is high, special ventilation systems may offset potential health hazards.

According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

2.9 Asbestos-Containing Materials (ACM)

Asbestos, a known human carcinogen, is a generic name assigned to a group of naturally occurring minerals exhibiting high tensile strength and possessing excellent fire resistance and insulating properties. These minerals include chrysotile, amosite, crocidolite, actinolite, tremolite, and anthophyllite. Asbestos is commonly found as a component of building materials including: thermal system insulation (TSI), pipe insulation, spray-applied fireproofing, spray- or trowel-applied surfacing materials, vinyl asbestos floor tiles and sheeting, plaster, sheetrock/joint

compound, ceiling tiles, fire door fill, roofing materials, thermal gaskets, mastics, caulks and a range of other products.

Building materials containing greater than one percent asbestos are considered to be asbestos-containing materials (ACM). ACM are classified as friable or non-friable. Friable ACM are those which can be crumbled, pulverized, or reduced to powder when dry by hand or other mechanical pressure. Friable ACM, such as thermal system insulation and spray-applied fireproofing, are generally associated with a higher risk of releasing asbestos fibers than non-friable ACM, such as vinyl floor tiles and built-up roofing materials.

The Property was undeveloped; no suspect ACM was observed on-site.

3.0 ADJACENT LAND USE

The property was abutted by residences to the north and south, New York State Route 90 followed by residences to the east, and by an abandoned railroad bed and vacant land to the west. The surrounding property was primarily occupied by residential structures, agricultural land and wooded areas.

4.0 PROPERTY HISTORY AND RECORDS REVIEW

4.1 Prior Ownership and Usage

4.1.1 Historical Maps

Historical Sanborn Insurance map coverage was unavailable for the Property and surrounding area. Historical U.S. Geological Survey Topographic maps covering the Property were viewed online for evidence of prior land usage. Specifically, U.S. Geological Survey Topographic maps from 1899, 1954, and 1976 were reviewed. Historical maps of the subject Property are included in Appendix B and as Figure 1.

1899

The Property was shown as vacant undeveloped land. A portion of the Seneca Canal and an unnamed road traversed the southern portion of the site in a southwest to northeast orientation. The surrounding properties were undeveloped.

1954

The Property was shown as vacant undeveloped land. High Street abutted the northern portion of the Property. A residence was shown north of the Property across High Street. The Thruway abutted the southern portion of the Property. Additional residences were located further north and east of the Property.

1976

The Property remained undeveloped as shown on the 1954 map. High Street abutted the northern portion of the Property. No further significant changes were shown on-site or in the surrounding areas.

To summarize, the Property was undeveloped since at least 1899. The surrounding properties were mainly vacant with some residential development noted. No industrial usage was noted on site or in the surrounding area.

4.1.2 Historical Aerial Photographs

Aerial photographs of the Property and adjacent areas dating to 1938, included ones from a previous environmental investigation, were reviewed (discussed further in Section 6.0). Specifically, aerial photographs from 1938, 1954, 1963, 1978, 1990, 1995, 2003, and 2007 were reviewed and are summarized below. Historical aerial photographs of the subject Property are included in Appendix B and as Figure 2.

1938

The Property comprised vacant agricultural land and was located adjacent to High Street. The surrounding area comprised agricultural uses with few residences.

1954 and 1963

The Property is similar to the 1938 photograph but with the New York State Thruway located to the south.

1978, 1990, 1995, 2003, and 2007

The Property comprised undeveloped wooded land. The surrounding properties were largely undeveloped agricultural land, residential properties or wooded areas. The NYS Thruway abutted the site to the south. Photographs are consistent with the current use of the Property.

To summarize, historical aerial photographs indicated that the Property was agricultural land from 1938 to at least 1963. The Property was noted as being undeveloped wooded land from the 1978 to 2007 photographs, consistent with its current configuration. No standing water was depicted on-site and no evidence of dumping and/or industrial use was evident in any of the aerial photographs.

4.1.3 Property Tax Files and Zoning Records

Electronic information provided by the Cayuga County Tax Assessor's Office identified the Property as Tax Map Parcel No. 85.00-1-28.1. The Property is zoned for residential use by the Town of Montezuma Zoning Department.

4.1.4 Recorded Land Title Records

The Cayuga County Property Description Report indicates the property was transferred from Jesse C. Fegley to Chester Helmer in 1992, from Chester Helmer to the County of Cayuga in May 2004, from the County of Cayuga to Betty Radford in September 2004, and from Betty Radford to The Cayuga Indian Nation of New York in April 2005. Documentation from the Cayuga County Clerk's office is included in Appendix C.

4.2 Regulatory Review

Toxics Targeting, Inc. of Ithaca, New York, was contracted to obtain information regarding the regulatory status of the property and the surrounding area. This information included records from databases maintained by the USEPA and New York State Department of Environmental Conservation (NYSDEC). AKRF reviewed these records to identify the use, generation, storage, treatment and/or disposal of hazardous material and chemicals, or releases of such materials which may impact the Property. All applicable regulatory databases meet ASTM guidelines

requesting utilization of information within 90 days' receipt from the appropriate agency. Copies of the pertinent sections of the Toxics Targeting, Inc. report are included in Appendix C.

4.2.1 Federal Review

The federal databases searched included the National Priority List (NPL); Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS); Emergency Response Notification System (ERNS); Toxic Chemical Release Inventory System (TRIS); the Permit Compliance System of Toxic Wastewater Discharges (WWD); the USEPA Civil Enforcement Docket.; and the Air Discharge Facilities (ADF) The federal listing of facilities which are subject to corrective action under the Resource Conservation and Recovery Act (CORRACTS) is discussed with the State databases of RCRA listings.

National Priority List (NPL)

The NPL is the USEPA's database of some of the most serious uncontrolled or abandoned hazardous waste sites identified for probable remedial action under the Superfund Program. NPL sites can pose a significant risk of stigmatizing surrounding properties and thus impacting property values.

No NPL sites were identified within one-mile of the Property.

Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS)

CERCLIS is a compilation of sites which the USEPA has investigated, or plans to investigate, pursuant to the Superfund Act of 1980 (CERCLA). As such, some of these sites may ultimately present concerns and others may not (but could still pose a perceived threat, thus affecting property values).

No CERCLIS sites were identified within a ½-mile of the Property.

Emergency Response Notification System (ERNS)

This federal database, compiled by the Emergency Response Notification System, records and stores information on certain reported releases of petroleum and other potentially hazardous substances.

The Property was not listed as a potential ERNS site in the regulatory database.

Toxic Chemical Release Inventory System (TRIS)

The TRIS contains information reported by a variety of industries on their annual estimated releases of certain chemicals.

No TRIS sites were identified within ⅛-mile of the Property.

Permit Compliance System of Toxic Wastewater Discharge (WWD)

This database includes certain sites which discharge wastewater containing potentially hazardous chemicals.

No WWD facilities were reported within ⅛-mile of the Property.

United States Environmental Protection Agency Civil Enforcement Docket

This database tracks civil judiciary cases filed on behalf of the USEPA by the Department of Justice.

No facilities were listed in the USEPA's Civil Enforcement Docket within 1/8-mile of the Property.

Air Discharge Facilities (ADF) Index

This federal database includes information on certain air emission sources.

No ADF facilities were identified within a 1/8-mile radius of the Property.

4.2.2 State Review

The state records reviewed included listings of hazardous material spills; Resource Conservation and Recovery Act (RCRA) Notifiers; Chemical Bulk Storage (CBS); Solid Waste Facilities (SWF); Petroleum Bulk Storage (PBS); State Inactive Hazardous Waste Disposal Sites (SHWS); State Hazardous Substance Waste Disposal Sites (SHSWDS); Major Oil Storage Facilities (MOSF); Brownfield Sites; Historic Utility Sites.; Environmental Restoration Program (ERP) sites; Voluntary Cleanup Program (VCP) sites and Brownfield Cleanup Program (BCP) sites.

New York SPILLS Database

This database includes releases reported to the NYSDEC, including tank test failures (for USTs only) and tank failures.

Two closed status spills were reported within a 1/2-mile radius of the Property.

- A spill was reported at Chapman Road in May 1995, located approximately 1,500 feet west-southwest of the Property. The incident was reported to be due to vandalism and involved the release of approximately 30 gallons of kerosene in a drainage ditch. The spill was cleaned and achieved a closed regulatory status. Based on distance and nature of the release, it is not anticipated to have affected the Property.
- The remaining spill incident was reported in September 1986 and involved an unknown amount of petroleum released on soil at a private residence located at Chapman and High Street. NYSDEC reported waste oil/used oil was observed on the driveway and in the street. Clean-up for the spill was reported to have ended in January 1988. Given its distance (over 2,500 feet from the Property) in an inferred crossgradient groundwater flow location, the spills case is not anticipated to have affected environmental conditions at the Property.

Resource Conservation and Recovery Act (RCRA) Notifiers Listings

This database lists sites that have filed notification forms regarding hazardous waste activity, including: treatment, storage and disposal facilities (TSDs); small-quantity generator (SQG) and large-quantity generators (LQG); and transporters regulated under RCRA. The discussion below includes any CORRACTS listings of facilities which are subject to corrective action under RCRA.

No CORRACTS facilities were identified within a one-mile radius of the Property. No RCRA TSD facilities were identified within a ½-mile radius of the Property. No RCRA Generators/Transporters were reported within a ⅛-mile radius of the Property.

Chemical Bulk Storage (CBS) Database

The CBS lists facilities that store regulated non-petroleum substances in aboveground tanks with capacities greater than 185 gallons and/or in underground tanks of any size.

No CBS facilities are listed within ⅛-mile of the Property.

Solid Waste Facilities (SWF)

This database includes a listing of landfills, incinerators, transfer stations, recycling centers, and other sites which manage solid waste.

No Solid Waste Facilities were identified within a ½-mile radius of the Property.

Petroleum Bulk Storage (PBS) Database

This database lists facilities that registered having either aboveground or underground petroleum tanks with total storage exceeding 1,100 gallons. Facilities with more than 400,000 gallons appear on the Major Oil Storage Facilities (MOSF) database instead.

No PBS facilities were identified within a ⅛-mile radius of the Property.

State Inactive Hazardous Waste Disposal Site (SHWS) Registry

This program (also known as State Superfund) lists information regarding a variety of sites likely requiring cleanup.

No State Inactive Hazardous Waste Disposal Sites were reported within a one-mile radius of the Property.

State Hazardous Substance Waste Disposal Site (SHSWDS) Study

This database tracks certain sites that were not listed on SHWS, but may still require investigation and/or cleanup.

No SHSWDS were identified within a one-mile radius of the Property.

Major Oil Storage Facilities (MOSF) Database

These facilities have petroleum storage of 400,000 gallons or more.

No Major Oil Storage Facilities were listed within ⅛-mile of the Property.

Historic Utility Sites

This is an inventory of selected power generating facilities, manufactured gas plants and storage facilities, utility maintenance yards and other gas and electric utility sites identified in various historical documents, maps and annual reports from 1898 to 1950.

No Historic Utility Sites were listed within ⅛-mile of the Property.

Environmental Restoration Program

These sites (which are generally municipally-owned) are receiving New York State funding for site investigation and/or remediation. Some sites in this program have

known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No ERP sites were listed within ½-mile of the Property.

Voluntary Cleanup Program

The Voluntary Cleanup Program is a NYSDEC program for investigation and/or remediation of (generally) privately-owned sites. Some sites have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No VCP facilities were listed within ½-mile of the Property.

Brownfield Cleanup Program

This NYSDEC program is the successor to the Voluntary Cleanup Program. Again, some sites have known contamination, whereas others have not had sufficient investigation to determine whether contamination is present.

No BCP sites were listed within ½-mile radius of the Property.

4.2.3 Local Review

County Clerk's Office

Personnel interviewed at the Cayuga County Town Clerk's office did not provide information in addition to recorded documents for the Property (included in Appendix C).

4.2.4 Additional Record Sources

To enhance the search, ASTM requires that additional local records be checked when, in judgment of the environmental professional, such records are: 1) reasonably ascertainable; 2) useful, accurate and complete in light of the objective of the records review; and 3) are obtained in initial ESAs. These records include:

- Local Brownfields Lists
- Local Lists of Landfill/solid waste disposal sites
- Local Lists of Hazardous Waste/Contaminated Sites
- Local Land Records (for activity use limitations)
- Records of emergency release reports
- Records of contaminated public wells

Sources for these records may include:

- Department of Health/Environmental Division
- Building Permit/Inspection Department
- Local/Regional Pollution Control Agency
- Local/Regional Water Quality Agency
- Local Electric Utility (for PCB records)

In AKRF's judgment, no such additional local records (beyond those described in the immediately preceding section) are pertinent for the Property.

5.0 USER-PROVIDED INFORMATION

In preparing this Phase I ESA, AKRF requested that the client provide any pertinent information regarding the Property, specifically:

- The reason for performing the Phase I ESA;
- Whether they were aware of any pertinent current or historic activities at or near the Property, including but not limited to: hazardous substances or petroleum, waste management practices, filling or disposal drains, septic/sewer systems, and potable and non-potable wells;
- Owner and occupant information and whether they were aware of any previous Phase I ESAs or other potentially pertinent reports, plans or information;
- Whether any *environmental liens* or *activity and land use limitations* are in place or filed or recorded against the Property or whether there was pending, threatened, ongoing or past violations, litigation or enforcement action relevant to hazardous substances or petroleum products;
- Whether they had any specialized knowledge or experience related to the Property or nearby properties (e.g., specialized knowledge of the chemicals used by this type of business);
- Whether the (anticipated) purchase price reflects that the Property is or could be contaminated; and
- Whether they were aware of commonly known or reasonably ascertainable information about environmental conditions of the Property including current/past uses of the Property and adjacent properties.

Ms. B.J. Radford, Chief Operating Officer for the Cayuga Indian Nation, provided pertinent information related to the site's historical use. According to Ms Radford, this Phase I Environmental Site Assessment was being performed to evaluate the site as part of due diligence related to its proposed fee-to-trust acquisition. Ms. Radford provided previous environmental studies conducted on the Property, discussed further in Section 6.0. Ms. Radford was not aware of any environmental liens or activity use limitations on the Property. To the extent that pertinent additional information was provided, it has been summarized elsewhere in this report.

6.0 PREVIOUS STUDIES

The following reports were provided to AKRF for review:

Phase I Environmental Site Assessment, Vacant Parcel Cayuga County Tax Map No.85.00-1-28.1, Montezuma, NY, Synapse Risk Management, LLC, October 2005

In October 2005, Synapse Risk Management, LLC (SRM) conducted a Phase I Environmental Site Assessment at the Property. The site consisted of an undeveloped wooded parcel with no established access points. SRM noted no surface water features on the site. No Recognized Environmental Conditions were identified by SRM as a result of the assessment and no recommendations for further study were warranted by SRM.

7.0 LIMITATIONS AND DATA GAPS

This assessment met the requirements of the American Society for Testing and Materials (ASTM) as established by ASTM Standard E1527-05 at the time it was performed, with the following limitations and data gaps:

- Visibility of the Property was limited during the reconnaissance by dense vegetation and, as such, portions of the site were not able to be inspected for staining, presence of wells or catch basins, or other features.
- Interviews and user provided information were limited to those discussed in Section 5.0. To the extent that interviews were not conducted with the list of interviewees cited in the ASTM Standard (past and present owners, operators, and occupants of the Property and local government officials), AKRF does not believe that this represents a significant data gap likely to result in additional or significantly changed recognized environmental conditions or conclusions.
- The Property area history was not conducted in five-year intervals. However, sufficient information about the history of the site and surrounding area could be obtained from the available historical aerial photographs, local records, and interviews, and this data gap is not likely to alter the conclusions of this report.
- In the judgment of AKRF, none of these limitations or data gaps are likely to have affected the ability to identify Recognized Environmental Conditions (RECs).

8.0 CONCLUSIONS AND RECOMMENDATIONS

AKRF, Inc. (AKRF) was retained by the Cayuga Indian Nation of New York to perform a Phase I Environmental Site Assessment of a vacant parcel located in the Town of Montezuma, Cayuga County, New York. The Property consisted of an unfenced, undeveloped parcel approximately 0.018-acres in size, legally defined as Cayuga County Tax Map Parcel No.85.00-1-28.1. The Property was located in a predominantly rural area and was abutted by the termination of High Street (a dead end street) followed by residences and undeveloped land to the north and west, the New York State Thruway to the south and southeast and residences and undeveloped land to the east and northeast.

This assessment revealed no evidence of Recognized Environmental Conditions. A summary of pertinent findings is as follows:

- The property comprised a vacant wooded lot. Historical land use maps, the regulatory database search and previous environmental studies at the Property and adjacent areas indicated that the Property has historically been undeveloped vacant land surrounded by some residences and agricultural or vegetated land.
- One pole-mounted transformer was located on a utility pole adjacent to the northwest corner of the subject Property. There is a potential for the transformers to have utilized PCB-containing fluids. Any release of oil due to transformer failure would spill to the underlying ground surface. There were no areas of stained soil or stressed vegetation beneath the transformers.
- According to data compiled in 2008 by the Bureau of Radiation Protection, a division of the New York State Department of Health, Cayuga County has one of the higher average levels of basement radon measurements in New York State at 4.37 picocuries/liter, above the USEPA recommended action level of 4.0 picocuries/liter.

Recommendations:

- A subsurface (Phase II) investigation is not recommended at this time, however if future on-site development requires subsurface disturbance, soil (and groundwater if dewatering were to be required) would need to be managed in accordance with applicable local, state and federal requirements. If any unforeseen fuel oil tanks or evidence of contaminated soil (stains or odors) are encountered during site development, these materials (and all other materials requiring off-site disposal) should be disposed of in accordance with applicable federal, state and local regulations.
- Radon levels would need to be tested in accordance with applicable regulations for any future on-site development.

9.0 SIGNATURE PAGE

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Property for which the assessment was performed. I have performed all the appropriate inquiries in conformance with standards and practices set forth in 40 CFR Part 312.

Marc S. Godick, LEP
Senior Vice President

Kerry Gallagher
Environmental Scientist

10.0 QUALIFICATIONS

The purpose of this assessment was to convey a professional opinion about the potential presence or absence of contamination, or possible sources of contamination on the Property, and to identify existing and/or potential environmental problems associated with the Property including *Recognized Environmental Conditions* as defined in ASTM Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*.

The assessment was performed in accordance with customary principles and practices in the environmental consulting industry, and in accordance with the above-referenced ASTM Standard, except as noted otherwise in Section 7.0. It should only be used as a guide in determining the possible presence or absence of hazardous materials on the Property at the time of the reconnaissance, as it is based upon the review of readily available records relating to both the Property and the surrounding area, as well as a visual reconnaissance of current conditions.

This Phase I Assessment is not, and should not be construed as, a guarantee, warranty, or certification of the presence or absence of hazardous substances, which can be made only with testing, and contains no formal plans or recommendations to rectify or remediate the presence of any hazardous substances which may be subject to regulatory approval. This report is not a regulatory compliance audit.

This report is based on services performed by AKRF, Inc. professional staff and observation of the Property and its surroundings. We represent that observations made in this assessment are accurate to the best of our knowledge, and that no findings or observations concerning the potential presence of hazardous substances have been withheld or amended. The research and reconnaissance have been carried to a level that meets accepted industry and professional standards. Nevertheless, AKRF and the undersigned shall have no liability or obligation to any party other than the Cayuga Indian Nation of New York State and AKRF's obligations and liabilities to the above, is limited to fraudulent statements made, or grossly negligent or willful acts or omissions.

11.0 REFERENCES

1. New York State Department of Health, Office of Public Health, “Environmental Radiation,” *Short Term Basement Radon Measurements by County* October 2008.
2. Toxics Targeting, Inc., “Montezuma – High Street, Montezuma, New York 13140,” *Regulatory Radius Search*, February 20, 2009.
3. U.S. Geological Survey; *Auburn Quadrangle*; 7.5 minute Series (Topographic); Scale 1:24,000; 1976.
4. U.S. Geological Survey; *Weedsport Quadrangle*; 15 minute Series (Topographic); Scale 1:24,000; 1902 via <http://historical.mytopo.com/>.
5. U.S. Geological Survey; *Weedsport Quadrangle*; 15 minute Series (Topographic); Scale 1:24,000; 1954 via <http://historical.mytopo.com/>.
6. Synapse Risk Management, LLC, *Phase I Environmental Site Assessment, Vacant Parcel, Cayuga County Tax Map No.85.00-1-28.1, Montezuma, NY*, October 2005.

FIGURES

APPENDIX A
PHOTOGRAPHIC DOCUMENTATION

APPENDIX B
HISTORICAL MAPS / AERIAL PHOTOGRAPHS

APPENDIX C
LOCAL RECORDS

APPENDIX D
REGULATORY RECORDS REVIEW