



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1868

FEB 27 2006

Real Estate Services

MAR 02 2006

BY: 

Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Mariott Drive, Suite 700
Nashville, Tennessee 37214

Dear Mr. Keel:

Thank you for the opportunity to provide scoping comments for the proposed fee-to-trust conveyance of property for the Cayuga Indian nation of New York, Cayuga and Seneca Counties, New York. The purpose of the proposed action is to create a tribal land base and to help meet the nation's socio-economic needs. The conveyance would consist of seven parcels totaling approximately 125 acres currently held in fee by the Nation. The Nation wishes to use these properties to operate an existing gas station, convenience store and Class II gaming facility.

EPA notes that the Federal Register Notice of Intent to prepare the environmental impact statement (EIS) did not provide a map or description of the parcel locations. In order to provide more detailed scoping comments, it would have been helpful if that information were available either in hardcopy or via the web. Using maps faxed to EPA by the BIA's Eastern Regional Office, we have the following specific comments.

- The parcels may be subject to the Farmland Protection Policy Act requirements if they irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.
- The parcels on the eastern side of Lake Cayuga may be located within or in proximity to the Cayuga County Groundwater Contamination Site, a superfund site located in Cayuga County, New York. Information on the site is located on the web at <http://www.epa.gov/region02/superfund/npl/0204289c.pdf>. A map has also been enclosed for your use.

In general, we recommend that the following issues be analyzed in NEPA documentation:

- The aquatic and terrestrial environments to be impacted by each alternative should be described. These descriptions should include appropriate air quality data, water quality data (ground and surface), sediment quality data, the identification and delineation of all wetlands, the identification of flood plains and cultural resources, and the identification of other significant environmental

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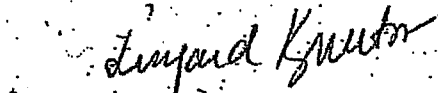
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resources in the project area. Particular attention should be paid to potential impacts on endangered species and cultural resources in the project area.

- An evaluation of the potential environmental impacts of the proposed project. This should include: analyses of impacts to wetlands, ground water, air and water quality, noise, endangered species, flood plains, coastal zones, cultural resources, and other significant aspects of the man-made environment.
- A comprehensive evaluation of cumulative, indirect, and secondary impacts. The cumulative impacts analysis should consider the environmental impacts of the project as a whole, and, if any, as one of a number of other proposed and/or approved projects in the area. The indirect and secondary impacts analysis should address the potential for unplanned growth and subsequent development in the project area.
- A discussion of all potential permits, including Section 10 and/or Section 404 permits from the U.S. Army Corps of Engineers that may be required for this project.

Thank you for the opportunity to comment. If you have any questions concerning this letter, please contact Lingard Knutson of my staff at (212) 637-3747.

Sincerely yours,



for Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi-Media Programs Branch

Enclosure