

The analyses presented in Sections 4.1 through 4.13 examined the potential for impacts resulting from the Proposed Project and its alternatives. This section, Section 5.0, “Mitigation,” is intended to discuss the means of reducing any significant impacts previously identified within the analysis of the alternatives to a less than significant level.

The Proposed Action and its alternatives do not result in any physical changes to the Nation’s properties that are subject to analysis, nor would they result in physical changes to surrounding properties. In addition, no significant adverse impacts were projected to occur in any other impact analysis area as a result of the Proposed Action and Alternative 3: Contiguous Parcels into Trust. Therefore, it is concluded that the Proposed Action and this alternative would not result in any significant adverse impacts needing mitigation of any form.

Due to the small scale of the Nation’s gaming facilities that would reopen as a consequence of the Proposed Action and Alternative 3, the Nation does not anticipate negative socioeconomic effects of any sort. In fact, as discussed in Section 4.8, the Nation anticipates that the surrounding communities will benefit economically and socially as a result of the Nation’s gaming operations. Nonetheless, while there is no clear consensus as to the relationship between Indian gaming and problem gambling, the Nation recognizes that gaming should be conducted in a responsible manner. The Nation would provide information to its patrons regarding gambling addiction counseling services available in the area.

Alternative 2: No Action, however, would result in significant adverse impacts to the Nation. As a result of this alternative, the status quo would continue. There are no available means of reducing the adverse impacts on the Cayuga Nation should the gaming facilities not reopen, or should the State levy taxes on gasoline or tobacco products sold by the Nation. Only trust status for the properties would facilitate the resumption of Tribal gaming. While the resumption of gaming may reduce some of these potential impacts, it cannot be considered mitigation for any potential loss of income due to the No Action Alternative.

In contrast to Alternative 2, the Proposed Action and Alternative 3 will enable the Nation to resume operations of its small-scale gaming facilities, thereby reinstating its gaming revenue sources. Under Alternative 2: No Action, the Nation’s gaming operations would remain closed and the status quo would continue. Due to the fact that operations at the Nation’s Class II gaming facilities were suspended in the fall of 2005, the Nation’s primary revenue source is the sale of cigarettes. While the State of New York has thus far declined to take action to enforce the Tax Law against the Nation, enforcement of the Tax Law in the future would result in the Nation not having the benefit of its primary revenue stream. Such a loss of revenue would severely impact the Nation’s economy and its goal of becoming economically self-sufficient.

The Nation’s lifestyle and cultural values receive critical financial support from its gaming enterprise revenues, and this alternative would curtail this support. The Proposed Action will enable the Nation to resume operations at these gaming facilities, and thereby reinstate this

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revenue source. If the Nation's gaming operations remain closed under this alternative, the status quo would continue, and the Nation's needs would not be met.