

RECEIVED

2009 JUN 19 P 1:16

Tom and Karen Anglim
45 Mynderse Street
Seneca Falls, New York 13148

June 13, 2009

BIA-ERO
REGIONAL DIRECTOR

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

An approved trust application will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes.

Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other

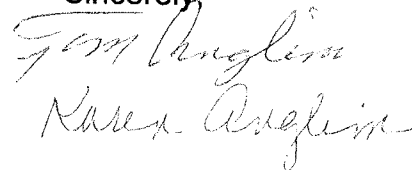
community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively we urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust.

Thank you for the opportunity to submit our comments and concerns into the public record.

Sincerely,

Handwritten signatures of Tom Anglim and Karen Anglim. The signature of Tom Anglim is written in cursive and is positioned above the signature of Karen Anglim, which is also in cursive.

Tom Anglim
Karen Anglim

CC:

Chuck Lafler, Chairman, Board of Supervisors
40 Stevenson St.
Seneca Falls, NY 13148

Peter Same, Board of Supervisors
11 John Street
Seneca Falls, NY 13148

)

Paul R Avveduti
3515 Rt 89
Seneca Falls. NY
8 June 09

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- 1 Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- 2 Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
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- 5 An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.
- 6 The inevitable future development and build-out of trust properties will exacerbate

the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- 1 Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
- 2 Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.
- 3 The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

Unfair Competition:

- 1 The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.
- 2 Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

Regulatory Jurisdiction:

- 1 States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- 2 Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and

health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

- 3 Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
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Environmental Consequences:

- 1 New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.
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Future Development:

- 1 Given that I/we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I/we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- 2 The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its operations (i.e., gasoline sales, convenience store operations, campgrounds and

gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.

- 3 The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I/we have highlighted in this letter.

The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I/we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I/we request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

I/We oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Paul R. Hoedate".

REC-11111

Francis O. Blackwell III
123 Curtis Place
Auburn, NY 13021

7001 JUN 10 PM 2:13

June 6, 2009

REGIONAL DIRECTOR

Mr. Franklin Keel, Regional Director
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Bureau of Indian Affairs
545 Marriott Drive
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A handwritten signature in black ink, appearing to read "Francis O. Blackwell III". The signature is written in a cursive style and includes a date "1/28" at the end.

Francis O Blackwell III

cc:

Senator Michael F. Nozzolio
117 Fall St.
Seneca Falls, NY 13148

Peter Tortorici, Chairman, County Legislature
19 Union Street
Auburn, NY 13021

RECEIVED

Charles Cappellino
3145 Doolittle Drive
Seneca Falls, NY 13148
July 4, 2009

2009 JUL -6 A 8:19

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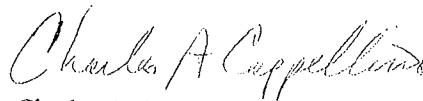
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Charles A. Cappellino

Diane Cappellino
3145 Doolittle Drive
Seneca Falls, NY 13148
July 4, 2009

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Diane M. Cappellino

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2009 JUN 29 A 8:10

Dorothy A. Chapin
26 Walnut Street
Seneca Falls, NY 13148

BIA-ERO
REGIONAL DIRECTOR

June 23, 2009

Mr. Franklin Keel, Regional Director
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545 Marriott Drive
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- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

Unfair Competition:

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.

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- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources.
- States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.

Future Development:

- Given that I understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.

- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

Please, take into consideration that these lands have been acquired from the Indians at least eight (8) different times. How many more times must we suffer because a few who seem to be the only people ((Indians (probably not) or lawyers??)) that benefit from all of this tragedy.

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I have highlighted in this letter. Therefore, I request the Bureau of Indian Affairs withdraw the DEIS until such a time when these issues are resolved or alternatively I request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

I oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Sincerely,



Dorothy A. Chapin

cc

Seneca County

David Dresser, Board of Supervisors
7302 Wyers Point Rd.
Ovid, NY 14521

Michael Nozzolio
Senator, 54th District
119 Fall Street
Seneca Falls, NY 13148

RECEIVED

2009 JUL -6 A 10: 34

BIA-ERO
REGIONAL DIRECTOR

Mr. Gino Cologgi
45 Mechanic St.
Seneca Falls, NY 13148
June 21, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Taxes:

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- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support it. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
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Unfair Competition:

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.
- Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

Regulatory Jurisdiction:

- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust

property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
- In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
- States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.
- Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

Environmental Consequences:

- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.
- The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

Future Development:

- Given that I. understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I. believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its

- operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.
- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I. have highlighted in this letter.

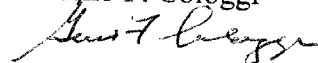
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I oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

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Sincerely,

Gino F. Cologgi



SENECA COUNTY
OFFICE OF THE COUNTY ATTORNEY

FRANK R. FISHER
County Attorney

BRIAN JAMES FAY
Deputy County Attorney



County Office Building
One DiPronio Drive
Waterloo, NY 13165
Tel: (315) 539-1989

July 2, 2009

Mr. Franklin Keel, Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

In Re: DEIS Comments

Dear Mr. Keel:

Enclosed please find what appears to be an original letter commenting on the DEIS in the Cayuga Indian Nation Fee to Trust Application that was forwarded to our office.

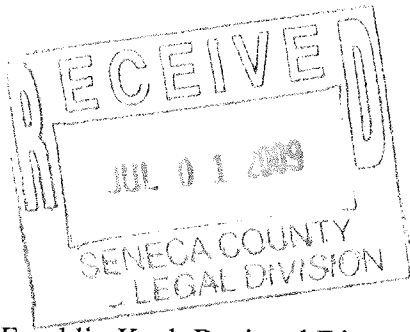
Thank you for your attention in this regard.

Yours very truly,


Frank R. Fisher

FRF:lgr
Enclosure

RECEIVED
2009 JUL -5 PM 3:48
DIA-EPD
REGIONAL DIRECTOR



Mr. Gino Cologgi
45 Mechanic St.
Seneca Falls, NY 13148
June 21, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

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2009 JUL -6 P 3:49
BIA-EO
REGIONAL DIRECTOR

RECEIVED

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Infrastructure/ Services:

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General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I. have highlighted in this letter.

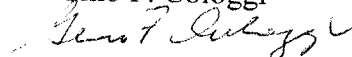
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Sincerely,

Gino F. Cologgi



Donna DeLand
6941 Baldwin Road
Cayuga, New York 13034
June 16, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive

Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project


Dear Mr. Keel:

This letter contains my/our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I/We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I/we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I/we urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my/our comments and concerns into the public record.

Please acknowledge that this discontentment needs to stop and that we need to work together as human beings to establish fair practises for everyone. The American Indians are a part of this nation and must put aside the injustices of the past and go on with us for a better and communicative world.

Sincerely,



Mrs. Donna M. DeLand

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2009 JUN 19 P 1:19

REGIONAL DIRECTOR

RECEIVED

2009 JUN 22 P 2:13

BIA
REGIONAL DIRECTOR



Karen Dodson
General Manager
Waterloo Premium Outlets
655 Route 318
Waterloo, NY 143165
June 17, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

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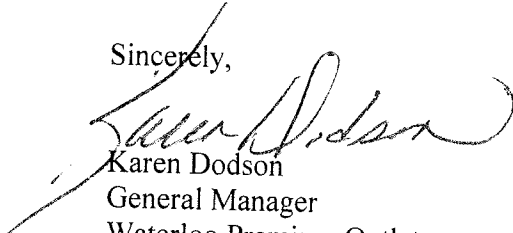
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Sincerely,



Karen Dodson
General Manager
Waterloo Premium Outlets

cc:

Seneca County

Chuck Lafler, Chairman, Board of Supervisors
40 Stevenson St.
Seneca Falls, NY 13148

Peter Same, Board of Supervisors
11 John Street
Seneca Falls, NY 13148

David Dresser, Board of Supervisors
7302 Wyers Point Rd.
Ovid, NY 14521

District Attorney Richard Swinehart
Seneca County Office Building
1 DiPronio Drive
Waterloo, NY 13165

County Attorney Frank Fisher
Seneca County Office Building,
1 DiPronio Drive
Waterloo, NY 13165

County Manager Suzanne Sinclair
Seneca County Office Building,
1 DiPronio Drive
Waterloo, NY 13165

NY State Senator Michael F. Nozzolio
117-119 Fall Street
Seneca Falls, NY 13148

Assemblyman Brian M. Kolb
607 W. Washington Street
Suite 2
Geneva NY 14456

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2009 JUN 15 A 9:08

BIA-ERO
REGIONAL DIRECTOR

Lykat Incorporated
688 Stone Church Road
Waterloo, NY 13165
6/09/09

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

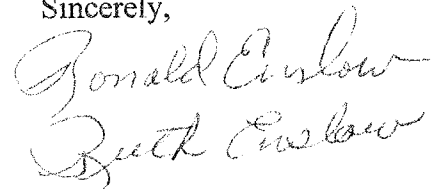
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Sincerely,

Handwritten signatures of Ronald R. Enslow and Ruth A. Enslow. The signature of Ronald R. Enslow is written in a cursive style, and the signature of Ruth A. Enslow is written in a similar cursive style below it.

Ronald R. Enslow
President
Ruth A. Enslow
Chairman

cc: Senator Charles Schumer
Senator Kirsten Gillibrand
Congressman Michael Arcuri
Ken Salazar, Secretary of the Interior

FROM: JOAN P EVANS 607-724-4975

RECEIVED

2009 JUN 16 A 9: 06

BIA-ERO
REGIONAL DIRECTOR

ATTN: Franklin Keel
BIA Regional Director
DEIS Comments, Cayuga Indian Nation of
New York Trust Acquisition Project

6/16/2009

This letter contains my comments on the DEIS with respect to the Cayuga Indian Land-into-Trust Application.

Joan P Evans
3752 Cobblestone Ct
Binghamton, NY 13903
June 15th 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

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- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.
- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.

- Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.
- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

Unfair Competition:

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.
- Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

Regulatory Jurisdiction:

- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.
- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
- In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
- States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.
- Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

Environmental Consequences:

- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental impacts to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage to our natural resources; adversely impacting residents of the counties who share in the same environment. Such trust status and lack of regulatory control presents potential threats to our natural resources.
- The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air

and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

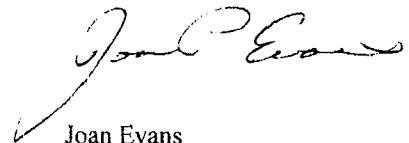
Future Development:

- Given that the Cayuga Indian Nation has indicated it seeks to acquire more lands and it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area and make application to have these additional lands held in trust; then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.
- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the BIA withdraw the DEIS until such a time when these issues are resolved or alternatively, I urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's land-into-trust application..

Thank you for the opportunity to submit my comments and concerns into the public record.

Sincerely,



Joan Evans

cc: Chuck La fler, Chairman - Seneca County Board of Supervisors
Peter Same, Minority Leader - Seneca County Board of Supervisors

449 Waterloo-Geneva Road
Waterloo NY 13165-1207
June 12, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RECEIVED
2009 JUN 22 P 2:00
BIA-ERD
REGIONAL DIRECTOR

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

1. Taxes:

Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more. Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.

Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts. New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities.

An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

2. Infrastructure/ Services:

Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.

Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.

The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services

provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

3. Unfair Competition:

The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.

Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

4. Regulatory Jurisdiction:

States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.

Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.

In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits. States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.

Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

5. Environmental Consequences:

New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.

The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

6. Future Development:

Given that I understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to

trust applications, I believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.

The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.

The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

7. General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I/we have highlighted in this letter.

The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

I oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, We request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively we urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit our comments and concerns into the public record.

Sincerely,



Parthenia Sue Excell

CC:

Mr. Lafler, Chairman, Board or Supervisors

Dr. Dresser, Board of Supervisors

Mr. Same, Board of Supervisors

County Attorney Fisher

County Manager Sinclair

District Attorney Swinehart

RECEIVED

2009 JUN 29 A 8:09

Joyce A. Kelley
15 Latham Street
Seneca Falls, NY 13148
June 23, 2009

~~BIA-ERO~~
REGIONAL DIRECTOR

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Taxes:

- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York State sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities.
- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support

same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.

- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

Unfair Competition:

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.

Regulatory Jurisdiction:

- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources.
- States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.

Future Development:

- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

Please, take into consideration that these lands have been acquired from the Indians at least eight (8) different times. How many more times must we suffer because a few who seem to be the only people ((Indians (probably not) or lawyers??)) that benefit from all of this tragedy.

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I have highlighted in this letter.

I oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Sincerely,


Joyce A. Kelley

John J. Fitzgerald
Joyce A Fitzgerald
11 JoAnne Ave.
Seneca Falls, NY 13148
June 19, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Nashville, TN 37214

RECEIVED
2009 JUN 22 P 2:14
REGIONAL DIRECTOR

RE :DEIS Comments, Cayuga Indian Nation of New York Acquisition Project

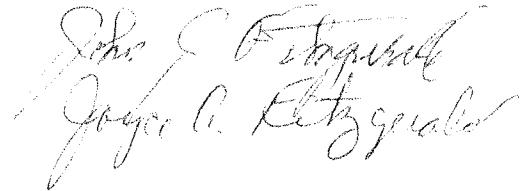
Dear Mr. Keel:

This letter contains our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

- Once land is place in trust it is exempt from local taxes, special use charges and fees that the rest of us have to pay. This will have an adverse effect on the remaining taxpayers in Cayuga and Seneca counties.
- Collection of sales and excise taxes on sales of taxable goods such as gasoline and tobacco products will effect many others in the same type business. This type unfair competition have caused some to lose their jobs and even business to close.
- If this Land into Trust Application is approved other property Land into Trust Application's will follow and the snowball effect will keep growing. This means that fewer of our taxpayers will pay more and more etc.
- The Cayuga Indian Nation has already purchased many more acres of land that is not included in The Trust Application. They have started business on some of these properties and do not collect sales tax at this time. This is unfair, it will continue to grow and in the long run will hurt many more hard working people in our two counties.
- We are a nation of laws, rules and regulations. These laws, rule and regulations do not apply to these land into trust. Therefore, how are these lands governed? We live in the USA so the same laws, rules and regulations should apply to all without exception.

We stand behind both counties opposition to the DEIS and Land into Trust Application.
We oppose the land-into-trust application submitted by the Cayuga Indian nation of New York and urge the Bureau of Indian Affairs to deny application in all respect including for the reasons set forth in this letter.

Sincerely,



John J. Fitzgerald
Joseph A. Fitzgerald

cc:Chuck Lafler

RECEIVED

2009 JUL -6 P 3: 50

BIA-ERO
REGIONAL DIRECTOR

Carolyn L. Guariglia
3605 Honeysuckle Rd.
Auburn, NY 13021
June 30, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my/our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I/We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Taxes:

- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.
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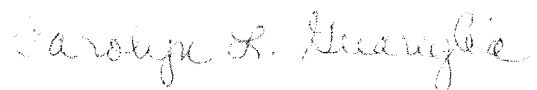
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Environmental Consequences:

- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.
- The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I urge the BIA to adopt the “no action alternative” and not grant the Cayuga Indian Nation’s application for lands into trust. Thank you for the opportunity to submit my comments and concerns into the public record.

Sincerely,



Carolyn L. Guariglia

RECEIVED

2009 JUL -6 P 3: 50

SIA-ERO
REGIONAL DIRECTOR

Gary A. Guariglia
3605 Honeysuckle Rd.
Auburn, NY 13021
June 30, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my/our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I/We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Taxes:

- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
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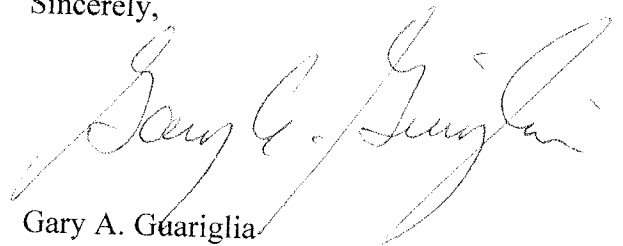
- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Environmental Consequences:

- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.
- The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my comments and concerns into the public record.

Sincerely,



Gary A. Guariglia

RECEIVED

2009 JUL -6 P 4: 17

BIA-ERO
REGIONAL DIRECTORDion R. and Cynde L. Hammond
2697 Ernsberger Road
Romulus, New York 14541-9757

06 July 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: Draft Environmental Impact Statement (DEIS) Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

The purpose of this letter is for us to submit our comments on the Draft Environmental Impact Statement (DEIS) with respect to the Cayuga Indian Nation's Land into Trust Application. We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including the reasons set forth in this letter, as indicated below:

Taxes:

- Once land is placed into trust, it becomes exempt from local property taxes. Special district charges and other fees shared by users of the community infrastructure, such as roads, sewers and more that were normally covered, will no longer be covered and the community will have to pay the difference, while the Indian Nation continues to use our roads, etc. free of charge.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.
- New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities.
- An approved trust application (and any future applications granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed. This unfair tax burden will inhibit private sector investment and job growth in the region. Furthermore, it will burden current

non-Cayuga Indian Nation businesses and those residents who are/have been remitting such taxes.

- The inevitable future development and build-out of trust properties will exacerbate the loss of future taxes on the trust properties by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated by the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Continued use of services by the Cayuga Indian Nation, properties taken into trust and persons occupying such properties, (should the application be granted) but without the Cayuga Indian Nation trust. properties having any

non-Cayuga Indian Nation businesses and those residents who are/have been remitting such taxes.

- The inevitable future development and build-out of trust properties will exacerbate the loss of future taxes on the trust properties by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated by the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Continued use of services by the Cayuga Indian Nation, properties taken into trust and persons occupying such properties, (should the application be granted) but without the Cayuga Indian Nation trust, properties paying any taxes or assessments.
- Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services
- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties subject of Cayuga Indian Nation applications and/or future applications.

Unfair Competition:

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses, additional lost tax and special assessment revenues.
- Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

Regulatory Jurisdiction:

- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
- In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
- States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.
- Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

Environmental Consequences:

- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust, they would be exempt from the state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources. Due to the fact that we all share in the same environment, and we realize that the trust status and lack of regulatory controls present threats or potential threats to our natural resources, it is plain to see that this exempt status is adversely impacting the non-Cayuga Indian Nation residents of our counties.
- The inability of the State to enforce state environmental laws that protect our natural resources ranging from our lakes, rivers, and groundwater, to our air and soil, will adversely impact all members of our communities.

Future Development:

- Given that we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land-to-trust applications, we believe the Cayuga Indian Nation will continue to acquire properties within what it contends is the reservation area. We believe it will make applications to have additional lands held in trust and then develop or further develop properties, resulting in increased losses of future tax and assessment revenue.
- The environmental impact of the all but inevitable likelihood that the Cayuga Indian Nation will make future trust applications, and acquire more lands and expand its operations, must be considered. i.e., gasoline sales, convenience store operations, campgrounds and gaming) The impact and the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required will be immeasurable.
- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications. These applications will remove more lands from the obligations

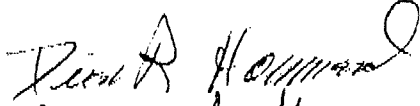
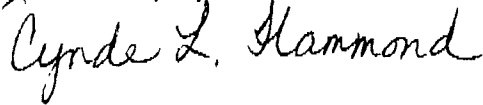
of taxation and assessments, and will in turn remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues we have highlighted in this letter.

The Draft Environmental Impact Statement (DEIS) lacks the critical information needed for a thorough review of the application. Because it does not require mitigation of known adverse impacts (as identified in this letter), we respectfully request that the Bureau of Indian Affairs withdraw the DEIS until these issues are resolved or until then, we request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust, be denied in all respects. Thank you for the opportunity to submit our comments and concerns into the public record.

Sincerely,

Dion R. and Cynde L. Hammond

Cc:

David Dresser, Board of Supervisors
7302 Wyers Point Rd.
Ovid, NY 14521

District Attorney Richard Swinehart
Seneca County Office Building
1 DiPronio Drive
Waterloo, NY 13165

Edward Kalet
65 Grove St.
Union Springs, N.Y.
13160
June, 20, 2009

MR. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, Tn 37214

RE:DEIS Comments, Cayuga Indian Nation of New York Trust Application Project

Dear Mr. Keel:

This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into trust and urge the Bureau of Indian Affairs to deny the application in all respects, including the reasons set forth in this letter.

Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads sewer and more.

The Draft Environmental Impact Statement lacks critical information needed for a through review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my comments and concerns into the public record.

Sincerely,



Edward Kalet

RECEIVED
2009 JUN 25 P 1:14
REGIONAL DIRECTOR

RECEIVED

2009 JUN 18 P 1:15

BIA-ERO
REGIONAL DIRECTOR

Mark and Peggy Kowalik
17 Courtney Dr.
Seneca Falls, NY 13148
June 13, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

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- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.
- New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities.
- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
- Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.
- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

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- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust

property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
- In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
- States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.
- Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

Environmental Consequences:

- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.
- The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

Future Development:

- Given that I/we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I/we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
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operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.

- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues we have highlighted in this letter.

The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively we request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

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Sincerely,

Mark and Peggy Kowalik



cc:

Seneca County

Chuck Lafler, Chairman, Board of Supervisors
40 Stevenson St.
Seneca Falls, NY 13148

Mark and Peggy Kowalik
17 Courtney Dr.
Seneca Falls, NY 13148
June 13, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

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- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
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property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

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- The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

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- Given that I/we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I/we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its

operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.

- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues we have highlighted in this letter.



The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively we request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

We oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I/we urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my/our comments and concerns into the public record.

Sincerely,

Mark and Peggy Kowalik

cc:

Seneca County

Chuck Lafler, Chairman, Board of Supervisors
40 Stevenson St.
Seneca Falls, NY 13148

4

John D. and Linda A. Leonard
15 Hidden Brook way
Auburn, NY 13021
June 11, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in the Attachment to this letter.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively we urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust.

In addition to the reasons above, we believe that there is a more fundamental problem: it is well past time for the descendants of the original Indian tribes to cease the Victim-Federal Dependent role and join American society as normal citizens. This would be healthiest for them and for American society as whole. Yes, the Europeans treated the Indians cruelly, as conquerors everywhere, including the Indian tribes themselves, had done to each other for thousands of years before Europeans came here. In these enlightened times we look back and deplore it, but that was the way things were done then, by all conquerors. However, it looks as though living Americans, who had nothing to do with this, are destined to treat the Indian descendants as dependents into perpetuity.

We all know that there in fact are no Indian "nations" within our nation; this is a convenient fiction that is used to qualify for Federal funds and tax breaks. In a fair world,

the Bureau of Indian Affairs and any other Federal departments involved would be directed to transition the remaining tribal reservation members into society and then be dissolved. Realistically, however, "taking care" of the Indians is an entrenched Federal jobs program with no end in sight, and pigs will fly before anyone gives it up. It is also a lucrative entitlement program for some Indians. We want to go on record that we believe this whole relationship, in addition to being expensive for American taxpayers, demeans our Indian citizens.

Thank you for the opportunity to submit our comments and concerns into the public record.

Sincerely,

Linda A. Leonard
Linda A. Leonard

cc: Cayuga County.

Peter Tortorici, Chairman, County Legislature
19 Union Street
Auburn, NY 13021

Seneca County.

Chuck Lafler, Chairman, Board of Supervisors
40 Stevenson St.
Seneca Falls, NY 13148

ATTACHMENT pp. 1-4

to June 11, 2009 Letter from:
Linda A. and John D. Leonard

List of issues that the Cayuga and Seneca Counties have indicated cause them concern and which we agree with:

Taxes:

Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.

Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.

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An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

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Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing

in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.

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Regulatory Jurisdiction:

States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.

Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.

In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.

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and building codes on buildings constructed or existing on trust lands. Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

Environmental Consequences:

New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.

The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

Future Development:

Given that we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.

The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.

The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of

taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues we have highlighted in this letter.

The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved, or alternatively we request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

We oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

RECEIVED

2009 JUN 16 P 1: 05

BIA-ERO
REGIONAL DIRECTOR

John D. and Linda A. Leonard
15 Hidden Brook way
Auburn, NY 13021
June 11, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in the Attachment to this letter.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively we urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust.

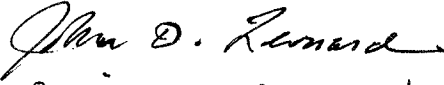
In addition to the reasons above, we believe that there is a more fundamental problem: it is well past time for the descendants of the original Indian tribes to cease the Victim-Federal Dependent role and join American society as normal citizens. This would be healthiest for them and for American society as whole. Yes, the Europeans treated the Indians cruelly, as conquerors everywhere, including the Indian tribes themselves, had done to each other for thousands of years before Europeans came here. In these enlightened times we look back and deplore it, but that was the way things were done then, by all conquerors. However, it looks as though living Americans, who had nothing to do with this, are destined to treat the Indian descendants as dependents into perpetuity.

We all know that there in fact are no Indian "nations" within our nation; this is a convenient fiction that is used to qualify for Federal funds and tax breaks. In a fair world,

the Bureau of Indian Affairs and any other Federal departments involved would be directed to transition the remaining tribal reservation members into society and then be dissolved. Realistically, however, "taking care" of the Indians is an entrenched Federal jobs program with no end in sight, and pigs will fly before anyone gives it up. It is also a lucrative entitlement program for some Indians. We want to go on record that we believe this whole relationship, in addition to being expensive for American taxpayers, demeans our Indian citizens.

Thank you for the opportunity to submit our comments and concerns into the public record.

Sincerely,


Linda A. Leonard

cc: **Cayuga County**

Peter Tortorici, Chairman, County Legislature
19 Union Street
Auburn, NY 13021

Seneca County

Chuck Lafler, Chairman, Board of Supervisors
40 Stevenson St.
Seneca Falls, NY 13148

ATTACHMENT pp. 1-4

ATTACHMENT

Page 1

to June 11, 2009 Letter from:
Linda A. and John D. Leonard

List of issues that the Cayuga and Seneca Counties have indicated cause them concern and which we agree with:

Taxes:

Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.

Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.

Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.

New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities.

An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Infrastructure/ Services:

Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.

Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing

in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.

The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

Unfair Competition:

The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.

Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

Regulatory Jurisdiction:

States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.

Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.

In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.

States, counties, towns and villages will lose the ability to require enforcement of fire

and building codes on buildings constructed or existing on trust lands. Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

Environmental Consequences:

New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.

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The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of

taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues we have highlighted in this letter.

The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved, or alternatively we request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

We oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

RECEIVED

2009 JUN 29 A 8:13

David & Gina Lynch
2441 Route 89
Seneca Falls, NY 13148
June 19, 2009

BIA-ERO
REGIONAL DIRECTOR

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

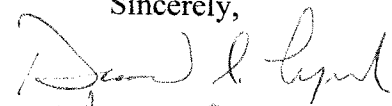
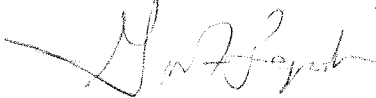
This letter contains my/our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I/We oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.
- Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.
- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.

- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.
- Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.
- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I/we request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I/we urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my/our comments and concerns into the public record.

Sincerely,

 6/19/09
 6/19/09

David S. Lynch & Gina F. Lynch

cc: Chuck Lafler, Chairman, Board of Supervisors

RECEIVED

2009 JUL -2 P 12: 46

BIA-ERO
REGIONAL DIRECTOR

Mr. Franklin Keel, Regional Director

Eastern Regional Office

545 Marriott Drive

Suite 700

Seneca Falls, NY 13153

Phone: 315/339-2314

Barry D. Martz

503 East Rd

Seneca Falls, NY 13153

Phone: 315/339-2314

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land into trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

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- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.
- New York derives substantial revenue from sales and excise taxes on the sale of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities.
- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners. Currently, all properties under trust are already developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian property owners and communities surrounding such areas.

- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
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property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
- In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
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operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.

- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

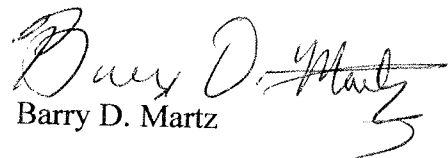
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Sincerely,


Barry D. Martz



Barry D. Martz
503 East Rd.
Savannah, NY 13146

Michael and Jill Mestan
69 State St
Seneca Falls, NY 13148
June 15, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive Suite 700
Nashville, TN 37214

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

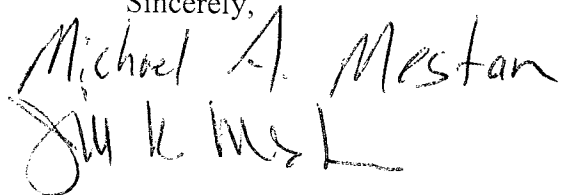
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Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more. Given that I/we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I/we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.

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Sincerely,

Handwritten signatures of Michael A. Mestan and Jill K. Mestan. The signature for Michael A. Mestan is written in a cursive style, and the signature for Jill K. Mestan is also cursive and appears to be written below or overlapping the first signature.

Michael Mestan, Jill Mestan

cc: Chuck Lafler, Chairman, Board of Supervisors, Peter Same, Board of Supervisors, David Dresser, Board of Supervisors, District Attorney Richard Swinehart, County Attorney Frank Fisher, County Manager Suzanne Sinclair

RECEIVED

2009 JUL -6 P 3:44

BIA-ERO
REGIONAL DIRECTOR

Roberta Nelson
3261 Canoga St.
Seneca Falls, NY 13148
June 18, 20

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriot Drive
Suite 700
Nashville, TN 37214

RE:GEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

Before approving the Cayuga Indian Nation's request, the tribe's need for the land, the purpose for which the land will be used, the impact the removal of tax revenues will have on the state, counties, and local governments, and the jurisdictional problems and conflicts of land use that may arise must be carefully considered. This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects for the following reasons.

TAXES

- **Seneca County is one of the highest taxed counties in the U.S., and 55% of its residents are on Medicaid.** Once the land is placed into trust, it becomes exempt from local property taxes, special district charges, and other fees shared by users of the community infrastructure, such as sewers, water, roads, etc. Removal of the subject lands from the tax rolls will have a significant adverse impact on the communities in Seneca and Cayuga counties and on the individual land and business owners who will be carrying the main burden of the needed increased taxes.
- Infrastructure and community services, such as police protection, fire protection, local schools, emergency services, and other public services require the revenue from property taxes and assessments to support them. The Cayuga Indian Nation will derive support from these services without having to share the burden of funding them.
- Non-collection of New York sales tax and excises taxes on taxable goods by non-Indian has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities. This unfair tax will place a greater and greater burden on fewer property owners and non-Indian business owners, particularly as properties taken into trust are developed and will continue to be developed. The resulting decrease in non-Indian businesses whether caused by lowering the size of their operations or shutting down, will have an adversely drastic economic effect on the communities in the affected counties.

REGULATORY JURISDICTION

- The state, counties, towns, and villages will lose any ability to;
 - *review, monitor, or regulate activities that have an environmental impact on the air, soil, and water
 - *enforce the fire and building codes on structures existing or constructed on trust lands
 - * permit and track the handling, transporting, disposing, and cleaning-up hazardous materials.
 - *sample quality of petrochemical products at gas stations
 - *register and inspect underground fuel storage tanks
 - *ensure that gas discharges are cleaned up
 - *enforce the New York State Sanitary Code
 - *manage and protect fish and wildlife populations
 - *restrict and regulate development within floodplains and floodways
 - *protect cultural, historic, archaeological, and architecturally important resources
 - *review and permit sound, economic development of mineral resources
 - *regulate the application of pesticides
 - *prevent illegal youth purchases of tobacco
 - *ensure compliance with state fair labor standards protections
 - *respond to criminal activities because of the continuing legal uncertainty about the ability of state and local police to enter tribal land
 - *enforce public nuisance regulations
- The lands of the Cayuga Indian Nation are part of a larger community, all connected by water, sewer, school, and other community services and resources. Land use, environmental and other regulatory laws are only effective if they are applied uniformly over the whole area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole, and the Supreme Court in the Sherill decision clearly stated that concern.
- Zoning regulations are indispensable tool in the community's planning process. If trust status is granted, the trust properties will not be subject to land use and zoning laws resulting in those properties being developed without regard to land use conflicts or conflicts with an overall community plan.

ENVIRONMENTAL CONSEQUENCES

- To prevent damage to the natural resources and detrimental affects to all who share the same environment, New York and its municipalities enforce environmental laws. The inability of the state to enforce environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources will prevent the state from protecting the environment for all. Any land taken into trust would be exempt from those state, county, and local environmental laws and increase the likelihood of damage and destruction of those resources which would adversely affect all members of the community

FUTURE DEVELOPMENT

- The intention of the Cayuga Indian Nation to acquire more land and expand its operations will definitely result in future trust applications. The impacts of the financial drain associated with the removal of additional properties from tax rolls and the impacts to public infrastructure, social services, and other required services must be heavily considered.
- The Cayuga Indian Nation originally claimed a need for land-in-trust because it desired to return to its homelands and re-establish its presence in the area. This could just as well be accomplished by buying land and sharing in land ownership responsibilities, such as paying property taxes, sales taxes, etc. with non-Indian land and business owners. The Amish and Mennonites are an intricate part of our communities. They share in the tax burdens we all face, but still retain their ethnic, cultural, and religious heritage. So could the Cayugas.
- This earlier desire seems to have been replaced by one based on financial gain rather than heritage. The applications profess a desire to maintain the properties in their current use instead of developing them for members to inhabit.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application because it does not require mitigation of known adverse impacts as identified in this letter. I urge the Bureau of Indian Affairs to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my comments and concerns into the public record.

Sincerely,



Roberta Nelson

Michael Reynolds
 3522 West Ave.
 Interlaken, NY 14847
 July 5, 2009

Mr. Franklin Keel, Regional Director
 Eastern Regional Office
 Bureau of Indian Affairs
 545 Marriott Drive
 Suite 700
 Nashville, TN 37214

2009 JUL -6 P 12:39
 BIA-ERO
 REGIONAL DIRECTOR

RECEIVED

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Taxes:

- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca County and Cayuga County.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.
- New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities.
- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.
- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Page 2

Unfair Competition:

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.
- Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

I oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

Sincerely,



Michael R. Reynolds

Sue E. Shrey
56 Fayette Street
Waterloo, NY 13165
June 16, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive
Suite 700
Nashville, TN 37214

RECEIVED
2009 JUN 22 A 10:27
DIA-ENO
REGIONAL DIRECTOR

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

This letter contains my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

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- The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses.

Infrastructure/ Services:

- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
- Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.
- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

Unfair Competition:

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced to decrease the size of their operations (and as a result decrease employees) or shut down, resulting in losses of jobs, loss and businesses additional lost tax and special assessment revenues.
- Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

Regulatory Jurisdiction:

- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust

property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
- In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
- States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands.
- Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan.

Environmental Consequences:

- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.
- The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities.

Future Development:

- Given that I understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I believe the Cayuga Indian Nation will continue to acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its

operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered.

- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.

General Comments:

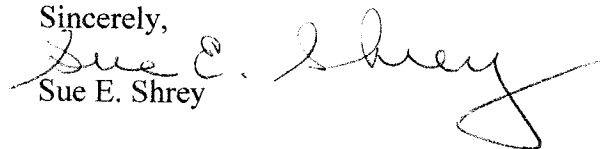
The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I have highlighted in this letter.

The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects.

I oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my comments and concerns into the public record.

Sincerely,



Sue E. Shrey

CC: Chuck Lafler, Chairman, Board of Supervisors, District Attorney Richard Swinehart, County Attorney Frank Fisher, Peter Same, Board of Supervisors, David Dresser, Board of Supervisors, County Manager Suzanne Sinclair

Sherri vonHahmann
6979 East Lake Road
Ovid, NY 14521

June 14, 2009

Mr. Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville, TN 37214

RECEIVED
2009 JUN 22 A 10:19
M. GENC
REGIONAL DIRECTOR

RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

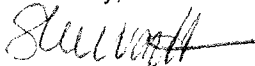
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Sincerely,



Sherri vonHahmann

cc: County Manager Suzanne Sinclair
cc: David Dresser, Board of Supervisors