

REMARKS OF CLINT HALFTOWN, FEDERALLY RECOGNIZED REPRESENTATIVE OF THE CAYUGA NATION, AT THE PUBLIC MEETING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT PREPARED IN CONNECTION WITH THE NATION'S FEE-TO-TRUST APPLICATIONS FOR APPROXIMATELY 125 ACRES OF LAND: NEW YORK CHIROPRACTIC COLLEGE, SENECA FALLS, NY, JUNE 17, 2009

THANK YOU AND GOOD EVENING, LADIES AND GENTLEMEN. MY NAME IS CLINT HALFTOWN AND I AM THE FEDERALLY RECOGNIZED REPRESENTATIVE OF THE CAYUGA NATION AND MEMBER OF THE NATION'S COUNCIL.

I AM HERE TONIGHT TO TELL YOU A LITTLE ABOUT OUR PEOPLE AND WHY WE ARE ASKING THAT APPROXIMATELY 125 ACRES OF OUR LAND BE TAKEN INTO TRUST BY THE FEDERAL GOVERNMENT.

ALTHOUGH WE ARE NOW A SMALL NATION, OUR ANCESTORS ONCE OCCUPIED LANDS EXTENDING FROM CENTRAL NEW YORK NORTH INTO CANADA AND SOUTH INTO PENNSYLVANIA: OVER THREE MILLION ACRES OF LAND.

AS WE HAVE PREVIOUSLY SAID, PART OF THIS LAND IS THE 64,015 ACRES THAT WAS GUARANTEED TO OUR NATION AS RESERVATION LAND UNDER THE TREATY OF CANANDAIGUA, A TREATY BETWEEN OUR NATION AND THE FEDERAL GOVERNMENT WHICH WAS SIGNED BY PRESIDENT GEORGE WASHINGTON IN 1794.

THIS TREATY REMAINS VALID AND OUR RESERVATION CONTINUES TO EXIST TO THIS DAY.

THE LAND WE ARE ASKING TO BE PUT INTO TRUST IS PART OF THIS RESERVATION. ALL OF THE LAND WAS PURCHASED AT FAIR MARKET VALUE FROM WILLING SELLERS.

THE TRUST APPLICATIONS THEMSELVES ARE BASED UPON FEDERAL LAW—IN FACT IT IS THE SAME FEDERAL LAW THAT IS CITED IN THE *SHERRILL* CASE AS BEING THE APPROPRIATE MECHANISM FOR INDIANS TO GAIN SOVEREIGN LAND.

THE NATION'S APPLICATIONS ARE ALSO ROOTED IN FEDERAL INDIAN POLICIES THAT THE U.S. SUPREME COURT RECOGNIZED AS FAR BACK AS THE EARLY 1800'S WHEN THE SUPREME COURT RULED THAT INDIAN NATIONS HAD THE RIGHT TO SELF-GOVERNMENT AND THAT THE FEDERAL GOVERNMENT HAD AN OBLIGATION TO PRESERVE AND PROTECT INDIAN LANDS.

THIS RIGHT TO SELF-GOVERNANCE WAS ECHOED MORE THAN A HUNDRED YEARS LATER IN FEDERAL LEGISLATION ENACTED IN 1975 KNOWN AS THE "INDIAN SELF DETERMINATION AND EDUCATION ASSISTANCE ACT." THIS LEGISLATION STATED THAT "CONGRESS IS COMMITTED TO THE MAINTENANCE OF THE FEDERAL GOVERNMENT'S UNIQUE AND CONTINUING RELATIONSHIP WITH

INDIAN PEOPLE” AND THAT THE UNITED STATES IS COMMITTED TO SUPPORTING INDIAN TRIBES IN DEVELOPING STRONG TRIBAL GOVERNMENTS AND ECONOMIES.

IN FACT, JUST TODAY, IN ANNOUNCING THE APPOINTMENT OF A NEW SENIOR POLICY ADVISOR FOR NATIVE AMERICAN AFFAIRS, PRESIDENT OBAMA SAID THAT HIS ADMINISTRATION IS “COMMITTED TO STRENGTHENING AND BUILDING ON THE NATION-TO-NATION RELATIONSHIP BETWEEN THE UNITED STATES AND TRIBAL NATIONS.”

THESE WORDS FROM THE PRESIDENT ARE MUCH APPRECIATED BY OUR NATION AND ARE YET ANOTHER AFFIRMATION BY THE FEDERAL GOVERNMENT OF THE SOVEREIGNTY OF INDIAN NATIONS.

THE NATION’S TRUST APPLICATIONS ARE COMPLETELY CONSISTENT WITH THESE FEDERAL POLICIES WHICH SUPPORT TRIBAL SELF GOVERNANCE AND ECONOMIC INDEPENDENCE.

THE ACCEPTANCE OF OUR LANDS INTO TRUST WILL ENABLE OUR NATION TO GENERATE REVENUES FROM OUR CONVENIENCE STORES AND CLASS II GAMING FACILITIES IN UNION SPRINGS AND SENECA FALLS TO FUND TRIBAL PROGRAMS AND SERVICES.

ACCEPTANCE OF OUR LANDS INTO TRUST WILL ALSO ENABLE OUR NATION TO REGAIN TRIBAL JURISDICTION OVER OUR LANDS.

AS THE DEIS STATES, IF THE TRUST APPLICATIONS ARE APPROVED, THE NATION WOULD SIMPLY RESUME OPERATIONS AT THESE BUSINESSES, WHICH WERE VERY POPULAR. AND AS THE DEIS ALSO SAYS, THE NATION DOES NOT HAVE ANY PLANS FOR ANY NEW DEVELOPMENT ON THESE PROPERTIES.

ON BEHALF OF OUR NATION, WE RESPECTFULLY ASK THAT THE BIA TAKE ACTION ON THESE APPLICATIONS AND APPROVE THEM. THANK YOU VERY MUCH.





GARY D. FINCH
Assemblyman 123rd District
Broome, Cayuga, Cortland,
Chenango and Tioga Counties

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

DEPUTY MINORITY WHIP

COMMITTEES
Agriculture
Alcoholism and Drug Abuse
Economic Development, Job Creation,
Commerce and Industry
Energy
Environmental Conservation

June 17, 2009

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

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

Dear Mr. Keel:

As a Member of the New York State Assembly representing Cayuga County and a land owner in the Cayuga Indian Nation "land claim area," I am writing to strongly oppose any land-into-trust efforts by the Cayuga Indian Nation or the Federal Bureau of Indian Affairs.

The Draft Environmental Impact Statement, a critical step in the Cayuga Indian Nation's land-into-trust application, severely lacks information needed for a thorough review. The Bureau of Indian Affairs has failed to review economic, environmental and infrastructure impacts for both the properties in question and the entire Finger Lakes region.

We are a country that has been founded on fair and equitable distribution of taxes and tax burden. There is absolutely no doubt that the approval of the trust application will result in a tax shifting that will in fact place a greater burden on fewer property owners. Approval of the trust application will remove the trust property from the local tax rolls forever, and the adverse impacts that this application will cause is insurmountable.

New York State and our local governments derive substantial revenue from excise and sales taxes due on sales of goods such as gasoline and tobacco products. The Cayuga Indian Nation refuses to collect such taxes which results in an ongoing reduction in local and State tax revenue.

This expounds the issue of an unfair economic advantage that the Cayuga Indian Nation enjoys as a result of their current practices and a successful land-into-trust application. Sales at gas stations and cigarette sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes.

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The impact of the Cayuga Indian Nation's tax free sales would be devastating. The continuance of tax free sales will create an environment that causes the loss of non-Cayuga Indian Nation businesses and jobs. The tax base in affected Counties will erode as a result of job loss and business closures.

The Draft Environmental Impact Statement clearly fails to investigate thoroughly the adverse effects on the environment that the land-into-trust application will have on our pristine Finger Lakes region. The lands that the Cayuga Indian Nation will take into trust status will be exempt from environmental laws. Subsequent development will not be subjected to local, state and federal building codes and development laws. This poses a major risk of damage to our scarce and irreplaceable natural resources. As we fight to uphold the highest standard of protection of our lakes and watershed, the Federal Bureau of Indian Affairs can remove these environmental laws with one pen stroke.

Overall, the Draft Environmental Impact Statement and the land-into-trust application are dangerous to our local communities and New York State as a whole. The precedent set by the passage of any measures allowing the Cayuga Indian Nation land trust is devastating and irreversible. I urge the Bureau of Indian Affairs to adopt the "no actions alternative" and not grant the application for lands-into-trust.

Sincerely,

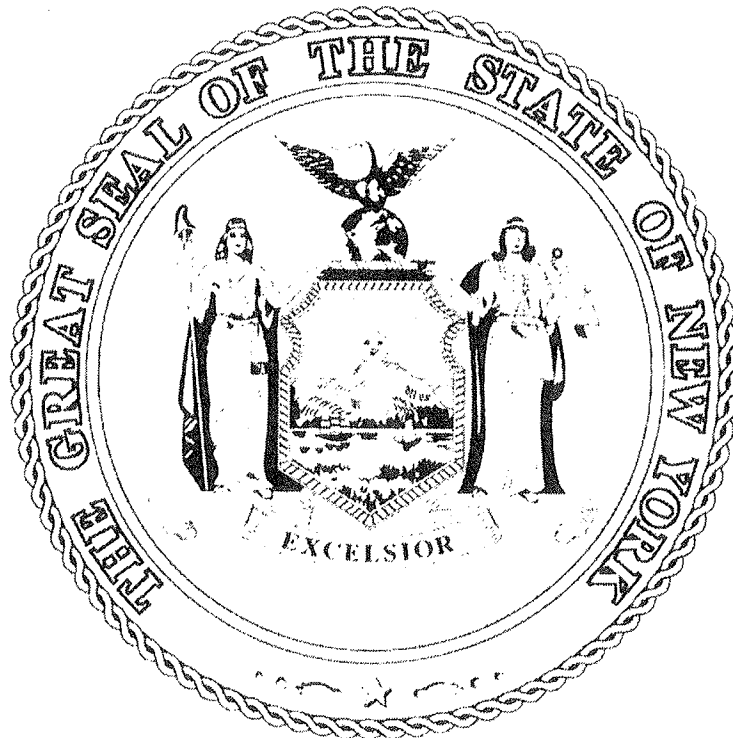
A handwritten signature in cursive script that reads "Gary D. Finch". The signature is written in black ink and is positioned above the printed name.

Gary D. Finch
Member of Assembly

GDF: bds

DEIS Comments
from
New York State Senator
Michael F. Nozzolio

Cayuga Indian Nation of New York Trust
Acquisition Project



*New York Chiropractic College
Seneca Falls, New York
June 17, 2009*

TESTIMONY OF NEW YORK STATE SENATOR
MICHAEL F. NOZZOLIO

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

Re: DEIS Scoping Comments: Cayuga Indian Nation of New York
Trust Acquisition Project

Regional Director Keel and members of the Federal Bureau
of Indian Affairs:

As the State Senator representing Cayuga and Seneca Counties in the New York State Senate, it is with great concern that I state my strong and unequivocal opposition to any effort by the Cayuga Indian Nation, or the Federal Bureau of Indian Affairs - acting on their behalf - to approve the Cayuga Indian Nation's application for trust status from the United States government.

My message to you is very simple, clear, and direct:
"NOT HERE... NOT NOW.... NOT EVER!"

It's the very same message I delivered to you personally in my testimony in March of 2006, when the Federal Bureau of Indian Affairs conducted a similar public hearing on the Cayuga Indian Nation's request for trust status.

What the state and federal courts have refused to order directly should not be forced upon the citizens of Cayuga and Seneca Counties indirectly by Washington bureaucrats who want to impose back door sovereignty and side step the laws of our State and Nation.

The Bureau of Indian Affairs' environmental assessment and negative declaration is seriously flawed. The Federal Bureau of Indian Affairs fails to take into account both the land directly impacted and our

entire Finger Lakes Region if they approve the Cayuga Indian Nation's land in trust application and the land is later developed by the Cayuga Indian Nation.

We have already seen the sale of hundreds of acres of land to individuals who later disclosed that they were actually agents of the Cayuga Indian Nation. We have experienced the Cayuga's operating gas stations, conveniences stores and other businesses that rob local taxpayers of state and local sales tax revenue sorely needed in this struggling economy. We have seen the results in increased property tax burdens for all the residents of Cayuga and Seneca Counties.

The Federal Bureau of Indian Affairs determination that the acquisition of thousands of acres of land by the Cayuga Indian Nation will have no environmental impact on Cayuga and Seneca Counties is totally without merit, and dismally fails to adequately address the obvious realities of property development and subsequent construction.

The Federal Bureau of Indian Affairs' determination blindly grants blanket prior approval for the Cayuga Indians to construct whatever building they desire to build now, or anytime in the future, on vacant property without adequately addressing that construction's impact on the property itself, on the neighborhood, on the community, and on the region.

The Federal Bureau of Indian Affairs' determination totally ignores the current local legal process as well as established local, state and federal laws that require every major construction project and virtually all smaller ones, full disclosure and transparency, environmental assessment, citizen review and government approval at every level of construction from issuing the building permit to approving the certificate of occupancy.

Local, state and Federal governments regulate the size and scope of building projects, and require inspections at every level of construction. And everyone knows all too well that property taxes are assessed on the completed construction...not solely and exclusively on the land it is built on.

Based on the Federal Bureau of Indian Affairs' assessment that there is no negative environmental impact on land the Cayuga's want to place in Trust status, the federal government is giving blanket prior approval to the Cayuga Indian Nation to occupy, develop and reap the financial rewards from Cayuga and Seneca County land and without any agreement to pay sales and property taxes like every other law abiding citizen in this Nation.

The Federal Bureau of Indian affairs assessment is wrong and not acceptable to me, or the citizens of Cayuga and Seneca Counties.

No other entity at either the local, state or federal level would ever be allowed such blanket blind prior approvals....nor should the Cayuga Indians.

The assessment by the Federal Bureau of Indian Affairs is seriously flawed and must be scrapped.

Thank you.

Senator Michael F. Nozzolio
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Michael F. Nozzolio
Senator, 54th District

STATEMENT OF SENATOR CHARLES E. SCHUMER
PUBLIC HEARING ON DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE PROPOSED FEE-TO-TRUST CONVEYANCE OF PROPERTY FOR THE
CAYUGA INDIAN NATION OF NEW YORK, CAYUGA AND SENECA
COUNTIES, NEW YORK
JUNE 17, 2009

Given the importance of the issues at the center of today's hearing, I am grateful for the opportunity to offer a brief statement of my views. In short, I oppose the taking of land into trust on this application.

For years, my position on the land-into-trust process has been clear: I am deeply skeptical of its appropriateness for large parcels of land here in the more populated east, as opposed to the western and mountain parts of the nation, where this policy is more appropriate. I believe the decision to take land into trust is an important one that will have both positive and negative impacts on all parties involved. Because the decision is so important to the Nation, the State of New York, and the local community, I generally feel that a mutually negotiated agreement is preferable to a federally-imposed decision that, by nature, will invite litigation.

Regardless of when BIA plans to make a final determination on this land-into-trust application, the process will have significant fiscal impacts on local governments. Because the proposed trust land lies in a populated area, we face a unique situation in which regulations and laws must be clear to all who reside nearby. Taking land into trust can often confuse this picture creating jurisdictional problems.

This situation differs sharply from many other applications in which land is taken into trust. For instance, in areas in the Western United States, there are wide parcels of land which are taken into trust. Borders are clear, and given the vast spaces involved, there is at times little interaction between residents of the tribe and other inhabitants. However, in the case of the 129 acres that comprise the Cayuga's application, we are faced with two parcels of land in Seneca County totaling about fifteen acres, with the remaining parcels in Cayuga County. This kind of checkerboarding of densely populated areas cannot be what was envisioned by the trust process.

Other aspects of the application are similarly problematic.

Most importantly, I am concerned about the effect that placing this land into trust will have on the region's tax base. For instance, last year, County authorities shut down two service stations operated by the Cayuga Nation, on the argument that they were evading tax laws. According to County estimates, local stores may have been losing millions in tax revenues before the stores were closed. Because taking the land into trust will mean exemption from property taxes and other special district charges, the loss to the Counties' revenues could be massive. The loss of revenues would likely create a substantial budget shortfall, requiring an increase in property taxes to make up the difference. These impacts should be considered in this process.

Second, the DEIS does not investigate or identify other potential negative environmental effects on the affected areas. The DEIS does not articulate how the environment, namely Cayuga Lake, will be protected in the absence of local, county, or state regulation of the lands involved.

Third, the DEIS does not take into account several pending lawsuits now working their way through the courts.

Finally, the Nation will require the use of vital infrastructure, such as roads, police, fire, and emergency, without paying taxes used to fund such services.

I am also concerned about the unequal playing field that can result from the fact that trust land would be exempt from most local zoning strictures.

I will say again that a negotiated settlement would be preferable to all other options. However, I cannot support the current application to take land into trust. The potential problems created for the surrounding community are too great to allow this process to proceed in its current form at this time.

I look forward to working with all interested parties to craft an appropriate, mutually agreeable solution.



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

BRIAN M. KOLB
Minority Leader

PUBLIC COMMENT FROM ASSEMBLY MINORITY LEADER BRIAN M. KOLB:

Good evening. I regret that, due to the State Assembly currently being in session, I am unable to personally attend this public hearing and offer my formal comments. In recognition of the seriousness of this issue, and its potential adverse impact on our community, I am providing the following written statement for inclusion as part of the official public record.

As Minority Leader of the New York State Assembly, and representative for the 129th Assembly District which includes Onondaga, Ontario, Cortland, Cayuga and Seneca counties, I am strongly opposed to the conveyance of nearly 130 acres of local lands across Cayuga and Seneca counties into trust for the Cayuga Indian Nation.

I also want to express my disagreement with what I – and numerous local leaders representing Cayuga and Seneca counties believe – to be an incomplete and inadequate Draft Environmental Impact Statement (DEIS) due to a lack of data to support the conclusions and findings in the document. The DEIS also fails to take into account pending litigation, and should be withdrawn until such time as the litigation is resolved.

In these challenging fiscal times, when localities are already struggling to do more – and make do – with less, removing this considerable acreage from local property tax rolls is shortsighted and ill conceived. Conveyance of these local lands into a trust would only increase the already considerable financial burden on area taxpayers, while curtailing much-needed revenue for essential local services.

Furthermore, the trust would allow unregulated commercial development that could drastically impact the quality of life throughout Cayuga and Seneca counties, as such development would be excluded from state public safety, environmental and health regulations.

It is for these reasons that I oppose the proposed conveyance and urge its denial by the Bureau of Indian Affairs.

I again call on our federal representatives – Senators Charles Schumer and Kirsten Gillibrand, along with and Congressman Mike Arcuri – to weigh-in on this issue best settled at the federal level, where extensive case law and legal precedent have repeatedly opposed such a conveyance. The taxpayers of Cayuga and Seneca counties want an end to the leadership vacuum that has occurred at the federal level regarding this matter.

Thank you for affording me this opportunity to offer my comments as part of the official record for tonight's public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Kolb', written over a horizontal line.

Brian M. Kolb
Assembly Minority Leader

**U.S. Representative Michael A. Arcuri
Statement on Draft Environmental Impact Statement
For Cayuga Indian Nation Land-In-Trust Application
June 17, 2009**

I am sorry that I am unable to be here in person this evening, but I am in Washington all this week.

In May 2008, the Department of Interior issued a Record of Decision on the Oneida Indian Nation's application that would take 13,086 acres, including many non-adjacent parcels in Oneida and Madison counties, including the tribe's casino and a number of its gas stations, into trust. Several groups, including the State of New York and the Counties, have challenged the Record of Decision in Federal District Court.

I don't like to mince words. What happened in Oneida County could happen here; and it should not. The situation in Oneida County is one no community should ever have to face – when a federal government located 600 miles away makes decisions based on false,

exaggerated, and unrealistic circumstances to justify a totally impractical settlement.

A land-into-trust decision is never the best solution, especially one that leaves open the possibility of an unacceptable checkerboard of trust land. The trust process leaves too many issues unresolved: whether the tribe can request additional trust land; zoning; regulatory and tax jurisdiction over tribe-owned lands not taken into trust; and how municipal services and local school districts are funded after huge reductions in the tax base.

The federal trust process was neither intended as a means for resolving Indian land claims, nor to create de facto reservations. Litigation related to these claims has crippled Central New York for over a generation. Of grave concern to local residents is the fact that the trust process can create an unfair advantage for tribal businesses that enjoy the tax-free status because they are located on trust land. This puts competing non-Indian-owned businesses at a distinct economic

disadvantage. I share this concern, particularly as the trust process can continue indefinitely and be abused to remove literally thousands of acres of land and numerous businesses in New York from state and local tax rolls.

I support a locally arrived upon, global, negotiated settlement that will fairly resolve these land claims in a way that provides a permanent revenue stream to offset any lost property tax revenue that will assist counties and school districts in providing local services to residents and the tribe's members. Such a settlement must once and for all find a clear resolution of state regulatory and tax jurisdiction over non-trust parcels owned by tribes. Such a settlement would need to be approved by the tribe, the State of New York and, ultimately, passed by Congress and signed into law by the President.

The failure of the parties to negotiate in Oneida County resulted in the BIA's one-sided and unjust decision. We must never again allow the BIA to use refusal to negotiate as a rationale for imposing upon local land

owners a decision which clearly favors the interests of local Indian tribes.

However, if a negotiated settlement is unattainable, we absolutely must to be prepared to litigate. As an attorney, I know the best agreements are those agreed upon, not forced on unwilling parties – as is clear from the Department of Interior’s decision on the Oneida trust application.

The BIA must understand they can best serve the Cayuga tribe and the residents of Cayuga and Seneca Counties by acting as a conduit through which to resolve these differences and not as a hammer and anvil with which to craft a one-sided settlement. If that happens here in Cayuga and Seneca Counties, we will see an exact repeat of what happened in Oneida and Madison Counties. What we will see happen is, rather than settling the dispute, the BIA will merely make an already bad situation worse.

Being good neighbors, resolving these issues, and ending a generation of litigation, once and for all, is the greatest gift we can give the children of Cayuga and Seneca Counties. I will continue to use whatever means necessary to ensure that fair and equitable settlements are reached.

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Statement of Andrea Taylor, Assistant Regional Director, Senator Kirsten Gillibrand

Good evening. My name is Andrea Taylor and I am the Assistant Regional Director for Senator Kirsten Gillibrand for Rochester and the Finger Lakes. Senator Gillibrand could not join us this evening as she is on official business in Washington. I am here tonight to listen to the concerns that will be raised by all sides and I hope that as everyone is given a chance to express their views, there can be a productive discussion among all parties on how to move forward on this issue. Thank you.

Andrea — taylor @ gillibrand.
Senate.gov

George C. Fearon
P. O. Box 1
Union Springs, NY 13160

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

“DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project,”

My Name is George Fearon,

I am a Cayuga County Legislator representing the towns of Ledyard, Scipio and Springport,

I live in the Town of Springport.

In section 3.8 G the DEIS claims that “The Nation’s LakeSide Trading and LakeSide Entertainment operations at its Seneca Falls and Union Springs properties generate economic activities that benefit the counties, and the state of New York, as a whole.”

In reality the DEIS claim is false. The direct changes in area employment and spending did not take into account the negative impact of lost jobs and spending in the two counties caused by unfair competition from Cayuga Indian Nation Enterprises. Many competing business have been spending less or in some cases such as in Union Springs have actually gone out of business completely while some others have reduced staffing. To be legitimate the DEIS would need to address all positive and negative aspects of Cayuga Indian Nation enterprises and report the real gain or loss.

LakeSide Trading in both Cayuga and Seneca counties were business already in place that were purchased by the Cayuga Indian Nation. Therefore the jobs currently reported are not new jobs in the two counties.

The DEIS states that the gaming operations in Union Springs and in Seneca County have been “closed temporarily” and are “therefore not considered in the analysis of the current effects of the Nation’s business activities.” The Cayuga Indian Nation could easily expand its temporarily closed gaming facility in Union Springs a hundredfold with the more than one hundred adjacent undeveloped acres in Union Springs.

The Cayuga Indian Nation’s application for land in trust states their intent to reopen gaming operations in both counties. I believe that the DEIS is grossly deficient for not doing analysis of the gaming operations that were in place and that are intended to be reestablished. It is a gross deficiency that the DEIS does not address any potential expansions of land in trust or expansions

of the use of such lands by the Cayuga Indian Nation. When something is supposed to last forever is set up, how can valid projections only be made from present and past statistics. For the DEIS to be valid it is imperative that projections are made regarding likely and expected future expansion of land in trust, and the expansion of the uses of such lands.

Recommendation:

Speaking for myself as an individual and also representing the towns of Ledyard, Scipio and Springport in the Cayuga County Legislature:

For each and or any of the foregoing reasons I hereby recommend that *ALTERNATIVE 2: NO ACTION* be taken.

Under this alternative, the BIA would take no action, and the Nation's properties would not be taken into trust by the United States.

George C. Fearon _____
P.O. Box 1
Union Springs, New York 13160

TESTIMONY OF ROBERT SHIPLEY, JR.
SENECA COUNTY BOARD OF SUPERVISORS

BUREAU OF INDIAN AFFAIRS PUBLIC HEARING
NEW YORK CHIROPRACTIC COLLEGE
JUNE 17, 2009

My name is Bob Shipley and I have the honor of serving on the Seneca County Board of Supervisors as County Supervisor from the Town of Waterloo.

I strongly caution the BIA that this Land into trust decision comes with power and great responsibility, not only to our Native American neighbors... It must also be accountable to the United States Constitution. Ultimately, the "DEIS" and subsequent decision must not adversely affect the economic welfare of Seneca & Cayuga Counties or doom the fate of the hardworking Citizens and Businesses and the future generations of our diverse community.

As such, it is my testimony to the BIA and to all here in attendance tonight that a "DEIS" that declares "no negative impact" on our Counties is "FLAWED" and I submit that the BIA is biased...

While I have great respect for Native American culture, It is also my opinion the BIA is overstepping their authority as evidenced by this sweetheart deal for the express purpose of evading tax collection on the sale of gasoline and tobacco and any measure that grants exclusive rights to gaming using the excuse of preserving the Indian culture or religious traditions is misguided. Furthermore, I do not believe the spirit of the U.S. Constitution should be circumvented, to grant special privileges that advocate a sovereign nation within the United States of America – Our own forefathers would be greatly disappointed knowing a U.S. Federal Agency has the power and authority to give any group exemption from our laws or taxes.

In conclusion, I call on our Federal Representatives - Senators Schumer and Gillibrand and Congressman Arcuri to be accountable to the majority will of the people of New York and ask them to intervene with the Secretary of the Interior to obtain a termination of action on the Cayuga Indian land into trust application so as to preserve the future well being of the People from the Great State of New York.

Lastly, I call on all New York State citizens in attendance here tonight, who agree with these remarks to stand up and applaud as a means of showing the BIA the number of New Yorkers who oppose this "DEIS" and the Cayuga trust application.

TESTIMONY OF ROBERT SHIPLEY, JR.
SENECA COUNTY BOARD OF SUPERVISORS

BUREAU OF INDIAN AFFAIRS PUBLIC HEARING
NEW YORK CHIROPRACTIC COLLEGE
JUNE 17, 2009

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Lastly, I call on all New York State citizens in attendance here tonight, who agree with these remarks to stand up and applaud as a means of showing the BIA the number of New Yorkers who oppose this "DEIS" and the Cayuga trust application.

COMMENTS AT THE BIA'S PUBLIC HEARING IN SENECA FALLS, JUNE 17, 2009

My name is David Dresser, I'm chairman of Seneca County's Indian Affairs Committee, and I find this DEIS to be inaccurate, incomplete, inconsistent, misleading, and biased.

On pages 3.8-23 and 24 it falsely states that "because the Nation is a sovereign tax-exempt entity, no sales taxes are paid on the Nation's purchases or collected on sales made by the Nation." In fact, the U.S. Supreme Court has repeatedly ruled that states may compel tribes to collect taxes on sales to non-Indians, and New York State law requires it.

The DEIS conspicuously omits reporting the Nation's expenditures for cigarettes and gas in Tables 3.8-25, 26, and 27, thus hiding, apparently intentionally, the enormous profits made by the Nation from the illegal sale of these products. It is also remiss in not reporting the negative impact of these sales on competing non-Indian enterprises.

The DEIS talks on page 4.8-2 of "advancing the Nation's goal of re-establishing tribal presence in its former homeland," yet, two paragraphs above, it says "It is not anticipated that members of the Cayuga Nation would relocate to the Project area." What are they going to be: absentee landlords?

The DEIS states on page 5.1, "There is no clear consensus as to the relationship between Indian gaming and problem gambling," yet it says "The Nation would provide information to its patrons regarding gambling addiction counseling services available in the area" and reports only the positive economic impacts of gaming.

On page S.10 the DEIS concludes that "the proposed action would not result in any significant adverse impacts needing mitigation in any form." In fact, the negative impact of this action would be huge. The resumption of gaming and the renewed sale of untaxed cigarettes would produce enormous profits with which the Nation would buy more cherry-picked land to be placed in trust and taken off property tax rolls. The DEIS does not mention that the Nation already owns some 765 more acres in the counties than are included in these applications, bought I might add at exorbitant prices.

The DEIS disregards the central teaching of the U.S. Supreme Court's landmark Sherrill decision, that checker-boarded sovereign territory has "disruptive practical consequences" in terms of governance. It also disregards the Supreme Court's 2009 Carcieri vs. Salazar decision, which denied trust land to the Narragansett Tribe in Rhode Island because it was not under federal jurisdiction in 1934 when the Indian Reorganization Act was passed.

Mr. Chandler, I suggest that you take this flawed DEIS to Secretary Salazar and tell him that a final EIS should not be issued, nor should any further trust applications be accepted from the Cayugas, because in cannot be established that their Nation was under federal jurisdiction in 1934.

Thank you for your serious consideration of these comments.



SENECA FALLS SAVINGS BANK

June 16, 2009

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Phone (315) 789-8100
Fax (315) 781-2324

10 Osborne Street
Auburn, NY
13201-0155
Phone (315) 252-0495
Fax (315) 252-6269

152 Cayuga St.
Union Springs, NY
13160-0066
Phone (315) 889-5102
Fax (315) 889-5192

LOAN DEPT.
60 Fall Street
Seneca Falls, NY
13148-0111
Phone (315) 568-5855
Fax (315) 568-5771

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 for the reasons set forth in this letter.

Perhaps first and foremost, the Cayuga Indian Nation claims in their DEIS that there is adequate statutory authority to proceed with its trust application; however, it would appear that the trust application is not valid given the United States Supreme Court decision in *Carciari v. Kempthorne* which determined that the U.S. Department of Interior could not take new land into trust for the Narragansett, as the Tribe was not federally recognized under the 1934 Indian Reorganization Act (the "Act"). During the Supreme Court trial, a list of 258 tribes recognized by the federal government under the Act was provided, and the Cayuga Indian Nation was not included. As such, the Department of Interior does not appear to have the authority to place land into trust on behalf of the Cayuga Indian Nation, negating the land-into-trust application altogether.

Certainly, if the DEIS is considered despite the potential legality issues, the Cayuga's claims that "taking the property into trust will have little or no impact on town, county or state services" and "It is not likely that significant additional development will occur on the portions of the Property that are already developed for the uses set forth in [the application]" should be carefully considered.

Despite the Cayuga's claim to the contrary, a significant number of Cayuga, Seneca and Wayne County citizens will be immediately affected adversely if the land is placed into trust as once placed into trust, the land 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. In addition, the Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) legally due on the sale of taxable goods to non-tribal members, creating greater burden on the State and Local tax revenue streams.

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 Cayugas make mention that they plan to use the property for many uses, including gaming facilities in the DEIS, but they also note that the gaming operations have been temporarily closed and “is therefore not considered in the analysis of the current effects of the Nation’s business activities.” Given that the Cayuga’s plan to begin the gaming operations if the land is placed into trust, it seems very inconsistent that the potential effects of the gaming operations are not considered in the DEIS. This is especially true given the known and observed effects that gaming operations have on communities throughout the United States. The nature of such gaming operations will surely have a measurable effect on the area which should have been included in the DEIS.

Further, there are many acres of land located in Seneca and Cayuga Counties not included in the current land-to-trust applications and previously stated Cayuga intentions to acquire more land in Seneca and Cayuga Counties. We believe the Cayuga Indian Nation will make application to have the additional land currently owned and future land acquired placed in trust. In addition, it is our belief that the Cayugas will then develop the properties resulting in increased economic and social effects that truly should be considered in the DEIS, especially since such intentions to develop properties have been expressed by the Cayugas and is consistent with actions taken by Indian nations throughout the Northeast. 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 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 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

Written Comment Card

Bureau of Indian Affairs – Public Hearing on the DEIS for the
Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

June 17, 6:00 p.m. – 9:00, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

*If you would like to submit a written comment please complete the following information and
comment in the space provided below. Give to attendant or drop in the written comment box.*

*Comments may also be submitted by mail to the address listed below.
(Please write legibly.)*

**WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH**

Name: Susan Cese Organization: Mom

Address: 2171 Morris Dr

Comment: Seneca Falls NY

My major concern as a mother is the tax exemption provided to Indian land in trust and that exemption's potential effect on our school district which is funded by property taxes. I am ~~not~~ sure that the removal of properties from the tax rolls will only

Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214.

~~Don't~~ Increase the tax burden of everyone ^{part} in the community.

I am also concerned about the Re-establishment of gambling operations in our small community since Falls is just a small town and will be adversely affected by such operations especially since there will be NO local authority over the development and monitoring these operations.

~~The~~ I am not opposed to ~~any~~ ^{person} operating businesses in our community as long as they are subject to the same laws and those laws are ^{also} enforced Please keep

Written Comment Card

Bureau of Indian Affairs - Public Hearing on the DEIS for the

Cayuga Indian Nation of New York Conveyance of Lands into Trust Applicatio

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WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH
(Please write legibly.)

Name: Susan Coe
Address: 2171 Harris Dr
Comment: Seneca Falls, NY
Organization: Mother

And the Cayuga Indian Nation
application to have land conveyed
into trust be denied in all respects

Thank you for the opportunity to se
my comments and concerns into
Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Dire
Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 3

Menzo & Susan Case
2171 Morris Drive
Seneca Falls NY 13148

June 16, 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 for the reasons set forth in this letter.

It distresses us that the country's policy of "separate-but-equal" status before the law is upheld with respect to Indian lands. We, as a country, found that this concept neither worked for school systems nor the work place, but for some reason our politicians refuse to acknowledge the serious problems encountered with maintaining separate "nations" within our one nation. The absurdity of the entire concept defies explanation. As Abraham Lincoln said, "A nation divided against itself cannot stand."

With regard to the referenced DEIS, the Department of the Interior and, by extension, the Bureau of Indian Affairs, does not appear to have authority to grant the land-to-trust application given the most recent Supreme Court ruling in *Carcieri v. Kempthorne* which determined that the U.S. Department of Interior could not take new land into trust for the Narragansett, as the Tribe was not federally recognized under the 1934 Indian Reorganization Act (the "Act"). During the Supreme Court trial, a list of 258 tribes recognized by the federal government under the Act was provided, and the Cayuga Indian Nation was not included. As such, the Department of Interior does not appear to have the authority to place land into trust on behalf of the Cayuga Indian Nation, negating the land-into-trust application altogether.

Certainly, if the DEIS is considered despite the potential legality issues, the Cayuga's claims that "taking the property into trust will have little or no impact on town, county or state services" and "It is not likely that significant additional development will occur on the portions of the Property that are already developed for the uses set forth in [the application]" should be carefully considered.

As the Bureau is well aware, Indian businesses on property in trust are exempt from paying property taxes, special district charges and fees shared by users of community infrastructure. Further, Indian owned-businesses in New York have determined to disobey New York State law with very little consequence by not collecting sales and excise taxes for products sold to non-Indian customers. While the current Cayuga-owned businesses are not on land in trust, we have already seen the disastrous effects that they have had had on local, non-Indian-owned, tax-paying businesses, driving no less than four businesses out of business in just a few years and nearly bankrupting several others. The extension of the tax holiday to include property taxes would further exacerbate the problem and cause immediate and profound damage to the local economy. The Cayugas have chose to ignore this matter altogether with their sweeping statement noted earlier.

The second statement quoted from the DEIS regarding future development is almost laughable. There are many acres of land located in Seneca and Cayuga Counties not included in the current land-to-trust applications and previously stated Cayuga intentions to acquire more land in Seneca and Cayuga Counties. We believe the Cayuga Indian Nation will make application to have the additional land currently owned and future land acquired placed in trust. In addition, it is our belief that the Cayugas will then develop the properties resulting in increased economic

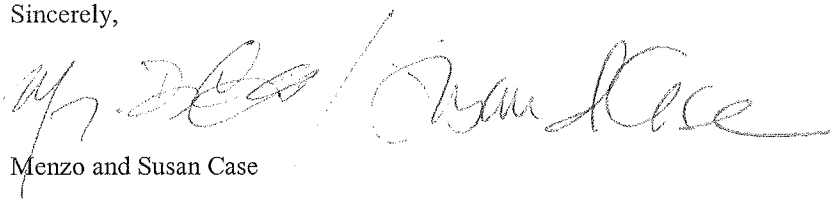
and social effects that truly should be considered in the DEIS, especially since such intentions to develop properties have been expressed by the Cayugas and is consistent with actions taken by Indian nations throughout the Northeast. The Cayuga Indian Nation's failure to state its future development 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 potential further development of the land as expressed previously by the Cayugas and anticipated future land-to-trust applications should be considered in the DEIS.

Further, in the DEIS, the Cayugas make mention that they plan to use the property for many uses, including gaming facilities, but they also note that the gaming operations have been temporarily closed and "is therefore not considered in the analysis of the current effects of the Nation's business activities." Given that the Cayuga's plan to begin the gaming operations if the land is placed into trust (which is clearly stated in the DEIS), it seems very inconsistent that the potential effects of the gaming operations are not considered in the DEIS. This is especially true given the known and observed effects that gaming operations have on communities throughout the United States. The nature of such gaming operations will surely have a measurable effect on the area which should have been considered in the DEIS

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.

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

Sincerely,



Menzo and Susan Case

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

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

William and Mary Wayne
2153 Lake Road
Seneca Falls, N.Y. 13148
June 8, 2009

TO: Seneca County Board of Supervisors
Chuck Lafler, Chairman

SUBJECT: Land into trust by Cayuga Indian Nation

Dear Sirs,



My wife, Mary, and I are living on a fixed income. Putting land into trust, by the Cayuga Indian Nation, will create a burden on our income, through increased district, town, county and state taxes.

Our taxes will rise proportionally to the loss of tax revenue caused by the amount of tax free indian land acquisitions, plus, reservation financial activities. These activities will be, mainly, through the sale of tax free cigarettes and gasoline.

The fostering of gaming casinos, by the Cayuga Indian Nation, will create an undesirable atmosphere in an environmentally rural, small town area.

With these reasons in mind, we wish to go on record as being opposed to placing any land into trust for the Cayuga Indian Nation.

Good neighbors share the burden----not add to it!!


William K. Wayne

Mary W. Wayne

copys: Peter Same
David Dresser
Attny, Richard Swinehart
Attny. Frank Fisher
Mgr. Suzanne Sinclair
Cay. Co. Chmn. Peter Tortorici

File: one

William and Mary Wayne
2153 Lake Road
Seneca Falls, N.Y. 13148
June 8, 2009

TO: Seneca County Board of Supervisors
Chuck Lafler, Chairman

SUBJECT: Land into trust by Cayuga Indian Nation

Dear Sirs,

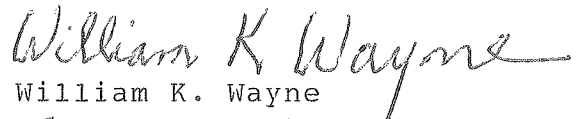
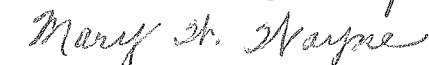
My wife, Mary, and I are living on a fixed income. Putting land into trust, by the Cayuga Indian Nation, will create a burden on our income, through increased district, town, county and state taxes.

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William K. Wayne

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Attny. Frank Fisher
Mgr. Suzanne Sinclair
Cay. Co. Chmn. Peter Tortorici

File: one

DEIS Comments, Cayuga Nation of N.Y. Acquisition Project

Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drivem Suite 700
Nashville Tenn. 37214

Dear Sir, *I am Harry Pettingill Jr UCE Historian,*

The DEIS present statements are fraudulent. You have failed to consider the recorded laws of the "Iroquios Confederacy". The supreme ruling body of the five trilbes. You have shown complete ignorance of their recorded laws. You must make correction or it will not be accepted by our lwyers. May the following enlighten you. *and correct you*

Facts
These laws are all recorded in the book, "League of the Iroquios" by Lewis Morgan, but the "Historian was Seneca Chief and Grand Sachen", Eli Parker. Published in 1851. Long before the present conflict, so unbi as and 100% correct.

When the Five Tribe's sachem meet in general council as "one nation", The Iroquios Confederacy. Their decision had to be of "one mind". Unahimity was their fundamental law. The enviromental impact of one tribe was the responsibility of all. In national affairs, such as dealing wilth NYS. It was the duty of the full council only.

When the Oneida refused to enter the Revoltion. An amendment was made. A tribe could leave the council, but it became their responsibility "alone" and expect no help from the other tribes in the future. *PP next*

In the Cayuga case, they did not act alone. They received millions of collars and advice from the Seneca and Oneida. So all were of "one mind". This means the enviromental impact of the other tribes with NYS must be used in a corrected DEIS statements. Examples; ONEida build on wet land. Mohawk have imported drug. Seneca as follows in detail.

will
They say they will not evict residence. The Seneca Nation evicted a 1000 person from their homes, that some had lived in for almost a 100 years. Located within the Seneca Salamanca Reservation. Yes, it was a 99 year renewable lease that had become due. How did the Seneca renew their lease. By increasing their rent, say from a \$100 to a \$1000 a month or more. I consider this eviction as extortion. *IE on abundant great town body*

The social, physical and political envilromental impact on this town must be considered by the DEIS in order to be a corect and complete statement

with fact book their history will occur here if evicton will occur her
I Zerox pages of the book, League of the Iroquios are included for proof, so no mistakes.

Sincerely,

Harry Pettingill Jr
Harry Pettingill Jr.
2157 Rt. 89
Seneca Falls. N.Y. 13148

hit make this correct

League would assemble. The Cayugas then notified the Onondagas, they the Oneidas, and these the Mohawks. Each nation, within its own confines, spread the information far and wide; and thus, in a space of time astonishingly brief, intelligence of the council was heralded from one extremity of their country to the other. It produced a stir among the people in proportion to the magnitude and importance of the business to be transacted. If the subject was calculated to arouse a deep feeling of interest, one common impulse from the Hudson to the Niagara, and from the St. Lawrence to the Susquehanna, drew them towards the council-fire. Sachems, chiefs and warriors, women, and even children, deserted their hunting grounds and flocked to the place of council. When the day arrived, a multitude had gathered together, from the most remote and toilsome distances, but yet animated by an unyielding spirit of hardihood and endurance.

Their mode of opening a council, and proceeding with the business before it, was extremely simple, yet dilatory, when contrasted with the modes of civilized life. Questions were usually reduced to single propositions, calling for an affirmative or negative response, and were thus either adopted or rejected. When the sachems were assembled in the midst of their people, and all were in readiness to proceed, the envoy was introduced before them. One of the sachems, by previous appointment, then

arose, and having thanked the Great Spirit for his continued beneficence in permitting them to meet together, he informed the envoy that the council was prepared to hear him upon the business for which it had convened. The council being thus opened, the representative proceeded to unfold the objects of his mission. He submitted his propositions in regular form, and sustained them by such arguments as the case required. The sachems listened with earnest and respectful attention to the end of his address, that they might clearly understand the questions to be decided and answered. After the envoy had concluded his speech, he withdrew from the council, as was customary, to await at a distance the result of its deliberations. It then became the duty of the sachems to agree upon an answer; in doing which, as would be expected, they passed through the ordinary routine of speeches, consultations, and animated discussions. Such was the usual course of proceeding in the Iroquois council. Variations might be introduced by circumstances.

At this place another peculiar institution of the *Ho-de-no-sau-nee* is presented. All the sachems of the League, in whom originally was vested the entire civil power, were required to be of "one mind" to give efficacy to their legislation. Unanimity was a fundamental law. The idea of majorities and minorities were entirely unknown to our Indian predecessors.

To hasten their deliberations to a conclusion, and

ascertain the result, they adopted an expedient which dispensed entirely with the necessity of casting votes. The founders of the Confederacy, seeking to obviate as far as possible altercation in council, and to facilitate their progress to unanimity, divided the sachems of each nation into classes, usually of two and three each, as will be seen by referring to the table of sachemships. No sachem was permitted to express an opinion in council, until he had agreed with the other sachem or sachems of his class, upon the opinion to be expressed, and had received an appointment to act as speaker for the class. Thus the eight Seneca sachems, being in four classes, could have but four opinions; the ten Cayuga sachems but four. In this manner each class was brought to unanimity within itself. A cross-consultation was then held between the four sachems who represented the four classes; and when they had agreed, they appointed one of their number to express their resulting opinion, which was the answer of their nation. The several nations having, by this ingenious method, become of "one mind" separately, it only remained to compare their several opinions, to arrive at the final sentiment of all the sachems of the League. This was effected by a conference between the individual representatives of the several nations; and when they had arrived at unanimity, the answer of the League was determined.

The sovereignty of the nations, by this mode of giving assent, was not only preserved, but made

subservient to the effort itself to secure unanimity. If any sachem was obdurate or unreasonable, influences were brought to bear upon him which he could not well resist; and it was seldom that inconvenience resulted from their inflexible adherence to the rule. When, however, all efforts to produce unanimity failed of success, the whole matter was laid aside. Farther action became at once impossible. A result, either favorable or adverse, having, in this way, been reached, it was communicated to the envoy by a speaker selected for the purpose. This orator was always chosen from the nation with whom the council originated, and it was usual with him to review the whole subject presented to the council in a formal speech, and at the same time to announce the conclusions to which the sachems of the Confederacy had arrived. This concluding speech terminated the business of the council, and the Indian diplomatist took his departure.

The war against the Eries, which resulted in the extermination or expulsion of that nation from the western part of this State, about the year 1653, was declared by the sachems of the Iroquois in general council. The French war, also, which they waged with such indomitable courage and perseverance for so many years, was resolved upon in the same manner. Their traditions record other struggles with Indian nations, some of which were engaged in by the League, and others either commenced or assumed by a nation separately. At the beginning of the American Revolution, the Iroquois could not agree

in council to make war as a confederacy upon our confederacy. A number of the Oneida sachems firmly resisted the assumption of hostilities, and thus defeated the measure as an act of the League, for the want of unanimity. Some of the nations, however, especially the Mohawks, were so interlinked with the British, that neutrality was impossible. Under this pressure of circumstances, it was resolved in council to suspend the rule, and leave each nation to engage in the war upon its own responsibility.

In the councils of the Iroquois, the dignity and order ever preserved have become proverbial. The gravity of Nestor was exemplified by their sages, and more than the harmony of the Grecian chiefs existed among their sachems. In their elevation to the highest degree of political distinction ever reached by any Indian race, except the Aztec, the clearest evidence is presented of the wisdom and prudence with which these councils watched over the public welfare.

The succession of the Ruling Body, whether secured by election, or by laws of inheritance, is an event of deep importance to the people, whose personal security and welfare are to a large extent under the guardianship of their rulers. It seems to have been the aim of the *Ho-de-no-sau-nee* to avoid the dangers of an hereditary transmission of power, without fully adopting the opposite principle of a free election, founded upon merit and capacity. Their system was a modification of the two opposite rules, and claims the merit of originality, as

well as of adaptation to their social and political condition.

It is in accordance with the principles, and necessary to the existence of an oligarchy, that the ruling body should possess a general, if not an absolute authority over the admission of its members, and over the succession to its dignities, where the vacancies are occasioned by death. In some respects the oligarchy of the Iroquois was wider than those of antiquity. The tribes retained the power of designating successors, independent of the oligarchs; while, for the security of the latter, the number was limited by the fundamental law. It was the province of the ruling body to "raise up" the sachems selected by the tribes, and to invest them with office. In the ancient oligarchies, which were less liberal and much less systematic in their construction, the whole power of making rulers appears to have been appropriated by the rulers themselves.

To perform the ceremony adverted to, of "raising up" sachems, and of confirming the investiture of such chiefs as had been previously raised up by a nation, the Mourning council was instituted. Its name, *Hen-nun-do-nah-sen*, signifies, with singular propriety, "a mourning council," as it embraced the two-fold object of lamenting the deceased with suitable solemnities, and of establishing a successor in the sachemship made vacant by his demise.

Upon the death of a sachem, the nation in which the loss had occurred had power to summon a



New York Farm Bureau • 159 Wolf Road P.O. Box 5330 • Albany, New York 12205 • (518) 436-8495 Fax: (518) 431-5656

Comments from Seneca County Farm Bureau on the Draft Environmental Impact Statement for the Cayuga Indian Nation of New York placing land in trust.

June 17, 2009

Kevin Swartley

Good evening, my name is Kevin Swartley. I am a ~~crop and hog farmer~~ from Romulus and serve as the President for the Seneca County Farm Bureau. I represent over 400 farm families in Seneca County and am speaking on their behalf as well as for our 30,000 New York Farm Bureau members statewide.

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the proposed Fee-to-Trust transfer of land for the Cayuga Indian Nation of New York.

Agriculture is a major land use in the areas that would be impacted by the Cayuga's fee-to-trust land transfer. We do not believe the EIS fully recognizes or accurately reflects the financial and environmental impacts of the proposed action to surrounding agricultural lands and family farms.

Several parcels of land that are part of the proposed transfer of land have businesses that are actively run by the Cayuga Indian Nation. Since these businesses would not need to pay property tax or appropriate sales tax they would gain an unfair advantage in the marketplace due to the lower tax burden and cause further financial harm to other local businesses. This has already been demonstrated when neighboring service stations and tobacco retailers experienced a significant decrease in sales when Cayuga-run service stations were operational in ~~2005~~. In addition to loss of business, the amount of sales tax lost to local municipalities is estimated to be significant. The EIS does not account for these impacts that Cayuga-run businesses will have on other local small businesses and local governments.

Secondly, the EIS does not account for the impact that lack of environmental regulation will have on competing farm operations and the increased risk for environmental contamination. New York's environmental regulations are often more stringent than those established by the federal Environmental Protection Agency in order to best protect New York's natural resources. If the transfer of land is approved, the Cayuga Indian Nation will only need to adhere to basic EPA regulations and shirk state regulation. This again makes their businesses unfairly competitive and places surrounding citizens and the environment at risk.

Allowing the Bureau of Indian Affairs to take the Cayuga land into trust is the wrong solution to this issue. It ultimately will cause harm to small businesses, residents and the environment in our local communities. It will cause tremendous confusion in land-use regulations and governmental oversight. It simply is not an equitable way to solve the problem. We believe that there are more positive, locally focused approaches, to address the concerns that caused the Cayuga application.

Again, thank you for the opportunity to provide input into this very important issue.

Kevin Swartley

*Seneca Co.
Farm Bureau
President*

To Whom it May Concern: *Chuck Lafler*

I am writing you in regard to the Indian's plans to put our land in Trust. Yes, I said *our* land. My family has owned land here since 1909 and still does. We have always payed our taxes. I have fished and hunted on our land over the years, always with a valid license, and have obeyed the regulations. Now, if the land goes to trust, my taxes will go up, and I could lose my property. Also, a land trust would allow the Indians to fish and hunt on our land anytime, anywhere, and in any amount. They would no longer be subject to our hunting and fishing laws. Furthermore, a land trust for the Indians would affect much more than private home owners. We would eventually see local businesses fail. If we lose Goulds Pumps and the remaining local businesses have to close, the town will dead. The trust will also pull tax revenue away from our schools and infrastructure. Their kids would go to our schools and the families would not have to pay their fair share, and the thought of the Indians not paying for the use and maintenance of the roads, sewers, etc. is unbelievable. The thought of them building unsafe buildings and businesses is wrong. The Indians say they are going to pay the counties money? I don't believe it for one minute. You can bet a casino will be built within a year, and we do not want a casino in this area. I have nothing against the Indians; it is a few powerful people who are greedy and want something for nothing. The Indians left and went to Canada, and now they want our land. No Way. There is no reason to have put land in trust. They can buy land and pay taxes like everyone else. We do not want to fight just to be treated with respect, and we do not want to be violated by people taking what is not theirs. Please do the right thing for Seneca and Cayuga Counties, and deny the land trust.

Yours Truly,

Roberta Halden
53 Auburn Road

Roberta Halden

Seneca Falls, New York 13148

315-568-5950

To Whom it May Concern:

I am writing you in regard to the Indian's plans to put our land in Trust. Yes, I said *our* land. My family has owned land here since 1909 and still does. We have always payed our taxes. I have fished and hunted on our land over the years, always with a valid license, and have obeyed the regulations. Now, if the land goes to trust, my taxes will go up, and I could lose my property. Also, a land trust would allow the Indians to fish and hunt on our land anytime, anywhere, and in any amount. They would no longer be subject to our hunting and fishing laws. Furthermore, a land trust for the Indians would affect much more than private home owners. We would eventually see local businesses fail. If we lose Goulds Pumps and the remaining local businesses have to close, the town will dead. The trust will also pull tax revenue away from our schools and infrastructure. Their kids would go to our schools and the families would not have to pay their fair share, and the thought of the Indians not paying for the use and maintenance of the roads, sewers, etc. is unbelievable. The thought of them building unsafe buildings and businesses is wrong. The Indians say they are going to pay the counties money? I don't believe it for one minute. You can bet a casino will be built within a year, and we do not want a casino in this area. I have nothing against the Indians; it is a few powerful people who are greedy and want something for nothing. The Indians left and went to Canada, and now they want our land. No Way. There is no reason to have put land in trust. They can buy land and pay taxes like everyone else. We do not want to fight just to be treated with respect, and we do not want to be violated by people taking what is not theirs. Please do the right thing for Seneca and Cayuga Counties, and deny the land trust.

Yours Truly,

Roberta Halden 

53 Auburn Road

Seneca Falls, New York 13148

315-568-5950

Good Evening -

Suzanne Sinclair
1 Di Prizio Drive
Watertown NY 13165

~~Thank you for the opportunity to~~

My name is Suzanne Sinclair, the Seneca County Manager.

Seneca County opposes the application for land in trust for the Cayuga Indian Nation. We believe that this application would result in serious negative consequences - some social, some environmental but especially economic. In particular, ^{As the County's Budget Officer} the DEIS fails to consider the financial impact of businesses who refuse to collect sales taxes in competition with businesses who do collect the required taxes.

The refusal creates an unfair advantage and creates a powerful but ~~practically~~ ^{nearly} invisible ~~tax~~ ^{burden shift} to citizens of Seneca County, ^{Counties provide} ~~mandated~~ ^{without} services ^{are funded} not funded by sales tax ^{by property} tax.

Seneca County will submit written comments at a later date to more fully explain their objections, suffice it to say we believe the DEIS is fundamentally flawed - ^{on many fronts -} that it has omissions of fact ^{weak or} draws conclusions that have no support.

We urge the BIA & Department of the Interior to reject the application.

Thank you.

a regressive tax that falls heaviest on those least able to pay.

On Nov 25th
Lakeside
Trading
was closed
sales tax
revenue
\$151,000

DEIS Comments Cayuga Indian Nation of New York Trust Acquisition Project

To BIA

We have been married 55 years and have owned land and farmed it all that time. We have paid all real estate taxes on it. We retired but own almost 1400 acres and still pay taxes on that. Our two sons and son-in-law farm and own and pay taxes on roughly 7000 acres. The Indians sell untaxed gasoline and cigarettes which is breaking the law and want to have the land they bought, put in trust so they don't have to pay the taxes on that or obey our laws. They make more money at what they do than any of us can because they don't collect or pay the tax and are putting lots of our people out of work because of that. We have several neighbors in Seneca Co. that have Indian blood and are upstanding citizens and do and pay everything that is expected of them. We do not want or need racial discrimination. The major ways the Indians are making money are vices and addictive - smoking and gambling.

We have four grandsons coming along who hopefully will want to follow in their parents footsteps. In the last year or so the Indians have bought land in the Seneca Falls area and paid double the market price. How are our families going to compete? No farmer can afford to invest that much, agriculture wouldn't pay. The Indians have made so much in casinos, they can afford to pay any amount to unscrupulous sellers. Every owner of any amount of real estate should be interested enough and worried enough about their taxes and environment

to attend the meeting and speak out Wednesday
night.

Sincerely,

Rodman & Ellen Lott

2373 Yellow Tavern Rd.

Waterloo, NH.

13165

Town of Fayette

DEIS Comments Cayuga Indian Nation of New York
Trust Acquisition Project

To BIA

We were married in 1954 and have farmed and owned land and paid taxes on it ever since, in Penna, Del, Fla. and now New York. When we bought land here in 1980, the real estate agent warned us about the Indian Land Claim, but we didn't think it was anything to worry about. Now 30 yrs. later we are ALL still worrying and some of our neighbors started 20 years before we did. The solution is so simple, I don't know why it isn't over and done with. The Cayugas were not a Federally recognized tribe in 1934 and so are therefore not eligible to have land put into trust. I dislike using the word "Nation" because we are "One nation indivisible" not 250+ within Our Nation: The United States

Sincerely,

Redman & Ellen Lott
2373 Yellow Tavern Rd.
Waterloo, N.Y. 13165

Town of Fayette

Draft of Remarks for June 17 Public Hearing

My name is John Young Jr. I am the President of Hamilton-Wilber Oil Company, Incorporated.

Our family-run business has served the Finger Lakes region for 62 years, supplying heating oil, propane and other fuels to residential and commercial customers, and operating the (Express Mart convenience store in Moravia.

I am here to speak on behalf of the New York Association of Convenience Stores, of which our company is a long-time member. NYACS is a not-for-profit trade organization representing licensed mini-marts here and across the state.

DRAFT ENVIRONMENTAL IMPACT STATEMENT

It's pretty clear from the DEIS that a major goal of the proposed action is to restore the Cayuga Indian Nation's ability to sell cigarettes and gas "tax free" to non-Indian customers.

In our view, this would be an injustice to the community.

For five years or more, non-Indian retailers in Seneca and Cayuga counties, including our store, suffered the ill effects of unfair competition from the Cayuga Indian Nation.

When county authorities halted tax-free sales at the Nation's two LakeSide Trading last fall, taxable cigarette sales at surrounding convenience stores increased anywhere from 20 percent to 150 percent. +\$4,000. Nov 08

This underscored the magnitude of the cigarette tax evasion that had been taking place, how much business was being diverted from our stores to LakeSide Trading, and how much tax revenue the counties were losing as a result.

When "tax free" sales are allowed to persist, the surrounding community is hurt in three ways.

- 1.) Tax-collecting local businesses lose legitimate sales, and are weakened, sometimes fatally.
- 2.) The local county loses tax revenue needed for vital services.

3.) With regard to tobacco, it defeats the public policy goal of using excessive taxes to compel people to quit smoking.

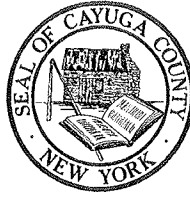
Native American sales of cigarettes and gas to non-Indian New Yorkers are indeed taxable under existing state law. The Supreme Court has made clear that states are entitled to collect these taxes. The refusal of the last three Governors of New York to exercise this right, ~~by enforce the law~~, does not make the Cayuga Nation a "tax-exempt entity" as claimed.

(DRAFT ENVIRONMENTAL IMPACT STATEMENT)
The DEIS describes the local economic benefits of the Nation's employment and purchases of goods and services. With all due respect, many non-Indian stores have employed local people and bought supplies locally since long before LakeSide Trading existed. But that doesn't justify removing our property from the tax rolls, or excuse us from collecting taxes or following regulations.

We sincerely respect the right of the Cayuga Indian Nation to operate commercial enterprises. But we believe that all those who enjoy the fruits of doing business with New Yorkers should abide by state and local standards for conducting such commerce. That includes collecting taxes.

In the interest of maintaining a level playing field for local businesses, maximizing state and local tax revenue, and giving local public health goals the best chance to succeed, the members of NYACS urge the Bureau of Indian Affairs to adopt Alternative 2, "No Action."

Thank you



CAYUGA COUNTY LEGISLATURE
160 GENESEE STREET, 6TH FLOOR
AUBURN, NEW YORK 13021

June 17, 2009

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

“DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project,”

Welcome:

My name is Peter Tortorici. I currently serve as the chairman of The Cayuga County Legislature. As the Chairman I have been asked to state the position of the Cayuga County Legislature on the Cayuga Indian Nations application for land in trust.

For numerous reasons some of which are enumerated below the Cayuga County Legislature is opposed to the application by the Cayuga Indian Nation for land in trust.

A Summary of ~~Seneea and~~ Cayuga Counties’
Concerns and Comments on the Draft Environmental Impact Statement *are*

- 1. Exemption from property taxes and special district charges as well as exemption from infrastructure payments. No state and local regulations of lands.*
- 2. Failure to assess the impacts of the CIN expanding its businesses and developing its lands.*
- 3. Failure to investigate and identify measures to prevent harmful impacts and potential damage to the environment.*
- 4. Failure to consider cumulative impacts of the applications.*
- 5. Failure to identify^{of}/consider other alternatives that would mitigate impacts.*
- 6. The CIN applications do not meet the “Purpose and Need” requirement under NEPA.*
- 7. The DEIS should be withdrawn until critical information is provided and until critical decisions are rendered on cases currently before the New York courts.*

Cayuga

The county will submit their full concerns and objections to the Bureau of Indian Affairs in a timely manner.

Recommendation:

Speaking for myself as an individual and also representing the Cayuga County Legislature: For each and or any of the foregoing reasons I hereby recommend that *ALTERNATIVE 2: NO ACTION* be taken. Under this alternative, the BIA would take no action, and the Nation's properties would not be taken into trust by the United States.



Peter A. Tortorici, Chairman
Cayuga County Legislature
160 Genesee Street 6TH Floor
Auburn, New York 13021

NEW YORK

RESERVATION OF
CAYUGAS

SOLD TO THE STATE 1799
A BODY OF TUSCARORAS WERE
THE LAST OF THE IROQUOIS
TO OCCUPY THIS POINT

STATE EDUCATION
DEPARTMENT 1932

“DEIS COMMENTS, CAYUGA INDIAN NATION OF NEW YORK
TRUST ACQUISITION PROJECT:

Donna Conley
4060 Route 414
Seneca Falls, NY 13148

With a very troubled heart I stand here in Seneca County, New York
ONE NATION UNDER GOD AND WE DO HONOR AND PLEDGE ONE
FLAG ---AND WE WILL REMAIN ONE NATION!!

I am opposed to Land into trust: *which is* or another way of giving our land away with no further control over it. The DEIS says piece of cake you'll never know what hit you. We will shove it down your throat and you will like it.

The DEIS states that there are “NO” negative impacts in putting land in to trust. We have already felt the negative impact of the CIN through their blatant disrespect for our laws and our citizens. Peddling untaxed gas and cigarettes, running their class II electronic gaming and maybe or maybe not paying property taxes.

The CIN by refusing to collect sales taxes creates an unlevelled playing field for businesses that do collect and pay sales tax. NYS businesses do not have a choice of maybe I will or maybe I won't collect sales tax. As a business owner I do have to collect and remit sales tax on time. The sad part is the CIN do raise their prices on gas and cigarettes but; keep it just below what NYS taxes would be. This just adds to their pot of profit they will use towards the counties in lawyers and buying up more land. This money also does not go for the medical bills created by cigarettes and addictions to gambling. You and I pay for this.

Another impact would be our local governments could not enforce any regulations on land use, air quality, zoning, traffic, noise, health and safety on trust lands. The CIN would be in complete control to write and enforce the rules as they chose and when they chose. With no respect to existing laws or regulations.

“GOD BLESS AMERICA” and we will keep it one nation undivided.

Donna Conley

Gail Parks
3100 Rt. 89
Seneca Falls, NY 13148

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

This written document is also to be read at the June 18th meeting.

First, For the record I would like to state that I agree with the statements and sentiments of those who spoke before me in opposition of putting land into trust.

Second, I would like to let you know that I would rather chew glass and swallow it, than stand here and speak in front of people. But the seriousness of this issue has, over the years, propelled me into many uncomfortable and uncharacteristic scenarios. I know many, if not most of the people here feel that they have all too often been forced to step out of their comfort zones to stand up for what they believe.

Third, I would also like you to know that I have been a staunch defender of the American Indians PAST way of life and culture. I am a wildlife enthusiast, a protector of nature and am dedicated to a lifestyle that nurtures our livestock and preserves our humble 250 acres of land. The energy, commitment and time it takes to manage our small farming enterprise cannot be measured quantitatively in dollars alone, for the benefits, satisfaction and rewards for our physical toils are also spiritual, emotional and aesthetic.

It is disturbing to see how the values and priorities of the American Indians have changed. Instead of preserving their ~~cultural~~ and protecting the land, they spend their time with lawyers
culture

looking for loopholes in century old treaties to pursue their master-plan of revenge. They are smitten with a warped sense of irony over their recent and potential land acquisitions. And they are holding a harmless community hostage with their ill-gotten buying power, which enables them to purchase any piece of property or business they want. This small group of people who claim to be HOMELESS has the capital to pay more than the asking price on anything they wish to purchase. How often are homeless people in THAT position? How many hard-working, tax paying, law abiding citizens in Cayuga and Seneca counties can afford to make similar purchases, when in these trying economic times, foreclosure statuses have risen to become the “norm” for so many. Our communities, and I cannot state this vehemently enough, OUR COMMUNITIES CANNOT, SHOULD NOT, WILL NOT, BE ABLE TO SHOULDER THE TAX BURDEN THAT WOULD RESULT FROM THE INDIANS NON-PAYMENT OF PROPERTY TAXES, SALES TAXES OR ANY OTHER OF THEIR NON-PAYMENT PERKS, WITHOUT US LOSING “OUR” LAND AND “OUR” LIVES.

One FINAL thought. Recently, throughout this ordeal, I have been reminded of the Bernie Madoff scandal, and how that was labeled as the scam of the century. Well, Bernie Madoff’s scam is not the scam of the century. The scam of the century is what we are trying to prevent from happening, here, tonight. Thank you for listening. *Maire Parks*

SENECA FALLS CENTRAL SCHOOL DISTRICT

DISTRICT OFFICES
P.O. BOX 268, 98 CLINTON STREET
SENECA FALLS, NEW YORK 13148-1497

ROBERT MCKEVENY
SUPERINTENDENT OF SCHOOLS
TEL: (315) 568-5818

ROBERT J. BOULWARE
BUSINESS MANAGER
TEL: (315) 568-5874

June 2009

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

Dear Mr. Keel:

My name is Robert McKeveny. I am the Superintendent of the Seneca Falls Central School District in Seneca Falls, New York.

On behalf of the Board of Education, I write to inform you of the District's opposition to the Cayuga Indian Nation Draft Environmental Impact Statement, which has recently been approved by the Bureau of Indian Affairs (BIA). It is my understanding that there is currently a forty-five day period for the BIA to receive, review, and react to written statements from the general public, businesses, municipal agencies, school districts, etc. It is also my understanding that, following the forty-five day comment period, the BIA must make a determination regarding final approval or disapproval of the Environmental Impact Statement and the Cayuga Indian Nation request for land to be placed in trust status. We urge the BIA to elect the "No Action" alternative with respect to the application and deny approval for the land to be placed in trust.

In addition to the various environmental concerns related to the request as expressed to you by other entities, there are specific, damaging financial impacts that a final approval to this application would have on the Seneca Falls Central School District. The District currently educates 1,348 students. For the upcoming 2009-10 school year, the District's overall budget is \$25,102,303. Funding for approximately 45% of the budget (\$11,296,036) is raised through school property taxes. The remaining balance of the District's annual budget is realized through state aid distributed from the New York State budget. As you may be aware, state aid allocations are not increasing. School districts have been forced to prepare for budget reductions and a potential take-back of state aid during this past school year. The Seneca Falls Central School District has been faced with difficult budget decisions and has been very sensitive to passing additional costs on to community taxpayers.

An approved request for land into trust status for the Cayuga Indian Nation would result in a significant amount of taxable property being taken off the tax rolls. As 51% of the Cayuga Indian Nation land is within the school district boundaries, it is entirely possible that lost operating funds could equal \$5,780,000. This is a significant percentage of the district's \$25,102,303 budget. This is a dangerous precedent that would present a financial hardship for the District and would require additional costs to be passed onto

taxpayers or severe cuts to District programs and personnel, resulting in reduced program/course offerings to students. Passing additional costs on to taxpayers is not a preferred option especially in the current economic climate.

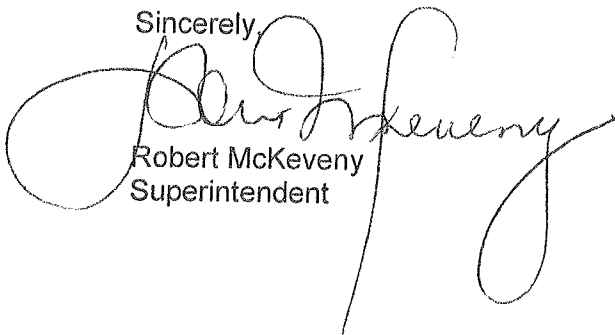
The financial impact of this trust status is compounded by the fact that the District would not be eligible for state aid reimbursement for students living in the land-into-trust locations. By law, funds are only provided to school districts if students reside on a state-recognized reservation. The district currently receives approximately \$7,500 in state aid for each of its students. Given the fact that students living in these areas would be entitled to all Seneca Falls Central School District educational and transportation services, an inability to qualify for such state aid creates an imbalance and furthers potential hardships for the school district.

Please understand that the District's position is not in any way personal to the Cayuga Indian Nation. Our opposition to the land-into-trust application is based on the potential damaging financial impact on the Seneca Falls Central School District and its corresponding effect on our students. The Seneca Falls Central School District and school community take great pride in maintaining a quality school district that provides students with knowledge and skills that prepare them for future endeavors, such as post-secondary educational opportunities, work-force opportunities, and/or armed services opportunities. A reduced tax base and inability to access state aid funds for certain students would result not only in reduced opportunities for Seneca Falls Central School District students, but would also threaten the continued employment of a number of our staff.

(I have attached a resolution adopted by the Board of Education at its public meeting on June 15th addressing this issue.) On behalf of 1,348 students, their families, the School District community, Board of Education members, and all District employees, I ask that you seriously consider all negative impacts of the Land-into-Trust request. It is certainly our hope that you understand the magnitude of a final approval of this application on students, education, and the future health of the Seneca Falls Central School District.

Thanks very much in advance for your understanding and consideration.

Sincerely,



Robert McKeveny
Superintendent

RESOLUTION

SENECA FALLS CENTRAL SCHOOL DISTRICT OPPOSES LAND-INTO-TRUST APPLICATION OF CAYUGA INDIAN NATION

WHEREAS, the Bureau of Indian Affairs (BIA) has released a Draft Environmental Impact Statement (DEIS) supporting the proposed fee-to-trust conveyance of certain real property owned by the Cayuga Indian Nation (CIN) and located in Cayuga and Seneca Counties in the State of New York; and

WHEREAS, the Superintendent of Schools and the Board of Education of the Seneca Falls Central School District (District) have reviewed and considered the DEIS; and

WHEREAS, the Superintendent of Schools and the Board of Education have reviewed the Resolution adopted by the Seneca County Board of Supervisors at its public meeting on June 9, 2009 opposing the proposed fee-to-trust conveyance and supports that Resolution in its entirety; and

WHEREAS, in addition to the issues specifically raised in that Resolution, the Superintendent and Board of Education have additional concerns related to the impact on the District if the final approval of the fee-to-trust conveyance is granted; and

WHEREAS, taking the subject land into trust would render it sovereign territory and therefore exempt from local property taxes thus reducing the revenue of the District; and

WHEREAS, in order to provide a free and appropriate education to its students as set forth under State and Federal law, the District relies on tax revenue generated from its property tax levy for 45.2% of the overall District budget which for the 2009-2010 school year is \$25,102,303; and

WHEREAS, the impact of this loss of tax revenue would require additional costs to be passed on to the District's taxpayers and/or would require severe cuts to the District's programs and personnel resulting in reduced programs, course offerings, athletics and extra-curricular offerings for our students as well as layoff of school district personnel; and

WHEREAS, while the DEIS states that "No members of the Nation are known to reside in Cayuga County/Seneca County" and that "[i]t is not anticipated that members of the Cayuga Nation would relocate to the Project area," the DEIS also states that "[t]he proposed action is intended to further the lifestyle, cultural values and objectives of the Nation by advancing the Nation's goals of re-establishing tribal presence in its former homeland."; and

WHEREAS, in addition to tax revenues, the District relies on State Aid from New York State to support the cost of its educational programs and such State aid funds are only allocated for students who live on State-recognized reservations; and

WHEREAS, children living in areas subject to the proposed fee-for-trust would be entitled to attend the District's schools as resident students and be otherwise entitled to all educational, transportation and other services provided by the District, but the District would be unable to obtain its normal per pupil share of State Aid for such students to help fund such services given the fee-for-trust designation; and

WHEREAS, this inability to qualify for such State Aid for such students creates a further economic burden on the District in addition to the loss of tax revenue.

NOW BE IT THEREFORE

RESOLVED, that the Board of Education rejects the preferred alternative contained in the DEIS and calls upon the BIA to elect the No Action alternative; and be it further

RESOLVED, that the Board of Education calls upon the BIA to reject all further fee-to-trust applications of the CIN in accordance with applicable law; and be it further

RESOLVED, that a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, TN 37214 so as to be received by July 6, 2009; and be it further

RESOLVED, that a copy of this resolution shall be sent to the following public officials:

Barack Obama, President of the United States
Kenneth Salazar, Secretary of the Interior
Charles Schumer, United States Senator
Kirsten Gillibrand, United States Senator
Michael Arcuri, United States Congressman
David Patterson, Governor of the State of New York
Michael Nozzolio, New York State Senator
Brian Kolb, New York State Assembly

RECEIVED BY
Michael Day 6/17/09
MICHAEL DAY
PRESIDENT
SENECA FALLS CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION

Carl Feltus

The BIA is using the DEIS to ^{try to} justify the land claim. However the DEIS is flawed so seriously that it should be ignored. The authors opinion that granting land into trust will have little or no impact is the ~~centerpiece~~ basic assumption of this masterpiece. That opinion is dead wrong. You put any business ~~paying~~ sales & property tax next to one that does not and it won't take long to see which one survives. The advantage to the untaxed is ~~not~~ ^{neither} minimal nor nonexistent, it's huge. This is inequality. The tax burden that would be shifted to non Indians by ~~and~~ granting land into trust would be enormous. That is inequality. The ~~outfit that~~ ~~dis~~ ~~carcated~~ this statement is, either real stupid or thinks we are. One can't help but get the feeling that this document was scripted before the contract was signed to produce it.

~~It also is hard to imagine how a question ~~decision~~ as basic as who gets sovereignty is left to a bureaucrat within a department. It sure could not be further removed from accountability to voters. That probably is no accident. I feel that it most likely due to our collective apathy and~~

a many of our elected representatives lack of backbone and/or scruples. Their ethics probably could be argued but their lack of political courage cannot be. ~~There is only one stand the ball should be in their court but evidently, it has been handed to you.~~ The crux of this issue is equality or the lack of it. If you see fit to grant land into trust you are promoting inequality. That serves ~~no~~ no one well. hand into trust ~~is an~~ would be an exclusive agreement with one set of people, the Cayugas. Exclusive arrangements can only ~~impede~~ ~~except~~ ~~destroy~~ equality. This country ~~both its citizens and its government should~~ always ~~strive~~ to be inclusive. We should strive to be inclusive. Doing so would foster equality.

Written Comment Card

Bureau of Indian Affairs – Public Hearing on the DEIS for the
Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

June 17, 6:00 p.m. – 9:00, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

If you would like to submit a written comment please complete the following information and
comment in the space provided below. Give to attendant or drop in the written comment box.
Comments may also be submitted by mail to the address listed below.

(Please write legibly.)

**WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH**

Name: Gary Warkhans Organization: resident
Address: 195 W. Townline Rd. Thulpa
Comment:

I have seen nothing as to a good neighbor
policy from the Indians they are affected
if the provisions from the Chautauq yet pay no
tax - when road is removed from the 1011s
someone has to make up the loss
with disregard for the laws what about building codes
the safety of anyone in an accident, perhaps from an
accident, as property, living in some water reservoir

Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Director, Eastern
Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214.

6-17-09

Mr Clark - 2093

Mr Franklin KEEL


The Indian Trust of 125 Acres is just like the Camel getting his head into the tent, there will be more acquisitions

Do you see Equality in setting up an Indian Land Trust creating a PRIVILEGE class of people living in a so called sovereign nation like Kings & Nobility who don't follow laws of the United States or pay taxes

we fought a ^{Revolutionary war} civil war to end special privilege & slave owners. You may reap the ~~same~~ ^{same fruit} if you pursue this so called Sovereign Indian Land Trust which creates a Privilege class.

Yours truly

PETER C. SHUSTER



1883 Rt 8F

Seneca Falls, N.Y. 13148

6/17/2009

Comments at Public Hearing for DEIS
Wednesday, June 17, 2009
New York Chiropractic College Athletic Center

My name is Fred Gaffney. I am the Executive Director of the Seneca County Chamber of Commerce, which represents 350 businesses located in Seneca County and the surrounding area. The Chamber opposes the Cayuga Nation's Land Into Trust application in principle. Earlier today, our Board of Directors passed a resolution which specifically addresses our objections to the Draft Environmental Impact Statement, as it lacks critical information regarding, among many other issues, the negative impacts of ~~existing~~ Cayuga Nation enterprises on surrounding businesses and communities.

Just a few examples.

While ~~The~~ DEIS lists expenditures on goods and services occurring within and outside Seneca and Cayuga counties, cigarette and gasoline purchases for resale are blatantly excluded. In November of 2008, law enforcement officials in the two counties seized 17,600 cartons of untaxed cigarettes from the LakeSide Trading convenience stores located in Seneca Falls and Union Springs. County officials calculate that these cigarettes seized in a one-day raid represent \$485,000 in uncollected state excise taxes. Clearly, this lost revenue has a significant negative impact on the State of New York, Seneca and Cayuga counties, and taxpayers. *What is, again,*

gaffney about how the DEIS.

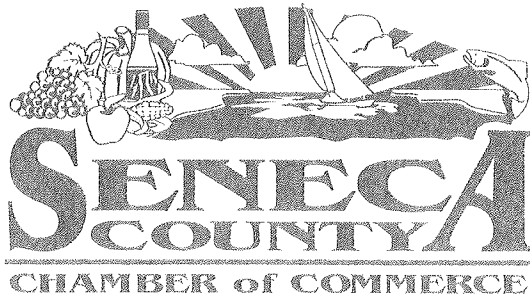
Furthermore, this claim of special privilege by the Cayuga Nation in not collecting taxes has a negative impact on competing businesses. By not collecting sales and excise taxes on cigarettes and gasoline, the LakeSide Trading stores have an unfair

advantage in offering lower prices on these items. Existing and former business owners have spoken publicly ^{including this evening} about the detriment of this unfair competition.

The statement in the DEIS that the Cayugas have “no plans for further development on the properties subject to the Proposed Action” is disingenuous. Already in 2009, two new enterprises have been opened by the Cayugas on adjacent and nearby properties. It is clear that the Cayugas have every intention of expanding their commercial enterprises, which will only compound the existing negative impacts to the counties and State.

The local and state regulations that enterprises on trust land would be exempt from include health and safety inspections. As Cayuga enterprises in the two counties include the sale of produce and other food, this raises serious concern for public safety. Furthermore, the LakeSide Trading stores selling gasoline are not only within the Cayuga Lake watershed, but are in close proximity to the lake. To suggest that a lack of monitoring by government agencies would create no significant risk to critical natural resources or the public is optimistic at best.

A conclusion to be derived from this incomplete information is an attempt by the Cayuga Nation to suppress the true negative impact of their enterprises currently operating in the counties, and mislead the public regarding future development. While the DEIS is therefore significantly flawed and biased, we 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.



2020 Routes 5 & 20 West • P.O. Box 70
Seneca Falls, New York 13148 -0070

phone: (315) 568-2906
fax: (315) 568-1730

e-mail: info@senecachamber.org
www.senecachamber.org

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 comments on the Draft Environmental Impact Statement (DEIS) with respect to the Cayuga Indian Nation's Land into Trust Application. The Seneca County Chamber of Commerce opposes the application in principle and urges the Bureau of Indian Affairs to adopt the "no action alternative" option presented in the DEIS. The attached resolution adopted by the Chamber's Board of Directors on Wednesday, June 17, 2009, specifically addresses our objections to the DEIS.

The Draft Environmental Impact Statement lacks critical information regarding, among many other issues, the negative impacts of existing Cayuga Nation enterprises on the surrounding communities. Section 3.8-23 states, "The LakeSide Trading business [in Seneca County] primarily sells gasoline and convenience store goods, including cigarettes." While tables 3.8-25, 26 & 27 list expenditures on goods and services occurring within and outside Seneca and Cayuga counties, cigarette and gasoline purchases for resale are blatantly excluded. In November of 2008, law enforcement officials in the two counties seized 17,600 cartons of untaxed cigarettes from the LakeSide Trading convenience stores located in Seneca Falls and Union Springs. County officials calculate that these cigarettes seized in a one-day raid represent \$485,000 in uncollected state excise taxes. This does not include the value of state and local sales taxes which are uncollected. Clearly, this lost revenue has a significant negative impact on the State of New York, Seneca and Cayuga counties, and taxpayers.

Furthermore, this claim of special privilege by the Cayuga Nation in not collecting taxes has a negative impact on competing businesses in the surrounding area. By not collecting sales and excise taxes on cigarettes and gasoline, the LakeSide Trading stores have an unfair advantage in offering lower prices on these items. Existing and former business owners have spoken publicly before the Seneca County Board of Supervisors about the detriment of this unfair competition. Following the seizure of cigarettes from the LakeSide Trading stores in November, other stores

in the surrounding area reported dramatic increases and record sales on cigarettes, illustrating the impact of Nation enterprises.

The statement in the DEIS that the Cayugas have “no plans for further development on the properties subject to the Proposed Action” is disingenuous. Already in 2009, two new enterprises have been opened by the Cayugas on adjacent and nearby properties. Upon opening these two enterprises, it is our understanding that, once again, the Cayugas had initially claimed special privilege with regard to inspections and processes that all businesses are subject to. It is clear that the Cayugas have every intention of expanding their commercial enterprises, which will only compound the existing negative impacts to the counties and State.

The local and state regulations that enterprises on trust land would be exempt from include health and safety inspections. As Cayuga enterprises in the two counties include the sale of produce and other food, this raises serious concern for public safety. Furthermore, the LakeSide Trading stores selling gasoline are not only within the Cayuga Lake watershed, but are in close proximity to the lake. To suggest that a lack of monitoring by government agencies would create no significant risk to critical natural resources or the public is optimistic at best.

A conclusion to be derived from this incomplete information is an attempt by the Cayuga Nation to suppress the true negative impact of their enterprises currently operating in the counties, and mislead the public regarding future development. While the DEIS is therefore significantly flawed and biased, we 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 comments and concerns into the public record.

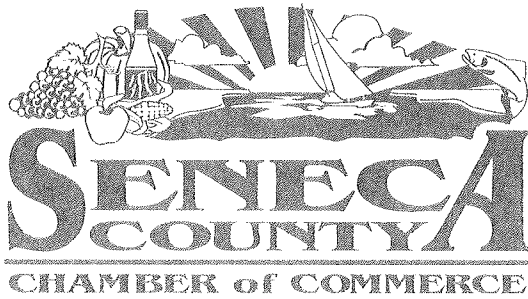
Sincerely,



Alfred Gaffney
Executive Director

Enclosure

cc: Chuck Lafler, Chairman, Seneca County Board of Supervisors
Richard Swinehart, Seneca County District Attorney
Suzanne Sinclair, Seneca County Manager
Frank Fisher, Seneca County Attorney



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RESOLUTION

SENECA COUNTY CHAMBER OF COMMERCE OPPOSES LAND-INTO TRUST APPLICATION OF CAYUGA INDIAN NATION

Whereas, the Bureau of Indian Affairs (BIA) has released a Draft Environmental Impact Statement (DEIS) supporting the proposed fee-to-trust conveyance of certain real property owned by the Cayuga Indian Nation (CIN) and located in Cayuga and Seneca Counties in the State of New York; and

Whereas, the DEIS acknowledges that the property in question is on “ancestral land” and therefore not on a current reservation, thus the CIN application is being treated improperly as an “on-reservation” rather than an “off-reservation” application; and

Whereas, the DEIS conclusion that there would be no significant environmental impact if the approximately 125+ subject acres owned by the CIN were taken into federal trust for the use and benefit of the CIN becomes moot as trust land would be exempt from local, state, and most federal regulations which monitor environmental conditions and regulate activities; and

Whereas, taking the subject land into trust would render it sovereign territory and therefore exempt from local property taxes, special district charges and other fees, thus reducing the revenue of relevant counties, towns, villages, and school, fire, water, and sewer districts; and

Whereas, despite the fact that the stated purpose of the CIN application is to foster activities that will result in economic growth for the Nation, the DEIS nevertheless contends that the CIN has “no plans for further development on the properties subject to the proposed action;” and

Whereas, the DEIS fails to take into consideration the fact that the CIN already owns some 765 additional acres in the counties and has openly expressed interest in purchasing more up to 64,015 such acres of ancestral land that the Nation contends would thereby become eligible for trust status; and

Whereas, the DEIS fails to recognize the negative impacts that the CIN’s LakeSide Trading enterprises have had on competing local businesses due to CIN enterprises’

unfair advantage of not collecting state sales and excise taxes on motor fuel, tobacco, and other products sold, thereby also reducing the sales tax revenue of the counties; and

Whereas, the DEIS admits that the sole source of CIN's tribal revenue is its gas station and convenience store businesses and gaming operations but does not acknowledge that the sale of untaxed cigarettes and its gaming operations were both determined to be illegal; and

Whereas, in Table 3.8-27, figures are omitted for the annual amount of purchases of cigarettes and gas outside the counties, which would further demonstrate lost local and state tax revenues; and

Whereas, the DEIS states that "No members of the Nation are known to reside in Cayuga County/Seneca County" and that "[t]he proposed action is intended to further the lifestyle, cultural values and objectives of the Nation by advancing the Nation's goals of re-establishing tribal presence in its former homeland," yet on the very same page (4.8-2) the document makes the incongruous statement that "[i]t is not anticipated that members of the Cayuga Nation would relocate to the Project area;" and

Whereas, the DEIS minimizes the costs of road, water, and sewer infrastructure, police and fire protection, and other public services that would be provided to the subject properties without guaranteed reimbursement from the CIN; and

Whereas, land placed in trust is removed from local governmental jurisdiction in terms of air, soil, and water regulations, zoning and land use regulations, building codes, and other community standards, thereby exposing both humans and the environment to unnecessary health, safety and welfare risks; and

Whereas, the DEIS has failed to take into consideration the disruptive practical consequences of checker-boarded sovereign parcels, which practice was squarely rejected by the U. S. Supreme Court ruling in City of Sherrill vs. the Oneida Indian Nation; and

Whereas, the DEIS has failed to recognize the U.S. Supreme Court decision in Carcieri vs. Salazar which prohibited the Secretary of the Interior from taking land into trust for an Indian tribe, such as the CIN, which was not federally recognized and under federal jurisdiction in 1934, be it therefore

RESOLVED, the Seneca County Chamber of Commerce rejects the preferred alternative contained in the DEIS and calls upon the BIA to elect the No Action alternative, and be it further

RESOLVED, the Seneca County Chamber of Commerce calls upon the BIA to reject all further fee-to-trust applications of the CIN in accordance with the Carcieri vs. Salazar decision referred to above, and any other applicable law, and be it further

RESOLVED, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

RESOLVED, a copy of this resolution shall be sent to the following public officials:

Kenneth Salazar, Secretary of the Interior
Charles Schumer, United States Senator
Kirsten Gillibrand, United States Senator
Michael Arcuri, United States Congressman
David Paterson, Governor of the State of New York
Michael Nozzolio, New York State Senator
Brian Kolb, New York State Assemblyman

PASSED AND RESOLVED THIS 17th DAY OF June, 2009.



Diane Lahr-Smith
Chair, Board of Directors

June 7, 2009

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

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

Director Keel,

I, Edward Ide Jr. of 6472 Short Rd. Cayuga, N.Y. 13034 find the DEIS as issued to be deficient in the following ways and oppose approval of this application:

Purpose & Need

The DEIS is deficient in stating that the Cayuga Indian Nation (CIN) is a federally recognized tribe even though they have not been through the recognition process and are merely arbitrarily “listed” by the Bureau of Indian Affairs (BIA).

The DEIS is deficient in its determination of need. It would seem that the BIA has confused need with want. The CIN has survived at its current location in North Collins, NY for approximately 200 years. The fact that the CIN exists as an entity today demonstrates that it does not need land in Cayuga and Seneca Counties to preserve its culture. The DEIS admits that no CIN members currently reside in the area and most never will. That said, what contribution does the land actually make to the culture of the tribe?

The DEIS does not explain how the operation of gambling houses and gas stations expresses the culture of the CIN. The CIN’s historic culture was not that of merchants or entertainers.

The DEIS does not demonstrate in any way that taking land that the CIN currently holds legal title to and transferring it to the ownership of the United States would promote cultural identity. Rather it would seem only to promote dependence or at least the perception of, which in actuality would likely diminish their identity. Unless the goal is to promote that they are wards of the United States.

The DEIS does not demonstrate how activities illegal in NYS would promote self determination under the shelter of the federal government.

The DEIS is deficient in that it does not demonstrate how the establishment of otherwise criminal enterprises would make the CIN any more self sufficient than operating the businesses that they already own.

The CIN has clearly established an ability to purchase land and businesses on the free market. Given the purchase prices the CIN has also demonstrated that it has the resources or access to resources to make significant purchases. The CIN has purchased at least two additional pre-existing businesses since the drafting of this DEIS.

The CIN could continue to operate the various enterprises just as numerous other New York businesses do without the benefit of the land being placed in trust, with the exception of gaming and tax free sales , both of which are illegal in the State of NY.

The DEIS has not demonstrated that taking land into trust is actually needed. It has only demonstrated that it would shelter otherwise criminal enterprises for the purpose of abnormal profit to the detriment of the surrounding community.

Alternatives

Alternative 1: The Proposed Action

The DEIS is deficient in proposing to create a reservation from noncontiguous land. Due to the position of Cayuga Lake, most of these parcels could never be united into one reservation, but would rather create a checkerboard. Others simply by their location would be impossible to merge. This alternative flies in the face of the United States Supreme Court's position in its Sherrill decision (Sherrill v. Oneida Indian Nation of New York, 03-855).

The DEIS is deficient in that it does not address future expansion of the current activities. Consequently the findings are only relevant to the existing situation, but leaves the door open for incalculable change far beyond the scope of current activities.

Alternative 2: No Action

This is the only alternative that would not result in a government created ethnically segregated community within the community and allow for the members of the tribe to function as full citizens of the United States in equality with other members of the community.

Alternative 3: Enterprise Properties into Trust

The DEIS is deceitful in the assertion that the parcels to be taken into Trust are contiguous. Some are, but there will still be 2 distinct and separate groups of properties resulting in the checkerboard mentioned in alternative #1.

The DEIS is disingenuous in that other parcels could be taken into trust at a later date.

The DEIS ignores the ease in which subsequent parcels can be added to the original trust lands.

The DEIS ignores the cumulative impacts from future applications for land into trust that begin with the current application.

The above stated issues completely distort many of the current findings.

Potential Effects of the Alternatives

Alternative 1: The Proposed Action

The DEIS is deficient in that it does not account for any expansion of current operations, but provides no restrictions to maintain the current conditions. Any expansion would render the data provided as obsolete and inaccurate.

The DEIS is disingenuous in that it accounts for jobs that already existed via the previous owners, with the exception of the illegal gambling positions.

The DEIS is deceitful in that it accounts for economic activity other than illegal gambling that already existed prior to CIN ownership.

The DEIS is remiss in that no mention was made of the Union Springs gambling facilities proximity to a high school. This was a condition also addressed by the United States Supreme Court in the Sherrill decision as undesirable.

The DEIS is deficient in that it relies on cooperative agreements with service providers that may well never be negotiated.

The DEIS is deficient in that it does not address the additional burden that the BIA would be placing on local service providers by creating or expanding a non-contributing entity.

Alternative 2: No Action

The DEIS is deficient in that it attempts to justify the trust process by mourning the loss of income from commercial gambling enterprises that are illegal in NYS.

Alternative 3: Enterprise Properties into Trust

Alternative 3 does not prove actual need, rather only supports greed. This alternative produces most if not all of the same problems as alternative #1. The principle difference would be the creation of a strictly absentee landlord scenario, which would cause a clear outward flow of revenue from the area. It also demonstrates that the value of the area to the CIN is primarily a source of revenue

via its gambling enterprises and disproves that their stated desire is to return to their ancient homeland. The admitted absence of CIN members living in the region further supports the concept of the area simply being a distant revenue source.

Mitigation

The DEIS is deficient in that it claims no need for mitigation of the impacts of the land being taken into trust on behalf of the CIN. It characterizes the impacts as trivia; however, the effect is to place further burden on a community that already has significant tax burden, while also placing greater demands on it. The effect of commercial gambling is to redirect revenue that would have gone to other area businesses and place it in the CIN coffers, thus doubling the negative effect.

The DEIS makes no mention of the BIA interest in the creation of a segregated community where none currently exists.

The DEIS also neglects the effect that bringing people with no ties to the community, for the purpose of gambling or tax free purchases, places additional burden on the host communities.

The DEIS is deficient in that the claim that no mitigation is needed is not coupled with limitations on the developments by the CIN. Uncontrolled development by the CIN would negate the data used to support the position that no negative effects would be incurred by the host community. The BIA is disingenuous in its portrayal of the CIN's current operations, when the very intent of the trust application is to expand the CIN's enterprises.

Summary of Deficiencies

The DEIS is deficient in that it does not recognize, address or provide proof of mitigation for the following items:

1. Taxes and government revenue

A. Decline in tax revenues, which will result in increased burden on the rest of the community

- i. Sales tax
- ii. Property taxes
- iii. Excise taxes (eg, alcohol, cigarettes, fuels) No data supplied
- iv. Special districts (eg, sewer, water, lighting)

B. Decline in government non-tax revenues

- i. Professional licencing fees
- ii. Inspection fees

2. Government cost of operation

A. Capital improvements needed to address new demands by CIN enterprises

- i. Highway
- ii. Water
- iii. Sewer

B. Emergency services

- i. Fire
- ii. Police
- iii. Emergency medical services
- iv. Hazards of non-compliant sites to emergency personnel

C. Social Services

- i. Additional addiction services
- ii. Welfare
- iii. Medicaid
- iv. Dispute resolution

- v. Effects of introducing a population with recognized high rates of substance abuse into the community
- vi. Gambling related social problems (e.g. divorce, abuse, bankruptcy, crime)

D. Legal expenses

- i. Any dealings with the tribe will be required to be handled at the federal court level.
- ii. Minor issues will bear an unusual expense to litigate
- iii. The availability of the federal courts will leave most issues mute or unresolved
- iv. Loss of the small claims court as a remedy
- v. The erosion of the surrounding communities' civil rights based on the above mentioned items.

E. Pollution abatement

- i. Loss of local enforcement and surveillance
- ii. Only the EPA will have jurisdiction
- iii. Smaller issues will go unaddressed, while waiting for EPA involvement
- iv. Pollution may go unaddressed due to the EPA's self policing policy towards tribes
- v. The DEIS makes no mention of CIN having staff qualified to address pollution issues
- vi. The DEIS has not demonstrated that there are any agreements in place for hiring individuals qualified to address these issues.

3. Land use

A. Local comprehensive use plans (e.g., Town of Aurelius Comprehensive Plan) will be distorted and ineffective in the adjacent or host community

- i. The DEIS makes no mention of any comprehensive plan by the CIN
- ii. Lacking a comprehensive plan uncoordinated land use will occur

- iii. Uncoordinated land use will diminish adjacent property values
 - iv. Uncoordinated land use could result in development counter to host community's comprehensive plan (e.g., commercial development in an agricultural zone, or vice versa).
 - B. Lack of Building codes impact on neighboring property to the trust lands
 - i. The DEIS does not address substandard buildings and their effect
 - ii. The DEIS does not demonstrate that the CIN has anyone qualified to administer a building code program
 - iii. The DEIS does not indicate that any agreements with any entity have be negotiated for such services
 - C. Environmental effects on neighboring properties to the trust lands
 - D. Effects of the EPA's self regulation policies towards tribes on the surrounding community
 - E. Effects on waterways passing through or adjacent to CIN lands
 - i. The CIN likely will own, or already does own land on Cayuga Lake and or the NYS Canal and seek to have it taken into trust as well
 - ii. The DEIS expresses no limitations on the CIN and potential claims to the waterways.
- 4. Environmental impacts
 - A. Impunity from basic state & local statues & inspection
 - i. The DEIS makes no mention of who or how environmental issues will be addressed
 - ii. The DEIS does not list any CIN members as qualified to address these issues

- iii. The DEIS makes no mention of agreements being in place for anyone to provide enforcement or management of environmental issues

B. Culpability for environmental mishaps

- i. Sovereign immunity would shelter the CIN from any misdeeds
- ii. Reliance on the federal courts would for all practical purposes provide an economic firewall from most aggrieved parties

C. Practical compliance to Federal laws & statutes (e.g. inaction by EPA to violations by the Seneca - Cayuga Tribe in Aurelius)

- i. The DEIS makes no mention of CIN members being qualified to monitor or enforce the federal regulations
- ii. Given the EPA's stated policy of self-regulation the DEIS does not even hint at how these statutes would be enforced or monitored
- iii. The DEIS makes no mention that the CIN has agreements in place with others to ensure these regulations are enforced

5. Effects on business

A. Tribal sovereignty will create an uncompetitive environment for businesses located in the region

- i. Failure to collect sales taxes
- ii. Failure to collect excise taxes
- iii. Failure to adhere to with weights and measures standards
- iv. Failure to comply with building codes
- v. Sheltered from liability by their sovereign immunity
- vi. DEIS fails to quantify the effect on surrounding businesses

B. Tribal sovereignty relieves the CIN from culpability for its actions, products and the condition of their property

- i. The CIN will be immune from most law suits regardless of their actions

- ii. The CIN will have impunity in the event one of their products does harm to a customer
- iii. The CIN will be immune from liability in the event some one is injured on their property
- iv. The CIN will be sheltered from recourse should they renege on any cooperative agreements with other community members, including service providers such as fire, police, and EMS.
- iv. The DEIS makes no mention of any provisions in place by the CIN to address and monitor these issues

C. Unregulated land use

- i. Exempt from local land use laws the CIN will be free to use its reservation in a manner that is detrimental to the surrounding communities
- ii. Uncontrolled land use could result in detrimental circumstances for surrounding property owners
- iii. Uncoordinated land use can result in undue burdens on the area infrastructure
- iv. There is a demonstrated lack of will by the relevant enforcement agencies to uphold even Federal land use regulations (e.g. EPA & NYSDEC were both informed in writing & by viewing the actual site, that the Seneca - Cayuga Tribe was in violation of numerous regulations in Aurelius, but took no action)
- v. The DEIS makes no mention of any agreements in place with any source to provide the needed enforcement and management of land use

6. Regulatory

A. Enforcement of basic health, safety and criminal codes

- i. Most basic regulations are enforced at the local or state level, the CIN on the reservation would be exempt
- ii. The DEIS makes no mention of if or how these items would be enforced on CIN property
- iii. The DEIS makes no mention of the CIN having a police force

- iv. The DEIS makes no mention of if or how health codes will be enforced
 - v. It would be impractical for the CIN to regulate these items when split between the various groups of parcels
 - vi. With the small group of people in the CIN impartiality would be unlikely
 - vii. The DEIS makes no mention of the CIN having any members qualified to enforce any of these regulations
- B. Enforcement of wildlife harvesting
- i. The NYSDEC regulates the harvest of wildlife. The CIN would be exempt from NYSDEC regulations
 - ii. Unrestricted harvesting of wildlife would negatively effect local wildlife populations
 - iii. Diminished wildlife populations would negatively effect the local sporting industry
 - iv. Unrestricted and uncoordinated wildlife harvesting would negatively effect the NYSDEC's management of the areas wildlife populations
 - v. Unrestricted and uncoordinated harvesting of migratory fowl would negatively effect areas and wildlife populations over a vast region extending from Canada to Florida
 - vi. The DEIS makes no mention of the CIN having members qualified to coordinate, manage or enforce any wildlife management regulations
 - vii. The DEIS makes no mention of any agreements with any source for addressing wildlife management
- C. The practical limitations of the Federal courts and investigators
- i. The cost of bringing an action in Federal court will make many issues mute, depriving the area residents of their civil rights
 - ii. The Federal courts have a significant back log which will make actually hearing the case pointless, thus depriving area residents of their civil rights
 - iii. The Federal courts lack experience in addressing most low level litigation, thus depriving area residents the right to a fair and speedy trial on their issue

- iv. Federal investigators lack sufficient man power to address only but felony cases, thus depriving both tribal members and area residents of the civil rights
- v. Federal prosecutors lack the man power to address any cases other than higher level cases
- vi. Federal investigators and prosecutors lack sufficient experience to address lower level crimes or disputes, thus depriving tribal members and the area residents of their civil rights

7. Jurisdictional deficiencies

- A. The checkerboard of trust land will create gray areas of jurisdiction, resulting in enhanced opportunities for criminals.
- B. The checkerboard effect of the trust land will cause inconsistent conditions due to a lack of regulation coordination & enforcement.
- C. The checkerboard effect of the trust lands will create cross border enforcement problems leading to increased crime.
- D. The clouded jurisdictional issues will make federal enforcement more difficult, less effective and less likely.
- E. The clouded jurisdictional issues will make Federal prosecution more difficult, less effective, more expensive and less likely.
- F. All of the above items will likely lead to a haven for criminals and a threat to the surrounding community.

8. Legal deficiencies

- A. The DEIS makes no mention of the CIN having an established legal system other than the Federal courts, this deprives the CIN members of the same court local and small claims civil rights enjoyed by the surrounding communities
- B. Given that the CIN business model is to provide goods and services to people from outside the reservation, many non-CIN members will lose their legal civil rights when on the reservation doing business

- C. Very few of the CIN's customers will be aware of the difference in their legal rights when on the trust lands and the DEIS makes no mention of notifying the public
- D. Given that the parcels noted on the application are on significant highways, it is reasonable that future trust applications will include land that would then engulf the highways significant numbers of travelers will unwittingly and unavoidably be subject to tribal law
- E. The DEIS makes no mention of any mechanism being in place or even considered to prevent or address trust land engulfing Village, Town, County, State and interstate highways. Due to the geographic position of the Finger Lakes these highways have great significance.
- F. The DEIS makes no mention of preventing or addressing trust land from engulfing any navigable waterway including Cayuga Lake, the NYS Barge Canal, and the Seneca River. (Note: the NYS Barge Canal regulates the water levels throughout the region extending north to Lake Ontario.)
- G. The DEIS makes no effort to prevent the CIN from claiming rights to Cayuga Lake through lake shore property purchases on both sides of the lake, as other tribes have done in other areas
- H. Area residents will, for the first time, be exposed to laws that will have their basis and application based on the race of the individual (e.g., Indian vs. non-Indian).
- I. The Indian - non Indian legal status will forever ensure that tribal members will be viewed differently in the surrounding communities
- J. The Indian - non Indian status in the communities will serve only to pressure tribal members to focus their activities towards the tribe and diminish their civil rights as United States citizens
- K. The DEIS makes no mention of the segregating effect the differences in legal status will have on the civil rights of the tribal members and the surrounding communities

9. Political deficiencies

A. Undue influence on government and government employees

- i. The DEIS does not address the significant impact that tribes have over government employees (e.g. NYSDOT ignores the CIN's removal of traffic control islands in Union Springs, while prosecuting another area business for similar right of way infractions)
- ii. The DEIS does not address the influence exerted on elected officials by the tribes and its effect on area residents. Governor Pataki was directly apprised of the above situation to no avail.
- iii. The DEIS ignores the collusion between NYS officials and the CIN regarding the sale of cigarettes to non- Indians
- iv. The DEIS ignores the collusion between NYS officials and the CIN regarding the sale of gasoline
- v. The DEIS ignores the need for a RICO Act investigation of the influence demonstrated by the CIN on NYS officials
- vi. The DEIS ignores the significant advantage that the McCain - Feingold Act provides the CIN over the area residents in political campaigns
- vii. The DEIS ignores the repeated attempts by the CIN to negotiate a class 3 compact with NYS both here and the Catskills
- viii. The DEIS ignores the National Indian Gaming Commission's passion for expanding and granting class 3 gaming licenses

10. Community and social effects

- A. The DEIS provides no mitigation measures regarding the negative effects of commercial gambling
- B. The DEIS provides no mitigation for the increased crime associated with commercial gambling

- C. The DEIS lists no mitigation for the impact for the influx of staff typical of commercial gambling
- D. The DEIS lists no efforts to mitigate increased need for social services as a result of commercial gambling
- E. The DEIS provides no mitigation for splitting existing communities with trust land
- F. The DEIS provides no mitigation to compensate for the introduction of the “reservation culture” to an area where none currently exists
- G. The DEIS does not recognize nor provide mitigation for the distortion of free market real-estate prices due to their tax exempt status
- H. The DEIS ignores the effect of encroachment by the trust lands on adjoining property
- I. The DEIS provides no mitigation for the practical diminishment of civil rights due to encroachment by the trust land

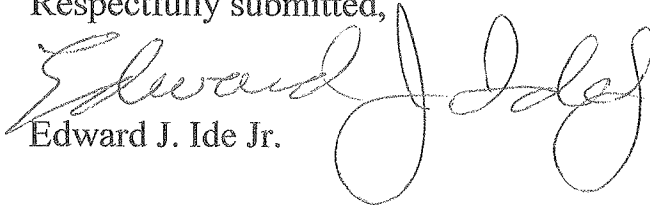
11 Infrastructure & services

- A. The preservation of uninhibited use of the many easements & rights-of-way in the effected area is not addressed in the DEIS
- B. Ownership of mineral rights is not addressed in the DEIS
- C. The area north of Cayuga Lake, which is part of the 64,000 acre land claim area, contains an abnormally high number of significant utilities with far reaching service areas (e.g., high voltage electric transmission lines, intercontinental high pressure natural gas pipe lines, regional natural gas pipe line, liquid petroleum pipe line, telecommunication. cables including fiber optic trunk cable). Future land purchases and trust applications could severely disrupt the integrity of those services.

12. Authority of the BIA and/or the DOI to take land into trust
 - A. The DEIS references numerous treaties, but make no mention of the preeminent sovereignty of New York State
 - B. The DEIS does not reference the applicability of the IRA to State reservations
 - C. The DEIS does not explain why a tribe not recognized in 1934 is eligible for land into trust privileges

I trust you will fully consider these deficiencies as you prepare the Final Environmental Impact Statement and reject this application.

Respectfully submitted,


Edward J. Ide Jr.

**TOWN OF AURELIUS
RESOLUTION #50-2009**

**TOWN OF AUELIUS BOARD OPPOSE LAND-INTO TRUST APPLICATION
OF CAYUGA INDIAN NATION**

Whereas, the Bureau of Indian Affairs (BIA) has released a Draft Environmental Impact Statement (DEIS) supporting the proposed fee-to-trust conveyance of certain real property owned by the Cayuga Indian Nation (CIN) and located in Cayuga and Seneca Counties in the State of New York; and

Whereas, the DEIS acknowledges that the property in question is on “ancestral land” and therefore not on a current reservation, thus the CIN application is being treated improperly as an “on-reservation” rather than an “off-reservation” application; and

Whereas, the DEIS concludes erroneously that there would be no significant environmental impact if the approximately 125+ subject acres owned by the CIN were taken into federal trust for the use and benefit of the CIN because it fails to address, analyze and consider mitigation of significant negative impacts that will result from such action; and

Whereas, taking the subject land into trust would render it sovereign territory and therefore exempt from local property taxes, special district charges and other fees, thus reducing the revenue of relevant counties, towns, villages, and school, fire, water, and sewer districts; and

Whereas, despite the fact that the stated purpose of the CIN application is to foster activities that will result in economic growth for the Nation, the DEIS nevertheless contends incredulously that the CIN has “no plans for further development on the properties subject to the proposed action;” and

Whereas, the DEIS fails to take into consideration the fact that the CIN already owns some 765 additional acres in the Counties and intends to buy more with the intent of making future trust applications, and allegedly intends to acquire up to 64,015 such acres of ancestral land that the Nation contends would thereby become eligible for trust status; and

Whereas, the DEIS fails to take into consideration the fact that the CIN’s LakeSide Trading enterprises have driven other gas stations and convenience stores out of business and severely reduced the profits of others because the CIN has not collected state sales and excise taxes on motor fuel, tobacco, and other products sold, thereby also reducing the sales tax revenue of the Counties; and

Whereas, the DEIS treats gaming as an existing condition and makes no study of its prior impact or future impact on the community, stating only that “the Nation would provide

information to its patrons regarding gambling addiction counseling services available in the area;” and

Whereas, the DEIS admits that the sole source of CIN’s tribal revenue is its gas station and convenience store businesses and gaming operations but does not acknowledge that the sale of untaxed cigarettes and its gaming operations were both determined to be illegal; and

Whereas, in Table 3.8-27 figures are omitted for the annual amount of purchases of cigarettes and gas outside the Counties, apparently for the purpose of hiding the enormous volume of sales of these untaxed items; and

Whereas, the DEIS states that “No members of the Nation are known to reside in Cayuga County/Seneca County” and that “[t]he proposed action is intended to further the lifestyle, cultural values and objectives of the Nation by advancing the Nation’s goals of re-establishing tribal presence in its former homeland,” yet on the very same page (4.8-2) the document makes the incongruous statement that “[i]t is not anticipated that members of the Cayuga Nation would relocate to the Project area;” and

Whereas, the DEIS reports the median household income of CIN members to be \$26,722, compared to \$37,487 in Cayuga County and \$37,140 in Seneca County, but it provides no analysis of any potentially adverse impact upon the provision of State, County and local services, including social services, if the application were granted and members of CIN relocated to Cayuga and Seneca Counties; and

Whereas, the DEIS minimizes the costs of road, water, and sewer infrastructure, police and fire protection, and other public services that would be provided to the subject properties without guaranteed reimbursement from the CIN; and

Whereas, land placed in trust is removed from local governmental jurisdiction in terms of air, soil, and water regulations, zoning and land use regulations, building codes, and other community standards, thereby exposing both humans and the environment to unnecessary health, safety and welfare risks; and

Whereas, the DEIS has failed to take into consideration the disruptive practical consequences of checker-boarded sovereign parcels, which practice was squarely rejected by the U. S. Supreme Court ruling in City of Sherrill vs. the Oneida Indian Nation; and

Whereas, the DEIS has failed to recognize the U.S. Supreme Court decision in Carcieri vs. Salazar which prohibited the Secretary of the Interior from taking land into trust for an Indian tribe, such as the CIN, which was not federally recognized and under federal jurisdiction in 1934, be it therefore

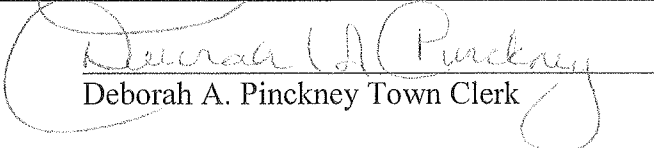
RESOLVED, the Aurelius Town Board rejects the preferred alternative contained in the DEIS and calls upon the BIA to elect the No Action alternative, and be it further

RESOLVED, the Aurelius Town Board calls upon the BIA to reject all further fee-to-trust applications of the CIN in accordance with the Carcieri vs. Salazar decision referred to above, and any other applicable law, and be it further

RESOLVED, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

RESOLVED, a copy of this resolution shall be sent to the following public officials:

	Aye	Nay
Supervisor Ide	✓	
Councilor Pinckney	✓	
Councilor Bona	✓	
Councilor Hoskins	✓	
Councilor Church	✓	
The Resolution was 6/11/2009	Adopted	Rejected


Deborah A. Pinckney Town Clerk

Barack Obama, President of the United States
 Kenneth Salazar, Secretary of the Interior
 Charles Schumer, United States Senator
 Kirsten Gillibrand, United States Senator
 Michael Arcuri, United States Congressman
 David Paterson, Governor of the State of New York
 Michael Nozzolio, New York State Senator
 Brian Kolb, New York State Assemblyman

June 17, 2009

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

From: Robert G Wayne
2515 Lower Lake Road
Seneca Falls, NY 13148

Ref: "DEIS" Comments
Cayuga Indian Nation of New York
Trust Acquisition Project

I have lived on Lower Lake Road in the Town of Seneca Falls for 53 years, of which 30 of those are at my current address of 2515 Lower Lake Road. I was born in this country, which makes me a Native American.

I object to the Cayuga Indian Nations land being placed in a trust, as it will cause economic hardship to my family and neighbors by causing an increase in our taxes. My taxes have been increasing at a higher pace since the Cayuga Indians opened their gas station and failed to collect sales tax. I work two jobs in order to keep my home. If the Cayuga Indians land is placed into a trust, this will result in more tax increases and as a result, my family will need to give up things we have now in order to keep our home. This is not fair to me or to the other long time residents. Our property values will decrease but taxes will increase to offset the loss of sales tax revenue.

Another reason why the land should not be placed into a trust is that the Cayuga Indians would not have to follow State or Federal environmental laws, zoning and building codes, or land use regulations. This causes a great concern to me personally because they would not be required to have their underground gas tanks tested like the honest tax paying gas station owners. If a gas tank should start to leak, it would contaminate the land. Since my land is lower than the gas station the Cayuga's operate, that leaking gas would flow downhill contaminating my land and possibly Cayuga Lake.

The Cayuga Indians want the use of our highways, fire and police protection as well as other amenities afforded to us tax payers but without paying for them.

Finally, I protest putting the Cayuga Indian Land into trust as it discriminates against me due to race, which goes against the United States Constitution.

Respectfully submitted,


Robert G Wayne

Ladies and gentlemen, thank you for listening to us this evening. New York State has the dubious honor of having 8 of the top 10 highest taxed communities in the United States. This is a situation we are not proud of and it is a situation Seneca and Cayuga Counties have been and will continue to address.

We will not be able to survive as viable communities if 64,000, acres of land, or whatever the number becomes, is put into a land trust and exempted from property taxes as the remainder of the residents would have to absorb the difference in their property taxes. The establishment of non-sales tax collecting, non-regulated businesses will add yet another burden onto an already volatile tax base. Not to mention the businesses paying and collecting taxes that will be forced to close and leave the area. We openly embrace our neighbors who will pay their share of property taxes and run their businesses as we do.

I wrongly concluded that after over 20 years of Court hearings that we had won the battle of the Land Claim. Land Claim or Land Trust – to me they have the same meaning: we lose valuable land that is not taxed and non-tax collecting businesses prosper as law abiding businesses go elsewhere and my taxes increase until I follow them.

Ladies and Gentlemen, if you decide to put this land into a Trust, please turn the lights off when you leave, as I fear there will be nothing left of our community for you or future generations to return to.

Thank you again for listening to the concerns of our community.

Keith Kubasik

42 North Seneca Street

Waterloo, New York 13165

I'm Richard Tallcot, resident of Cayuga County, Chairman of the Cayuga-Seneca Chapter of Upstate Citizens for Equality, board member of the Citizens Equal Rights Alliance and live two miles from a proposed trust acquisition area.

I submitted written comments, but can add some.

In April 2006 the Cayuga tribe filed for trust status and claimed it received no local benefits and that the state roads were maintained by the state before they purchased the properties, so there was no significant impact. What I find interesting is that three years later ~~ARKM~~ ARKF, working for the BIA, agrees with them.

I find it significant that tribal courts could ultimately have jurisdiction over non-members. That state jurisdiction on tribal land under 25 USC 232 and 233 would not apply.

I find it significant that a precedent taking of land into trust could happen if it were not opposed.

Lawrence Long, the Attorney General for South Dakota, testified before the Senate Indian Affairs Committee last month.

He finds it significant that the statute relating to trust is very broad but the law passed is very specific.

Things of this nature may be why the Supreme Court has to explain the definition of words like "now" to bureaucracies.

In reference to taxes, Lawrence goes on saying that (quote) "this situation is aggravated by the refusal of the BIA to consider the cumulative effect on the tax rolls of taking new land into trust. Thus, even if **half** the land in a county is already in trust, a new 100-acre acquisition is analyzed as if it were the **first** acquisition in trust in the county." (unquote) And he cites Shawano County, Wisconsin, Board of Supervisors v. Midwest Regional BIA Director, (2005) where the IBIA ruled that (quote) ("analysis of the cumulative effects of tax loss on all lands within Appellants' jurisdictional boundaries is not required.") (unquote).

Other things Long cites as significant is the Loss of zoning authority as the Supreme Court has long maintained, the exercise of such authority is one of the primary ways in which the community can maintain its integrity.

The General Accounting Office found that the regulations at 25 C.F.R. 151 provide little guidance, and impose virtually no limits on the lands which might be taken into trust.

Their report elaborates but summarizes by noting "the criteria are not "pass/fail" and "responses to the criteria" do not even "necessarily result in an approval or a denial of an application." Plus, the GAO points out that the process lacks an impartial decision maker.

I recommend no action be taken.

P.O. Box 204; Union Springs, NY 13160

Head by Lisa Fitzgerald of ITT



Robert J. Pagano, Jr.
President
Industrial Process

ITT Corporation
Industrial Process
Goulds Pumps, Inc.

240 Fall Street / Main Office
Seneca Falls, NY 13148
tel 315 568 7488
fax 315 568 5737
email robert.pagano@itt.com

June 5, 2009

To Whom It May Concern:

Goulds Pumps, Inc., as the largest private employer in Seneca County, recognizes the potential for adverse impact upon the businesses of our community if a substantial portion of the area's available property becomes exempt from taxes. This could lead to increased taxes for remaining property holders. In our case, higher taxes would negatively impact our competitive position on the global market, which could translate into lower demand for workers at our Seneca Falls manufacturing facility.

For this reason, we oppose the conveyance of "land into trust."

Sincerely,

Robert J. Pagano, Jr.
President, Goulds Pumps, Inc.
240 Fall Street
Seneca Falls, NY 13148

VARICK

To

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

From: ~~Philip Knapp~~ Kathleen Knapp
5150 Kings Corners Road
Romulus, N.Y. 14541

**DEIS Comments, Cayuga Indian Nation of New York Trust
Acquisition Project.**

- The BIA is biased in the DEIS of the land into Trust application of the Cayuga Tribe of Indians.
- The majority of the BIA are Indians. I believe the DEIS is biased in favor of the tribes. The BIA has a full time staff of paid people who have months to come up with the DEIS. The working people of Seneca and Cayuga counties have only 45 days to respond. The BIA employees care nothing about the people of Seneca and Cayuga counties, who have lived here for generations.
- The DEIS ignores the fact that the Cayugas own almost 900 acres in Cayuga & Seneca Counties at this time and will surely apply for all of it to be put into trust. The stated goal of the Cayuga Tribe and Clint Halftown is to purchase 64,015 acres to be put into trust.
- The DEIS does not realistically address costs of roads, water & sewer systems, police & fire protection, and other public services. The Cayugas will not pay their fair share.

Comments to the BIA


The Seneca Falls Town Board has gone on record totally opposing this Draft Environmental Impact Statement. The document totally fails to address the cumulative impact of land taken into trust by the Department of the Interior. The current application by the Cayugas request 15 acres in Seneca County be granted trust status and an additional 114 acres in Cayuga County. Since their original application the Cayugas have purchased an additional ⁷⁶⁵800 plus acres. If this application is granted how long will it take to request that their additional acreage be placed in trust? Their recognize leader, Clint Halftown, states their intent is to buy back all 64,000 acres of their original claim. Think of the cumulative impact of 52% of the tax base of the Town of SF coming off our tax roles. This will have a significant impact on the taxpaying residents of Seneca Falls and all of Seneca County.

Why hasn't this been address in the DEIS document?

We have concerns for impacts to our environment with unregulated land use. Trust land would be exempt from any local county or state regulations that govern how the land is used. Why hasn't this been addressed?

We believe that the BIA is a biased arm of the Federal Government whose sole purpose is to rule in favor of Native Americans and because of this the DEIS should be withdrawn.

As Supervisor for the Town of SF I request that the BIA take the alternative suggested in the DEIS; NO ACTION and end this senseless waste of taxpayer dollars. We are and should continue to be ONE NATION UNDER GOD! Thank You.

A handwritten signature in black ink, appearing to read 'Peter W. Same', with a large, stylized initial 'P' and 'S'.

Peter W. Same

Seneca Falls Town Supervisor

FRANKLIN & GABRIEL

LAW OFFICE

TEL: 607.869.9646

FAX: 607.869.3042

POST OFFICE ADDRESS:

PO BOX 449
OVID, NY 14521-0449

OVERNIGHT & DELIVERY:

7185 MAIN STREET
OVID, NY 14521

JAMES A. GABRIEL

STEVEN J. GETMAN

Of Counsel

BENJAMIN FRANKLIN

Retired

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

Dear Mr. Keel:

In January of this year, we inaugurated a new President, Barack Obama, who promised in his campaign to do many things. I will deal with two that are of direct issue here.

In running for President, Mr. Obama promised, as part of his environmental platform, to build more livable and sustainable communities and to strengthen federal environmental justice programs. After being elected, he worked to give the states more, not less, control to adopt strict environmental standards, such as clean air regulations, which exceeded federal rules.

He also urged us, as Americans, to look beyond the old divisions of race and ethnicity.

With this in mind, I would like to remind the Bureau of Indian Affairs that the purposes of National Environmental Policy Act (NEPA) were originally expressed by Congress as follows:

The purposes of this chapter are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

42 USC § 4321 (emphasis added). The act further provides that NEPA is intended “to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the

social, economic, and other requirements of present and future generations of Americans[.]” Id. § 4331(a) (emphasis added).

NEPA was never intended to focus on environmental protection to the exclusion of economic and social considerations. It was intended to consider how to best create harmony between human use and enjoyment of resources and conservation for long-term use. However, NEPA is very clear that it is a use-oriented statute, and that economic and cultural considerations are important:

In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may -

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

42 USC § 4331(b) (emphasis added).

Now, let us consider how (if we put aside the old racial divides, as the President has urged, and take race or ethnicity out of the equation) the administration would respond to the following:

A business in an industry that takes in millions, if not billions, in sales in the state each year, wishes to locate in a rural community nestled between two large lakes.

- That business seeks to be exempt from state and local environmental laws and state and local land use laws.
- That business could seek to evade laws designed to protect children through Family Court;
- That business would not pay any local taxes to help sustain its community;
- That business would have government sanctioned abilities to unfairly compete with tax paying businesses;
- That business would be exempt from protecting its workers through the worker’s compensation laws;
- That business would be immune from many (if not most) forms of civil lawsuits which might arise from its activities thereby preventing access to the courts for many of its customers, business associates and employees.

June 17, 2009
Page 3

I would submit that, once we take race or ethnicity out of the fact pattern, this administration—if it lives up to its promises of social and environmental justice and the original intent of NEPA—would be strongly opposed to a grant of authority such as what is contemplated here.

Therefore, I ask this administration to live up to the original intent of NEPA and truly consider the social, economic and cultural effects of the trust application.

I also ask this administration to live up to the promise of the President and move forward with bridging the racial divide so that we are truly a colorblind, socially just, society.

Bring us together. End the racial divisions that plague our nation and our communities. Reject this claim and let us live as neighbors and true equals with the American dream and equal opportunity as a promise for us all.

Thank you.

A handwritten signature in black ink, appearing to be 'S. Getman', with a long horizontal line extending to the right.

Steven J. Getman
SJG/st

cc: Margaret E. Li, Clerk
Seneca County Board of Supervisors

- The Indian Reorganization Act of 1934 allows Congress to authorize spending to purchase land to be put into trust for an Indian Tribe. The IRA of 1934 does not authorize Indian tribes to buy land with illegally earned cigarette & gambling money and then have the BIA put it into trust for them. The DEIS ignores the law.
 - Gambling is not an existing condition here. The NYS Constitution does not allow it, for good reasons. The social costs are too great. The DEIS does not realistically address the social costs and problems of gambling. The Cayuga tribe would be able to ignore the Constitution of New York State, monopolize profits from gambling, and the local governments would be responsible to pay for the social costs of gambling.
 - The DEIS ignores the Carcieri vs. Salazar decision. The Cayugas were not recognized or under federal jurisdiction in 1934. The Secretary of the Interior cannot take land into trust for the Cayuga tribe.
 - The DEIS ignores the Kennedy vs. Tyler decision of 1925.
-
- The DEIS ignores the City of Sherrill vs. Oneida Indian Nation decision.
 - The DEIS ignores the fact that the Cayuga Land claim was dismissed. According to an April 1959 memo to BIA directors, title to land acquired by the tribe outside of the reservation boundary shall be taken in fee. The land into trust application by the Cayugas is a back door Indian Land claim.
 - The Cayuga Tribe already has use of land on the Seneca reservation near Salamanca.

stop

- The DEIS has ignored the fact that terrorist organizations rely on Native American Indian reservations for tax free cigarettes. Drug traffickers, illegal immigrants, and other criminals hide out on Indian land. Criminals of all sorts will be encouraged to commit crimes in our counties and hide out on the trust land. Everyone acknowledges this, except the BIA.
- The Cayugas have already demonstrated that they are scofflaws and will not be good neighbors. The Lakeside Trading stores illegally sold untaxed cigarettes and continue to illegally sell untaxed gas and other merchandise. They will promote tobacco products to non- Indian minors, and encourage non- Indian minors to gamble & drink alcohol. I have no confidence that tribal police would enforce any laws fairly.
- The DEIS ignores the fact that the citizens of Seneca and Cayuga counties do not want to subsidize disruptive checkerboarding in our counties, where the U.S. Constitution would not apply.
- Many of the families living in Seneca and Cayuga counties have lived here for generations. Others have moved here more recently. We do not want to be surrounded by checker boarded properties and the divisiveness that will come with that. Property values will decline. People will want to move away from the area because trust land will not be under local jurisdiction. Air, soil, and water regulations, zoning and land use regulations, building codes, law enforcement, and other community standards will be ignored by the tribe. The DEIS ignores the disruption to our lives if we are forced to sell properties at a discounted price and move away to escape the double standard that will be created.
- The United States of America is indivisible, yet the BIA continually works to divide us. I believe that the BIA is an enemy of the

people of the United States of America. The BIA ignores legal decisions. The BIA is biased in the DEIS. I want to see proof of an investigation by the IRS and the United States Department of Justice that the BIA does not accept bribes from Indian tribes.

Philip M. Knapp

To

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

From: Philip Knapp
5150 Kings Corners Road
Romulus, N.Y. 14541

**DEIS Comments, Cayuga Indian Nation of New York Trust
Acquisition Project.**

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Philip M. Knapp

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

3 MINUTES

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

I, Eleanore F. Casey of 2232 East Seneca St., Ovid, NY
14521 voice my opposition to the CIN Trust Application.

█ the DEIS is lacking by omission, neglect and half truths. Trust land will place the area in a divisive “them and Us” situation. The CIN will live on sovereign land and be exempt from local property taxes, sales and excise taxes and be free of all local, county, and state laws, while we will be subject to all laws, taxes and fees and at the mercy of unfair business practices. It is reasonable to assume that this will lead to discord. As CIN buys more land and applies for trust status, the situation will only become more adverse and conflict is a definite possibility.

█ Gaming, which the CIN would have us believe is the basis of their native culture, brings bankruptcy, divorce, broken homes and an excessive strain on welfare.

█ In 1924 all Indians were given citizenship and whether or not they choose to accept it, they cannot justify their continual whining about “Need”. The same options and

opportunities are available to them as to all citizens, so the choice is theirs. Lakeside Trading in both Cayuga and Seneca County, the produce stand at the corner of ~~Route 89~~ Route 89 and East Bayard Street Extension and the ice cream stand opposite Lakeside Trading make it obvious that they are adept in the operation^{of} money-making businesses. Therefore, there is NO NEED for trust land.

■ It is common knowledge that illegal aliens bent on terror, drug dealers and escaped criminals are welcome on reservations. As we are already learning, money buys anything.

5. CIN has warned us that their objective is to put 64,000 acres in trust. At what point will our roads, Cayuga Lake, the NYS Barge Canal, high voltage electric lines, natural gas pipe lines and telecommunication cables come under the regulation of CIN? That will be the time when both the suppliers and the non-Indians will pay dearly for the use.

■ Future trust applications will likely encircle highways so that, unaware, residents and visitors alike will find themselves on reservation land where they will be victims of tribal law. How will our civil rights be protected under these circumstances.

Finally, nothing in this study shows that there will be “little or no impact”. Your decision was made to favor Trust Land before the study was even considered. In truth, our community is headed into the tragedy of a crumbled economy, boarded up windows, trashed buildings, dwindling non-Indian population and your determination to ruin this country---one reservation after another.

June 16, 2009

Mr. Franklin Keel
Regional Director, Eastern Regional Office
545 Mariott Drive, Suite 700
Nashville, TN 37214

Laverne C. Lafler, Jr.
40 Stevenson Street
Seneca Falls, N.Y. 13148

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

Dear Mr. Keel,

I am a life long resident of Seneca County, New York. I wear two hats as I write to you. One as a tax paying citizen and the other as Chairman of the Seneca County Board of Supervisors. I have been a member of the board for the last ten years and have fought tirelessly against the inequities of the Cayuga Nation's efforts to first "reclaim" their ancestral land and most recently their application for land into trust here in our County and neighboring Cayuga County.

As you know, the Courts decided that the Tribe had no claim to the land, but left the door open for the Nation to apply for land into trust that they have purchased in our two Counties. This I believe was a bad decision on the Courts part. I believe that if land is placed into trust for the Tribe, there will be a reversal of that decision as we fight all the way to the Supreme Court. The purpose and intent of granting land into trust has been distorted to benefit the goals of a few members of the Tribe. The actions thus far by the Tribe have shown that this is about money, whether it is gambling or selling untaxed commodity. Their actions to date do not show a desire to re-establish their culture as I see it.

You will hear and read the concerns of those who reside here that are honest tax paying contributors to our society, so I will not repeat what they will tell you or write to you. What I want to say as one of those taxpaying citizens and a representative of the people of Seneca County is this; it is wrong on so many levels! The only way to end all of this is for Congress to ratify any agreement that might put an end to this madness. Other than that, we will continue to waste taxpayer money and time...for years to come.

Thank you for your time and efforts.

Respectfully submitted,

Laverne C. Lafler, Jr.
Chairman, Seneca County Board of Supervisors/Seneca County Resident

Written Comment Card

Bureau of Indian Affairs – Public Hearing on the DEIS for the
Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

June 17, 6:00 p.m. – 9:00, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

*If you would like to submit a written comment please complete the following information and
comment in the space provided below. Give to attendant or drop in the written comment box.
Comments may also be submitted by mail to the address listed below.*

(Please write legibly.)

**WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH**

Name: Chad Hayden Organization: Resident, Aurelius Co
Address: 6369 S.R. 95 N., Cayuga NY 13634
Comment: _____

*Please give to attendant, drop in written comment box or mail to Franklin Keel, Regional Director, Eastern
Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, TN 37214*

August P. Sinicropi
10 Troup Street
Seneca Falls, NY 13148

June 17, 2009

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 Sir:

After reviewing your Draft Environmental Impact Study, I strongly disagree with your conclusion that placing land into trust here will have minimal impact on the regional environment.

The most glaringly suspect assumption the DEIS makes is that the potential environmental impact of this application is limited to the land currently being nominated for trust status. The truth is that if the trust status process is approved for the current situation it will be used over and over again, potentially impacting thousands of acres in the region. CIN leaders have stated this fact publicly on numerous occasions in attempts to coerce residents into a settlement. This obviously deceptive DEIS ploy is insulting to thousands of us here who realize that the BIA is surely aware that the decision it makes on this issue will have impact far beyond this initial application.

Moreover, it is impossible to limit the term "Environment" to a single arena in this case as the DEIS tries to do. It tends to focus on trust status impact on the "Natural" environment; air, water, flora and fauna. It is too simplistic in its focus on the "Economic" environment; industry, retail, entertainment and municipal services, and the "Social" environment; neighborhood life, educational institutions, and regional culture.

In this broad definition of environment, the CIN application to place land into trust here is potentially devastating and must not be granted.

In terms of the natural environment, current residents would lose our ability to monitor and protect ourselves from potentially damaging activities on "Trust" land including such issues as zoning improprieties, improper wildlife management and polluting activities. Would anyone in your office feel comfortable if your home ended up being adjacent to property with no zoning or pollution controls after the fact of your purchase of the property? With the well being of two of the world's most beautiful lakes, tens of thousands of acres of productive farmland and vineyards, the Seneca River, the Montezuma National Wildlife Refuge, the Hector National Forest and untold issues of air and water supply at stake, it is extremely dangerous to take ANY action that has even the most remote potential to jeopardize these priceless assets.

In terms of the economic environment, history here has already shown that the unfair competitive advantage of unmonitored, untaxed enterprises will result in the disruption and loss of critical, longstanding retail and manufacturing establishments within the region. Opening the door to this type of scenario is in direct conflict with the heart of the U.S. Supreme Court "Sherrill" decision which upheld that it is untenable

to disrupt 200 years of economic development in an area by “checker boarding” the environment with unmonitored, unfairly competitive “Sovereign” property. Granting this trust application opens the door for more and more land to be taken off our tax roles. It is unrealistic for your office to conclude that the potentiality of further loss of taxable property will not occur if this “Trust” process is initiated. Tax payers would suffer the devastating double blow of losing tax base income resulting from this unfair economic playing field while still being forced to deliver municipal services such as utilities, highway development and maintenance and police and fire protection to non tax paying “Trust” land residents. This strain on our already stretched municipal budgets will result in service cut backs to existing residents and very possibly limit the ability of our local governments to properly deal with environmental issues here, such as water and sewer supply. In my opinion, the BIA can not negate the possibility of this scenario unfolding and ethically should not, in that regard, grant this trust application.

It is in terms of the social environment, however, that a decision to place any land into trust here could be potentially most damaging, not only to the current local community but to the CIN as well. There are many families here living their 5th and 6^m generation of residency in the region. Our sense of love and stewardship for the magnificence of this region goes deep. For centuries we have worked hard in factories and fields, in offices and shops and various civic institutions. Over the decades taxes from our income have been applied with thoughtful diligence in developing a municipal infrastructure that is very protective of this unique environment that has become our legacy to protect. There is a strong sense of community pride in the quality of life that those generations of effort have created here. Many of us see the CIN as a people who, for just as many generations, have turned their backs on this region. Now, fueled by money from enterprises in complete conflict with the historical ideals of their ancestors and led by a small leadership that has displaced the, once proud, cultural symbols of a great people with the cigarette carton and the blackjack table, they mount this application in full knowledge of its’ threats to our hard earned lifestyle and heritage. Over thirty years, millions of tax dollars have been spent to protect our community from this assault; dollars that could have been used to educate our children, improve our infrastructure, protect our rivers and lakes and enhance our culture. There is a sense of blood boiling just beneath the surface here and patience with the process waning. Frustration can morph to hatred on the turn of a single event. Placing land into trust here may well be that event. The decision that is in your hands now may well determine if the CIN return as a welcomed, long lost, partner in the stewardship of this beautiful land or as enemies facing generation upon generation of hatred.

August Sinicropi

10 Troup St.

Seneca Falls, N.Y.

13148



*Focused on being
The Best Small City in New York State*

CITY OF AUBURN

Office of the Mayor
Honorable Michael D. Quill

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*

Dear Director Keel:

This letter contains comments which are supported by the Auburn City Council regarding 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 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 Cayuga County.

Further, 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 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 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.

Also, 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.

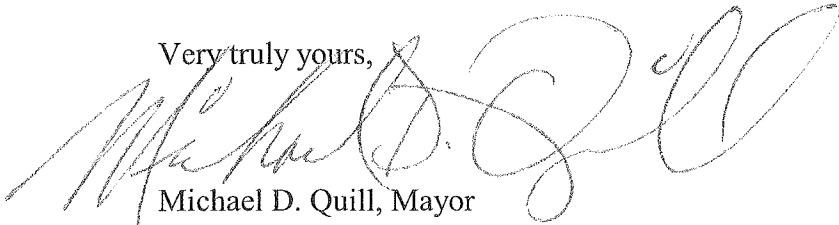
The business community will be adversely affected The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state taxes. Non-Indian business, which must pay taxes, may be unable to compete and be forced 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.

Given that we believe 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.

On behalf of the Auburn City Council, we thank you for the opportunity to submit our comments and concerns into the public record.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Michael D. Quill". The signature is written in black ink and is positioned above the printed name.

Michael D. Quill, Mayor
City of Auburn, NY

MDQ:rdd

Written Comment Card

Bureau of Indian Affairs – Public Hearing on the DEIS for the
Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

June 17, 6:00 p.m. – 9:00, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

If you would like to submit a written comment please complete the following information and
comment in the space provided below. Give to attendant or drop in the written comment box
Comments may also be submitted by mail to the address listed below.

(Please write legibly.)

WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:

JULY 6TH

Name: David R. Bollman Organization: RETIRED FED. EMP.

Address: 24 PARTER ST. SENECA FALLS, N.Y.

Comment: IS IT TRUE THAT THE U.S. & CAT. BENT AN ALDO
E THE CAYUGA INDIANS SIGNED A TREATY IN THE EARLY
PART OF THE 20TH CENTURY? IF SO, WHERE DOES
THE BIA GET OFF OVER RIDING AN ORIGINAL
TREATY SIGNED BY YOUR OWN GOVERNMENT ???

David R. Bollman

Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Director, Eastern
Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214.

Written Comment Card

Bureau of Indian Affairs – Public Hearing on the DEIS for the Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

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(Please write legibly.)

**WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH**

Name: Walter M. Aikman, PhD Organization: _____
Address: 17 Liberty St., Auburn NY 13021
Comment: _____

I oppose granting the Cayuga Nation Trust status because I am convinced it will undermine and retard our progress in conserving wildlife and protecting the environment. Draft EIS does not adequately address the negative externalities of gaming; honestly describe the negative impact on existing businesses in the community; and ignores the many ways Trust status will erode American natural resource conservation and environmental protection efforts, programs and policy. Additional written comments to follow.

Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive Suite 700, Nashville TN 37214.

From the desk of: Jim Bromka, 5733 Route 89, Romulus, N.Y.

Draft Environmental Impact Statement COMMENTS

CAYUGA INDIAN NATION OF NEW YORK TRUST APPLICATION PROJECT

June 17, 2009

To: Franklin Keel, Eastern Regional Director of the Bureau of Indian Affairs

The purpose of my letter is to express the concern I have with the Cayuga Indian Nation's Draft Environmental Impact Statement and its application to the Bureau of Indian Affairs for its land to be placed into federal trust and thus made sovereign.

I am worried about what damage to the environment that will likely occur from unregulated future development, especially to Cayuga or Seneca Lakes as well as other natural resources. My understanding is that the Cayuga Nation will not be subject to Seneca County or New York State regulations.

I am a New York State Certified Water Systems & Distribution System Operator and am in responsible charge for the safe drinking water for nearly 10,000 people in Seneca County. The New York State Bureau of Water Supply Protection, the New York State Department of Health, the New York Department of Environmental Conservation and the United States Environmental Protection Agency all have oversight as to the safe and permissible levels of contaminants (MCL's), if any, I can allow in my drinking water. Water samples are tested daily in our NYS Certified lab. In addition, surveillance water samples are sent out on a regular basis for outside chemical, biological and radiological testing. This testing is expensive. Monitoring requires specialized equipment and highly qualified professionals trained to look for contaminants at the parts per billion or parts per trillion detection levels. Nearly every year, new contaminate candidates are revealed and subject to regulatory review as to their effect on human health.

It is *far* easier and cheaper to keep contaminants out of the lakes in the first place, rather than have to test and treat raw water for their removal. However, if the Cayuga Indian Nation is allowed to randomly select properties in Seneca or Cayuga Counties, what is to stop them from building their own landfills, drilling gas wells with possible solvent run-offs, or Concentrated Animal Feeding Operations (CAFOs) for example which all have potential to contaminate our lakes and other natural resources. These in themselves are not necessarily detrimental, but who will monitor their activities and consequential impacts? What if the Cayuga Indian Nation wanted to build a business or industry within the watershed of Seneca or Cayuga lakes? How can we require them to do an EIS (Environmental Impact Statement) or restrict the potential harm which may result?

It appears to me that the DEIS fails to identify how county, state and federal regulations will be honored and enforced to protect the residents of Seneca and Cayuga counties who live and work here. I therefore ask the Bureau of Indian Affairs to **DENY** the Cayuga Indian Nation's application for Land-Into-Trust.

Thank You,



Jim Bromka, Director of Water Treatment &

NELAP Approved Environmental Laboratory Director for the Village of Waterloo AND
a member of Seneca Lake Pure Waters Association

Written Comment Card

Bureau of Indian Affairs – Public Hearing on the DEIS for the
Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

June 17, 6:00 p.m. – 9:00, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

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comment in the space provided below. Give to attendant or drop in the written comment box.
Comments may also be submitted by mail to the address listed below.

(Please write legibly.)

WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:

JULY 6TH

Name: Bruce R. Natale PE Organization: Cayuga County Planning

Address: 160 Geneva St, Auburn, NY

Comment: _____

All comments will be needed

Something app. @ ESA state guidance factors

are not registered, not authorized + not

licensed. Who will regulate? Who

will respond to spills? Must be mitigated,

Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Director, Eastern
Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214.



Written Comment Card

Bureau of Indian Affairs - Public Hearing on the DEIS for the Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

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(Please write legibly.)

WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH

Chair, Anthropology Dept.,
Stho. Coll.

not original

Name: JACK ROSSER

Organization: ~~Franklin Keel~~ ^{Chair, Anthropology Dept., Stho. Coll.}

Address: 1776 5th Ave. N.W., Albany, NY 12203

Comment: I strongly support the ~~application~~ ^{application}. Much of the history (See annotations of this trust application) has been revised or erased in the past. The Cayugas were neutral during the Revolution, yet were decimated by British forces in 1779. The Cayugas have thousands of years of history here, (Sagoyewew) to name a few. I know the Chiefs, Councils, the Mothers of the Cayugas & have worked with them for 10 years on various wild, water, cultural resource management & riparian issues. They care deeply about the environment, culture, health, safety, all the things we need here. This application covers a small amount of the original Cayuga homeland. To the best of my knowledge, it is a good one.

Please give to attendant, drop in written comment box, or mail to: Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214.



New York Farm Bureau • 159 Wolf Road P.O. Box 5330 • Albany, New York 12205 • (518) 436-8495 Fax: (518) 431-5656

Comment from Cayuga County Farm Bureau regarding the Environmental Impact Statement for the Cayuga Indian Nation of New York placing land in trust.

June 17, 2009

Good evening, my name is Jon Gilbert. I am a dairy farmer from Union Springs and serve on the Cayuga County Farm Bureau Board of Directors. I represent approximately 500 farm families in Cayuga County and am speaking on their behalf as well as for our 30,000 New York Farm Bureau farm families statewide.

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the proposed Fee-to-Trust transfer of land for the Cayuga Indian Nation of New York. Agriculture is a major land use in the areas that would be impacted by the Cayuga's fee-to-trust land transfer. We are gravely concerned over the financial impact to the local taxpayer and community infrastructure should the proposed land transfer be implemented.

Of particular concern to our members is the impact that placing the Cayuga's land in trust will have on the revenues to local governments and schools. Because placing land in trust will decrease the tax base for local property taxes, local governments and schools will need to cut services or find other sources of revenue. This will occur, even though the trust lands will still have access to various municipal services including fire protection, emergency services and roadway infrastructure and maintenance. In these dire economic times, every single tax dollar is precious and desperately needed to provide for municipal and education services which our farm communities depend on.

Farm businesses, must by necessity, own large areas of land and are therefore strongly impacted by increases in property taxes. It is likely that any loss in the tax base will result in increased property taxes to other landowners and be most acutely felt by our farmers. We believe the EIS does not adequately reflect the financial impacts to farm businesses from increased property taxes. Our farmers have already sustained substantial tax increases through the years due to unfunded state mandates and growing expenses for municipal services. We cannot sustain any further tax increases and remain in business.

Granting the Cayuga Nation of Indian's land transfer application will ultimately cause harm to agriculture, small businesses, residents and our local governments. The EIS needs to appropriately reflect the fiscal consequences to our strained and limited tax base and offer an alternate solution which will not put our local communities at risk.

7 500 Farm Families
Again, thank you for the opportunity to provide input into this very important issue.

Jon Gilbert, Member of the Cayuga County Farm Bureau Board of Directors

Written Comment Card

Bureau of Indian Affairs - Public Hearing on the DEIS for the Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

June 17, 6.00 p.m - 9.00, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

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Comments may also be submitted by mail to the address listed below.

(Please write legibly.)

WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH

Name: Brooko Hanson, Ph.D., Coordinator of Studies Organization: Native American College

Address: 1776 Ellis Hollow Rd Ithaca NY 14850

Comment: To support the approval of the application of the CILN to purchase land. There are numerous issues with the inaccuracies and misrepresentations in the States report by Jan Ayres regarding the impact of CILN trust land. There are many concerns about the ability of the state to regulate and protect the environment of the CILN trust land as approved. In case you hadn't noticed, the southern half of Cayuga Lake is listed as an endangered body of water and you can't swim there. The Ash in Cayuga Lake cannot safely be eaten - where was the state when these almost irreversible environmental tragedies happened? And now we are supposed to support

Please give to attendant, drop in written comment box or mail to: Franklin Keel, Regional Director, Eastern
Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214

Brian Chappell
6760 River Road
Cayuga, New York 13034
315 253-9229

To:
Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville, Tennessee 372114
Telefax: 615-564-6701

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

I'd like to open my comments with a quote by Sir Walter Scott, *Oh what a tangled web we weave when first we practice to deceive!*

The establishment of a sovereign nation for the Cayuga Indian Nation (CIN) by the Bureau of Indian Affairs (BIA) would be at best one of the most deceptive rulings a federal administration could bestow on Cayuga and Seneca Counties. It is because a sovereign CIN would be forever exempt from a number of state and local taxes, rules and regulations, and zoning issues.

The loss of taxable property, and sales tax would immediately begin to burden local and state budgets. The lack of regulations would allow the CIN to ignore proper guidelines and oversight to dispense such things as fuel. Local and State zoning regulations could be entirely ignored, which could lead to everything from unstable buildings, to the absence of public safety.

It is the most disgusting political arena, where a federally funded administration would choose to create a society here in New York State, where one nation would have special privileges over the other. It would be highly likely for these two nations to be forever at odds with one another on the grounds of inequality.

It is for these reasons mention in the above paragraphs, I feel that alternative 2: no action be taken, whereas under this alternative, no land would be put into trust for the CIN by the BIA. No action would be the best option to take, because it would insure everyone who lives in Cayuga and Seneca Counties equal rights; forever.

Sincerely,

Brian Chappell



Brian B. Chappell
6760 River Road
Cayuga, New York 13034
315 253-9229

To:
Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville, Tennessee 372114
Telefax: 615-564-6701

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

I recommend that alternative 2: no action, Whereas under this alternative, no land would be put into trust by the Bureau of Indian Affairs (BIA.)

I base my opinion on the increase in greenhouse gases, or carbon dioxide (CO₂) emissions due to the unnecessary burning of fossil fuels to travel longer distances to purchase fuel and tobacco products at the Cayuga Indian Nation (CIN.) The CIN does not collect or remit state and local taxes on gas and tobacco products, therefore offers these products at a reduced price compared to other competitors. This price reduction entices the general public to travel an extended distance to purchase tobacco and gas products.

According to a survey conducted by Cayuga County Legislator, David Axton, cigarette sales jumped dramatically at surrounding stores when the CIN stopped selling cigarettes in November of '08. Some store locations that experienced the increase of sales were as far away as thirty miles from the CIN store locations. Therefore, it is safe to say that the general public had been traveling extended distances to purchase fuel and tobacco products from the CIN when they were available.

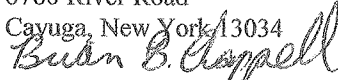
To give an example: if a vehicle gets 20 miles to the gallon, and a person travels ten miles out of his or her way to purchase fuel and tobacco products, that person has burned an extra gallon of fuel to go to and from the CIN to make a purchases that he or she could otherwise have made closer to home or during routine driving. For every gallon of gas consumed approximately 19.4 pounds of CO₂ is produced. If one hundred vehicles made this journey per week, a total of 1,940 Pounds of CO₂ would unnecessarily be produced. That would equate to over fifty (50) tons of CO₂ per year.

The debate over Greenhouse gas emissions from burning fossil fuels has grown considerably in the past few years. Most all industrial nations have agreed to limit and reduce greenhouse emissions.

I feel it is irresponsible for the Bureau of Indian Affairs to suggest establishing a sovereign nation that would create an unfair advantage to the CIN to sell fuel and tobacco products below any competitor. This would undoubtedly increase the travel distances the general public would be willing to make, and therefore increase CO₂ emissions.

Sincerely,

Brian B. Chappell
6760 River Road
Cayuga, New York 13034



CO₂ source: <http://www.epa.gov/OMS/climate/420f05004.htm>

Brian Chappell
6760 River Road
Cayuga New York 13034
315 253-9229

To:
Franklin Keel, Regional Director
Eastern Regional Office
Bureau of Indian Affairs
545 Marriott Drive, Suite 700
Nashville, Tennessee 37214
Telefax: 615-564-6701

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

An unsustainable society would be created in Cayuga and Seneca Counties if the Bureau of Indian Affairs (BIA) were to place land into trust for the Cayuga Indian Nation (CIN.) I base this opinion on the fact that if the CIN were to have reservation status, they would be exempt from local and state taxes. This would give the CIN the advantage to sell products such as tobacco and fuel, both heavily taxed items, at a considerably lower cost than other tax-paying competitors. Tax-paying competitors would find it difficult, if not impossible to compete with such an unfair advantage that the CIN would have. State and local governments would experience lower revenues and would eventually have to spread the tax burden out over different avenues, such as higher property taxes.

The CIN, however small it might be viewed as of now, would undoubtedly expand on all of its enterprises, and would pursue many other ventures such as gaming, hotels and gulf courses. The CIN would have everything to gain and virtually nothing to loose with a tax-free sovereign status. They would continue to grow, and the tax burden on the surrounding communities would increase due to less and less tax base to draw from. Eventually, local schools would find it impossible to balance their budgets, local governments would eventually go bankrupt due to the loss of their tax base. Perhaps it would only take a few years for the larger county governments to begin to cave in due to the vast advantage the CIN would enjoy, or perhaps it might take a few decades or generations: but it is without a doubt, local governments would eventually fail with the establishment of a sovereign nation such as the one proposed by the CIN.

The establishment of sovereign nation status for the CIN is truly the creation of an unsustainable society, and not in the best interest for a strong healthy maintainable community. It is for these reasons, I feel it would be irresponsible for the BIA to grant the CIN reservation status.

Sincerely,

Brian Chappell.



DAILY THOUGHT

Life is for most of us a continuous process of getting used to things we hadn't expected.

—Martha Lupton



THE 7 HABITS
OF EFFECTIVE PEOPLE

06/20/09

171st day / 194 left / week 26

By Martha Davis signed - (M.D.)

DAILY NOTES

We all benefit greatly from living in this land of prosperity and opportunity. We all have access to goods & services at the federal, state and local levels that are second to none in the world.

Health care, social programs, police & fire protection, and a well-maintained system of roads are just some of the things that we all benefit from directly & indirectly on a daily basis. Job, safety, and the social stability needed to build a worthy infrastructure for our children are tied directly to the well-being of this infrastructure and to the integrity of our country's social fabric.

Like all things in life, these things are not free. As responsible citizens, we are expected to do our part to support this infrastructure we all benefit from by paying our taxes, state & local taxes such as property tax, fuel tax, and cigarette tax

are used to pay our police officers, fire fighters, and EMTs, to maintain the roads, sewers, and waterways, to educate our children, to fund programs that provide a social safety net for all.

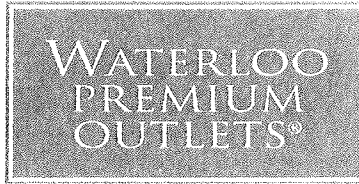
The Cayuga land trust represents an effort by a small group to take their responsibilities as Americans and as citizens of the State of NY the Cayugas through their land trust grant program to provide more of the social services that we

JUNE 2009

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JULY 2009

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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

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.

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.
- 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.
- 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.
- 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.

Regulatory Jurisdiction:

- 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.

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,



Karen Dodson
General Manager
Waterloo Premium Outlets

6-17-09

My name is Ros Parks and I am, among other things, the President of the Seneca County Towns Highway Superintendents Association. All towns are now digging deeply to try and make ends meet, while costs are rising and the concept of any loss of tax base is devastating at this time of crisis. Towns and their Highway Departments, which, by the way command the majority of a town's budget, receive their operating funds from local real estate tax receipts and some state aid. Highway funds come to the towns from the State through CHIPS payments, ("CHIPS" is an Acronym for Consolidated Highway Improvement Program System). These funds are distributed based on, among other things, the number of miles of roads in each town.

The CHIPS funds are derived from gasoline excise taxes and truck highway use taxes.

For an enterprise to sell motor fuel and fail to collect and remit these taxes ROBS the State, Counties, Towns, and Villages of these much needed funds. Furthermore, for such an enterprise to sell products at a price lower than ~~that~~ the law abiding tax collecting businesses, commerce is taken from law abiding merchants, and when coupled with the sale of tax free ciggarettes and gambling leads to increased traffic, and tragically, greater deterioration of our road system, coupled with losses of our two primary revenue sources

that fund maintenance and repairs of our already challenged road net work will be catastrophic, and I submit that the Draft Environmental Impact Statement fails to recognize any of these crippling impacts on our community. This is not in anyway acceptable to our long established local governments.

There are many other issues which I intend to address in writing, but I felt a need to speak on this issue as it has not received much focus tonight

No Action Should be taken on this DEIS!
Thank You.

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

Ted O'Hara
O'Hara Farms
1290 Chamberlain Rd.
Auburn, N.Y. 13021

June 15, 2009

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

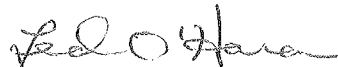
Our family farm is in the affected area, and we are heavily restricted and regulated by government, as to when and where we can carry out farming operations. All of this is done to monitor and minimize our environmental impact. We must be very conscientious about our environmental stewardship. This can be very frustrating at times to have government determining what our best practices should be. We can live with this as long as we know that everyone is being treated the same, living by the same rules. There is a problem if the Cayuga Nation is allowed to ignore environmental regulations. Those of us selectively targeted become bitter and view our government as our enemy. This is highly disruptive to the local social environment.

Financially we can not compete with those who are outside of our laws and regulations. As land owners, we carry the bulk of our local tax burden. We already must absorb the ever increasing taxation levels caused by government growth. To continually decrease the local tax base by dropping property and businesses, simply puts us as an agricultural community at a great economic disadvantage. We are prepared to deal with the adversities of weather, breakdowns, low price cycles, but to end up with government as our enemy rather than partners; this is what destroys a local community. Ultimately it will break our spirit, and will lead our future generation of potential farmers to say "forget it, let someone else feed our neighbors".

Allowing the Cayuga Nation to move forward, placing their current and future land purchases in trust means having those properties become sovereign. Those lands being outside local environmental laws and taxation will gravely effect the agricultural community. We can not continue as a viable industry under such physical, social, and economic duress.

I implore the Bureau of Indian Affairs to deny this application, thus preventing the breakdown of our entire community.

Thank you,



Ted O'Hara

Stephen Dougherty
7 Mumford St.
Seneca Falls, NY 13148
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

Dear Mr. Keel:

As a resident of Seneca Falls, NY the Draft Environmental Impact Statement regarding the Cayuga Indian Nation's Land into Trust Application causes me great concern. I oppose the land-into-trust application and want the Bureau of Indian Affairs to deny the application for many reasons.

The land put into trust will be taken off the tax rolls which will have an impact on property taxes collected that support the operation of schools and local governments. This will create a greater tax burden on area property owners who will have to make up the difference. While I recognize it is approximately 125 acres now, there is little that would prevent more land from being put into trust creating a sense of unease and reduced ability to predict what our future tax base will be.

Cayuga Indian Nation businesses will have an unfair advantage over other area businesses because they will not have to pay taxes while still receiving services. As more businesses open, other businesses will have difficulty remaining profitable in Seneca and Cayuga County. That would further hurt our area's tax base and employment opportunities would likely decline.

My understanding is that land put into trust does not have to follow zoning laws and environmental regulations. Perhaps none of the businesses in operation now currently pose a threat to our zoning and environment, however what is to prevent a new or existing business from ignoring these laws once the land is put into trust? Potential exists for harm to come to our land, water supply and overall quality of life when laws can be ignored.

There are questions regarding property values that need to be answered. What affect would putting land into trust have on commercial and residential property values? Will property values go down near land being put into trust due to potential tax, business, environmental and other issues that could arise?

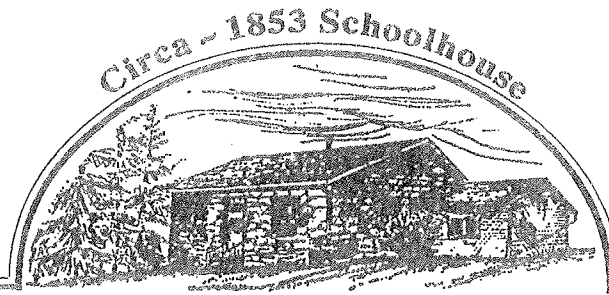
The Cayuga Indian Nation's application for putting Seneca and Cayuga county land into trust should not be granted. Thank you for the opportunity to submit my comments and concerns into the public record.

Sincerely,


Stephen Dougherty

Linda M. Rice
Superintendent

FAX: 889-4108



John Greer
President, Board of Education

UNION SPRINGS CENTRAL SCHOOL DISTRICT
239 Cayuga St., Union Springs, New York 13160 ♦ Telephone: (315)889-4101

June 12, 2009

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

Re: Cayuga Nation of Indians of New York

Dear Mr. Keel:

On behalf of the Union Springs Central School District, (hereinafter the "District") thank you for the opportunity to share information regarding the Cayuga Nation of Indians of New York's (hereinafter the "Nation's") application to place land located within the District into federal trust. The trust application has implications to our school community and we welcome the opportunity to comment on the same.

Real Property Taxes

The Union Springs Central School District is a small rural District serving approximately 950 students in grades K through 12. Our District is made up of single family residences and farm land. The District's primary source of revenue is state aid and property taxes. The removal of approximately 244 acres of land from the District's tax base will have a significant impact on the programs and services offered by the District.

The 2008 school taxes levied upon the thirteen (13) properties owned by the Nation are as follows:

Tax map parcel #134.17-1-1.121	↪ 299 Cayuga Street	135.000x317.00	\$19,978.09
Tax map parcel #134.17-1-1.21	↪ 303 Cayuga Street)	1.00	\$3,285.29
Tax map parcel #134.17-1-1.51	↪ North Cayuga Street	108.00	\$6,659.36
Tax map parcel #141.05-1-3	↪ 271 Cayuga Street	1.48	\$1,919.67
Tax map parcel #141.06-1-5	↪ 256 Cayuga Street	14.50	\$6,256.25
Tax map parcel #141.06-1-6	↪ North Cayuga Street	12.40	\$ 198.89
Tax map parcel #141.17-1-37.1	↪ South Cayuga Street	10.90	\$6,907.98
Tax map parcel #141.17-1-38	↪ 9 Cayuga Street	154.83x100	\$3,205.37
Tax map parcel #150.00-1-10.112	↪ State Route 90	7.80	\$1,172.05
Tax map parcel #150.00-1-2.1	↪ State Route 90	10.72	\$6,179.89

The deed from B.E.P. Properties, Inc. to the Cayuga Nation of New York recorded on March 3, 2005, specifically excepts from the property transferred to the Nation, the Oil and Gas lease granted to Pioneer from Gable in 1978. It is our understanding that should the Nation's trust application be approved, oil and mineral rights associated with the properties will be transferred to the federal government. The District has a significant interest in ensuring the continued production and use of the natural gas well. The District had expected the school to benefit from the well's production for many years in the future.

In accordance with the Farm-Out Agreement, the District has traditionally paid a royalty to the property owner. The District has been instructed by the Nation's counsel that they do not want to accept their portion of the royalty payment at this time. The District is anxious to resolve its rights with respect to the natural gas well to ensure uninterrupted production. The interruption or loss of production by the well may cost the District approximately \$109,800 per year in additional heating/fuel costs annually if paid through SMEC. The District's areas of concern include access to the well site for inspection and monitoring, continued production concerns and concerns surrounding the future use of the well by the Nation, which may deplete the District's resources. We welcome the opportunity to discuss our concerns further with you and arrive at a cooperative agreement addressing the District's future use of the natural gas well.

Local Oversight

The District's final area of concern is the Nation's potential use of the subject properties for purposes which are inappropriate near a school setting. The properties proposed to be placed in trust are located adjacent and/or in close proximity to the District's high school. The District maintains a concern surrounding the possible sale of tobacco and alcohol and gaming activities, as well as law enforcement jurisdictional problems which may arise on these parcels. Currently, provisions of federal and state law prohibit and restrict smoking, the use or sale of alcohol near school sites and prohibit sales of tobacco and alcohol to school-aged children. These laws are enforced by New York State and local police agencies. It is unclear who will be responsible for enforcing these laws should the properties be placed in trust. Students may attempt to evade these laws by engaging in activities on Nation land. The patchwork of governance and jurisdiction which will apply to the Nation land may create a potential threat to the health and safety of the District's children. The District further maintains a concern surrounding the ability of the Bureau of Indian Affairs to properly administer the trust property from Nashville, Tennessee. Many times incidents involving children require an immediate response. Without a clear delineation of the line of responsibility for the Nation's properties, the well being of our school children may be jeopardized.

Office of Town Clerk
TOWN OF SENECA FALLS, NY

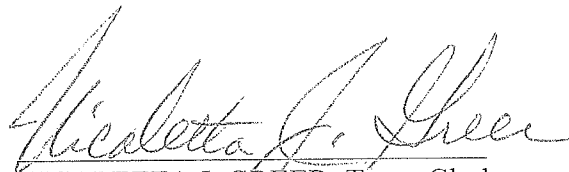
NICALETTA J. GREER
Phone (315) 568-8013
Fax (315) 568-4672

81 W. Bayard Street
Seneca Falls, New York 13148
E-mail: ngreer@senecafalls.com

I, Nicaletta J. Greer, Town Clerk of the Town of Seneca Falls, Seneca County, New York, do hereby certify that the foregoing is a true and correct transcript of a Resolution which was unanimously adopted by the Town Board of the Town of Seneca Falls, New York at a Meeting held on June 2, 2009.

DATED: June 8, 2009

SEAL:


NICALETTA J. GREER, Town Clerk
Town of Seneca Falls

Seneca Falls Town Board Opposes Cayuga Indian Nation's Land-Into-Trust Application

Whereas, the Bureau of Indian Affairs (BIA) has released the Draft Environmental Impact Statement (DEIS) which supports the proposed Fee-to-Trust conveyance of 125 acres of land in Seneca and Cayuga Counties owned by the Cayuga Indian Nation (CIN) in the State of New York, and

Whereas, the property in question is on "ancestral land" which is not currently reservation and thus the application is being treated improperly as "on reservation" rather than an "off reservation" application, and

Whereas, the DEIS concludes erroneously that there will be no significant impact by the taking of this land into Federal Trust for the CIN, and

Whereas, land taken into trust for the CIN becomes sovereign territory which would render the land exempt from property taxes, special district charges and other fees, thus negatively impacting counties, towns, villages along with school, fire, water and sewer districts, and

Whereas, the DEIS asserts cynically that the CIN has "no plans for further development on the properties subject to the proposed action", and

Whereas, the DEIS makes no mention of the 765 additional acres already owned by the CIN and the Nations intent to buy many more acres in both Seneca and Cayuga Counties with the understand that there would be further request for trust applications knowing that they could purchase up to 64,015 acres which could be eligible for trust application, and

Whereas, the DEIS fails to consider the current operations of LakeSide Trading and the fact that have and will continue to drive out of business other convenience stores and gas stations because the CIN has not collected state sales and excise taxes on gasoline, tobacco and other products sold, thus also reducing the sales tax revenue of both counties, and

Whereas, the DEIS treats gaming as an existing condition and makes no study of its prior/future impacts on the community, stating only that “the Nation would provide information to its patrons regarding gambling addiction counseling services available in the area”, and

Whereas, the DEIS admits that the sole source of tribal revenues comes from its gas stations, convenience stores and gaming operations, but does not acknowledge that the sale of untaxed gas and cigarettes and its gaming operations were both determined to be illegal, and

Whereas, the DEIS states that “No members of the Nation are known to reside in Seneca or Cayuga County” and that “The proposed action is intended to further the lifestyle, cultural values and objectives of the Nation by advancing the Nation’s goals of re-establishing tribal presence in its former homeland” yet on the very same page (4.8-2) it makes the inconsistent statement that “It is not anticipated that members of the Cayuga Nation would be relocated to the Project area, and

Whereas, the DEIS indicates that the median household income of CIN members to be \$26,722 compared to Seneca and Cayuga county residents average median income of \$37,000+, but makes no mention of the impact the lower household income would have on local social service programs should CIN members move to the counties, and

Whereas, DEIS minimizes the impact of costs for roads, water, sewer infrastructure, police and fire protection, and other services that would be provided to the nation’s properties without guaranteed reimbursement from the CIN, and

Whereas, land placed in trust is removed from local governmental jurisdiction in terms of air, soil and water regulations, zoning and land use regulations, building codes and other community standards, and

Whereas, the DEIS fails to address the impact of checker-boarded sovereign land which was pointed out in the City of Sherrill vs. the Oneida Nation, and

Whereas, the DEIS fail to recognize the U.S. Supreme Court decision in Carcieri vs. Salazar which prohibits the Secretary of the Interior from taking land into trust for and Indian tribe, such as the CIN, which was not federally recognized and under federal jurisdiction in 1934, and be it therefore

Resolved, that the Seneca Falls Town Board (SFTB) rejects the preferred alternative contained in the DEIS and calls upon the BIA to elect the NO ACTION alternative, and be it further

Resolved, that the SFTB calls upon the BIA to reject all further fee-to-trust applications of the CIN in accordance with the Carsieri vs. Salazar decision, and be it further

Resolved, that a copy of this resolution be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214.

Zoning

FRANK SINICZAP
CHAIRMAN of Zoning Bd of App's + Board of Equalization
SENECA Falls, N.Y.
Review.

From Wikipedia, the free encyclopedia

Zoning is a device of land use regulation used by local governments in most developed countries ^{[1][2]} ^[3]. The word is derived from the practice of designating permitted uses of land based on mapped zones which separate one set of land uses from another. Zoning may be use-based (regulating the uses to which land may be put), or it may regulate building height, lot coverage, and similar characteristics, or some combination of these.

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 - 2.1 Origins and history
 - 2.2 Zoning types in the United States
 - 2.2.1 Euclidean
 - 2.2.1.1 Standard Euclidean
 - 2.2.1.2 Euclidean II
 - 2.2.2 Performance
 - 2.2.3 Incentive
 - 2.2.4 Form-based
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- 4 Australia
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- 6 See also
- 7 References
- 8 Further reading
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ZONING TRYS TO BRING ORDER TO LAND USE.

IF ANY GROUP OF INDIVIDUALS IS EXEMPT FROM THESE REGULATIONS WE WILL SEE CHAOS WITH LAND USE.

NO ONE SHOULD BE EXEMPT FROM FOLLOWING TOWN ZONING RULES + REGULATIONS. LAND IN TRUST WILL HARM THE CHARACTER OF THE COMMUNITY.

I ~~THAT THE BOARD~~ SAY NOT ONE SQ INCH OF LAND INTO TRUST.

Scope

Theoretically, the primary purpose of zoning is to segregate uses that are thought to be incompatible. In practice, zoning is used to prevent new development from interfering with existing residents or businesses and to preserve the "character" of a community. Zoning is commonly controlled by local governments such as counties or municipalities, though the nature of the zoning regime may be determined or limited by state or national planning authorities or through enabling legislation^[4]. In Australia, land under the control of the Commonwealth (federal) government is not subject to state planning controls. The United States and other federal countries are similar. Zoning and urban planning in France and Germany are regulated by national or federal codes. In the case of Germany this code includes contents of zoning plans as well as the legal procedure.

Zoning may include regulation of the kinds of activities which will be acceptable on particular lots (such as open space, residential, agricultural, commercial or industrial), the densities at which those activities can be performed (from low-density housing such as single family homes to high-density such as high-rise apartment buildings), the height of buildings, the amount of space structures may occupy, the location of a building on the lot (setbacks), the proportions of the types of space on a lot, such as how

much landscaped space, impervious surface, traffic lanes, and parking must be provided. In Germany, zoning usually includes building design, very specific greenspace and compensation regulations. The details of how individual planning systems incorporate zoning into their regulatory regimes varies though the intention is always similar. For example, in the state of Victoria, Australia, land use zones are combined with a system of planning scheme overlays to account for the multiplicity of factors that impact on desirable urban outcomes in any location.

Most zoning systems have a procedure for granting variances (exceptions to the zoning rules), usually because of some perceived hardship caused by the particular nature of the property in question.

Basically, urban zones fall into one of five major categories: residential, mixed residential-commercial, commercial, industrial and special (e. g. power plants, sports complexes, airports, shopping malls etc.). Each category can have a number of sub-categories. In Germany, e. g., each category has a designated limit for noise immissions (not part of the building code, but federal immissions code). In the United States or Canada, for example, residential zones can have the following sub-categories:

R-1: Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

Boarding houses, Hotels, Motels

R-2: Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses, Boarding houses, Convents, Dormitories

R-3: Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units. Adult care facilities for five or fewer persons for less than 24 hours.

R-4: Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants.

U.S.

Zoning regulations fall under the police power rights state governments may exercise over private real property.

Origins and history

Special laws and regulations were long made, restricting the places where particular businesses should be carried on. In the 1860s a specific State statute prohibited all commercial activities along Eastern Parkway (Brooklyn), setting a trend for future decades.

In 1916, New York City adopted the first zoning regulations to apply city-wide as a reaction to construction of The Equitable Building (which still stands at 120 Broadway). The building towered over the neighboring residences, completely covering all available land area within the property boundary, blocking windows of neighboring buildings and diminishing the availability of sunshine for the people in the affected area. These laws, written by a commission headed by Edward Bassett and signed by

About.com Geography



Zoning

Residential, Commercial, or Industrial?

By Matt Rosenberg, About.com

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While European cities in the late 19th century developed the controls that would later evolve into what is known today as zoning, New York City developed the first zoning ordinance in 1916. New York's 1916 Zoning Resolution established height and setback controls on buildings and separated incompatible uses to stop the encroachment of industry into Manhattan's office and department store district.

As skyscrapers became popular at the beginning of the 20th century, New Yorkers complained about the negative impact of the buildings' ability to block sunlight. The zoning ordinance specified that buildings would be shaped like a wedding cake and taper toward the top in a stair-step style. Later zoning ordinances and building regulations changed the size and shape of buildings in the city over the following decades.

Many cities followed New York's lead in establishing zoning ordinances and excluding obnoxious or incompatible uses from residential areas, protecting property values and thus changing the value of land based upon the zoning qualifications. The town of Euclid, Ohio passed a zoning ordinance that resulted in devaluation of 68 acres of land owned by Ambler Realty Company. The company sued the town, claiming that their land was taken in violation of the Fifth Amendment to the U.S. Constitution, which reads "...nor shall private property be taken for public use, without just compensation." In 1926 the U.S. Supreme Court ruled in the case, Village of Euclid, Ohio, v. the Ambler Realty Company, and found that zoning is constitutional, provided that it is designed to protect the public health, welfare, and safety.

Traditional zoning has proven less than popular in many cities. Zoning typically segregates land uses into three main categories - residential, commercial, and industrial. Thus, if a section of a city is zoned residential, then no commercial uses are allowed in the area so a grocery store cannot be built within a housing area. While zoning has served to protect property values and has enhanced the use of the automobile, it has created less than appealing cities. Over the past few decades, the "planned use development" (or PUD) has come into favor. It allows cities to zone a new section of development with mixed uses and to allow single family homes near apartments and offices and grocery stores near residential areas so people can work and shop close to home. The New Urbanism further modifies zoning to result in livable communities.

The city of Houston, Texas is notable for its lack of zoning ordinances, yet some are pushing for zoning in this final holdout city.

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Mayor John Purroy Mitchel, became the blueprint for zoning in the rest of the country, partly because Bassett headed the group of planning lawyers which wrote The Standard State Zoning Enabling Act that was accepted almost without change by most states. The effect of these zoning regulations on the shape of skyscrapers was famously illustrated by architect and illustrator Hugh Ferriss.

The constitutionality of zoning ordinances was upheld in 1926. The zoning ordinance of Euclid, Ohio was challenged in court by a local land owner on the basis that restricting use of property violated the Fourteenth Amendment to the United States Constitution. Though initially ruled unconstitutional by lower courts, the zoning ordinance was upheld by the U.S. Supreme Court.^[5] In doing so, the Court accepted the arguments of zoning defenders that it met two essential needs. First, zoning extended and improved on nuisance law in that it provided advance notice that certain types of uses were incompatible with other uses in a particular district. The second argument was that zoning was a necessary municipal-planning instrument. By the late 1920s most of the nation had developed a set of zoning regulations that met the needs of the locality.

New York City went on to develop ever more complex set of zoning regulations, including floor-area ratio regulations, air rights and others according to the density-specific needs of the neighborhoods.

Among large populated cities in the United States, Houston is unique in having no zoning ordinances.^[6] Houston voters have rejected efforts to implement zoning in 1948, 1962 and 1993. However, land use is still very much regulated in Houston: up until 1999, single-family homes (which includes 98% of all housing stock) had to occupy 5,000 square feet (460 m²) of land. Apartment buildings currently must have 1.33 parking spaces per bedroom, and 1.25 for each efficiency. Some have argued that this sort of regulation has similar effects as zoning, and therefore can be regarded as a sort of roundabout zoning.^[7]

Zoning types in the United States

Zoning codes have evolved over the years as urban planning theory has changed, legal constraints have fluctuated, and political priorities have shifted. The various approaches to zoning can be divided into four broad categories: Euclidean, Performance, Incentive, and Design-based.

Euclidean

Named for the type of zoning code adopted in the town of Euclid, Ohio, and approved in a landmark decision of the U.S. Supreme Court,^[8] Euclidean zoning codes are by far the most prevalent in the United States, used extensively in small towns and large cities alike.

Standard Euclidean

Also known as "Building Block" zoning, Euclidean zoning is characterized by the segregation of land uses into specified geographic districts and dimensional standards stipulating limitations on the magnitude of development activity that is allowed to take place on lots within each type of district. Typical types of land-use districts in Euclidean zoning are: residential (single-family), residential (multi-family), commercial, and industrial. Uses within each district are usually heavily prescribed to exclude other types of uses (residential districts typically disallow commercial or industrial uses). Some "accessory" or "conditional" uses may be allowed in order to accommodate the needs of the primary uses. Dimensional standards apply to any structures built on lots within each zoning district, and typically take the form of setbacks, height limits, minimum lot sizes, lot coverage limits, and other limitations on the "building envelope".

Euclidean zoning is utilized by some municipalities because of its relative effectiveness, ease of implementation (one set of explicit, prescriptive rules), long-established legal precedent, and familiarity to planners and design professionals.

However, Euclidean zoning has received heavy criticism for its lack of flexibility and institutionalization of now-outdated planning theory.

Euclidean II

Euclidean II Zoning uses traditional Euclidean zoning classifications (industrial, commercial, multi-family, residential, etc.) but places them in a hierarchical order "nesting" one zoning class within another similar to the concept of Planned Unit Developments (PUD) mixed uses, but now for all zoning districts; in effect, adding a third dimension to flatland Euclidean zoning. For example, multi-family is not only permitted in "higher order" multi-family zoning districts, but also permitted in high order commercial and industrial zoning districts as well. Protection of land values is maintained by stratifying the zoning districts into levels according to their location in the urban society (neighborhood, community, municipality, and region). Euclidean II zoning also incorporates transportation and utilities as new zoning districts in its matrix dividing zoning into three categories: Public, Semi-Public and Private. In addition, all Euclidean II Zoning permitted activities and definitions are tied directly to the state's building code, Municode and the North American Industry Classification System (NAICS) assuring statewide uniformity. Euclidean II zoning fosters the concepts of mixed use, new urbanism and "highest and best use"; and, simplifies all zoning classifications into a single and uniform set of activities. It is relatively easy to transition from most existing zoning classification systems to the Euclidean II Zoning system.

Performance

Also known as "effects-based planning", performance zoning uses performance-based or goal-oriented criteria to establish review parameters for proposed development projects in any area of a municipality. Performance zoning often utilizes a "points-based" system whereby a property developer can apply credits toward meeting established zoning goals through selecting from a 'menu' of compliance options (some examples include: mitigation of environmental impacts, providing public amenities, building affordable housing units, etc.). Additional discretionary criteria may also be established as part of the review process.

The appeal of performance zoning lies in its high level of flexibility, rationality, transparency and accountability. Performance zoning can avoid the sometimes arbitrary nature of the Euclidian approach, and better accommodates market principles and private property rights with environmental protection. However, performance zoning can be extremely difficult to implement and can require a high level of discretionary activity on the part of the supervising authority leading to the potential for disenfranchisement among negatively affected stakeholders.

Incentive

First implemented in Chicago and New York City, incentive zoning is intended to provide a reward-based system to encourage development that meets established urban development goals. Typically, a base level of prescriptive limitations on development will be established and an extensive list of incentive criteria will be established for developers to adopt or not at their discretion. A reward scale connected to the incentive criteria provides an enticement for developers to incorporate the desired development criteria into their projects. Common examples include FAR (floor-area-ratio) bonuses for

affordable housing provided on-site, and height limit bonuses for the inclusion of public amenities on-site.

Incentive zoning allows for a high degree of flexibility, but can be complex to administer. The more a proposed development takes advantage of incentive criteria, the more closely it has to be reviewed on a discretionary basis. The initial creation of the incentive structure in order to best serve planning priorities can also be challenging and often requires extensive ongoing revision to maintain balance between incentive magnitude and value given to developers.

Form-based

Form-based codes offer considerably more flexibility in building uses than do Euclidean codes.

Form based zoning regulates not the type of land use, but the form that that land use may take. For instance, form based zoning in a dense area may insist on low setbacks, high density, and pedestrian accessibility among other things. As another example, in a largely suburban single family residential area, uses such as offices, retail, or even light industrial could be permitted so long as they conformed (setback, building size, lot coverage, height, and other factors) with other existing development in the area.

Form-based zoning relies on rules applied to development sites according to both prescriptive and potentially discretionary criteria. These criteria are typically dependent on lot size, location, proximity, and other various site- and use-specific characteristics.

Form based zoning also may specify desirable design features, however when form-based codes do not contain appropriate illustrations and diagrams, they have been criticized as being difficult to interpret. One example of a recently adopted code with design-based features is the Land Development Code adopted by Louisville, Kentucky in 2003. This zoning code creates "form districts" for Louisville Metro. Each form district intends to recognize that some areas of the city are more suburban in nature, while others are more urban. Building setbacks, heights, and design features vary according to the form district. As an example, in a "traditional neighborhood" form district, a maximum setback might be 15 feet (4.6 m) from the property line, while in a suburban "neighborhood" there may be no maximum setback.

Since the concept of form based codes is relatively new, this type of zoning may be more challenging to enact.

One version of form-based or "form integrated" zoning utilizes a base district overlay method or "composite" zoning. This method is based on a euclidian framework and includes three district components - a use component, a site component and an architectural component. The use component is similar in nature to the use districts of euclidian zoning. However, with an emphasis on form standards, use components are typically more inclusive and broader in scope. The site components define a variety of site conditions from low intensity to high intensity such as size and scale of buildings and parking, accessory structures, drive-through commercial lanes, landscaping, outdoor storage and display, vehicle fueling and washing, overhead commercial service doors, etc. The architectural components address architectural elements and materials. This zoning method is more flexible and contextually adaptable than standard euclidian zoning while being easier to interpret than other form based codes. It has been utilized primarily for contemporary "conventional" standards and has not yet been fully developed for traditional standards.

U.K.

6-17-09

Stephanie K Church 6415 Short Road Cayuga, NY 13034
DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

I am Stephanie Church, from the Town of Aurelius, where I serve on the Town Board.

The DEIS is incomplete and insufficient. It does not adequately explain the need to take land into trust. The Cayuga Indian Nation has existed for roughly ^(not necessarily with federal recognition) 200 years, without land into trust in Cayuga & Seneca Counties. They have clearly demonstrated that they don't need the government's help & protection to buy land & business enterprises. Just because they want to be treated as special and ^{above the law} exempt, it doesn't mean they should be.

The DEIS [&] does not explain why this Land into Trust application for non-contiguous parcels is not ^{considered} checkerboard, which the US Supreme Court ruled against in its Sherrill decision.

The DEIS overestimates the ^{unsubstantiated} positive impacts of the Land into Trust application, and largely ignores the negative effects.

Economic, social + environmental
 These¹ negative impacts include:

- decreased tax revenues
- increased demand for community infrastructure + services
- ~~potential~~ ^{increased} pollution from inadequately maintained fuel tanks
- increased criminal activity, and
- unregulated ~~review~~ land use + environmental activities

We want to believe that people are fundamentally good, but ~~the reason~~ we have laws + regulations ^{because} that's not always the case. The DEIS is deficient in that it only reviews current use. It makes no consideration of future ~~use~~ use + development. Should Land into Trust status be granted, the Cayugas would be free to develop land as they see fit, be it as a casino, or a 5000 head hog farm with runoff to Cayuga Lake, or a landfill to rival Seneca Meadows. ~~Forever~~ Forever is indeed a long time, and future use should be considered in the DEIS.

* In particular, the DEIS does not adequately provide mechanisms to protect our most valuable natural resource, Cayuga Lake. As part of a recent revision to our Town's Comprehensive Plan, over 90% of our

The Cayuga Lake ~~Watershed~~
 Inter-municipal
 Watershed
 Organization,
 comprised of

residents stated it is important or very important
 → Municipalities from throughout the Cayuga Lake watershed, ~~have~~ ^{has} created a Restoration + Protection Plan for the lake, to protect Cayuga Lake. ~~the~~ The DEIS offers no mitigations

6-17-09

Stephanie K Church

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to protect ~~our~~ ~~most~~ this ~~is~~ beautiful & economically vital resource.

In short, the DEIS assumes the best & offers no mitigations for the worst. This leaves our communities of tax-paying, ^{law-abiding} US citizens with no way to preserve our own heritage and defend our future from this onslaught of greed.

I urge you to ^{find in favor of option 2,} ~~take~~ no action, on this Land into Trust application.

1, Elizabeth Koon, of 1221 Powers Road, Cayuga, NY 13034 find the Draft Environmental Impact Study to be deficient in the following ways:

1. It ignores the impact of having this land taken off the tax rolls, which will increase the tax responsibility of the other land owners.
2. It would allow trust properties to use our community's infrastructure without sharing in the cost to maintain such infrastructure.
3. It ignores the detrimental effect of having trust properties be exempt from state, county, town, and village laws and regulations.
4. It ignores the detrimental effect of having our beautiful area turned into a patchwork of trust and non trust land. Laws and regulations are only effective if they apply uniformly over an extended area. It puts the health of our lake, land, and people at risk – forever.
5. It would allow for the possible development of gaming and other questionable activities that are not in accord with the spirit of our community to be imposed upon area residents – even in close proximity to the Middle/High School in the village of Union Springs.
6. In our school system we teach the importance of abiding by local, state, and federal laws. Our students would learn that some people and places in our country are exempt from these laws, which undercuts the entire philosophy of being a law abiding nation.
7. Non-Indian businesses, which must pay taxes, may not be able to compete with Indian operated businesses. Some may be forced to shut down, resulting in the loss of jobs and tax revenue. Other potential businesses may be discouraged from operating in our communities because of the discriminating competition they would face.
8. It ignores the probability that, due to all of the above, the value of our land and residences for resale will steadily decline.
9. It ignores the probability that more and more land in the area will be purchased by the Cayuga Indian Nation and submitted for placement into trust. Over time, the control of our area, by and for the people, will diminish and this historic part of our country where we have grown up and chosen to live will be changed forever.
10. Contrary to the finding in the Draft Environmental Impact Statement, the proposed land into trust conveyance would have a highly significant, and negative, environmental impact on our region.

*Please find in favor
of option 2, no action,
on this land into Trust
application.*

6/17/09

Elizabeth Koon

Written Comment Card

Bureau of Indian Affairs – Public Hearing on the DEIS for the
Cayuga Indian Nation of New York Conveyance of Lands into Trust Application

June 17, 6:00 p.m. – 9:00, or until the last public comment is received
New York Chiropractic College, State Route 89, Seneca Falls, NY 13148

*If you would like to submit a written comment please complete the following information and
comment in the space provided below. Give to attendant or drop in the written comment box.
Comments may also be submitted by mail to the address listed below.*

(Please write legibly.)

**WRITTEN COMMENTS WILL BE ACCEPTED UNTIL:
JULY 6TH**

Name: Robert Church Organization: Patterson Farms Inc
Address: 6415 Short Rd Cayuga NY 13021
Comment: I am concerned about the risk to our beautiful lake and environment. The Environmental impact study has no standing because it can't be enforced.

Please give to attendant, drop in written comment box, or mail to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville TN 37214.

EDGAR E. BACKLUND
4608 Rte 89
Seneca Falls, New York 13148
ebacklund@rochester.rr.com

June 16, 2009

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

Dear Mr. Keel:

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

While I could address the subject of “reverse discrimination” relative to the unfair business practices, I would like to address the practice of the Cayuga Nation buying land with their illegally obtained money and the consequences thereof.


With unlimited amounts of money the Nation is able to purchase available property at inflated prices, which increase the value of surrounding land with attendant higher land assessments, and land assessments in New York are already inflated. A case in point is the recent purchase of 151 acres in the Town of Varick purchased for \$785,000 (assessed value - \$220,500). Needless to say, this purchase price will affect assessments in the Town of Varick.

At present the Cayuga Nation wants to place 129 acres in the Town of Seneca Falls into trust. If this is allowed they will undoubtedly want to put more ill obtained land into trust. At present, the Cayuga Nation owns 895 acres in Seneca and Cayuga Counties. After artificially increasing the land values putting the land in Trust, the land is removed from tax roll and landowners are left with higher taxes. By converting the land to federal title the land becomes exempt from state and local taxation, local land use regulations, local law enforcement, and could not be taxed for community services such as fire, police protection, education and road maintenance. Not subject to existing zoning ordinances the Nation could do with the land what it would. The trust process removes land from local jurisdiction, places the land under federal authority, thereby reducing the balances intended by the Constitution.

To sum it up: if the Cayuga Nation continues to buy land at inflated prices and is allowed to place it into trust, we non-Indian landowners face higher assessments, higher taxes and our local and state governments would have no jurisdiction over the land or its uses.

The ramifications of this proposal ultimately affect all Americans everywhere in the 50 states. How could we possibly explain to our children the handing over of our basic and equal rights under the Constitution? It seems discriminatory to provide special immunity to the few at the expense of the many.

Thank you for your consideration.

Sincerely,

Edgar E. Backlund
Landowner, Town of Varick

cc: NYS Governor Paterson, Congressman Michael Arcuri, Congressman Dan Maffei, U.S. Senator Chuck Schumer, U.S. Senator Kirsten Gillibrand, N.Y. Senator Michael Nozzolio, N.Y. Assemblyman Gary Finch, N.Y. Assemblyman Brian Kolb, Cayuga County Legislature, Seneca County Board of Supervisors

removed from the USA, and to be completely separate nations. If we were to be really serious about this, then we would expect that if we wanted to buy things at the Trading Post in Union Springs, we would go through a border-crossing station, like going into Canada, buy the things, and then go through the border-crossing station again, assuring the US official there that, no, we are not bringing anything illegal into the USA, that, yes indeed, we are US citizens, and that, if necessary, we could produce a passport book, and passport card, or some other proof of US citizenship. If we were really serious about this, we would expect that during our stay at the Union Springs Trading Post, we could not be assured of the protection of the Constitution of the USA, but would be subject to the legal system of a foreign country, which might or might not be as good as the legal systems of the USA and Canada. I doubt that any of us would really like to relocate some acres of Union Springs from the USA to another country. It seems clear to me that those of us who support the Proposed

Action are really advocating that some of us should “have it both ways”, even though they may not think of it that way.

I am not a Constitutional scholar, but I don't think that the US Constitution has provisions for some people “having it both ways”. One thing about the US Constitution is that it provides for a division of power between the Federal government and the state governments of the USA, but I doubt that it has a provision for really sovereign nations within the USA. I think that a lot of thought went into this Constitution. I suppose that a lot of thought also went into the making of the earlier constitutional-type document by the Haudenosaunee people who lived in this area way back then. It was only about twenty years ago that I first heard about this document from a paper my son wrote for school. One thing about this earlier document is that, to a large extent, it was used as a pattern for the US Constitution. Although I have not studied this earlier document, I am thinking that its authors were wise enough to not include any provision for some people to “have it both ways”.

Sincerely,



Paul J. Simkin

BIAHRNG.RTF

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PO Box 53
Poplar Ridge, NY 13139
June 17, 2009

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

Dear Franklin Keel:

My name is Paul Simkin. I live in the Town of Ledyard, in the southwestern corner of Cayuga County, in New York State. I have some comments about the proposal to place some land in our area into trust for the Cayuga Indian Nation, which I understand to mean that it would become "sovereign" Indian territory. First, I want to quote a piece which I wrote, and which I sent to be published in "The Citizen" newspaper in Auburn, New York.

* * * beginning of quote * * *

I have no problem with the Cayuga people owning land in Union Springs, and I have no problem with their operating a business that sells gasoline and other merchandise. However, I have a big problem with their being exempt from laws that people in the general public have to obey.

As far as I know, the gasoline and other merchandise sold there are bought pretty much from the same sources as are used by neighboring businesses. The customers of this business come from the general population, and they come and go on roads maintained by the general public. I suppose that this business uses the same electric power system, the same telephone system, and the same banking system as competing businesses. If there should be a fire at this business, volunteer fire fighters from the general public would come and use equipment paid for by the general public. It appears to me that the Cayuga people owning this business expect to "have it both ways" or, in other words, to have the advantages of being a part of the USA and, at the same time, to have the advantages of not being part of the USA. I have a problem with this, and I do not buy things from this business. How about you?

Paul Simkin
Poplar Ridge

* * * end of quote * * *

I have scanned down the Table of Contents of the Draft Environmental Impact Statement (DEIS) and have read the most pertinent parts of its Executive Summary. There is something missing here, something that is not strictly environmental, but is important; perhaps it should be put into a Draft Constitutional Impact Statement. This Executive Summary contains the sentence "The purpose of the Proposed Action is to address the Nation's need for cultural and social preservation, political self-determination, self-sufficiency, and economic growth as a federally recognized Indian tribe." The term self-determination sounds a lot like "sovereignty". It seems to me that the idea of one or more sovereign states within a larger sovereign state is a contradiction in terms.

Economically speaking, all of us in upstate New York are "in the same boat". On the surface, it would seem that some of us would like certain parts of the USA to be