

**HARRIS BEACH** PLLC  
ATTORNEYS AT LAW

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**JOSEPH D. PICCIOTTI**

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JPICCIOTTI@HARRISBEACH.COM

July 2, 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**

Dear Mr. Keel:

On behalf of Seneca County and Cayuga County, I am sending you the enclosed comments on the DEIS. These comments are organized into three sections:

Tab # 1: Comments in the forms of resolutions and letters from municipalities, businesses, and other organizations

Tab # 2: Letters and comments from citizens

Tab # 3: Email comments from citizens

I request the enclosed comments be entered into the public record.

Sincerely,

  
Joseph Picciotti

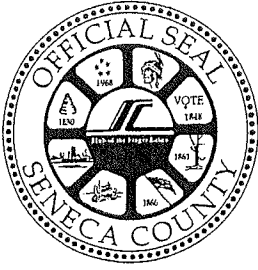
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Enclosures

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REGIONAL DIRECTOR

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## **Tab 1**

**Comments in the forms of resolutions and letters from municipalities, businesses, and other organizations**



# SENECA COUNTY

## PLANNING BOARD

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June 25, 2009

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

Dear Mr. Keel:

Attached you will find a Resolution passed unanimously by the Seneca County Planning Board expressing their belief that the Land into Trust Application of the Cayuga Indian Nation will have a Significant Environmental Impact and that the Application should be denied.

Sincerely,

William Dalrymple, Chairman  
Seneca County Planning Board

copy: Laverne C. Lafler, Jr., Chairman, Seneca County Board of Supervisors  
Peter Same, Supervisor, Town of Seneca Falls  
David Dresser, Seneca County Board of Supervisors  
Richard Swinehart, District Attorney  
Frank Fisher, County Attorney  
Suzanne Sinclair, County Manager

---

ONE DIPRONIO DRIVE  
WATERLOO, NEW YORK 13165-1681  
315 539 1730  
FAX 315 539 1838



**SENECA COUNTY PLANNING BOARD  
RECOMMENDS DENIAL OF CAYUGA NATION  
LANDS INTO TRUST APPLICATION**

**WHEREAS,** The proposed Land into Trust Application for the Cayuga Indian Nation, and the Environmental Information Statement unreasonably presumes no further expansion or changes in the use of the land, and


**WHEREAS,** It appears that the Land into Trust Application and Environmental Information Statement are attempting to segment the environmental, economic and social impacts and remove all future actions from consideration under state and federal environmental review regulations, and

**WHEREAS,** No agreements exist between the Cayuga Indian Nation and the County of Seneca or the Town of Seneca Falls regarding the payment of a fair-share of the costs for utilities and services to be provided to the properties now and in the future, now, therefore be it

**RESOLVED,** that the Seneca County Planning Board believes that placing these Lands into Trust will have a Significant Environmental, Economic and Social Impact, and be it

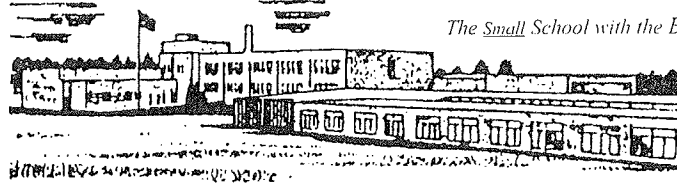
**FURTHER RESOLVED,** that the Seneca County Planning Board recommends that the Cayuga Nation Application for Lands into Trust should be denied.

Motion	<u>Fred Swain</u>
Second	<u>John Swanson</u>
Ayes	<u>12</u>
Nays	<u>0</u>
Abstain	<u>0</u>

  
Secretary

# Romulus Central School

5705 ROUTE 96  
ROMULUS, NEW YORK 14541-9551



607-869-5391 1-866-810-0345 607-869-5961(fax)

Michael J. Hoose  
Superintendent

Robert J. Boulware  
Business Manager

Barbara B. Quinn  
Director of Curriculum  
and Instruction

Lynn K. Rhone  
Principal

June 24, 2009

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

## CERTIFICATION OF DISTRICT CLERK

I, Leanne B. Keel, Clerk of the Board of Education of the Romulus Central School, Seneca County, New York, do hereby certify that the following is an exact copy of a resolution that carried, excluding discussion, at the meeting of the Board of Education held June 23, 2009.

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

WHEREAS, in order to provide a free and appropriate education to its students as set forth under State and Federal law, the Romulus Central School District relies on tax revenue generated from its property tax levy for 45.5% of the overall District budget which for the 2009-2010 school year is \$10,847,702; and

WHEREAS, the impact of this loss of tax revenue would require additional costs to be passed on to the Romulus Central School 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 Romulus Central School 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 Romulus Central School District school 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 Romulus Central School District in addition to the loss of tax revenue.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Education of the Romulus Central School District 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 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 State Senator
- . Michael Arcuri, United States Congressman
- . David Patterson, Governor of the State of New York

Mr. Franklin Keel  
Page 3  
June 24, 2009

- . Michael Nozzolio, New York State Senator
- . Brian Kolb, New York State Assembly

Motion made by Ms. Anna Morgan, seconded by Mrs. Cornelia Johnson, and carried unanimously.

IN WITNESS WHEREOF, I have hereunto set my hand, and the corporate seal of said District, this 24<sup>th</sup> day of June, 2009.



Leanne B. Keel  
District Clerk

(SEAL)

RESOLUTION NO. 325-09 (623/09)

COA-OppgLandIntoTrstAppOfCayIndNatrev

**OPPOSING LAND INTO TRUST APPLICATION OF CAYUGA INDIAN NATION**

**BY: MR. MITCHELL**, Chairman, Ways & Means Committee.

**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; now, therefore, be it

**RESOLVED**, the Cayuga County Legislature 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 Cayuga County Legislature 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

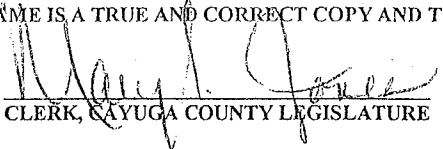
**RESOLVED**, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

**RESOLVED**, that the County of Cayuga shall submit documents to the BIA in opposition to the Cayuga Indian Nations fee to trust application; and be it further

**RESOLVED**, 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 Paterson, Governor of the State of New York, Michael Nozzolio, New York State Senator; and Brian Kolb, New York State Assemblyman.

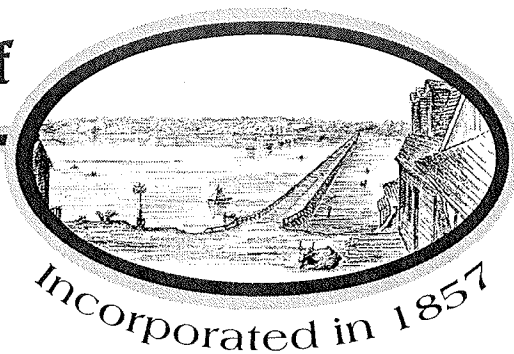
I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE LEGISLATURE OF CAYUGA COUNTY AT A MEETING HELD ON THE 23rd DAY OF JUNE, 2009 WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.

6/24/2009 10:00 AM

  
CLERK, CAYUGA COUNTY LEGISLATURE

# Village of

# Cayuga



June 15, 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,

We, the Village of Cayuga Board of Trustees, Cayuga, NY, find the DEIS, as issued, to be deficient in the following ways:

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 analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Cayuga County.
- Our Village of Cayuga derives its revenue from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. Currently, 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 tax collections and reduction in the local share of those taxes paid to our community.
- An approved trust application and any future applications that may be granted will result in a tax shift that will place greater tax burden on fewer property owners, especially as properties taken into trust are inevitably developed or continue to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current businesses and residents remitting such taxes.

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P.O. BOX 313 • 6205 RAILROAD STREET • CAYUGA, NY 13034  
(315) 252-1707 / FAX (315) 252-4120 email: cayugavill@verizon.net

### Infrastructure and Services:

- Infrastructure maintenance, fire protection, emergency services and other public services require revenue from property taxes and assessments to support them. The loss of tax and assessment revenue generated from properties put into trust will impose the cost of local services on a smaller group of property owners thus increasing the cost of those services.
- Trust properties will continue to use community infrastructure, yet those properties will be exempt from sharing in the cost to maintain this infrastructure.

### Unfair Competition

- The Cayuga Indian Nation enjoys a significant economic advantage over competing businesses in operating its commercial enterprises and not charging or collecting state and local taxes. Non-Indian business, which must pay taxes, have been unable to compete and have been forced to close down, resulting in a loss of jobs, taxes, and needed community services.
- Sales at gas stations and cigarette sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. Therefore, this attracts more customers who enjoy the lower prices, but by doing so, undercut competing businesses, which must collect sales and excise taxes.

### Regulatory Jurisdiction:

- Our Village would lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including air, soil and water. The Village, located within the Town of Aurelius and within the 64,000 acres the Cayuga Nation claims, will undoubtedly see land purchases in the future.
- Cayuga nation sovereignty over the lands will result in a patchwork of jurisdiction over the lands. Land use, environmental and other regulatory laws are only effective if they apply uniformly over an extended area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory environment.
- Preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
- Our Village would lose the ability to require enforcement of fire and building codes on buildings constructed on trust lands. Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows our Village to make the most efficient use of the available land, while working toward the development of a balanced and cohesive community. If trust status is granted, these



properties will not be subject to land use and zoning laws and properties can be developed without regard to land use conflicts or community integrity.

Environmental Consequences:

- 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 Finger Lakes to groundwater, to air and soil will in essence prevent the State from protecting the environment for all and increases the likelihood of damage and destruction of such scarce resources to all members of our communities.

Future Development

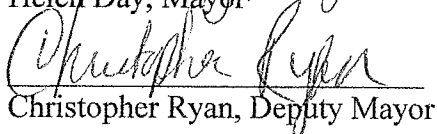
- It is understood that the Cayuga Indian Nation owns many more acres than it is asking to have put into trust right now. It is assumed they will continue to acquire properties within the area they contend is the reservation area of their ancestors and then ask to have these lands taken into trust. This will only support the increased loss of future tax and assessment revenues.

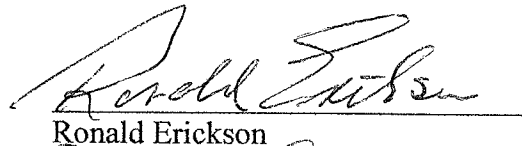
Therefore, be it Resolved:

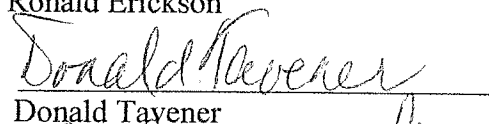
- The DEIS, as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues highlighted above.
- The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified above, we request the Bureau of Indian Affairs withdraw the DEIS until such a time when these issues are resolved.
- We, the Village of Cayuga, oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth above.

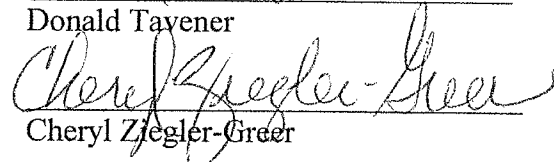
Respectfully Submitted,

  
Helen Day, Mayor

  
Christopher Ryan, Deputy Mayor

  
Ronald Erickson

  
Donald Tavener

  
Cheryl Ziegler-Greer

**June 23, 2009**  
**AURELIUS FIRE DISTRICT**  
**RESOLUTION # 99-2009**

**AURELIUS FIRE DISTRICT COMMISSIONERS 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 Fire Commissioners 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 Fire Commssioners 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:  
 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

MOTION by Commissioner Edward Laraway to approve the resolution as written, second by Commissioner Kent Walter:

	Aye	Nay
Chairman Timothy J Quill	✓	
Commissioner Keith Murphy	✓	
Commissioner Edward Laraway	✓	
Commissioner Barrie Lyn Foster	Abstain	
Commissioner Kent Walter	✓	
The Resolution was	Adopted	Rejected

6/23/2009  
Date

Deborah A. Pinckney  
Deborah A. Pinckney Secretary/Treasurer  
Aurelius Fire District

D

# Town of Aurelius

Edward J. Ide Jr.  
Supervisor

1241 West Genesee Street Road  
Auburn, New York 13021  
(315) 255-1894

Paul Pinckney  
Deputy Supervisor

Stanley Hoskins  
Councilman

June 19, 2009

James Bona  
Councilman

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

Stephanie Church  
Councilwoman

Deborah A Pinckney  
Town Clerk

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

Director Keel,

On behalf of the people of the Town of Aurelius I would like to register the following comments on the DEIS.

The DEIS is deficient in that it makes no mention of the felony criminal charges and indictments pending in NYS courts for the illegal possession of untaxed cigarettes.

The DEIS makes no mention of the ramifications of the use of these ill gotten funds to purchase property.

The DEIS is deceitful in that the BIA seeks to "launder" these assets via the land into trust process.

The DEIS is deceitful in that the BIA is acting as an accomplice to shelter these ill gotten assets via the land into trust process.

The DEIS is Deficient and deceitful in that it acknowledges the prior significant illegal (the land was not "Indian Country") gambling revenues as important to the CIN, but does not acknowledge their illegitimacy.

The DEIS is deceitful in that it does not acknowledge that the BIA is in reality "laundering" the property purchased with ill gotten gambling revenues via the Land into trust process.

The DEIS acknowledges that there are gasoline sales currently occurring but makes no mention that these untaxed sales are illegal or a criminal activity.

The DEIS states the value of and acknowledges the existence of these previous and on going criminal activities, but fails to recognize that in so doing BIA officials are admitting they are accomplices in the continuation of a criminal enterprise.

The DEIS is deficient in that it does not mention in any form, the BIA and DOI's part in perpetuating this fraud and supporting these on going criminal activities and the resulting effect on the host communities.

The DEIS is deficient in that it makes no mention of possible ramifications for BIA and tribal staff members by their efforts to promote an application that is based on criminal activities.

The DEIS lists no mitigation efforts to address possible fraud and official misconduct charges and their resulting effects on the tribe and community.

The DEIS ignores the apparent collusion of some government officials allowing for the continuation of these criminal activities.

The DEIS makes no mention that the above listed issues could & should be the target of a RICO Act investigation

Director Keel, in light of the above listed deficiencies and criminal issues I request that you reject this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Edward J. Ide Jr.", written in black ink.

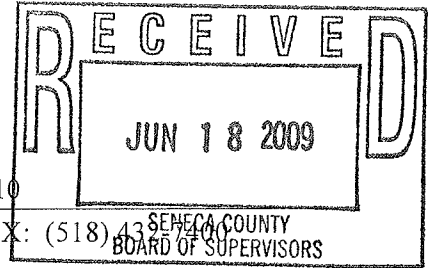
Edward J. Ide Jr. Supervisor



New York Association of Convenience Stores  
130 Washington Avenue, Suite 300, Albany NY 12210

TELEPHONE: (800) 33-NYACS or (518) 432-1400

FAX: (518) 432-1400



## Convenience Store Association Urges Rejection of Cayuga Trust Application

The New York Association of Convenience Stores is opposing the Cayuga Indian Nation's bid to place its Union Springs and Seneca Falls smoke shops into federal trust, saying approval would amount to the federal government sanctioning the "lose-lose-lose" practice of cigarette tax avoidance.

In written comments filed Friday, June 12, on the Draft Environmental Impact Statement on the Nation's land trust application, NYACS urged the U.S. Bureau of Indian Affairs to deny the request by adopting Alternative 2, "No action."

"We respect the right of the Cayuga Indian Nation to operate commercial enterprises," Calvin said. "But we believe all who reap the rewards of doing business with New Yorkers bear an obligation to abide by duly enacted state and local standards for the conduct of such commerce, including the collection of taxes."

Headquartered in Albany, NYACS is a private, not-for-profit trade association representing the interests of licensed mini-marts and convenience stores across the Finger Lakes and throughout New York State.

"For five years or more, non-Indian retailers in Seneca and Cayuga counties suffered the ill effects of unfair competition from the Cayuga Indian Nation's LakeSide Trading stores, which defiantly refused to collect and remit applicable state and local taxes on cigarettes, motor fuel and other products they sold to non-Indian customers," wrote NYACS President James Calvin.

"The Nation's artificially and dramatically lower 'tax free' prices proved irresistible to smokers. In droves, non-Indian cigarette customers shifted their purchases from our tax-collecting stores, which traditionally relied on cigarettes for one-third or more of total inside sales, to LakeSide Trading, adversely impacting not only our bottom line, but employment, tax revenue, and public health policy."

CONTINUED →

Calvin noted that when county authorities halted tax-free cigarette sales at LakeSide Trading last fall, there was an immediate and sharp increase in taxable cigarette sales at surrounding non-Indian convenience stores, with the closest locations in Montezuma and Seneca Falls rising 150% or more. “But even stores in Auburn experienced a 20% to 30% jump. This illustrated the magnetic pull of untaxed cigarettes across the Finger Lakes region, underscoring how much business was being diverted from non-Indian stores to LakeSide Trading, and how much tax revenue the state and counties had been losing as a consequence.”

“We fail to grasp why the tax-free sale of tobacco remains the centerpiece of the Cayuga Indian Nation’s land trust application,” Calvin wrote. “Surely the federal law creating the land-into-trust mechanism did not intend for the BIA to sanction cherry picking of non-contiguous commercial property for tribal enterprises whose success relies on enticing non-Indian customers to evade duly enacted State taxes.”

“Cigarette tax evasion is a lose-lose-lose proposition for Seneca and Cayuga counties,” Calvin said. “Tax-collecting local businesses lose legitimate sales and are weakened. The counties themselves lose desperately needed tax revenue. And the public policy goal of curbing smoking through exorbitant taxation is defeated.”

NYACS objected to a statement in the DEIS describing the Cayuga Indian Nation as “a sovereign tax-exempt entity.”

“For the record,” wrote Calvin, “Indian sales of cigarettes and motor fuel to non-Indian New Yorkers are indeed taxable under amended Sections 471e and 284e, respectively, of the New York State Tax Law, which took effect March 1, 2006. The refusal of the past three Governors of New York to enforce this statute – inaction that is currently being litigated by a state legislator who voted for the amendments – does not make the Nation a tax-exempt entity.

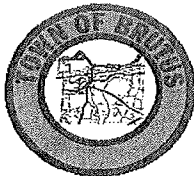
“To the contrary, a unanimous U.S. Supreme Court, in its 1994 *Attea* ruling, held that New York State was entitled to collect taxes on Native American sales of cigarettes and motor fuel to non-Indian customers as long as the exemption on tribal sales to tribal members was preserved. In rendering that decision, the Court made clear that the State’s interest in collecting lawful taxes outweighs tribes’ interest in offering a tax exemption to customers who would ordinarily shop elsewhere, and that Indian traders are not wholly immune from state regulation that is reasonably necessary to collecting such taxes.”

# # #



# TOWN OF BRUTUS

9021 North Seneca Street  
P.O. Box 720  
Weedsport, New York 13166



Phone: 315-834-9398  
FAX: 315-834-9381  
E-Mail: townofbrutus@verizon.net

TDD 1-800-622-1220

The Town of Brutus is an Equal Opportunity Lender, Provider, Employer

Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, D.C. 20250-9410

June 18, 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,"

Dear Mr. Keel:

We, the Town of Brutus oppose the land into trust application submitted by the Cayuga Indian Nation of New York ("Cayuga Indian Nation") and urge the Bureau of Indian Affairs ("BIA") to deny the application in all respects for the reasons stated below. The Draft Environmental Impact Statement ("DEIS") as prepared for the conveyance of lands into trust by the Cayuga Indian Nation is inadequate because it does not undertake an adequate analysis of the issues delineated below. 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 below, we request that the BIA withdraw the DEIS until such time when these issues are resolved.

## ISSUES

### TAXES:

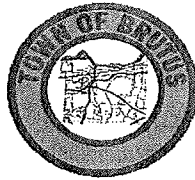
Under any analysis, the removal of the subject lands from the current tax rolls will have a significant adverse impact on the communities in Cayuga County and the Town of Brutus.

The Town of Brutus in Cayuga County derives substantial revenues from sales and excise taxes due from the sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York State sales and excise taxes. Therefore, they do not remit taxes to the New York State of which a percentage is sent to local units of government like the Town of Brutus. Non-collection of these taxes has and will continue to effect ongoing reductions in tax collections and therefore reduce the local share of taxes paid to the Town of Brutus.

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 the Cayuga Indian Nation businesses.

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## INFRASTRUCTURE/SERVICES:

Infrastructure, such as, police, fire protection, emergency services and other public services require revenues from property taxes and assessment to support them. The development and all but certain expansion of the Cayuga Indian Nation lands, including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on the Town of Brutus services provided by both the Town and Village of Weedsport. Such services will be required without the payment of any taxes or assessments for property that is the subject of Cayuga Indian Nation applications and/or future applications.

## UNFAIR COMPETITION:

Gas station and cigarette sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. Because the Cayuga Indian Nation is not collecting and remitting sales and excise taxes on these items they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.

## REGULATORY JURISDICTION:

The Town of Brutus and Village of Weedsport will lose any ability to regulate activities on the trust properties, including any activities that take place on these properties which will impact the environment and natural resources including air, soil and water. Without the ability to apply regulatory laws to Cayuga Indian Nation properties local governments would be unable to protect the property and health of the residents to the Town of Brutus and surrounding communities. Land use, environmental and other regulatory law are only effective if they applied uniformly over an extended area.

Furthermore, the Town and Village will lose the ability to require enforcement of fire and building code regulations on existing structures and new building construction on trust lands. Land use and zoning regulations are important tools in community planning processes. If trust status is granted to the Cayuga Indian Nation properties they will not be subject to land use and zoning laws and properties without regard to land use this will cause conflicts with our community's integrity.

## ENVIRONMENTAL CONSEQUENCES:

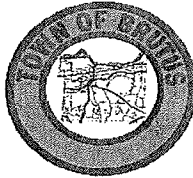
The inability of the State to enforce their own environmental laws that protect or reduce adverse impact to irreplaceable natural resources ranging from lakes, streams, groundwater to air and soil will in essence prevent the State from protecting the environment for all. This will also have an impact on our community.

## FUTURE DEVELOPMENT:

It is also our understanding that the Cayuga Indian Nation has indicated their desire to seek the acquisition of more lands including many acres of land located in the counties

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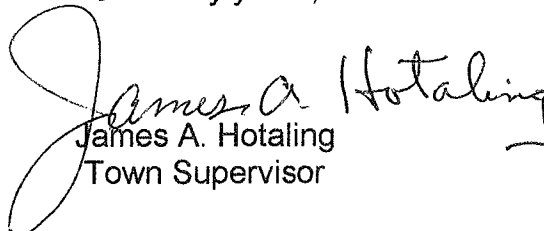
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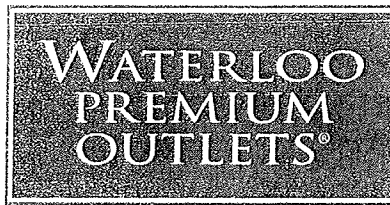
that are not part of the current land trust application. Their continuation of acquiring properties, within what it contends are the reservation area, and other areas requesting to be placed into trust for development will continue to cause increased losses of future tax and assessment revenue

If you need any further information, please feel free to contact my office. Thank you for taking the time to review our comments and concerns regarding the DEIS.

Sincerely yours,

  
James A. Hotaling  
Town Supervisor

cc: Assemblyman Robert Oaks  
Senator Michael Nozzolio  
Senator David Valesky



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

**RECEIVED**

JUN 23 2009

**SENECA COUNTY MANAGER**

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

Dear Mr. Keel:

This letter contains my/our comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. 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.

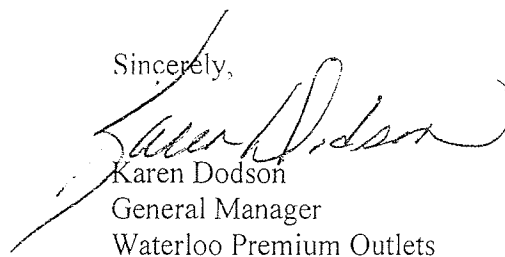
**Regulatory Jurisdiction:**

- 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

cc:

**Seneca County**

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

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

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

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

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

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

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

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

TOWN OF OVID

Resolution 2009-13

**OVID TOWN BOARD 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 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 Ovid 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

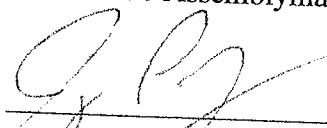
**RESOLVED**, the Ovid Town Board calls upon the BIA to reject all further fee-to-trust applications of the CIN in accordance with the Carcieri vs. Salazar decision referred to above, and any other applicable law, and be it further

**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

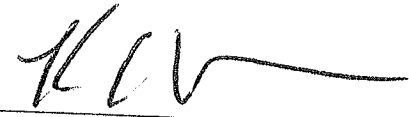
**RESOLVED**, a copy of this resolution shall be sent to the following public officials:

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

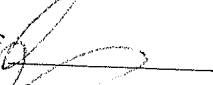
Motion made by



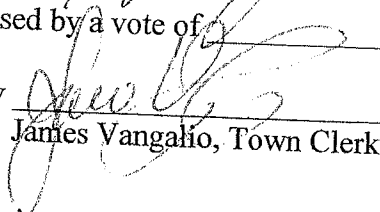
Seconded by



Motion passed by a vote of



Certified by

  
James Vangano, Town Clerk

Date:

6/10/09

**RESOLUTION**  
ADOPTED AT TOWN OF SPRINGPORT  
CAYUGA COUNTY  
STATE OF NEW YORK

WHEREAS, the Town of Springport , by its Board of Directors, seeks to ensure a quality way of life for all its citizens, by providing quality governmental services, and striving to keep tax burdens low and fair;

WHEREAS, the Town of Springport has initiated a large project to prepare and adopt a Town Master Plan which will chart the future of development and prosperity in the Town,

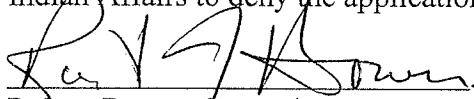
WHEREAS, the Cayuga Indian Nation owns properties within Springport and has applied to the Bureau of Indian Affairs to place its properties in Federal land trust status;

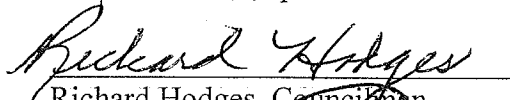
WHEREAS, approval of Federal land trust status of Cayuga Indian Nation properties will significantly adversely affect the community environment of Springport as follows::

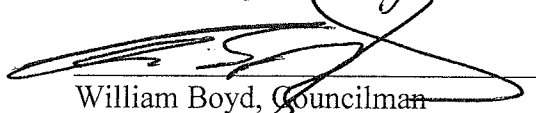
- Trust lands will become exempt from local property taxes and special district charges thereby shifting the tax burden to fewer property owners in the Town,
- Trust lands will disproportionately increase the tax burden of Town infrastructure and community services to fewer property owners,
- Trust lands will include Cayuga Nation businesses which have a significant economic advantage over other businesses by not charging or collecting state taxes,
- Trust lands will become exempt from municipal regulatory ,environmental and land use controls - Trust lands will create a burdensome and unequal jurisdictional and regulatory patchwork of properties in the Town.

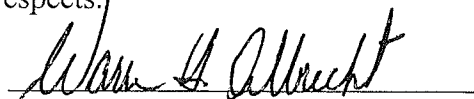
WHEREAS, the Cayuga Indian Nation has submitted a Draft Environmental Impact Statement which does not adequately address these concerns.

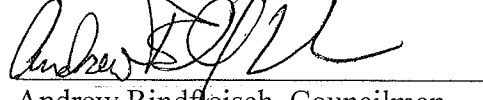
THEREFORE, BE IT RESOLVED, that the Town of Springport OPPOSES the land-into-trust application submitted by the Cayuga Indian Nation, and urges the Bureau of Indian Affairs to deny the application in all respects.)

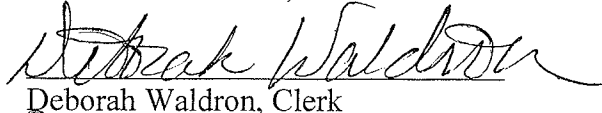
  
Robert Bower, Supervisor

  
Richard Hodges, Councilman

  
William Boyd, Councilman

  
Warren Albrecht, Councilman

  
Andrew Rindfleisch, Councilman

  
Deborah Waldron, Clerk

June 8, 2009

## 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.

Office of Town Clerk  
TOWN OF SENECA FALLS, NY

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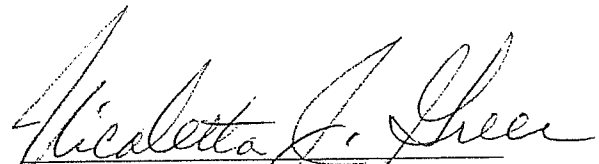
NICALETTA J. GREER  
Phone (315) 568-8013  
Fax (315) 568-4672

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

# BOARD OF SUPERVISORS SENECA COUNTY

Waterloo, New York 13165

**SUPERVISORS OPPOSE LAND-INTO TRUST APPLICATION OF CAYUGA INDIAN NATION**  
RESOLUTION NO. 134-09, moved by Dr. Dresser, seconded by Mr. Hayssen and adopted by 617 ayes (Dresser, Hayssen, Barto, Davidson, Same, Lafler, Terryberry, Amidon, Mooney, Shipley and Westfall) and 133 absentees (Reynolds, Serven, Kaiser).

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

# BOARD OF SUPERVISORS SENECA COUNTY

Waterloo, New York 13165

-2-

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



# BOARD OF SUPERVISORS SENECA COUNTY

Waterloo, New York 13165

-3-

RESOLVED, the Seneca County Board of Supervisors 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 Board of Supervisors 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

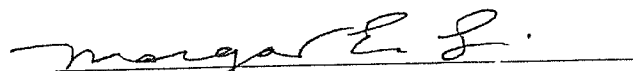
RESOLVED, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

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

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 Assembly Minority Leader

*I do hereby certify that I have compared the preceding with the original thereof, on file in the Office of the Clerk of the Board of Supervisors at Waterloo, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Board of Supervisors of Seneca County held at Waterloo, New York on the 9 day of June 2009.*

STATE OF NEW YORK  
County of Seneca)

  
Margaret E. Li, Clerk, Board of Supervisors  
Seneca County, Waterloo, New York 13165

Given under my hand and official seal

6/7/2009



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,

A handwritten signature in cursive script, appearing to read "Robert J. Pagano, Jr.", written in black ink.

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

cc: Suzanne Sinclair

RECEIVED

JUN 11 2009

SENECA COUNTY MANAGER

## RESOLUTION

### **SENECA FEDERATION OF SPORTSMEN'S CLUBS Inc. 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, and

**Whereas**, the relevancy of the unrestricted harvest of the fish and wildlife by the CIN members has not been considered and the effect on the ecological balance could be devastating, and

**Whereas**, the failure to address the position of the CIN that they are exempt from the laws, rules and regulations of The New York State Department of Conservation and that this could, and most likely would not only jeopardize the future generations ability to hunt and fish , but also the preservation of the balance of nature, be it therefore

**RESOLVED**, the Seneca County Federation of Sportsmen's Clubs, Inc. 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 Federation of Sportsmen's Clubs Inc. 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:

Barach 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

Jack Khan  
Galaxy Petroleum Inc. d/b/a Express Gas Plus  
38 Auburn Rd.  
Seneca Falls, NY 13148

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

RE: Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

These are comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects.

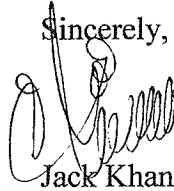
I own and operate a gas station and convenience store in Seneca Falls, New York. The Cayuga Indian Nation also has a gas station and store, Lakeside Trading, on a land claim site in Seneca Falls. Unlike the Cayuga Indian Nation's store, we collect all required sales taxes and excise taxes on cigarettes, gas, etc. Allowing the Cayuga Indian Nation to continue to sell products tax free gives them an unfair advantage over us and other local businesses who are just trying to survive. There is no reason why the non-Indian Nation customers of the Cayuga Indian Nation's store should not have to pay sales taxes on goods they purchase. We are simply asking that the Cayuga Indian Nation collect sales tax from their customers, just as we do, and forward those funds to New York State, just as we do.

The Cayuga Indian Nation bought the land, built their store, and now claims the store is exempt from collecting taxes simply because it is owned by them. What is to stop them from buying land anywhere and everywhere they desire, establishing more businesses, and then claiming they do not have to collect sales taxes or pay any property taxes on it? Allowing this land claim would be a dangerous precedent to set and will just allow for more land claims in the future.

The environmental impacts of the 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 financial drain associated with the removal of additional properties from tax rolls must be considered.

I strongly urge the BIA not to grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit these comments and concerns into the public record.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack Khan', written in a cursive style.

Jack Khan

cc:

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

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

2



## Tab 2

### Letters and comments from citizens

**Richard E. Rising**

---

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

**From:** Gary Guariglia <gguarigl@gmail.com>

**Date:** June 29, 2009 10:22:14 AM EDT

**To:** [Ddresser@ithaca.edu](mailto:Ddresser@ithaca.edu)

**Cc:** [ccdistrict07@cayugacounty.us](mailto:ccdistrict07@cayugacounty.us)

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

I am writing this letter to state that I am strictly opposed to the Cayuga Indian Land Into Trust application. I am opposed for the following reasons:

1. Taking land off of the tax rolls will shift more tax burden to citizens whom already pay some of the highest property taxes in the nation.
2. The tribe will require the use of public services such as police, fire, sewer, water etc. however, they won't be contributing to the tax base which pays for those services.
3. The tribe will have an unfair business advantage over local businesses that are required to pay and collect the appropriate taxes especially those for cigarettes, and gas sales.
4. The tribe has not created any jobs in the area but has increased unemployment by competing with businesses that have to pay and collect local and state taxes.

In addition, it is my feeling that the counties should be pressuring the state governments to enforce laws that mandate that the tribe collect sales taxes on the sale of goods to non-indians.

Sincerely,

Gary C. Guariglia

June 24, 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:

The DEIS is deficient in that it makes no mention of the felony *criminal charges and indictments pending in NYS courts for the illegal possession of untaxed cigarettes.*

The DEIS makes no mention of the ramifications of the use of these ill gotten funds to purchase property.

The DEIS is deceitful in that the BIA seeks to "launder" these assets via the land into trust process.

*The DEIS is deceitful in that the BIA is acting as an accomplice to shelter these ill gotten assets via the land into trust process.*

The DEIS is deficient and deceitful in that it acknowledges the prior significant illegal (the land was not "Indian Country") gambling revenues as important to the CIN, but does not acknowledge their illegitimacy.

*The DEIS is deceitful in that it does not acknowledge that the BIA is in reality "laundering" the property purchased with ill gotten gambling revenues via the Land into trust process.*

*The DEIS acknowledges that there are gasoline sales currently occurring but makes no mention that these untaxed sales are illegal or criminal.*

The DEIS states the value of and acknowledges the existence of these previous and on-going criminal activities but fails to recognize that in so doing BIA officials are admitting they are accomplices in the continuation of a criminal enterprise.

The DEIS is deficient in that it does not mention in any form the BIA and DOI's part in perpetuating this fraud and supporting these on going criminal activities.


The DEIS is deficient in that it makes no mention of possible ramifications for BIA and tribal members staff by their efforts to promote an application that has a basis in criminal activities.

The DEIS lists no mitigation efforts to address possible fraud and official misconduct charges and their resulting effects on the tribe and community.

The DEIS ignores the apparent collusion of some government officials allowing for the continuation of these criminal activities.

The DEIS makes no mention that the above listed issues could & should be the target of a RICO Act investigation.

I oppose approval of this application.

Sincerely,  


Chad Hayden  
6569 State Route 90 N.  
Cayuga, New York 13034

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, Kristy A. Weber of 399 Firelane 23, Moravia find <sup>13118</sup>  
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 statues would be enforced or monitored
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- 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
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  - 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
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  - 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,

Name Printed KRISTY A. WEBER

Name Signed Kristy A. Weber

Date signed 6/24/09



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, ALBERT COOK of AUBURN 121 FRANKLIN find <sup>13021</sup>  
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
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Respectfully submitted,

Name Printed ALBERT COOK

Name Signed Albert Cook

Date signed 6/24/09





**Carr, Barbara**

---

**From:** Peter & Ruth Same [psame@rochester.rr.com]  
**Sent:** Wednesday, June 24, 2009 6:44 AM  
**To:** Sinclair, Suzanne  
**Subject:** Fw: Land in trust comments

Suzanne,

Can you please forward to Harris Beach so it is made part of the record.

Peter

----- Original Message -----

**From:** james delia  
**To:** psame@rochester.rr.com  
**Sent:** Tuesday, June 23, 2009 11:38 AM  
**Subject:** Land in trust comments

Peter --please forward to the proper people:

To say that "land in trust" will create no negative financial impact on the people of Seneca and Cayuga counties is absurd, My wife and I are on a fixed income and any increase in our taxes may force us to consider moving out of New York state. "Land in trust" would create a huge financial burden on all people in Seneca and Cayuga counties. We have no problem with the Cayuga Nation but we do have a problem with us suffering financial hardships for a problem that should have been resolved YEARS ago. New neighbors **yes** --- a Nation that will use our roads, water, police, fire protection and not help pay for it **NO** !!!!! We may be rural but we are not stupid and we will not stand by and allow the DEIS to go unchallenged. My wife and I did not create the problem and we demand a FAIR and HONEST and EQUITABLE solution for all parties -- Indians and Landowners. Thank You Jim and Judy Delia 5186 RT.89 Romulus, NY 14541

6/26/2009



**Carr, Barbara**

---

**From:** Sinclair, Suzanne  
**Sent:** Wednesday, June 24, 2009 9:09 AM  
**To:** Carr, Barbara  
**Subject:** FW: Land in trust comments  
**Importance:** High

**Suzanne Sinclair**  
**Seneca County Manager**

-----Original Message-----

**From:** Peter & Ruth Same [mailto:psame@rochester.rr.com]  
**Sent:** Wednesday, June 24, 2009 6:44 AM  
**To:** Sinclair, Suzanne  
**Subject:** Fw: Land in trust comments

Suzanne,

Can you please forward to Harris Beach so it is made part of the record.

Peter

----- Original Message -----

**From:** james delia  
**To:** psame@rochester.rr.com  
**Sent:** Tuesday, June 23, 2009 11:38 AM  
**Subject:** Land in trust comments

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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, John B. Burtin of AUBURN NY 13021  
241 FRANKLIN ST. 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.

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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.

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### **Alternatives**

#### **Alternative 1: The Proposed Action**

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- 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 statutes & 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,

Name Printed JOHN J. BRUTON

Name Signed John J. Bruton

Date signed 6-23-09



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

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- 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 statutes & 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,

Name Printed KENNETH R GREEN

Name Signed Kenneth R Green

Date signed 6/23/09





June 23, 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:

The DEIS is deficient in that it makes no mention of the felony criminal *charges and indictments pending in NYS courts for the illegal possession of untaxed cigarettes.*

The DEIS makes no mention of the ramifications of the use of these ill gotten funds to purchase property.

The DEIS is deceitful in that the BIA seeks to "launder" these assets via the land into trust process.

*The DEIS is deceitful in that the BIA is acting as an accomplice to shelter these ill gotten assets via the land into trust process.*

The DEIS is deficient and deceitful in that it acknowledges the prior *significant illegal (the land was not "Indian Country") gambling revenues as important to the CIN, but does not acknowledge their illegitimacy.*

*The DEIS is deceitful in that it does not acknowledge that the BIA is in reality "laundering" the property purchased with ill gotten gambling revenues via the Land into trust process.*

*The DEIS acknowledges that there are gasoline sales currently occurring but makes no mention that these untaxed sales are illegal or criminal.*



The DEIS states the value of and acknowledges the existence of these previous and on-going criminal activities but fails to recognize that in so doing BIA officials are admitting they are accomplices in the continuation of a criminal enterprise.

The DEIS is deficient in that it does not mention in any form the BIA and DOI's part in perpetuating this fraud and supporting these on going criminal activities.

The DEIS is deficient in that it makes no mention of possible ramifications for BIA and tribal members staff by their efforts to promote an application that has a basis in criminal activities.

The DEIS lists no mitigation efforts to address possible fraud and official misconduct charges and their resulting effects on the tribe and community.

The DEIS ignores the apparent collusion of some government officials allowing for the continuation of these criminal activities.

The DEIS makes no mention that the above listed issues could & should be the target of a RICO Act investigation.

I find the DEIS deficient and oppose approval of this application.

Sincerely,



Roy E. Johnson  
6367 Water Street  
Cayuga, N.Y. 13034  
June 24, 2009



June 23, 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 Deborah Parnesky of Waterloo, NY 13165  
find the DEIS as issued to be deficient in the following ways and oppose approval of this  
application.

I feel that the Cayugas not paying to  
use our schools is an outrage. My husband &  
I owned (purchased) land in Seneca County,  
Waterloo school district, & were going to build the  
following year. We paid school taxes on  
this land but our 2 sons were not  
allowed to attend the district unless we  
paid tuition. Bull crap!!! That the  
Indians go for free for education & us  
tax payers have to pay for them.

Deborah Parnesky  
2157 Rowles Rd.  
Cassara, N.Y. 14456



June 23, 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:

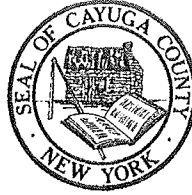
I Jodi Below of Watkins NY  
find the DEIS as issued to be deficient in the following ways and oppose approval of this application.

I think it is unbelievable that we pay taxes and other people (Native Americans) don't pay taxes school or sales etc. yet they are using resources such as public schools and not paying a cent. The native Americans have been paid several times for their "loss of lands" enough is enough I should pay for funding. I think my ancestors didn't want to take their lands away.

Jodi Below  
~~2757 Townline Rd~~  
58 Virginia St.  
Watkins, N.Y. 13160







**CAYUGA COUNTY LEGISLATURE**  
160 GENESEE STREET, 6<sup>TH</sup> FLOOR  
AUBURN, NEW YORK 13021

June 23, 2009

Raymond E. Lockwood  
1877 State Route 326  
Auburn, NY 13021

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,”

Franklin:

It is my understanding that if the Cayuga Indian Nation is granted approval of its land into trust application, they can develop the subject acres free of state and local regulations, including those regulations associated with environmental protection, health and safety and zoning. This makes no sense. Our local and state regulations, including environmental, health and safety regulations and zoning laws exist to protect all residents and all of the land from activities which may cause harm, as well as from unregulated development and spoilage of our natural resources. To selectively enforce these regulations for some land but not other land in the same community sets a precarious double standard. For example, development occurring within a property's boundaries affects other properties including directly impacting the environment of properties outside their boundaries. The Finger Lakes region is noted for its unspoiled beauty and excellent quality of life, which is why I live here and why people from around the country visit. To have some properties (those held in trust) not subject to the same regulations and laws in place to protect human health and the environment will adversely affect and cause damage to our community's natural and other resources including to our lakes, rivers, streams and aquifers. Of the 130 acres included in the Cayuga's trust application is a 100-acre vacant parcel in Union Springs of which I am particularly concerned. Developing this parcel without proper oversight could cause significant harm to the greater Cayuga watershed; also, because other activities on the property will go unchecked and unregulated by state, county or local officials, including the operation of businesses such activities will similarly negatively affect the community. Turning down the Cayuga's land trust application is the only way to ensure protection.



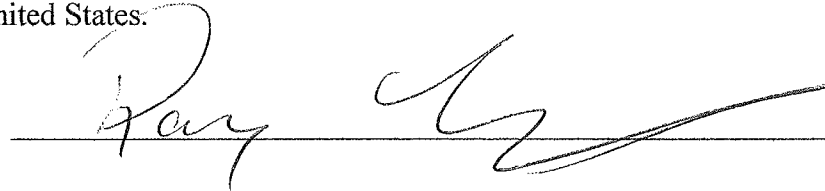
**Recommendation:**

Speaking for myself as an individual and also representing the towns of Aurelus and Flemng 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.

Raymond E. Lockwood  
1877 State Route 326  
Auburn, NY 13021







Respectfully submitted,

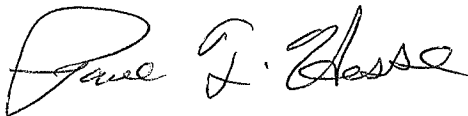
Name Printed Paul F Hesse

Signature 

Date 6/22/09

The DEIS is deficient in that it makes no mention of the felony criminal charges and indictments pending in NYS courts for the illegal possession of untaxed cigarettes. The DEIS makes no mention of the ramifications of the use of these ill gotten funds to purchase property. The DEIS is deceitful in that the BIA seeks to "launder" these assets via the land into trust process. The DEIS is deceitful in that the BIA is acting as an accomplice to shelter these ill gotten assets via the land into trust process. The DEIS is Deficient and deceitful in that it acknowledges the prior significant illegal (the land was not "Indian Country") gambling revenues as important to the CIN, but does not acknowledge their illegitimacy. The DEIS is deceitful in that it does not acknowledge that the BIA is in reality "laundering" the property purchased with ill gotten gambling revenues via the Land into trust process. The DEIS acknowledges that there are gasoline sales currently occurring but makes no mention that these untaxed sales are illegal or a criminal activity. The DEIS states the value of and acknowledges the existence of these previous and on going criminal activities but fails to recognize that in so doing BIA officials are admitting they are accomplices in the continuation of a criminal enterprise. The DEIS is deficient in that it does not mention in any form the BIA and DOI's part in perpetuating this fraud and supporting these on going criminal activities. The DEIS is deficient in that it makes no mention of possible ramifications for BIA and tribal members staff by their efforts to promote an application that has a basis in criminal activities. The DEIS lists no mitigation efforts to address possible fraud and official misconduct charges and their resulting effects on the tribe and community. The DEIS ignores the apparent collusion of some government officials allowing for the continuation of these criminal activities. The DEIS makes no mention that the above listed issues could & should be the target of a RICO Act investigation.

Paul F Hesse

A handwritten signature in cursive script that reads "Paul F. Hesse". The signature is written in dark ink and is positioned below the typed name.





June 22, 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 Lynn a Hesse of 6575 st Rt 90 W Cayuga ny 13034  
find the DEIS as issued to be deficient in the following ways and oppose approval of this  
application.

See attached

Lined area for additional comments or details.

Respectfully submitted.

Name Printed Lynn a Hesse

Signature *Lynn a Hesse*

Date 6-22-09

The DEIS is deficient in that it makes no mention of the felony criminal charges and indictments pending in NYS courts for the illegal possession of untaxed cigarettes. The DEIS makes no mention of the ramifications of the use of these ill gotten funds to purchase property. The DEIS is deceitful in that the BIA seeks to “launder” these assets via the land into trust process. The DEIS is deceitful in that the BIA is acting as an accomplice to shelter these ill gotten assets via the land into trust process. The DEIS is Deficient and deceitful in that it acknowledges the prior significant illegal (the land was not “Indian Country”) gambling revenues as important to the CIN, but does not acknowledge their illegitimacy. The DEIS is deceitful in that it does not acknowledge that the BIA is in reality “laundering” the property purchased with ill gotten gambling revenues via the Land into trust process. The DEIS acknowledges that there are gasoline sales currently occurring but makes no mention that these untaxed sales are illegal or a criminal activity. The DEIS states the value of and acknowledges the existence of these previous and on going criminal activities but fails to recognize that in so doing BIA officials are admitting they are accomplices in the continuation of a criminal enterprise. The DEIS is deficient in that it does not mention in any form the BIA and DOI’s part in perpetuating this fraud and supporting these on going criminal activities. The DEIS is deficient in that it makes no mention of possible ramifications for BIA and tribal members staff by their efforts to promote an application that has a basis in criminal activities. The DEIS lists no mitigation efforts to address possible fraud and official misconduct charges and their resulting effects on the tribe and community. The DEIS ignores the apparent collusion of some government officials allowing for the continuation of these criminal activities. The DEIS makes no mention that the above listed issues could & should be the target of a RICO Act investigation.

Lynn A Hesse

A handwritten signature in cursive script that reads "Lynn A Hesse". The signature is written in black ink and is positioned below the typed name.



Gail S. Abbott  
3430 Rt. 89  
Seneca Falls, NY 13148

To: Seneca County Board of Supervisors  
From: Gail S. Abbott  
Subject: Trust Land  
Date: June 22nd, 2009

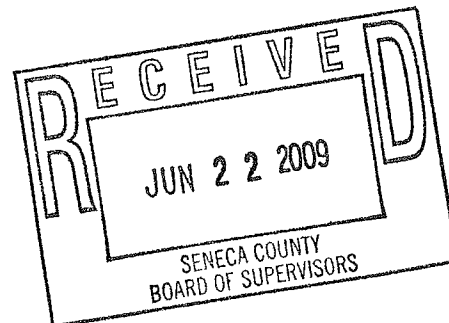
I am submitting a response to the DEIS Comments, Cayuga Indian Nation of New York Trust acquisition project.

I was supervisor in Seneca County during the mid 1980's along with Ray Zychem. We were put on the Indian Affairs Committee for the County. We had some very loud and contested meetings, even we found it very hard to believe that the Indians could take the land they wanted with no payment of any kind to present owners or anyone else. We found also that the New York State and Federal Government were more on the Indian side than the owners side.

I have a suggestion that I think will solve the problem. I would suggest that the Counties, Cayuga & Seneca would purchase a tract of land possibly around 300 to 400 acres in one unit (maybe Ordiance Property near Romulus, NY). Then we would build a fifty foot wall around the property with a 15 to 20 foot layer wire fence on top. Everyone wishing to live in the compound (similar to 200-plus years ago) would be locked in without leaving because of one gate to the unit. They would not be able to leave unless they signed a document giving up their rights to further be active in any land claims in the U.S.A. This compound would have no facilities of any kind including fire, police, water, electricity, or any maintenance of any kind.

I would hope that all the non-Indian personnel that worked against Seneca and Cayuga Counties would have to sign legal papers so they would not be able to do this again. Personally I would like to see them serve some time in the compound. This is something fought for and I would like to see them enjoy their labors.

Gail S. Abbott





Dear Laverne

22 June 2009

From the word go I'm  
against the India Land  
Claim putting into trust  
that DEIS is full of  
holes. Let the BIA  
know where the bear  
pooped in the buckwheat.  
Don't let make Cayuga  
and Seneca County look  
like a checkerboard.  
Please forward this  
to BIA. My best  
to you.

Respectfully  
Anthony J. Centra





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

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

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

Dear Mr. Keel:

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

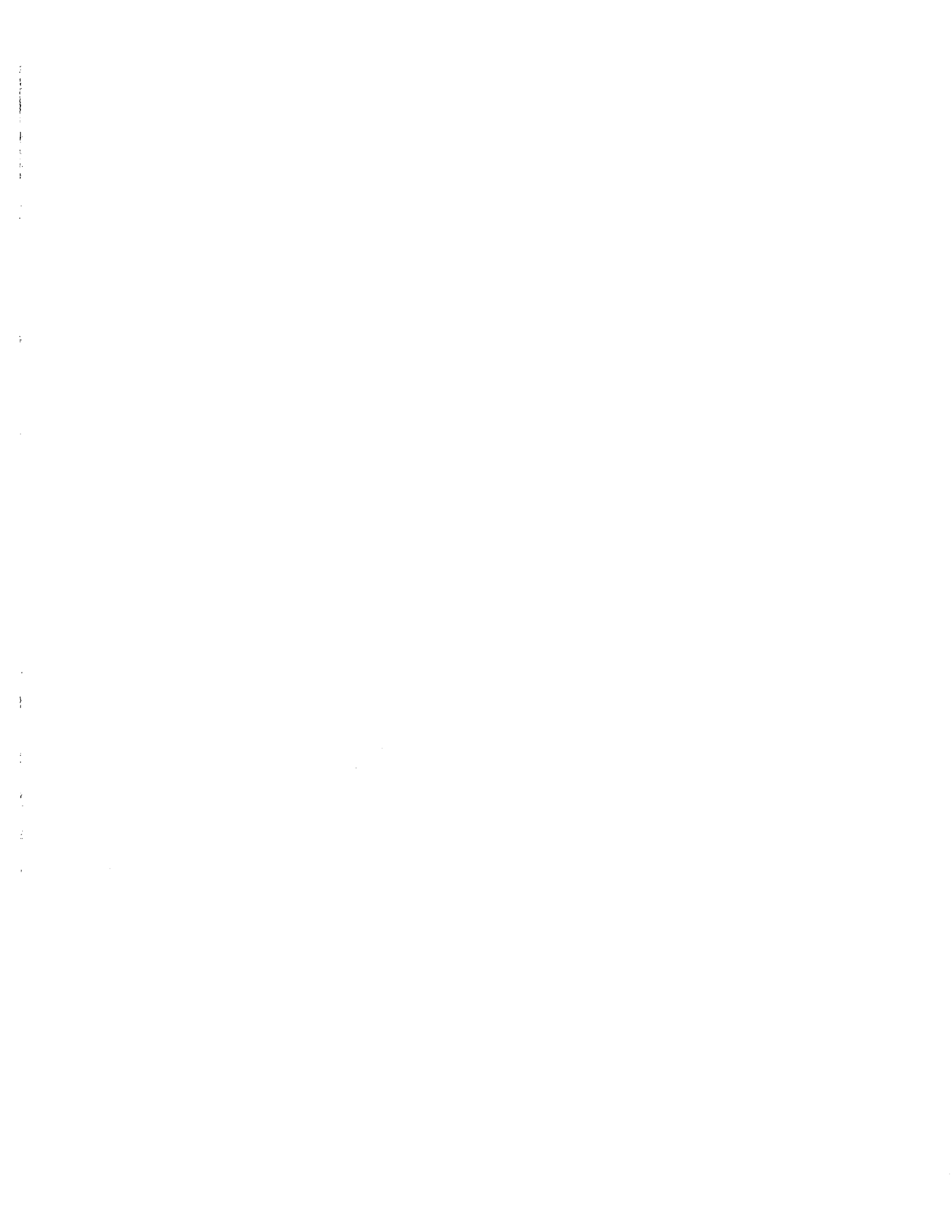
Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads sewer and more.

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

Sincerely,



Edward Kalet



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

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

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

Dear Mr. Keel:

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

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



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

Sincerely,

*John J. Fitzgerald*  
*Joseph A. Fitzgerald*

cc:Chuck Lafler



June 18, 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, Karen Lewis 3 Douglas Dr. Waterloo N.Y.  
Find the DEIS as issued to be deficient in the following ways:

The Cayuga's stores in trust would exempt them from paying taxes, putting the tax burden on me/us.

The Cayugas would not have to abide by our environmental etc. regulations.

The Cayuga children would be going to our schools, not having to pay taxes, again putting the burden on me/us.

Give them sovereign land in the Adirondacks that's not being used.

Karen D. Lewis





June 18, 2009

Seneca and Cayuga Counties' Task Force on the Cayuga Indian Land  
Into Trust Application

George Fearon  
160 Genesee Street  
Auburn, NY 13021

Dear Mr. Fearon,

This letter in regards to the information sent to the residents  
of Union Springs recently. The information explained the Draft  
Environment Impact Study released by the Bureau of Indian Affairs.

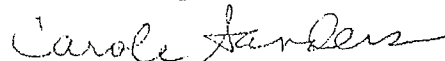
I believe that our region would be affected negatively by their  
demands and I would not support conveyance of lands into a trust.

Exemption from property taxes, exemption from infrastructure  
payments as well as no state and local regulations for the Cayuga  
Indian Nation is totally unacceptable to me.

I do believe that the counties do have a legitimate concern that  
businesses competing with the Cayuga Indian Nation will lose  
sales and jobs resulting in overall loss of jobs and businesses  
in the counties as well as decreased property tax AND OTHER TAX  
revenues.

Please consider this letter as a refusal to accept the Draft  
Environment Impact Study.

Yours truly,



Carole Sanders  
PO Box 52  
Union Springs, NY 13160



June 18, 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, Deane Sapp 1753 Auburn Rd Seneca Falls, N.Y.  
Find the DEIS as issued to be deficient in the following ways:

I feel that land in trust would  
hurt, because and say people  
as it would take property off base  
and have business on it

Deane Sapp



449 Waterloo-Geneva Road  
Waterloo NY 13165-1207  
June 18, 2009

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

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

Dear Mr. Keel:

After attending last's night meeting at the Chiropractic College, I am compelled to write a letter expressing my feelings on this meeting. I feel that is meeting was simply a show put on by the BIA so you could claim to have considered everything and made your decisions impartially.

Your representatives were clearly not interested in what was being said. At times, your timekeeper was observed rolling his eyes at comments being made. At other times he was yawning. To say the least, he came across as disinterested and unprofessional. There was obvious bias in favor of Mr. Halftown and his attorney.

I have enclosed printouts of three local news reports of last nights meeting. I believe these reports to be an unbiased account of the meeting as these reporters saw it.

I have absolutely no confidence that an agency of my government will act in the interest of the general population of Seneca and Cayuga counties for the greater good. I can see no justification for the economies of our two counties to be torn apart to benefit approximately 150 tribe members of the Cayuga Nation of New York.

I do not see how you can possibly consider granting approval of the Cayugas' application for Trust Lands based on all of the current litigation pending in the courts. There is the very real possibility that the Cayugas will be facing felony tax evasion charges.

This Trust application is so full of misrepresentations and half-truths. To begin with, the Cayugas are basing a claim of a federal reservation on the 1794Treaty of Canandaigua. Article 2 of the Treaty of Canandaigua states:

**Article 2. The United States acknowledge the lands reserved to the Oneida, Onondaga, and Cayuga nations, in their respective treaties with the State of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them, or either of the Six Nations, nor their Indian friends, residing thereon, and united with them in the free use and enjoyment thereof; but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.**

How can you possibly interpret that statement to mean the Federal government made the state reservations into Federal Reservations. In all honesty, the only thing that states is the Federal government acknowledges the existence of the lands the State of New York set aside for the tribes. It plainly states the **"United States will never claim the same, nor disturb them...until they choose to sell the same to the people of the United States, who have the right to purchase."**



As you should know the Cayugas did in fact sell that land to NYS and has been paid several times for it.

There is a series of letters at this website [http://thorpe.ou.edu/sol\\_opinions/p1976-2000.htm](http://thorpe.ou.edu/sol_opinions/p1976-2000.htm) from the **Dept. of the Interior**. Of particular interest is the last paragraph of the rather lengthy letter dated February 3, 1969 that clearly states that "None of the ten reservations presently located within the State, including St. Regis, was created by federal treaty, statute or executive order."

1986

DEPARTMENT OF THE INTERIOR

FEBRUARY 3, 1969

III

With regard to the immediate problem at hand, that of the protest lodged by the Mohawk Indians of the St. Regis Reservation, we cannot furnish any detailed information. The United States has had minimal contact with the Indians of New York since it granted both civil and criminal jurisdiction over Indians on Indian reservations in the State of New York to the State. The Act of July 2, 1948 (62 Stat. 1224; 25 U.S.C. 232) (criminal jurisdiction); the Act of September 13, 1950 (64 stat. 845; 25 U.S.C. 233) (civil jurisdiction). None of the ten reservations presently located within the State, including St. Regis, was created by federal treaty, statute or executive order. The State of New York furnishes virtually all governmental services to New York Indians.

We stand ready to assist in this matter in any way possible, and would be pleased to participate in a meeting with other concerned agencies.

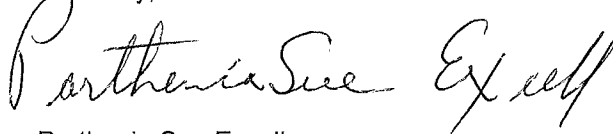
RICHMOND F. ALLAN,  
*Acting Solicitor.*

Enclosure

Theses two documents that I have referenced are readily available for review. How can you possibly ignore the truth of these documents and accept the twisted information provided by Mr. Halftown in his application for trust. How can you possibly decide that the Cayuga Nation of New York qualifies for trust status? They never had a Federal Reservation in NYS. They were not a federally recognized tribe in 1934. On top of that, there is the possibility of pending charges of illegal activity on the land. How, in good conscience, can you even consider granting trust lands under these circumstances?

I am opposed to any trust lands for the Cayuga Nation. Therefore, I request that the Cayuga Nation's application for trust lands be denied.

Sincerely,



Parthenia Sue Excell

Enc. 3

CC:

Mr. Lafler, Chairman, Board or Supervisors

✓ Dr. Dresser, Board of Supervisors

Mr. Same, Board of Supervisors

County Attorney Fisher

County Manager Sinclair

District Attorney Swinehart





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

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

To: David Dresser B.O.S.  
7302 Wyers Point Road  
Ovid, NY 14581

The BIA, Draft ~~DE~~ Environmental Impact Statement is very flawed and is purposely slanted towards the CIN. It does not cover all possible issues. The Environmental Impact Statement legislation is covered in the Uniform Commercial Code and it states "a court will prohibit the construction or improvement if no Statement has been filed. It will also do so if a Statement is so defecient or poor that in effect it is no Statement at all." Since the Land Trust for the CIN will be in effect for a long time, it should be well thought out so there are no social or economic problems for the neighbors and surrounding communities. Also there will be no way to apprehend criminals or terrorists that seek sanctuary on Indian Trust Land. And no way to enforce Business Law in Civil Courts in breach of contract issues committed by the Indians. The impact of Cayuga Trust Land on Community and County follows:

No property Tax to Town increases tax burden on rest of Citizens to pay for Road maintenance and construction, snowplowing, salting roads, Police protection, Ambulance services, Fire Dept. Services, Schools and School buses. Power lines may have to cross Indians Land to get to Communities and to supply the Indians themselves, so some sort of easement will be involvment. Other environmental issues are Building Codes and Inspections, Burning Trash, Sewer Disposal, water drainage, well contamination, Gambling (against Law, exception for Indian Casinos), Handle illegal drugs and grow Pot, Waste oil, no inground gastank inspection for leakage, Weightst and Measures Test for the gas pumps to see if they are dispensing the correct gallon measures.



Not a fair system. The old Indian Treaties should be revisited to be brought up to today's standards. Indians are not poor by any means, if this Trust thing continues Indians will keep buying up properties and put the properties into Trusts and get richer and richer while the rest of us native Americans pay the Cayuga Taxes. They are also under the Constitution of the United States of America, and have all the benefits, we all have, so it should carry through to the States, Counties and Towns, and are bound by the Laws and Regulations we all must observe. They are using old animosities they have against the early settlers to leverage their way into commercial riches and land take over. They are perpetuating segregation as they don't seem to want to mingle with the population and share the burden of paying taxes for infrastructure they also use every day of every year.

As a Seneca County taxpayer and property owner and Farmer, I would not let the Cayuga Indian Nation put land or property into the Land Trust. As it will increase the tax burden on the remaining County people. The CIN is also using the Trust to leverage their way into buying and putting more land into Trusts in the future as stated in the newspaper by Clint Halftown until they get their 64000 acres originally claimed for. So again I would not grant them Land into Trust. As this is an unfair business practice.

Yours Truly,  
Alfred P. King  
2658 Ovid-Lodi Townline Rd.

Ovid, NY 14521

Alfred P. King

6/18/09



June 17, 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 Joseph Adena of FALL ST SENECA FALLS  
find the DEIS as issued to be deficient in the following ways and oppose approval of this  
application.

AS a resident of the village of SENECA FALLS  
I oppose the land to be put into trust on the grounds  
of fairness to all parties involved. All people of  
New York State must pay taxes. All people must  
be treated fairly and honestly

~~X~~ Joseph Adena



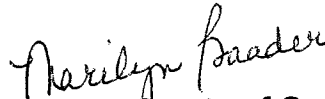
MARILYN BAADER  
4427 ALLEN'S POINT RD  
UNION Springs, NY 13160

June 17, 2009

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

To: Franklin Keel, Regional Director

From: Marilyn Baader, Resident of Town of Springport, County of Cayuga



My comments are directed toward the decision of the BIA, who determined that there would be no economic impact on the 130 acres that the Cayuga Indian Nation has already purchased. I strongly disagree! I have been active in following this case ever since I received a notice that my primary home was on Cayuga Nation land. At that time, no mortgages could be obtained and title insurance was required. My home was not mortgaged and to obtain title insurance was impossible, so I, and others in my similar situation, were at extreme risk. We lived with the threat of takeover for many years.

The Village of Union Springs had businesses, which served the community well until the arrival of this debacle. There once was a gas station/convenience store in the Village. Unfortunately, a kitchen fire caused its demise and the owner decided not to rebuild, because the competition from the Indian gas station put his business at a severe disadvantage. Now to purchase gasoline or obtain a deli item, I must drive 20 miles round-trip to the nearest station. I will not purchase gasoline or deli items at the Indian store when, in the long run, it costs me money in additional taxes from the town and the county.

Within 500 feet of my property on Cayuga Lake, the Indians have purchased several undeveloped acres with the purported use of building homes for their executives. Obviously, if granted, this land would be off the tax roles again raising my taxes. Lake property is assessed rather heavily and so the tax amount would be significant because of the number of feet of shoreline. This property is located within the Town of Springport, just over the line from the Village of Union Springs.

There is no sales tax on items sold at their gas station/convenience store, which is costing all governmental agencies. The county estimates its sales tax loss on cigarette and other items at \$4.2 million/year and NYS estimates its loss at \$7.5

million/year. I realize that NYS has the power to collect the tax from non-Indians, but the continuous threats from the Indians if they had to collect taxes from non-Indians is unconscionable. Threats of charging people to drive on the roads through their claimed territory and threats of disruption to the area are two examples. With gasoline prices rising again, the advantage to the Indians is to offer a 7-12 cent/gallon discount on gasoline. With NYS having the highest cigarette tax in the United States, the sales of these cancer-causing items at the Indian's store is high. I walk daily along State Rte. 90 and the number of Indian cigarette boxes along the highway is high. Another cost to the State to pick-up this litter as well as its impact on the pristine Finger Lakes environment.

I am dismayed and outraged that the BIA can say there would be no economic impact to the community! There is currently impact on me directly. Increased taxes, increased cost of driving to a competitive gas station, increased cost to the environment and increased cost of my health insurance because the sale of cigarettes allows many individuals to continue smoking, which will, at some point in their life, cause devastating illness that must receive health services.

I agree that the Cayuga's once lived in this area, but they were nomads moving as necessary to find food and protection. They were our enemies during the Revolutionary War. I just don't understand or accept that the Cayuga Indians of today, who number around 500, can be rewarded while I, who have lived in this area 44 years and paid taxes every year, can just be told it will not impact us.

Please do the right thing by not allowing this land to go into trust. The Cayuga Indians are welcome to live here, but they should play by the same rules I have for 44 years. It is only fair and fair is what this Nation has as a binding principal.

Thank You.

*Marilyn Baader*



Louise and Milton vonHahmann  
6976 East Lake Road  
Ovid, NY 14521  
June 17, 2009

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

**RECEIVED**

JUN 23 2009

**SENECA COUNTY MANAGER**

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:

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

- The removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York 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 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 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 submitting our comments and concerns into the public record.

Sincerely,

*Milt von Hahmann*  
*Louise von Hahmann*

Milton vonHahmann  
Louise vonHahmann

cc: David Dresser, Board of Supervisors  
cc: District Attorney Richard Swinehart  
cc: County Attorney Frank Fisher  
cc: County Manager Suzanne Sinclair

June 17, 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, Mary Prudhomme, 3137 Demont Rd., Seneca Falls N.Y.  
Find the DEIS as issued to be deficient in the following ways:

Land should not be placed in trust because it is not fair to Non-Indians. We pay taxes on our land and ~~feel~~ all Citizens should do the same. We also have to adhere to strict building codes and land usage and they would not be required to do the same.

Mary Prudhomme

Lined writing area consisting of approximately 30 horizontal lines.

Respectfully submitted,

June 16, 2009

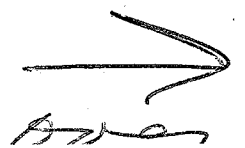
Franklin Keel, Regional Director  
Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, Tennessee 37214

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

Director Keel,

I, Martha Linder, 3761 Cheshire Rd. Cndg. 14424 N.Y.  
Find the DEIS as issued to be deficient in the following ways:

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?



Respectfully submitted,

*Matthias Linder*

June 16, 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 Cathy Freyee of 37 Walnut St Auburn NY find the DEIS as issued to be deficient in the following ways and oppose approval of this application.

This community in Central New York already has such heavy tax burdens + could certainly use help but definitely not any "more" problems or taxes. We especially don't need loss of any property taxes, sales taxes, taxes on alcohol or gas - while at the same time straining the budget for emergency services, improvements etc etc.

There is absolutely nothing to gain from this for Area Residents + hard-working "tax paying" people of this area.

I operate a business in Cayuga County + much is expected of me. Equality + fair share for everyone would seem like very little to ask for. Voters + residents of this ignored area of the state are not expendable + asking us to bear anymore tax burdens while others ~~pros~~ (just a few) prosper on gambling + such is just asking too much.

Respectfully submitted,

Name Printed Cathy Frey

Signature Cathy Frey

Date 6/22/09



June 16, 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, Patricia Reek of Canandaigua N.Y.  
Find the DEIS as issued to be deficient in the following ways:

5C II Unregulated land use.  
Uncontrolled land use could result in  
~~the~~ detrimental circumstances for surrounding  
property owners

1 A Decline in tax revenues which will result  
in increased burden on the rest of the  
Community. Sales tax  
Property tax  
Excise taxes  
Special districts

I find these issues <sup>are</sup> reasons to  
be looked at more closely.

Patricia Reek  
3474 Hickok Rd  
Edge, NY 14424



June 16 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 Robin Diaz of 2890 Conifer Dr., Cayuga, N.Y.  
find the DEIS as issued to be deficient in the following ways and oppose approval of this application. 14424

~~The DEIS is deficient in that it does not account for future expansion of current operations. It provides no restrictions to maintain the current status.~~

DEIS Alternative 3 does not prove need, but rather supports greed.

The DEIS does not demonstrate how activities that are illegal in New York State would protect self determination under the shelter of the Federal Government.

The CFN has already established that they have the ability to purchase land and businesses on the "Open Market". They also have additional sources of revenue available to them. This has been demonstrated

Robin Diaz

Lined writing area with 25 horizontal lines.

Respectfully submitted,

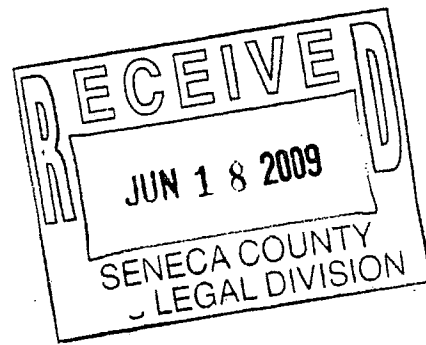
Name Printed \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

June 16, 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 Mr. Keel,

I am writing to express my strong opposition to the Federal trust application sought by the Cayuga Indian Nation. The position taken by the Bureau of Indian Affairs, that no significant impact would be felt if 129 acres of land within Seneca and Cayuga Counties were put in trust.

As a resident of Seneca County, I have felt an impact of this legal action for the past thirty years. When my husband and I purchase our first home we were forced to pay for special insurance because we were in an "Indian Land Claim Area". When we later sold that home we again paid for Land Claim Insurance. This had an economic impact on me.

Many years ago, my former boss who was a garage sale fanatic purchased old scrapbooks that were essentially a collection of newspaper articles of local interest over the years. One of the most interesting articles in that scrapbook outlined the settlement agreement (money paid to the Cayuga's) by New York State for a land claim suit. If I remember correctly, this settlement took place in the 1970's. How many times can the Cayuga's receive money and land as a settlement for what they perceive as an injustice two hundred years ago?

The placement of 129 acres in trust will cause huge economic and possible environmental disaster for County residents. Loss of revenues from taxes, will force an extra burden on County residents. The Indian Nation does not want to financially support road repairs and snow removal, water and sewer operation and maintenance costs, or fire protection from local volunteer fire departments. All of these services are supported on taxes, which the nation does not want to contribute their fair share, even though they generate income by electronic gaming/cigarette and gasoline sales.

If lands are made Sovereign, then no regulations apply to the Cayuga Nation. The Finger Lakes are blessed with beautiful landscapes as well as lakes, used for drinking water supplies by many communities. Without regulations, the Cayuga Nation can pollute the drinking water supply, if one of their enterprises (such as a gas station) fails to properly contain their fuel supplies, or if required testing of tanks is not done.

The buzz words used in the past was that the Cayuga Indian Nation needed to preserve their cultural past that was taken from them when they lost the land. My question to you is what is the cultural significance of selling gasoline, cigarettes and gambling? The

bottom line is that the nation wants money and doesn't care what types of economic destruction happens to County residents.

I have no problem with the nation conducting what ever businesses that they choose, but they should not be given the advantage of no taxes, and no regulations all other citizens must adhere to.

How can a negative impact be declared with no thought being given to what could happen to our counties when one group of American citizens have no regulations on water and air quality. These American citizens would not be required to comply with zoning or land use requirements and noise ordinances.

Gambling is known to have social impacts, this should not be ignored. County residents would not be using these gaming operations (we would not be able to afford this) people would be from out of County using roads, water and sewer – and the nation would be contributing to upkeep (operation and maintenance).

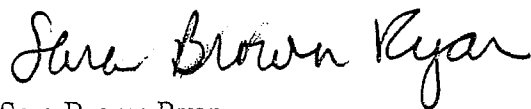
No health and safety regulations would be applicable to the nation. No safety considerations such as building codes and fire protection equipment would be mandated by Federal and State codes.

History has shown that the Cayuga Indian Nation sold cigarettes to a minor and were brought to an enforcement hearing with the Seneca County Department of Health. New York State Department of Health has a huge initiative to prohibit the sale of tobacco to minors, without regulation and through compliance checks; tobacco sales to minors would be unregulated. The same goes for food service operations, hotels and motels, campgrounds as well as individual septic disposal systems. Public Health Law regulates the above mentioned types of activities to insure health and safety standards. Self regulation could result in public health standards being broken without consequences.

Our voices need to be heard. America is changing due to politics and prejudice. Since when should I as a "white man" suffer consequences of injustices because of treaties two hundred years ago. Our Government has shown that President Obama does not honor the contracts of today (ask bank executives) and I as a taxpayer am being forced to accept inequality and injustice which will affect my children and grandchildren.

Thank you for your consideration of my opinions on this matter.

Sincerely,



Sara Brown Ryan

cc: Frank Fisher, Seneca County Attorney

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

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



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

Dear Mr. Keel:

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

**Taxes:**

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

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

#### **Infrastructure/ Services:**

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

#### **Unfair Competition:**

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

#### **Regulatory Jurisdiction:**

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



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

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

#### **Environmental Consequences:**

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

#### **Future Development:**

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

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

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

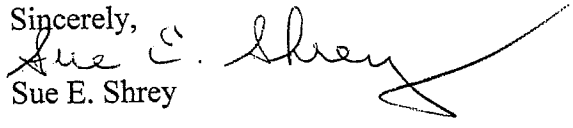
**General Comments:**

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

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

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

Sincerely,  
  
Sue E. Shrey

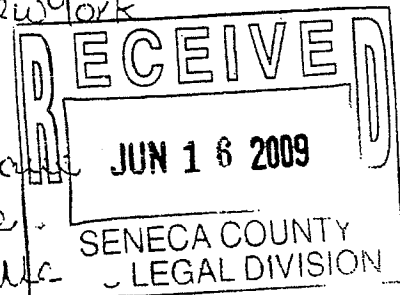
CC: Chuck Lafler, Chairman, Board of Supervisors, District Attorney Richard Swinehart, County Attorney Frank Fisher, Peter Same, Board of Supervisors, David Dresser, Board of Supervisors, County Manager Suzanne Sinclair

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

2378 Yellow Tavern Rd.

Waterloo, N.H.

13165

Town of Fayette

DEIS Comments Cayuga Indian Nation of New York  
Trust Acquisition Project

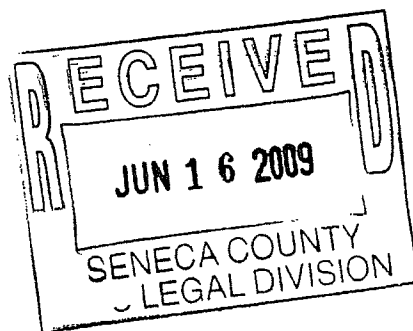
To BIA

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,

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

Town of Fayette



218 Fall Street  
Seneca Falls, New York 13148  
June 16, 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 find the DEIS as issued to be deficient in the following ways and oppose approval of this application.

The DEIS is deficient in proposing to create a reservation from non-contiguous land. Due to the position of Cayuga Lake, most of these parcels could never be united into one reservation, but would 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 it's Sherrill decision.

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.

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.

Please do not approve this application. Thank you.

Respectfully,



Christopher Giovati

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

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

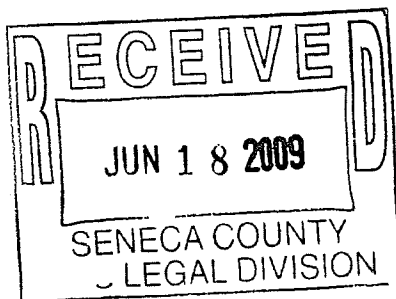
RE: DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Dear Mr. Keel:

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

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

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



Sincerely,

Michael A. Mestan  
Jill K. Meston

Michael Mestan, Jill Mestan

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

June 15, 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, Margaret Haskin's 1288 Clark St Rd Auburn N.Y.  
Find the DEIS as issued to be deficient in the following ways:

I feel the DEIS was not submitted as  
100% up front and honest. The Cayuga Nation  
will operate their enterprises without paying  
property taxes or collecting sales tax. Both  
tax systems supply the funds to maintain  
the infrastructure which surrounds them.  
It gives them a competitive advantage in  
a tough business climate. Please deny  
the application.



June 15, 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, Mary J. T. Brown 4652 St Rt 34B Union Springs, NY 13160 N.Y.  
Find the DEIS as issued to be deficient in the following ways:

I want to know why all USA property owners don't have to pay taxes. I am currently describing a dual + remodeled K. Grey / Terrace and I am paying taxes on my home and property - that is part of life and property ownership. There should be no exceptions for anyone! Why should they get a free ride? My husband works for the highway dept. and the roads are in need of work all the time we pay taxes to cover these things! The Seneca / Cayuga Indian nation is using our roads too and should contribute as well.

June 15, 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, Harold Hoskins 1628 W. Genesee St Rd Auburn NY.  
Find the DEIS as issued to be deficient in the following ways:

First I do not believe that the Cayuga Nation is a federally recognized tribe. This should be enough to dismiss this application.

The DEIS does not explain how the operation of gaming, gas stations, and the outlet for sale of untaxed cigarettes would improve the culture of the nation. So if their intent is merely to operate businesses without the regulations the rest of us abide by, then this application should be denied.

June 15, 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, STANLEY P. HOSKINS 1288 CLARK STRD AUBURN N.Y.  
Find the DEIS as issued to be deficient in the following ways:

THE CAYUGA INDIAN NATION HAS DEMONSTRATED  
THEIR ABILITY TO MAKE PURCHASES OF LAND ON  
THE OPEN MARKET. THEY ESTABLISH A CHECKER  
BOARD OF REAL ESTATE HOLDINGS IF YOU ALLOW  
THE PROPOSED LAND TO BE TAKEN IN TRUST, IT  
WILL BECOME EASY FOR THE NATION TO ACQUIRE  
LAND IN BETWEEN PROPERTY ALREADY OWNED. THEY  
CAN DO THIS BECAUSE THEY HAVE OR WILL HAVE  
A COMPETITIVE ADVANTAGE AS THEY WILL PAY NO  
PROPERTY OR REPORT ANY SALES TAXES. PLEASE  
CONSIDER THIS AS A REASON TO REJECT THE LAND  
IN TRUST APPLICATION.

Ms. Daneille Rodriguez  
530 Fire Lane 14  
Cayuga, NY 13034  
June 15, 2009

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

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

Dear Mr. Keel:

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

As a lakefront resident on the precious natural resource of Cayuga Lake, the environmental impact is of utmost concern to us. If these lands are allowed to be taken into trust, there is no longer any regulatory protection for this body of water, currently classified by the DEC as A(T), and of utmost importance to the life of residents.

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

The town of Springport and village of Union Springs do not have large numbers of taxpayers supporting the infrastructure of this area. Small communities such as these do not need additional burdens placed on them to support increased use of services, while the numbers who pay into those services will be reduced by property into trust.

- Given that we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The 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.
- 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.
- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.

- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.
- The 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 town of Springport is currently engaged in a visioning process to develop a master plan for future development of this rural area. Taking 130 acres in the heart of this community into trust will remove the town's ability to control development on Scenic State Route 90, in the heart of the tourist region of the Finger Lakes.

- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
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Mr. Franklin Keel  
June 15, 2009

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

Sincerely,



Danielle Rodriguez

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

George Fearon, County Legislature  
160 Genesee Street  
Auburn, NY 13021

Raymond Lockwood, County Legislature  
1877 State Rte 326  
Auburn, NY 13021

Page Five  
Mr. Franklin Keel  
June 15, 2009

Dave Axton, County Legislature  
8160 State St. Rd.  
Port Byron, NY 13140

District Attorney Jon E. Budelmann  
95 Genesee Street  
Auburn, NY 13021

County Attorney Fred Westphal  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

County Manager Wayne Allen  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021



Mr. and Mrs. Luis Rodriguez  
5340 Fire Lane 14  
Cayuga, NY 13034  
June 15, 2009

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

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

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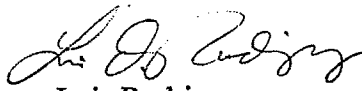
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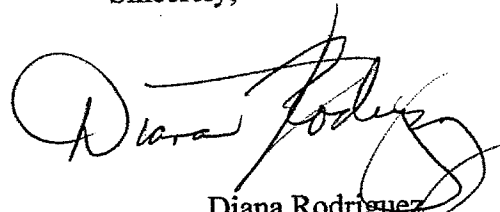
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Sincerely,

  
Luis Rodriguez

  
Diana Rodriguez

cc:  
Peter Tortorici, Chairman, County Legislature  
19 Union Street  
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160 Genesee Street  
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1877 State Rte 326  
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8160 State St. Rd.  
Port Byron, NY 13140

District Attorney Jon E. Budelmann  
95 Genesee Street  
Auburn, NY 13021

County Attorney Fred Westphal  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

County Manager Wayne Allen  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

Mr. Mark Rodriguez  
530 Fire Lane 14  
Cayuga, NY 13034  
June 15, 2009

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

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As a lakefront resident on the precious natural resource of Cayuga Lake, the environmental impact is of utmost concern to us. If these lands are allowed to be taken into trust, there is no longer any regulatory protection for this body of water, currently classified by the DEC as A(T), and of utmost importance to the life of residents.

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

The town of Springport and village of Union Springs do not have large numbers of taxpayers supporting the infrastructure of this area. Small communities such as these do not need additional burdens placed on them to support increased use of services, while the numbers who pay into those services will be reduced by property into trust.

- Given that we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The 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.
- 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.
- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.

- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.
- The 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 town of Springport is currently engaged in a visioning process to develop a master plan for future development of this rural area. Taking 130 acres in the heart of this community into trust will remove the town's ability to control development on Scenic State Route 90, in the heart of the tourist region of the Finger Lakes.

- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
- In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits.
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- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.



Page Four  
Mr. Franklin Keel  
June 15, 2009

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

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

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

Sincerely,



Mark Rodriguez

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

George Fearon, County Legislature  
160 Genesee Street  
Auburn, NY 13021

Raymond Lockwood, County Legislature  
1877 State Rte 326  
Auburn, NY 13021

Page Five  
Mr. Franklin Keel  
June 15, 2009

Dave Axton, County Legislature  
8160 State St. Rd.  
Port Byron, NY 13140

District Attorney Jon E. Budelmann  
95 Genesee Street  
Auburn, NY 13021

County Attorney Fred Westphal  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

County Manager Wayne Allen  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

Mr. and Mrs. Eric M. Scott  
534 Fire Lane 14  
Cayuga, NY 13034  
June 15, 2009

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

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

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.

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Page Four  
Mr. Franklin Keel  
June 15, 2009

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

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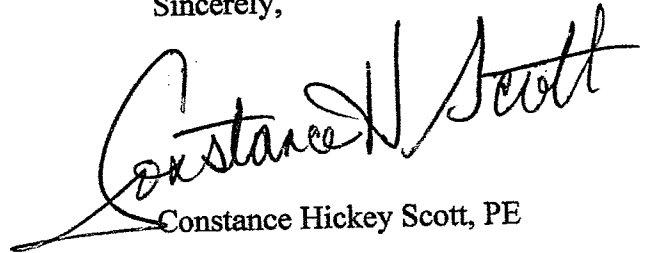
We oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

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

Sincerely,



Eric M. Scott



Constance Hickey Scott, PE

cc:

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

George Fearon, County Legislature  
160 Genesee Street  
Auburn, NY 13021

Raymond Lockwood, County Legislature  
1877 State Rte 326  
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County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

County Manager Wayne Allen  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

Joan P Evans  
3752 Cobblestone Ct  
Binghamton, NY 13903  
June 15<sup>th</sup> 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:

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**Taxes:**

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

**Infrastructure/ Services:**

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



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#### **Unfair Competition:**

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

#### **Regulatory Jurisdiction:**

- States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water.
- Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands. The Cayuga Indian Nation lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.
- Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole.
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#### **Environmental Consequences:**

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

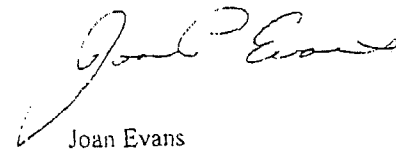
**Future Development:**

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

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

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

Sincerely,



Joan Evans

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

John Chomyk  
6618 Butera Drive  
Auburn, New York 13021

June 14, 2009

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

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

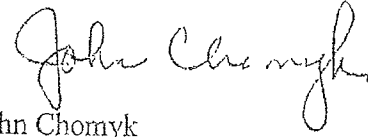
Dear Mr. Keel:

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

It is inequitable to allow a group to sell goods and not collect sales tax and yet benefit from services provided by the taxpaying public. Should this go through, and a possible gambling operation be established, an additional drain on (local) County provided services would occur. Local, tax paying business owners, will suffer a loss of livelihood from services provides in the land established by trust. In a time when resources are already tight and county governments are looking at services that enhance their citizen's quality of life, but may not be mandated, to allow a probable further loss of resources like sales taxes, would be catastrophic. I must add, that I have lived in Cayuga County over fifty years and can recall perhaps one possible person of native Indian origin in my graduating class of almost 700 and certainly have not seen them as a committed, contributing group within and to this County since then. To enact the land into trust makes no sense in this county.

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

Sincerely,

A handwritten signature in cursive script that reads "John Chomyk". The signature is written in black ink and is positioned above the typed name and phone number.

John Chomyk  
(315) 252-0438

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

cc: George Fearon, County Legislature  
160 Genesee Street  
Auburn, NY 13021

cc: Raymond Lockwood, County Legislature  
1877 State Rte 326  
Auburn, NY 13021

cc: Dave Axton, County Legislature  
8160 State St. Rd.  
Port Byron, NY 13140

6569 State Route 90 N.  
Cayuga, New York 13034  
June 14, 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 find the DEIS as issued to be deficient in the following ways and oppose approval of this application:

The DEIS is deficient in stating that the Cayuga Indian Nation is a Federally recognized tribe. The Cayuga Indian Nation has not been through the recognition process, and are merely arbitrarily listed by the Bureau of Indian Affairs. There were no Cayuga Indians registered in Cayuga and Seneca counties in the 2000 U.S. Census. The majority of non-Cayuga families, who live and work in these counties have done so for many, many generations.

The DEIS does not prove that taking land into trust is actually needed by the Cayugas. It only demonstrates that it would give the Cayugas an unfair economic advantage, and shelter otherwise criminal enterprises for the purpose of unreasonable profits, which are unfair and detrimental to the surrounding communities.

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

The DEIS does not recognize that the Cayugas have obviously demonstrated that they have the financial ability to purchase land and businesses on the free market. The Cayugas have also demonstrated that they have significant resources and access to additional financial backing.

The DEIS is deficient in proposing to create a reservation from non-contiguous land. The position of Cayuga Lake and location of the various parcels, prevents uniting this land into one reservation, thus creating a checkerboard of properties. (See *Sherrill v. Oneida Indian Nation of New York*, 03-855).

The DEIS does not address the purchase of property on both shores of Cayuga Lake, and the Cayugas claiming rights to the lake, as other tribes have done in other areas.

The DEIS expresses no limitation on the Cayugas should waterways pass through or be adjacent to Cayuga land, such as the Cayugas seeking to have the New York State Barge Canal taken into trust.

The DEIS does not address the preservation and uninhibited use of easements and rights of way in the effected area.

The DEIS does not address mineral rights ownership.

The DEIS does not address environmental impacts, and the Cayuga's exemption from New York State Department of Environmental Conservation regulations.

The DEIS does not address Cayuga Lake's north end. This area contains a significantly high number of utilities, such as high voltage electrical lines, natural gas pipe lines, liquid petroleum lines, and telecommunication cables. Future Cayuga purchases and applications could severely disrupt these services to far-reaching service areas.

The DEIS does not address the additional burdens that would be placed on local service providers such as highway, water and sewer, fire, police, emergency medical services and hazards to emergency personnel, due to the Cayuga's non-compliance of local codes and ordinances, and state laws and regulations.

The DEIS does not address the burdens placed on local social services, such as welfare, addiction services, Medicaid, dispute resolution, and the numerous effects of introducing a population into the area with recognized high rates of alcohol and drug use. The effects of gambling have been shown to lead to poverty and bankruptcy, crime, domestic abuse, divorce, foster care, and generations following in the self-destructive footsteps of their parents.

The DEIS is deficient in that it does not address the future expansion of Cayuga interests, and the ease with which additional parcels can be added to the original trust lands.

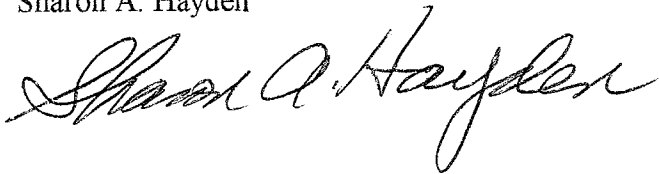
The DEIS does not address any comprehensive plan for land use. Commercial development in a designated agricultural zone would be in violation of the host communities comprehensive plan.

The DEIS does not address Cayuga sovereignty creating an unfair and uncompetitive environment for non-Cayuga businesses already located in the region, who are required to collect sales and excise taxes, adhere to weights and measure standards, and comply with building and health codes.

If this application is approved, as has been previously demonstrated, this is just one of many to follow. Approval of the current application and any future applications, is unfair to all non-Cayuga United States citizens who have been living and working in these communities for many generations.

All American citizens should have the same equal rights and The Bureau of Indian affairs would be creating a privileged, but segregated group, should you approve this application. Please do not do this. Thank you.

Sincerely,  
Sharon A. Hayden

A handwritten signature in cursive script that reads "Sharon A. Hayden". The signature is written in dark ink and is positioned below the typed name.

SAH/sah

June-13, 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 find the DEIS as issued to be deficient in the following ways and oppose approval of this application.

The CIN has clearly demonstrated the ability to purchase land and businesses on the free market. Therefore, the CIN does not need land to be taken into trust. The latest blatant examples of new purchases are Bodine's fruit and vegetable stand and the ice-cream shop in Seneca Falls, which were purchased just several weeks ago, after CIN was told not to make any more purchases until this land into trust issue is settled.

The DEIS makes no mention of how many current tribal members presently reside or have ever resided in this area. There were no Cayuga Indians registered here in the 2000 U.S. Census.

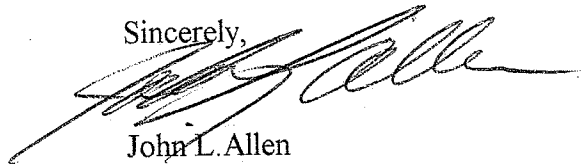
The DEIS does not demonstrate how activities illegal in New York State such as gambling, and the untaxed sale of gasoline and cigarettes, would promote self-determination under the shelter of the federal government. This continued loss of sales tax from the unregulated and untaxed sales of gasoline and cigarettes is absolutely devastating to Seneca and Cayuga counties, and the state of New York.

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

We are all American citizens, and creating a privileged class of citizens who are above the law is wrong, and the impact of this is not addressed in the DEIS.

Please do not approve this application. Thank you for your attention to this letter.

Sincerely,



John L. Allen  
82 Owasco St.  
Auburn, N.Y. 13021



June 13, 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, Susan W. Lesch of 19 First Ave, Auburn, NY 13021  
find the DEIS as issued to be deficient in the following ways and oppose approval of this application.

- The DEIS is deficient in that it makes no mention of the felony criminal charges and indictments pending in NYS courts for the illegal possession of untaxed cigarettes.
  - The DEIS is deceitful in that the BIA seeks to "launder" these assets via the land into trust process.
  - The DEIS is deficient and deceitful in that it acknowledges the prior significant illegal gambling revenues ~~as~~ as important to the CIN, but does not acknowledge their illegitimacy.
- The DEIS states the value of and acknowledges the existence of these previous and on going criminal activities but fails to recognize that in so doing BIA officials are admitting they are accomplices in the continuation of a criminal enterprise.
- The DEIS ignores the apparent collusion of some gov't officials allowing for the continuation of these criminal activities.

Susan W Lesch

Ray & Joyce Williams  
539 Fire Lane 14  
Cayuga, NY 13034  
June 12, 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.

**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.

**Regulatory Jurisdiction:**

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

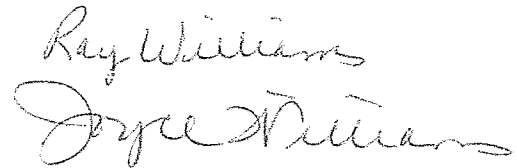
resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

**Future Development:**

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

The 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,



Ray & Joyce Williams

Cc:

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

George Fearon, County Legislature  
160 Genesee Street  
Auburn, NY 13021

Raymond Lockwood, County Legislature  
1877 State Rte 326  
Auburn, NY 13021

Dave Axton, County Legislature  
8160 State St. Rd.  
Port Byron, NY 13140

District Attorney Jon E. Budelmann  
95 Genesee Street  
Auburn, NY 13021

County Attorney Fred Westphal  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

County Manager Wayne Allen  
County Office Building, 6th Floor  
160 Genesee Street  
Auburn, NY 13021

June 12, 2009

Carl S Cuipyllo  
6007 Lake Street  
Cayuga, New York 13034  
Telephone 315-252-4945

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

Dear Mr Keel:

The following are my comments on the DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project. Please incorporate a response to each in the Responsiveness Summary.

**SECTION 00, EXECUTIVE SUMMARY, SECTION A, FOURTH PARAGRAPH**

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.

**Comment:**

*All these needs are guaranteed as citizens of the USA. No additional privileges are required to fulfill these needs.*

**SECTION 00, EXECUTIVE SUMMARY, SECTION B, PURPOSE AND NEED**

To generate revenues to fund tribal programs and services, the Nation acquired several properties on the Nation's ancestral lands in Cayuga and Seneca Counties. Included among its acquisitions were two existing convenience stores/gas station businesses in Union Springs and Seneca Falls. The Nation operates these businesses for tribal revenue generation purposes. The Nation has generated additional revenues at these sites through the operation of two Class II gaming facilities. These business operations are the sole source of tribal revenues.

**Comment:**

*The tribe also receives revenue from the Federal Government. Tribal members are eligible for all benefits available to any other US citizen including Social Security, Medicare / Medicaide, Worker's Compensation Insurance, Welfare, and so on.*

**SECTION 00, EXECUTIVE SUMMARY, SECTION B, PURPOSE AND NEED**

Transfer of lands into trust is a real estate transaction which would convey legal title to the subject properties to the United States. If the Nation's fee-to-trust application is approved by BIA, the subject properties will be held by the United States for the use and benefit of the Nation to ensure the cultural preservation, expression and identity, self determination, self-sufficiency and economic independence of the Nation as a federally recognized Indian tribe.

**Comment:**

*These functions are permissible without transfer into Federal Trust.*

**SECTION 00, EXECUTIVE SUMMARY, SECTION C, ALTERNATIVES, ALTERNATIVE 2: NO ACTION**

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

Under this alternative, the Nation would continue use of its properties for multiple purposes, including the continuation of existing uses.

**Comment:**

*The Nation is doing well as evidenced by their ability to buy properties in Union Springs, Seneca Falls and Montezuma. There is no need to further enable the tribe.*

**SECTION 00, EXECUTIVE SUMMARY, SECTION D, EXISTING CONDITIONS.**

At the Union Springs LakeSide Trading operations, the Nation currently maintains a workforce consisting of 17 employees. In addition to paying wages and salaries to employees, the Nation's Union Springs gas station, car wash, and convenience store make expenditures in the order of \$440,176 per year to purchase of goods and services. The direct effect on the local economy from the Nation's Union Springs activities, measured as economic output or demand, is estimated at approximately \$864,398 annually. The total annual economic activity that results from the Nation's existing operations is estimated at \$1.8 million in New York State. Of that, \$1.2 million would occur in Cayuga County.

**Comment:**

*These figures do not take into account the loss of tax revenue to the existing government entities or the additional costs for the stress on the infrastructure that will be borne by those existing government entities.*

**SECTION 00, EXECUTIVE SUMMARY, E. POTENTIAL EFFECTS OF THE ALTERNATIVES**

## ALTERNATIVE 1: THE PROPOSED ACTION

Under this alternative, which involves placing the Nation's property into trust, no changes are proposed to existing resources. Under this alternative, existing land uses would continue, and the properties would continue to be used as currently used. This alternative would result in the reopening of the existing, but temporarily closed, gaming facilities at the Seneca Falls and Union Springs Enterprise Properties. As a result of this alternative, no new development or construction is planned, and therefore there would be no change to land and water resources, living resources, cultural resources, or resource use patterns.

### Comment:

*Gambling is incongruous with the existing cultural climate as exhibited by the present prohibition of such activity. In addition the Haudenosaunee is philosophically opposed to casino gambling and high stakes bingo within its territories. Gaming is predicated upon fostering greed and unrealistic visions about striking it rich. There is a reason why casinos are constitutionally banned in New York State. In the past, casinos corrupted the people. New York has chosen gambling as a way to generate income for itself and the Haudenosaunee feel that this is socially irresponsible. The Haudenosaunee is morally opposed to casino gambling and high stakes bingo within the territory of the Haudenosaunee. Our Original Instructions, Great Law of Peace and Spiritual Teachings are very clear on this matter. The Haudenosaunee way of life is predicated upon values and beliefs that will be undermined by the greed and corruption that casinos bring. The culture of casinos would violate the principles and values that the Haudenosaunee have inherited from their ancestors. Casino culture destroys the social, cultural and spiritual fabric of the Haudenosaunee people, and will lead to more serious disruption of the overall health and welfare of the Haudenosaunee people. Excerpted from: HAUDENOSAUNEE STATEMENT ON HIGH STAKES GAMBLING April 2005*

## SECTION 00, EXECUTIVE SUMMARY, E. POTENTIAL EFFECTS OF THE ALTERNATIVES ALTERNATIVE 1: THE PROPOSED ACTION

The annual operations of the LakeSide Trading and reopened LakeSide Entertainment gaming businesses are projected to have direct employee compensation in the two counties equal to about \$1.3 million. Including indirect and induced activity that occurs off-site, the total employee compensation from the operation of the project are estimated at about \$1.8 million in the two counties, and \$3.8 million in New York State.

Under this Alternative, the direct effect on the local economy, measured as output or demand, from the annual operation of the Proposed Action is estimated at \$3.1 million, an increase of approximately \$1.3 million over existing operations. Including activity that occurs off-site, the total effect from the annual operation of the Proposed Action on the two counties' economy is

estimated at \$4.2 million. The total effect on the New York State economy is estimated at \$7.5 million annually.

**Comment:**

*This statement fails to acknowledge that there is no actual creation of wealth for the local economy, but is simply a redistribution of the money already in the area. Operation of the convenience stores employed people before the purchase by the Nation, therefore the Nation has not created any jobs.*

**SECTION 00, EXECUTIVE SUMMARY, E. POTENTIAL EFFECTS OF THE ALTERNATIVES ALTERNATIVE 1: THE PROPOSED ACTION**

As trust land, the Nation's property would not be subject to local or county taxation, and would therefore not contribute to the funding of these services through the property taxation system. The Nation, however, would assume the full range of jurisdiction over the subject properties. Further, the Nation intends to explore cooperative agreements with regards to community service providers, including emergency services, to ensure that the Nation's properties and patrons of its businesses are adequately protected. No cooperative agreements were in place prior to the Nation's land-into-trust application; however, the Nation does intend to fully explore such agreements.

**Comment:**

*An intention is not a guarantee and the Nation is under no legal obligation to follow through on its intentions.*

**SECTION 00, EXECUTIVE SUMMARY, E. POTENTIAL EFFECTS OF THE ALTERNATIVES ALTERNATIVE 2: NO ACTION**

Under this alternative, in which the Nation's property would not be placed into trust, the property would continue to be used as it is now and there would be no changes to the existing conditions as described above. In addition, under this alternative, the status quo with respect to jurisdictional issues and disputes between the Nation and State and local governments would continue.

With respect to the Nation's Enterprises, the Nation's gas station and convenience stores, Lakeside Trading 1 and 2, would continue in operation but the Nation's Class II gaming facilities would remain closed. Whereas the Nation previously derived the vast bulk of its



income from its gaming facilities, the vast majority of its revenues now come from the sale of cigarettes and gasoline.

**Comment:**

*We disagree that status quo would remain. Since the land would remain under local jurisdiction local rules and regulations would apply. There should be no dispute.*

**SECTION 00, EXECUTIVE SUMMARY, E. POTENTIAL EFFECTS OF THE ALTERNATIVES  
ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST**

Under Alternative 3, which would place the Nation's property in Seneca Falls and Union Springs into trust, the property would continue to be used as it is now with the reopening of the two gaming facilities at the Seneca Falls and Union Springs sites. As a result of this alternative, there would be no changes to onsite land and water resources, living resources, cultural resources, or resource use patterns.

**Comment:**

*We disagree with this point. As gambling is now not allowed in the area for cultural reasons this would be a major change to the local culture.*

**SECTION 00, EXECUTIVE SUMMARY, SECTION F. MITIGATION**

No significant adverse impacts were identified as a consequence of either Alternative 1, the Proposed Action, or Alternative 3. Therefore, it is concluded that the Proposed Action and Alternative 3 would not result in any significant adverse impacts needing mitigation of any form.

**Comment:**

*The EIS is in error in finding that there would be no adverse impacts. The introduction of commercial gambling into the area would forever and irreversibly change the social and cultural character of the area. Another significant impact is that the land into trust without the creation and maintenance of international borders would create two classes of local residents, one class subject to local rules and regulations and one immune from them. Functionally these people would occupy the same land but would be subject to two entirely different sets of rules. Cultural friction would ensue.*

## CHAPTER 1: PURPOSE AND NEED SECTION B: BACKGROUND AND HISTORY

The transfer into federal trust of the Nation's Cayuga and Seneca County properties would provide cultural resource protections.....

### **Comment:**

*The US constitution already provides that ethnic and cultural entities be allowed to embrace the activities and institutions that make their cultures unique. There is no need for a redundant action.*

## CHAPTER 2, ALTERNATIVES ALTERNATIVE 2: NO ACTION

Under this alternative, analysis of which is required under NEPA, the BIA would take no action, and the Nation's properties included in Table 2-1, above, would not be taken into trust by the United States.

Under this alternative, the Nation would continue use of its properties for multiple purposes, including the continuation of existing uses (e.g., convenience store and gas station operations, a car wash, and related activities).

### **Comment:**

*The no action alternative should be chosen as the Nation has clearly demonstrated its ability to succeed within the existing structure. They may, and have, operated successful businesses, there is no prohibition to their establishing cultural centers under the current structure. They may pursue any of the activities which define their culture. They may acquire property for the purposes of culture, religion, business and everything else required to maintain their cultural integrity. Their recent acquisitions prove this.*

## Chapter 3.4: Hazardous Materials

### **Comment:**

*The environmental site assessments performed at these locations refer to NYS guidelines, standards and objectives. Since NYS standards would no longer apply to these parcels they should be reviewed by the USEPA and evaluated according to the USEPA rules, regulations and guidance values. Site evaluations should include the proposed USEPA Petroleum Bulk Storage inspection schedules and remedies available should there be an environmental problem.*

### CHAPTER 3.8 SOCIOECONOMIC

The BIA Eastern Regional Office considers the Cayuga Nation to be an environmental justice community. The BIA considers the Nation historically disadvantaged minority with limited income potential due to general biases of the greater population within the region and State.

#### Comment:

*We strongly disagree with the BIA position that the Cayuga Nation is disadvantaged. We strongly disagree that there is a general bias against the Cayugas. Insinuation of this bias is in fact accusing the local population of being racist. The Cayugas are as welcome as any other race, creed or religion. In fact, by allowing the Cayuga's to reside in the area without regard to the local rules regulations and customs the BIA is setting up a dynamic conducive to friction between people. It is not the race that is the issue it is the unequal application of laws based solely on race as is being proposed by the BIA. In President Obama's inaugural speech he states, "...that the lines of tribe shall soon dissolve..." They must and the BIA must not perpetuate ethnic divides. The Cayuga's income earning potential is similar to all other local residents as evidenced by the patronization of Cayuga enterprises by the local populace.*

### CHAPTER 3.8 G

#### Comment:

*The premise is that the Nation has a positive economic effect on the area when in fact the money generated by Nation enterprises is gleaned from the local economy and simply redistributed with the lion's share going to the Nation. The convenience stores operated by the Nation existed and created jobs before the Nation's ownership. The gaming activities draw from the local area and create no actual wealth. Section 4.8 A of this document acknowledges that the draw for the gaming facilities is local.*

*This section does not address the job loss of business that have closed due to unfair competition from the Nation.*

### CHAPTER 4.4

#### Comment:

*Again, the environmental impact must be analyzed by and according to the USEPA.*

### CHAPTER 4.8 A

The Proposed Action is intended to further the lifestyle, cultural values and objectives of the Nation by advancing the Nation's goal of reestablishing tribal presence in its former homeland. This former homeland holds cultural and religious significance for its people. In addition, by enabling the Nation to continue operating and resume operations at businesses which were created to generate a source of revenue to be used to better the life of the Nation's membership, the Proposed Action will further the Nation's goal of economic self-sufficiency.

**Comment:**

*All cultures, races, creeds and religions are free to establish a presence in the area. There is no institutional bias against any group. A distinct political entity is not required to embrace one's culture. The Nation may operate business enterprise within the local structure as can anyone else. There are no prohibitions specifically aimed at the Nation.*

**CHAPTER 4.8 B. ALTERNATIVE 2: NO ACTION**

**Comment:**

*The Nation's objectives obviously go beyond re establishing their culture. The Nation has been successful in the present situation can continue to acquire property for residence, culture and business. There is no need to enable the Nation beyond the current conditions. The no action alternative should be chosen.*

Sincerely:

Carl S Cuipylo, Cayuga, New York

cc:

Peter Tortorici

Raymond Lockwood

June 12, 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 Donna Shutter of 6957 River Rd. Cayuga NY 13034  
find the DEIS as issued to be deficient in the following ways and oppose approval of this  
application.

The CTIN has purchased lands  
businesses on the free  
market. The CTIN has demonstrated  
it has resources and access to  
resources to make significant  
purchases.  
The CTIN could continue  
to operate various enterprises  
just as other New York businesses  
do, without the benefit of  
land being placed in trust.  
With the exception of gaming  
& day free sales both of  
which are illegal in New  
York state.

Signature →

Lined area for writing.

Respectfully submitted,

Name Printed Donna Shetter

Signature Donna Shetter

Date 6-12-09

June 12, 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 find the DEIS as issued to be deficient in the following ways and oppose approval of this application.

The DEIS is deficient in it's determination of need. The Cayugas have demonstrated that they have resources and access to outside resources to purchase property and businesses. At least two new purchases of pre-existing businesses have been made in Seneca Falls since this DEIS was drafted.

The Cayuga Indian Nation can obviously continue to operate various enterprises just as other New York citizens do without land being placed in trust. This is fair to all citizens.

Gambling and tax free sales of cigarettes and gasoline are illegal in New York state. Creating a "special" and segregated group of citizens who do not have to comply with local and state laws, as all other New Yorkers do, is unfair, at this date in time.

Please tell me why a tribe not recognized in 1934 is now eligible for trust privileges. This is 2009. Cayuga and Seneca counties are our home, and approval of this application deprives those of us born, brought up, and owning businesses here of a fair playing field.

Please consider what I have said here, and reject this application. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Oldfield". The signature is written in a cursive, somewhat stylized script.

Melissa Oldfield  
221 Fall Street  
Seneca Falls, New York 13148

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

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

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

Dear Mr. Keel:

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

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

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

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



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

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

Sincerely,

*Linda A. Leonard*  
Linda A. Leonard

cc: Cayuga County,

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

Seneca County,

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

ATTACHMENT pp. 1-4

ATTACHMENT

Page 1

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

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

**Taxes:**

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

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

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

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

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

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

**Infrastructure/ Services:**

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

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

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

**Unfair Competition:**

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

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

**Regulatory Jurisdiction:**

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

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

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

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

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

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

**Environmental Consequences:**

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

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

**Future Development:**

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

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

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

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

**General Comments:**

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

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

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

P.O. Box 712  
Waterloo, New York 13165

June 8, 2009

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

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

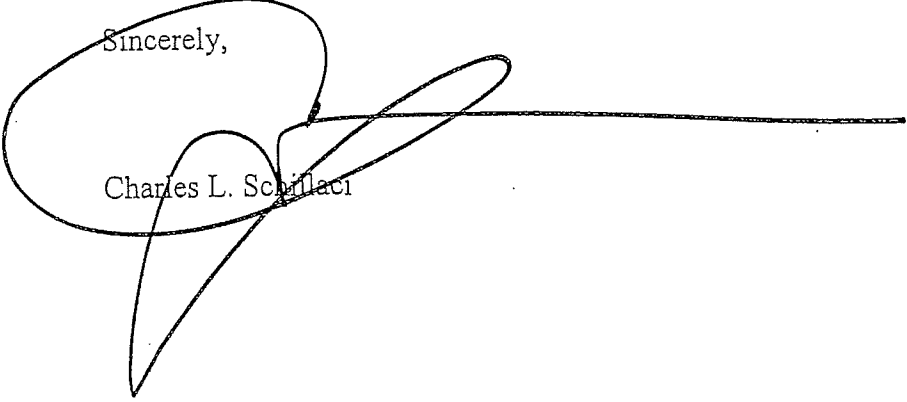
Dear Director Keel,

My name is Charles L. Schillaci and I am a resident of Waterloo, New York located in Seneca County and I would like to take this opportunity to comment on the DEIS for the Cayuga Indian Nation of New York Trust Acquisition Project. I do not believe that the DEIS has demonstrated an actual need to bring this land into trust. It appears to me that it merely demonstrates that it would shelter an enterprise from paying taxes for the simple purpose of abnormal profit. This would be detrimental to the surrounding community.

I am a firm believer in free enterprise and healthy competition. It is apparent that the Cayuga Indian Nation has the ability to purchase land and businesses and is able to operate the various enterprises just as many other New York businesses do without the benefit of the land being placed into trust, with the exception of gaming and tax free sales. I have witnessed many businesses in Seneca County close due to the fact that they can not compete with tax free cigarettes and gasoline and to me that flies in the face of free enterprise and the American Way.

Without reiterating the implications this would have on the tax base as well as the free enterprise spirit in our community, I ask you to consider my comments as well as the hundreds of others you have received as you prepare the Final Environmental Impact Statement.

Sincerely,



Charles L. Schillaci



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.

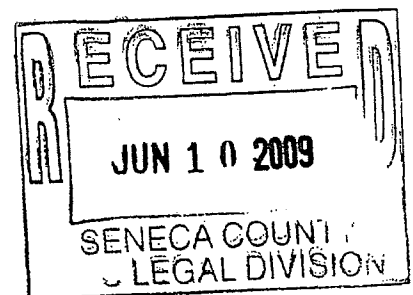
With these reasons in mind, we wish to go on record as being opposed to placing any land into trust for the Cayuga Indian Nation.

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

*William K. Wayne*  
William K. Wayne  
*Mary W. 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





**David Dresser**

---

**Date:** Sun, 07 Jun 2009 14:40:16 -0400

**From:** "Betty Wright" <ewright010@rochester.rr.com>

**Subject:** Indian Land Claim hearing

**To:** <ddresser@ithaca.edu>

To whom it may concern:

My name is Betty Wright and my husband and I live at 2351 Lower Lake Road, Seneca Falls, NY. Our home is in the land claim area. We also own another property in the land claim area at 3001 E. Bayard St. Ext. where our disabled son lives. My concern is that if the Bureau of Indian Affairs grants the Cayuga Indians land into trust it will ultimately raise my already high property taxes making it impossible continue to live in my home. Taxes are too high in New York state as it is and the additional burden is an unnecessary one on the property owners.

We are all American citizens and should be treated equally under the law. Allowing the Cayuga's land into trust creates another nation within our nation. In our Pledge of Allegiance it says "One Nation Under God" Somehow our federal and state lawmakers have forgotten this. It is time for our paid representatives to represent us and use some common sense and put a stop to this over 200 year problem.

I challenge you to start enforcing what we stand for so that we can all live as one nation under God. We might find with an equal playing field that we could all live together and get along in peace. It has been way too long that we have had to live with this threat hanging over our heads. I for one would like to live side by side with the Cayuga's, but only as an equal.

This is the 21st century, and it is time to stop all of this nonsense and let us get on with the more important things we are facing today.

Thank you,

Betty Wright

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

June 6, 2009

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

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

Dear Mr. Keel:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Francis O. Blackwell III". The signature is stylized and includes a small mark at the end that looks like a hash symbol (#).

Francis O Blackwell III

cc:

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

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

6140 Greenleaves Circle  
Indianapolis, IN 46220

June 4, 2009

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

Dear Mr. Keel,

My family has owned lakefront property located on Cayuga Lake, Seneca County, New York for 75 years.

We have followed the attempts by the Seneca and Cayuga Nations to try and basically take over many acres of land, including our property. Their attempts started in 1980, and as you are well aware, the issue has not been settled. If the Indian Nations should be successful, it would destroy what is left of Seneca and Cayuga counties because the tax burden would pass to the remaining parcels of land not yet appropriated. Why should fourteenth or fifteenth generation descendants be entitled to take over land which was legally purchased, in good faith and with malice toward none, and on which taxes have been paid for 75 years?

One of the original proposals was that we (property owners) could remain on our land and pay the Indian Nation rent – what? We have owned the land for 75 years!

The Indian Nation currently owns some property in the area, including a gas station and convenience store. I am sure you are aware of the fight over tax revenues, especially on the cigarette tax. Is this an example of what will happen to the tax basis in both Seneca and Cayuga Counties? Members of both political parties have voiced opposition to the Trust applications and a majority of the citizens who own property in the two counties object to the manner in which this matter has been handled.

I am aware of a meeting of the DEIS to be held on June 17, 2009. However, due to the distance, I cannot attend that meeting, but as a long-time property owner, I hope that a solution can be reached which doesn't bankrupt the counties and cause such depreciation on legally owned property that it all goes to nothing!

Sincerely,



Douglas M. Wade

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:

The DEIS is deficient in that it makes no mention of the felony criminal charges and indictments pending in NYS courts for the illegal possession of untaxed cigarettes.

The DEIS makes no mention of the ramifications of the use of these ill gotten funds to purchase property.

The DEIS is deceitful in that the BIA seeks to "launder" these assets via the land into trust process.

The DEIS is deceitful in that the BIA is acting as an accomplice to shelter these ill gotten assets via the land into trust process.

The DEIS is deficient and deceitful in that it acknowledges the prior significant illegal (the land was not "Indian Country") gambling revenues as important to the CIN, but does not acknowledge their illegitimacy.

The DEIS is deceitful in that it does not acknowledge that the BIA is in reality "laundering" the property purchased with ill gotten gambling revenues via the Land into trust process.

The DEIS acknowledges that there are gasoline sales currently occurring but makes no mention that these untaxed sales are illegal or criminal.

The DEIS states the value of and acknowledges the existence of these previous and on-going criminal activities but fails to recognize that in so doing BIA officials are admitting they are accomplices in the continuation of a criminal enterprise.

The DEIS is deficient in that it does not mention in any form the BIA and DOI's part in perpetuating this fraud and supporting these on going criminal activities.

The DEIS is deficient in that it makes no mention of possible ramifications for BIA and tribal members staff by their efforts to promote an application that has a basis in criminal activities.

The DEIS lists no mitigation efforts to address possible fraud and official misconduct charges and their resulting effects on the tribe and community.

The DEIS ignores the apparent collusion of some government officials allowing for the continuation of these criminal activities.

The DEIS makes no mention that the above listed issues could & should be the target of a RICO Act investigation.

I find the DEIS deficient and oppose approval of this application.

Sincerely,



Glenn Cicora, Sr.

6565 Route 90

Cayuga, N.Y. 13034

June 24, 2009

**Franklin Keel, Regional Director**

**Eastern Regional Office**

**545 Mariott Drive, Suite 700**

**Nashville, TN 37214**

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

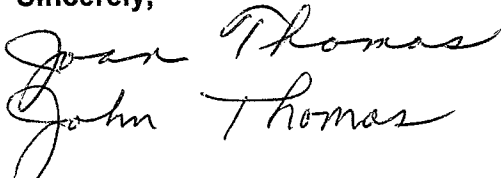
**Dear Sir:**

**We are residents in this land trust application, residing in Union Springs, New York. Our property borders land already purchased by the Cayuga Indian Nation. We are very concerned about the potential loss of regulatory and environmental control. There has not been any attempt by the DEIS to gauge impact of future construction or development which do not abide by zoning or other regulations. Furthermore, our property borders Cayuga Lake and we are very concerned about negative impact on our watershed!**

**Another concern of ours is the impact on our local business if the "nation" is allowed to operate and NOT pay any taxes. Our road, sewers, schools, fire departments, etc. are all supported by taxpaying citizens as ourselves. This loss of taxes will severely impact our small community and its business owners. It is unfair! We do not need a separate "nation", we need to all work together for the good of our community and village.**

**Please consider our concerns and that of many others in our area. We are not opposed to anyone living in our area that will pay their way as we all have to do. We are opposed to land being put in a "trust!"**

**Sincerely,**

Handwritten signatures of Joan and John Thomas in cursive script.

**Joan and John Thomas**

**4845 Springport Cove Road, P O Box 288**

**Union Springs, New York 13160**

Herbert R. Holden, D.V.M.  
2034 Gravel Road  
Seneca Falls, NY 13148  
(315) 568-9270

Mr. Frank Keel, Regional Director  
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:

After reviewing the above referenced document I find it incomplete and insufficient in a number of ways.

First, when there is no discussion as to how many acres may ultimately be offered for inclusion in a trust there is no way to assess the impact of this application. If or when additional applications are made there will certainly be a cumulative impact. Once a significant impact is identified what will be the remediation??

With regard to the collection of sales taxes and excise taxes on gasoline and cigarettes the ability of a segment of the population to ignore these in the conduct of their business certainly adversely impacts the rest of us who must pay those taxes and also pay the social costs associated with the resulting addictions. Those costs definitely constitute a major impact in a relatively rural area such as Seneca and Cayuga counties.

Not only will large amounts of taxes not be collected and therefore cause a greater burden on the rest of us but at the same time the services provided by those taxes will be used by the Cayuga Indian Nation. The DEIS notes that the Nation "intends to fully explore cooperative agreements for service, including emergency services" but the reality is there is no mandate for any agreements.

I am also concerned that there is no discussion of potential negative effects on the environment, most notably Cayuga Lake, that could arise as a result of the absence of local, county, and state regulation of any Cayuga lands.

Finally, I think the Bureau of Indian Affairs is attempting to extend to New York tribes trust benefits of the Indian Reorganization Act of 1934 that were never intended to be applied in New York.

I appreciate this opportunity to express my concerns.

Sincerely,



Herbert R. Holden, D.V.M.

cc:

Check Lafler, Chairman, Board of Supervisors  
Peter Same, Board of Supervisors  
David Dresser, Board of Supervisors  
✓ Frank Fisher, County Attorney  
Suzanne Sinclair, County Manager



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

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

First, 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.

2. 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.

3. 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 State 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 money-making businesses. Therefore, there is NO NEED for trust land.

4. 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.

6. 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.

Sincerely,

A handwritten signature in cursive script that reads "Eleanore F. Casey". The signature is written in dark ink and is positioned above the typed name.

Eleanore F. Casey

To Whom it May Concern: *David Dresser*

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

*Roberta Halden*

53 Auburn Road

Seneca Falls, New York 13148

315-568-5950

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

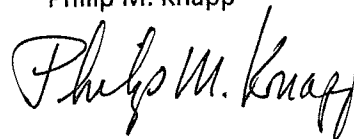
**From:** Philip Knapp  
5150 Kings Corners Road  
Romulus, N.Y. 14541

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

- 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.
- 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 Carcierri 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.
- 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



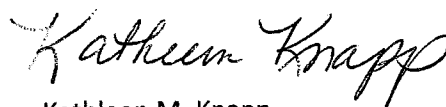
**To:** Franklin Keel, Regional Director  
Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, Tennessee 37214

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

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

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Kathleen M. Knapp

3



## **Tab 3**

### **Email comments from citizens**

\*\*\*\*\*  
\*\*\* FAX TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

JOB NO.	1870
DESTINATION ADDRESS	16155646701
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	07/01 09:11
USAGE T	00' 39
PGS.	3
RESULT	OK

F A X

Home:

2421 Lower Lake Road  
Seneca Falls, NY 13148  
315-568-6415  
Email lisakfitz@hotmail.com



To:

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

Fax number: 615-564-6701

From: Lisa Fitzgerald

Fax number: 315-568-5737

Date: 7/1/2009

Regarding:

Cayuga Land In Trust

Phone number for follow-up:

Mobile: 315-729-1544

Work: 315-568-7470

Comments:

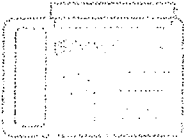
DEIS Comments, Cayuga Indian Nation of New York Trust Acquisition Project

Following please accept my request for not accepting the Cayuga Land In Trust application.

**F A X**

**Home:**

2421 Lower Lake Road  
Seneca Falls, NY 13148  
315-568-6415  
Email lisakfitz@hotmail.com



To:

**Franklin Keel, Regional Director**

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

Fax number: **615-564-6701**

From: Lisa Fitzgerald

Fax number: 315-568-5737

Date: 7/1/2009

Regarding:

Cayuga Land In Trust

Phone number for follow-up:

Mobile: 315-729-1544

Work: 315-568-7470

**Comments:**

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

**Following please accept my request for not accepting the Cayuga Land In Trust application.**

Lisa Fitzgerald  
2421 Lower Lake Road  
Seneca Falls, NY 13148  
July 1, 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:

I urge the Bureau of Indian Affairs to deny the Cayuga Indian Nation's Land into Trust Application. The submitted document does not thoroughly assess nor mitigate the following potential impacts to the community.

- **Tax and related implications:** The fact that land in trust land is exempt from local property taxes and other charges for infrastructure places a double hit on tax payers to make up for not only the taxes they don't pay but increased infrastructure needs from the land-in-trust residents/owners. Additionally, current businesses will now have a price disadvantage as they will have to charge customer taxes and the Indian businesses will not. This will likely result in businesses closing, subsequently more residents moving to more business attractive regions and again exacerbating the tax burden shouldered by lesser remaining residents. I am particularly concerned on the impact of the schools with an increased population of Indians and the aforementioned decreased tax pool.
- **Regulatory:** Land in Trust is not subject to follow the regulatory requirements of the government. These regulations are in place to provide safe environments for our citizens & environment and allow for effective planning of land use. Just for example, as a member of the Bridgeport Fire District Board of Commissioners I am concerned that suboptimal infrastructures could be in place in the land in trust areas and our firemen could be in harms way should they attempt to assist nor do I want the consequences of our firemen declining to assist on the grounds of their safety and land in trust residents/visitors being harmed. Furthermore, depending on what is built in the land in trust, their impact on the community is far more reaching than just their land and governing bodies must be involved to mitigate adverse effects on the community and environment beyond the land in trust property segments.
- **Future:** As stated previously, the current land in trust properties would likely adversely impact our businesses, community and environment. This could be even

more exacerbated should the current land in trust be used as precedence for additional properties to be put in their name. New York is already one of the highest states in which to do business. This will only make our businesses increasingly less competitive in a tough global economy. Additionally it will make it more challenging to attract businesses and talent to our high operating cost geography.

It is your responsibility to ensure all aspects of an application are considered thoroughly and adverse implications mitigated to the fullest extent. I do not believe the Cayuga Nation has provided a comprehensive statement for the Bureau to accept their application. As such, I request you do not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my/our comments and concerns into the public record.

Sincerely,



Lisa Fitzgerald

cc:

Seneca County:

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

Cayuga County:

Peter Tortorici, Chairman, County Legislature  
George Fearon, County Legislature  
Raymond Lockwood, County Legislature  
Dave Axton, County Legislature  
District Attorney Jon E. Budelmann  
County Attorney Fred Westphal  
County Manager Wayne Allen

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

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Draft Environmental Impact Statement COMMENTS

CAYUGA INDIAN NATION OF NEW YORK TRUST APPLICATION PROJECT

June 28, 2009

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

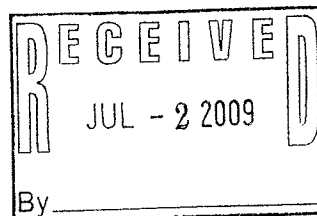
The purpose of my letter is to express the concern I have with the Cayuga Indian Nation's Draft Environmental Impact Statement and its application to the Bureau of Indian Affairs for its land to be placed into federal trust and thus made sovereign.

I was born, have grown up, and continue to reside in Seneca County, Town of Romulus on Cayuga Lake. I take great pride in my home and the area I live in. My parents have worked hard to help maintain our property and quality of life here. I am concerned though about the Cayuga Indian Nation's DEIS and application for land into trust. I do not feel it is fair that the residents of Seneca and Cayuga counties have to obey the law(s) and the Cayuga Indian Nation may not have to. If their purchased properties are exempt from taxes as well as Seneca County and NYS Rules, I believe these areas and the area I live in will deteriorate. I do not believe granting the Cayuga's their application will benefit the residents of Seneca County. I will no doubt one day become a property owner here. This whole issue is of concern both to me and to future generations of this area. Therefore, I ask that you do not allow the application to be approved.

Thank You,

*Alyssa Bromka*

Alyssa Bromka



Name : Joyce Nicholson  
Date : 6/26/2009  
Email : gareyprop@aol.com

Comment :

I strongly oppose the Cayuga Indian Nation application to put lands into trust because the DEIS does not take into consideration all of the negative economic and environmental impacts to Seneca and Cayuga Counties. The removal of the lands from tax rolls will have a significant adverse effect on the communities. There will be a greater tax burden on fewer property owners as more and more properties are taken into trust. New York State, counties, towns and villages will lose any ability to regulate activities on trust lands, especially important are activities that impact the environment and natural resources. Lack of regulatory control also becomes a potential threat to property owners living adjacent to or in the area of trust properties. It could negatively impact the wine tourism trade as well by not being able to regulate development or enforce zoning and building codes. Unfair competition is also a significant factor when CIN businesses do not submit sales and excise taxes that non-Indian businesses must pay. For these reasons, I strongly recommend that the BIA takes the no-action option and does not allow these lands to go into trust.

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Name : JIM COURTRIGHT

Date : 6/26/2009

Email : [jbcourtright@verizon.net](mailto:jbcourtright@verizon.net)

Address : 2890 LOWER LAKE RD. SENECA FALLS, NEW YORK 13148

Comment :

My wife and I have been affected by this land claim for 30 years. Now we are opposed to any Cayuga Indian Nations Land into Trust Application. We do not support any business that does not collect taxes fairly. We have never purchased anything from LakeSide Trading and never will. We are ONE NATION UNDER GOD. You cannot change history just because a small loophole in the law. This whole claim will only benefit around 10 RICH Indians, the rest will still live as they have in the past. We are very concerned for our town and our county. This will increase our taxes two fold. My wife and I are already looking for property outside of this area only for the reason of Land Into Trust Applications effect. Let's be fair and oppose this application now before this whole thing escalates into something bigger than anyone can imagine at this time. Jim

---



Name : Nancy A. Mitchell  
Date : 6/25/2009  
Email : nana67mitchell@yahoo.com  
Address : 1465 Gravel Road, Seneca Falls, NY 13148

Comment :

Nancy A. Mitchell 1465 Gravel Road Seneca Falls, NY 13148 June 25, 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 comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. I adamantly oppose the land-into-trust application and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter. Taxes: • Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more. • Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county. • Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts. • New York derives substantial revenues from sales taxes and excise taxes due on sales of taxable goods, including gasoline and tobacco products. The Cayuga Indian Nation is not collecting New York sales and excise taxes (and therefore not remitting taxes to the state) normally due on the sale of taxable goods to non-tribal members. Non-collection of these taxes has and will continue to create ongoing reductions in such tax collections and reduction in local share of those taxes paid to our communities. • An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes. • The inevitable future development and build-out of trust properties will exacerbate the loss of taxes that would be paid on the trust properties and by Cayuga Indian Nation businesses. Infrastructure/ Services: • Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments. • Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use. • The development and all but certain

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

**Unfair Competition:**

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

**Regulatory Jurisdiction:**

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

**Environmental Consequences:**

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

resources. • The inability of the State to enforce state environmental laws that protect or reduce adverse impact to scarce and irreplaceable natural resources ranging from our lakes, rivers, and groundwater, to our air and soil will in essence prevent the State from protecting the environment for all and increase the likelihood of damage and destruction of such scarce resources adversely impacting all members of our communities. Future Development: • Given that I understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, I believe the Cayuga Indian Nation will continue to acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue. • The environmental impacts of the all but inevitable likelihood of the Cayuga Indian Nation making future trust applications, and acquiring more lands and expanding its operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts the financial drain associated with the removal of additional properties from tax rolls, including impacts to public infrastructure, social services and other services required must be considered. • The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control. General Comments: The DEIS as prepared for the conveyance of lands into trust by the Cayuga Indian Nation of New York is inadequate because it does not undertake an adequate analysis of the issues I have highlighted in this letter. The DEIS lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I request that the "no action alternative" be selected and the Cayuga Indian Nation application to have lands conveyed into trust be denied in all respects. I adamantly oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter. The Draft Environmental Impact Statement lacks critical information needed for a thorough review of the application and because it does not require mitigation of known adverse impacts as identified in this letter, I request the Bureau of Indian Affairs to withdraw the DEIS until such a time when these issues are resolved or alternatively I urge the BIA to adopt the "no action alternative" and not grant the Cayuga Indian Nation's application for lands into trust. Thank you for the opportunity to submit my comments and concerns into the public record on behalf of the Mitchell family. Sincerely, Nancy A. Mitchell cc: Seneca County Chuck Lafler, Chairman, Board of Supervisors 40 Stevenson St. Seneca Falls, NY 13148 Peter Same, Board of Supervisors 11 John Street Seneca Falls, NY 13148 David Dresser, Board of Supervisors 7302 Wyers Point Rd. Ovid, NY 14521 District Attorney Richard Swinehart Seneca County Office Building 1 DiPronio Drive Waterloo, NY 13165 County Attorney Frank Fisher Seneca County Office Building, 1 DiPronio Drive Waterloo, NY 13165 County Manager Suzanne Sinclair Seneca County Office Building, 1 DiPronio Drive Waterloo, NY 13165.

Name : Bonnie Langley

Date : 6/25/2009

Email : blangley@rochester.rr.com

Comment :

t: Putting land into trust will hurt everyone in one of the poorest counties in NYS. Our property taxes are enough of a burden now and removing property from the tax rolls will only increase this. Helping one by hurting another is never right no matter how you justify it. Don't do this to us! Please!

---

Susan L. Noble  
3 Carol Ave  
Seneca Falls, N Y 13148

June 24, 2009

Mr. Franklin Keel, Regional Director  
Eastern Regional Office  
Bureau of Indian Affairs  
545 Marriott Drive  
Suite 700  
Nashville, TN 37212

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

Dear Mr. Keel:

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

1. The DEIS counts jobs created when the Gaming Facilities re-open but does not measure the impact of negative aspects of the facility because they were "temporarily closed when the application was made". You can not have it both ways. Since it is the intention of the Cayuga Tribe to re-open these facilities as soon as the trust application is approved, you must count the effect on the roads and services created by these facilities. Traffic was measured and determined to have no negative affect but while these facilities were open, there was a marked increase in traffic on these roads as cars pulled in and out of traffic. This opens the door for increased accidents that would require increased police services at a time when communities are scaling back on these services due to budget cuts.
2. Environmental laws were put into place because not all humans can not be trusted to do the right thing without supervision. Wetlands must be protected, pollution must be monitored, landfills must be regulated, etc. If a group is allowed to do whatever they wish without supervision, they may do the right thing but then, they are just as likely to cut corners to save money.
3. While legitimate tribal members may not be required to pay taxes, the rest of the Citizen population is required to pay tax on purchases where ever made. The Supreme Court has made that very clear. To refuse to submit taxes to the government on the behalf of the non-Indian purchaser is causing the law to be broken. This is unacceptable.

4. The Supreme Court has stated that to checkerboard a community is detrimental, that is, it has a negative impact on the village, town, county that is involved. Yet that is exactly what is proposed in this DEIS.
5. It does not consider the other land that the Cayuga Tribe has purchased. There are 2 new businesses that have been started since the Judge instructed all parties to the lawsuit to remain at the status quo. If a door is opened to a reservation, how long before the application to include these as well as the other businesses purchased that are not yet opened.
6. This does not take into consideration that several issues concerning the Cayuga Indian Nation are in the court system at this time. The verdict, should it go against the CIN, should affect this decision and therefore the land into trust decision must wait until after the violation of tax laws decision is made.
7. The reservation system is a bad system. It encourages poverty and discourages education for all but a small few. The top of the hierarchy grows rich while tribe members languish in squalor. I have seen only a few reservations but can state that this is no way to treat a proud people. I should not receive requests for money to help the poor living on reservations while the BIA maintains such a large fund supposedly for the well being of its wards.

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

Sincerely,

Susan L. Noble

Cc: Suzanne Sinclair, Chuck Lafler,

Name : Mark Cirone  
Date : 6/23/2009  
Email : mcirone@rochester.rr.com  
Address : 55 Jefferson Avenue, Geneva, NY 14456

Comment :

I oppose the granting of trust land in Seneca and Cayuga Counties and anywhere else in the State of New York. Although I don't live in Seneca or Cayuga Counties, my family has owned land in Seneca County for over four decades. They have paid their taxes and supported their community. I live in the City of Geneva. Over 50% of the property in the City of Geneva is tax exempt. That leaves the remaining 40 some percent to carry the burden in property taxes. The property that is tax exempt still gets police and fire service which are two big expenditures in the budget. People who are employed at and reside at these tax exempt properties still enjoy plowed and salted streets, payed for by the taxpayers, maintained parks and playgrounds, payed for by the taxpayers and street lightening which is paid for by the taxpayers. Any land taken off the tax rolls in Seneca and Cayuga Counties will have the same effect. The taxpayers will face a higher burden. A higher burden then they already do by choosing to live in highly taxed New York State. Loss of sales and excise taxes from sales on trust land will have a profound impact on all of New Yorkers. That has already been proven once again. The Cayuga's sold their land. They have been paid eight times for the same land. The Supreme Court has already ruled in the matter regarding reservation land in New York. I firmly oppose this discriminatory action of special privileges. Sincerely, Mark Cirone

---

Name : Linda Turri

Date : 6/23/2009

Email : tcayuga@rochester.rr.com

Comment :

Putting land into trust in Seneca County would be a huge blow to the people of the County. We already pay higher taxes than other areas. More businesses will fail because they can't compete and people will no longer be able to afford to live in the area.

---



Name : Mike Cirone  
Date : 6/23/2009  
Email : mcirone@rochester.rr.com  
Address : 55 Jefferson Avenue, Geneva, NY 14456

Comment :

I oppose the granting of trust land in Seneca and Cayuga Counties and anywhere else in the State of New York. Although I don't live in Seneca or Cayuga Counties, my family has owned land in Seneca County for over four decades. They have paid their taxes and supported their community. I live in the City of Geneva. Over 50% of the property in the City of Geneva is tax exempt. That leaves the remaining 40 some percent to carry the burden in property taxes. The property that is tax exempt still gets police and fire service which are two big expenditures in the budget. People who are employed at and reside at these tax exempt properties still enjoy plowed and salted streets, payed for by the taxpayers, maintained parks and playgrounds, payed for by the taxpayers and street lightining which is paid for by the taxpayers. Any land taken off the tax rolls in Seneca and Cayuga Counties will have the same effect. The taxpayers will face a higher burden. A higher burden then they already do by choosing to live in highly taxed New York State. Loss of sales and excise taxes from sales on trust land will have a profound impact on all of New Yorkers. That has already been proven once again. The Cayuga's sold their land. They have been paid eight times for the same land. The Supreme Court has already ruled in the matter regarding reservation land in New York. I firmly oppose this discriminatory action of special privileges. Sincerely, Mark Cirone

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Name : Jack/Bonnie Langley  
Date : 6/20/2009  
Email : [blangley@rochester.rr.com](mailto:blangley@rochester.rr.com)  
Address : 2701 co. rd. 139 Ovid NY 14521

Comment :

Please don't do this to us! We can't take anymore tax burden. Land coming of the tax rolls will put an unfair burden on all living here. Selling goods tax free unfairly burdens all other businesses that are forced by law to comply. We welcome the Cayuga to come live, open businesses and be part of the community. You can't help someone by hurting another and this land into trust will most certainly do that.

---

Name : Robert Tarzwell  
Date : 6/20/2009  
Email : bob@dmrpcb.com  
Address : 6875 east lake rd Romulus, NY

Comment :

Time to make the tax and bussines a level playing field no way the indians should get special treatment , I vote no to moving any land into trust .

---

Name : Larry Peterson

Date : 6/18/2009

Email : lep1962@yahoo.com

Address : 4793 East Lake Road, Geneva, NY

Comment :

I attended the DEIS meeting at NYCC on June 17, 2009;. It is very obvious that the overwhelming majority of Seneca County residents are very strongly opposed to the Cayuga Nation putting any land into trust in Seneca County. And I totally agree with them. And our elected officials, at the county, state, and federal level also agree with us. I don't understand how the BIA can even be considering putting land into trust for the Cayuga Nation with such strong disapproval by virtually everyone. To even call themselves the Cayuga Nation is an affront to everything we Americans stand for. Abraham Lincoln said a nation divided against itself cannot stand. That is as true today as when Lincoln said it. I welcome Native Americans as friends and neighbors to Seneca County if they obey all laws of America including tax laws. Larry Peterson 4793 East Lake Road Geneva, NY (Seneca County town of Varick)

---

Name : Christie  
Date : 6/17/2009  
Email : knappcm@clarkson.edu  
Address : 369 Westfall Dr. Fayette, NY

Comment :

I believe that turning this land into a trust is wrong. They do not deserve more land. In the long run this will be hurting the area schools who aren't receiving the tax revenue from these areas.

---

Name : Menzo & Sue Case  
Date : 6/17/2009  
Email : steigercase@rochester.rr.com  
Address : 2171 Morris Drive, SF, 13148

Comment :

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

---

Name : Menzo Case

Date : 6/17/2009

Email : [menzo.case@senecafallssavings.com](mailto:menzo.case@senecafallssavings.com)

Address : 2171 Morris Drive, SF, 13148

Comment :

My actual e-mail address is: [menzo.case@senecafallssavings.com](mailto:menzo.case@senecafallssavings.com) The above address did not fit in the e-mail space provided. 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 *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. 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. 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. For example, in just a few years time, we have seen the devastating effect that the two Cayuga Indian owned gas stations have had on local businesses due to the unfair advantage provided by the Cayuga Indian businesses choosing not to collect and remit gasoline and cigarette taxes. Indeed, there were no less than five local, non-Cayuga Indian Nation businesses that were either driven out of business or near bankruptcy until relief was obtained through actions taken by the Seneca and Cayuga County District Attorneys. As noted earlier, land in trust is not subject to tax levies that support infrastructure and various services provided to local communities (i.e., infrastructure maintenance, police protection, fire protection, emergency services, etc.); however, trust properties will continue to use community infrastructure (roads, emergency services etc.). 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. States, counties, towns and villages will lose any ability to regulate activities on the trust properties, including any activities that take place on such properties that impact the environment and natural resources including the air, soil and water. Cayuga Nation sovereignty over the subject lands will result in a patchwork of jurisdiction over the lands, which is inconsistent with the community that has since developed over the past two hundred years. The Cayuga Indian Nation currently held lands are a part of a larger community, all connected by water, sewer, school and other community services and resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment. Land use, environmental and other regulatory laws are only effective if they are applied uniformly over an area. The patchwork removal of the proposed lands from state and local jurisdiction threatens the regulatory scheme as a whole. In addition to the practical benefits of comprehensive state laws, rules and regulations instituted and implemented by elected representatives, the preservation of governance at the local level preserves and advances important values, among them democracy and the sharing of community burdens and benefits. States, counties, towns and villages will lose the ability to require enforcement of fire and building codes on buildings constructed or existing on trust lands. Land use and zoning regulations are indispensable tools in the community planning process. Zoning allows municipalities to make the most efficient use of the community's available land, while working toward the development of a balanced and cohesive community. If trust status is granted to the Cayuga Indian Nation properties, the properties granted trust status will not be subject to land use and zoning laws and the Cayuga Indian Nation can develop such properties without regard to land use conflicts or conflicts with an overall community plan. 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.

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Name : Randy Battaglia

Date : 6/17/2009

Email : [rwbatta@gmail.com](mailto:rwbatta@gmail.com)

Address : 4211 Shady Beach, Seneca Falls, NY

Comment :

Comments on the Draft EIS for the Proposed Fee-to-Trust Conveyance of Property for the Cayuga Indian Nation of New York in Cayuga and Seneca Counties 1. Page 1-1, Background and History. The Proposed Fee-to-Trust Conveyance "Proposed Action" by the BIA does not follow the procedural requirements of NEPA due to existing case laws regarding the status of the "Cayuga Nation". The Treaty of Canandaigua is typically referred to for recognizing as a Nation. However, this treaty has significant legal issues due to its status as not ratified by Congress, federal authority over state authority in 1794, and further it was violated in the Cayugas' participation in the War of 1812-1814, siding with the British. This war was not ended with any treaty. This nullifies any previous agreements, and as such any recognized Cayuga Nation at that time. This status must be legislated by Congressional action, not declared or prescribed by a federal agency. Additionally, this proposed action procedurally should not be taken because it would preempt congressional authority. 2. Page 1-2, Purpose and Need. The legal establishment of the status as a Nation needs to be congressionally established to meet the procedural requirements of NEPA and the purpose and need for the fee-to-trust application. 3. Page 1-1, Background and History. The referenced 64,000 acres were sold by the native Cayugas to the state of New York, and the land was abandoned. This fact is ignored in this document. This procedurally violates the intent of NEPA. 4. Page 1-2, "...the fee-to-trust application is separate and distinct from any Nation land claims." This statement, which encompasses the overall procedural and substantive bias of the DEIS, appears to state that an application process is separate and distinct from judicial lawsuits for land claims. Although this may be a reference to two different legal actions, the statement overshadows recent jurisdictional actions. Specifically, the proposed action does not follow the procedural requirements of NEPA because it ignores these previous and recent jurisdictional cases, particularly in the Town of Sherrill, NY, and the recent lawsuits with the Counties and the State of New York. A federal agency cannot summarily administer or otherwise take actions that have environmental or socioeconomic effects in opposition of the findings in the judicial branch. These are not "separate and distinct" in the effects upon the public. This is both procedurally and substantively not meeting the requirements of NEPA. The fee-to-trust application is clearly and substantively an alternate process to proceed with recovery of land that was sold and abandoned. The intent of the Cayugas in previous land claims is clear in those legal cases. The previous judicial actions included eviction of property owners, and establishment of tax-free property and tax-free operations, including gaming for profit. Where the judicial actions were decided in opposition of this, the fee-to-trust application on face value has the same objectives. This proposed action can be subject to injunctive legal action if this is not fully evaluated on both procedural and substantive requirements. 5. Page 2-1, Project Alternatives, and Page 5-1, Mitigation. The proposed action does not follow the substantive requirements of

NEPA. The substantive requirements of NEPA include evaluation of both positive and negative socioeconomic impacts. The proposed action ignores mitigating measures for (a) negative impact to taxable property being removed for land into trust, (b) gaming, and (c) sales of non-taxed cigarettes. The recent factual history of the Town of Sherill, including the expansion of gaming operations, purchases of additional lands, and placement into trust by the Oneida Nation is an example of the true impact of this action, where this fee-to-trust action is simply the first step. The intent is clearly shown by the land claim legal actions taken by the Cayugas. Impacts of local cigarette taxes and to local businesses in Seneca County are documented and should be mitigated to meet the substantive requirements of NEPA. Mitigating measures, although not mandated by statute, are taken in practice in the application of NEPA. Socioeconomic impacts are as significant as environmental impacts, and need to be both considered and mitigated. There are numerous cases of environmental mitigation in New York State and other states to mitigate negative environmental impacts such as preserving more valuable or preserving alternate, significant wetlands to mitigate negative impacts to wetlands that are impacted by a proposed action. Similarly, this is applicable to negative socioeconomic impacts of the BIA's proposed action of fee-to-trust. Impacts that are quantifiable are property taxation, utilities, fire and police support costs, and gambling impacts. The BIA's DEIS and the proposed action ignore the substantive impacts, and do not propose any mitigating measures. An Alternative for a fee-into-trust with Mitigating Measures by the federal agency (DOI/BIA) should be proposed, evaluated and be the chosen alternative. This should involve mitigating measures such as payment in kind by the federal agency to reimburse local towns and property owners for any costs (loss of property taxes, utilities and law enforcement) and for payment in kind for non-taxed income (gaming income, including future expansion of gaming income). This will mitigate the socioeconomic impacts and create public support rather than public opposition. Public opposition is due to these negative socioeconomic impacts. 6. The proposed action does not evaluate or mitigate environmental justice. This includes socioeconomic impacts to neighborhoods and individuals with and without minority status, residents and neighborhoods in the counties and neighboring counties affected by the proposed action. Environmental justice means all Americans should be treated equally by state and federal agencies' actions, with no preference to any ethnic group. This is independent of any sovereign status. Mitigating measures for environmental justice need to be evaluated and implemented for this proposed action.

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Name : David Underwood

Date : 6/17/2009

Email : [pastordave@rochester.rr.com](mailto:pastordave@rochester.rr.com)

Address : 27 West Elizabeth Street, Waterloo, NY

Comment :

I am opposed to putting any land into a taxfree trust for the Cayuga Indian Nation or any Indian Nation. The whole idea of an Indian Nation that is not a nation is absurd. (that is does not pay its own infrastructure, does not have borders with checkpoints)

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Name : Gerald Graziano  
Date : 6/16/2009  
Email : [pstrg@fingerlakeschristian.org](mailto:pstrg@fingerlakeschristian.org)  
Address : 19 Pine Street Seneca Falls, Ny 13148

Comment :

To Whom it Máy Concern, I oppose the placing of land purchased by native-american tribes into trust. As a local pastor I find the issue profoundly demoralizing to:

1. Businesses who 'play by the rules' have to compete with Indian-owned business that illegally refuse to collect and pay sales taxes
2. Property owners who pay their share and bare the burden of supporting local infrastructure while land into trust would not contribute to the burden of services and infrastructure
3. Families who support local schools through the tax levy
4. Citizens who have to abide by codes established for public safety, while 'land into trust' owned property will be exempt from these rules ...the list goes on.

The Cayugas are asking New Yorkers to pay their way for Law Enforcement, Fire Protection, Public Education, Infrastructure...and offering nothing in return. I expect my government to protect my interests and rights. By allowing another 'nation' ownership, or "virtual ownership" and sovereignty in our lands, they are protecting neither!

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Name : Joe Goeke

Date : 6/15/2009

Email : [goeke@medscape.com](mailto:goeke@medscape.com)

Address : 4403 Lane 4 Union Springs NY 13160

Comment :

I respectfully request that the environmental impact study be reviewed because i believe that whoever completed the evaluation failed to consider the myriad of significant problems that would result from allowing land to be put into trust. Such a designation would create significant hostilities between the Cayugas and the rest of the community as there would be 2 classes of citizens- those who contribute to the structure and services of their community and those who don't but get the benefit from them anyway. The loss of property tax basis would be devastating to those who would be left to shoulder the additional burden. Upstate NY has not been a winner in the recent economic downturn. NY is already known for having the highest property (and other) tax rates in the nation. Increases in that load will drive folks even faster away from this area. There is also the many issues of jurisdiction. It seems foolish to create areas that are "beyond the law" between areas that are not. The benefits from businesses that have been operated on land purchased by the Cayugas have only benefited the few in positions of power in the tribe. The businesses don't even seem to be providing employment opportunities for Cayugas. I could go on but I'm sure that the many points have been made by others in more elegant ways. My wife and I both feel strongly that putting land into Trust will create inequities and environmental and fiscal hardships that have not been considered by the environmental impact study. We ask that the DOI do the right thing for all the people in Cayuga and Seneca counties and reject the application for Land into Trust.

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Name : Paul Davis

Date : 6/12/2009

Email : [pcda@lightlink.com](mailto:pcda@lightlink.com)

Address : Davis Kings Corners Road Seneca Falls, NY 13148

Comment :

With the strongest possible language, I OBJECT to any and all land into trust action for Seneca/Cayuga Indians. I assert that the local economy, life quality and environment will be greatly damaged. Further, I OBJECT to the use of Indian Status to conduct extra-legal gambling and sales of goods beyond equitable market standards. My rights to fair and equal treatment under law are harmed by the conduct of Indian Affairs in the State of New York. Sincerely, Paul C. Davis Kings Corners Road Seneca Falls, NY 13148

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Name : JOHN D'EREDITA

Date : 6/10/2009

Email : [jderedita@verizon.net](mailto:jderedita@verizon.net)

Address : 6 MAPLE LANE WATERLOO NY

Comment :

GENTLEMEN; I AM SURE THAT MY COMMENTS ARE ECHOED BY ALL OF THE PEOPLE THAT THE INDIANS ARE TRYING TO BILK OUT OF LAND AND MONEY. MY FATHER WAS BORN IN ITALY, MY MOTHERS PARENTS WERE BORN IN ITALY. MY FAMILY NEVER HAD AN EASY LIFE. I FAIL TO SEE HOW I AM RESPONSIBLE FOR THE INDIANS PLIGHT. THEREFORE, I DON'T OWE THEM ANYTHING. MAYBE THEY SHOULD TRY AN HONEST DAYS WORK.....

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Name : Joanne Fleming  
Date : 6/8/2009  
Email : [kjkcflm@aol.com](mailto:kjkcflm@aol.com)  
Address : Union Springs NY 13160

Comment :

Allowing these lands to be put into Trust would financially cripple the residents of this village. I am strongly opposed to having these lands conveyed into trust. Everyone needs to pay their fair share!

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Name : Rita Harper

Date : 6/7/2009

Email : [rharper2@rochester.rr.com](mailto:rharper2@rochester.rr.com)

Address : 2164 State Rte. 326 Auburn, NY

Comment :

I am absolutely opposed to the land into trust application. I disagree with the DEIS assesment that the impact on the land would be negligible. To take any land off the tax rolls would be insane. This has gone on far to long. It's time to stop this land claim now. "One Nation Under God". That's what we should be striving for. Rita Harper Auburn, NY

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Name : Maryann Agnello

Date : 6/7/2009

Email : [Magnello6@yahoo.com](mailto:Magnello6@yahoo.com)

Address : 21 Troy St. SenecaFalls,N.Y

Comment :

I oppose any and all transactions to turn over land into trust to the Cayuga Indian Nation or any Nation now and forever. I do not see myself paying any more property taxes as I pay enough now. I have been going to meeting after meeting for 10 years now, trying to stop this from happening. The entire Indian populatin should give up their sovereignty and become citizens of the U.S. like the rest of us If they were serious about that then I would think they were doing the right thing. We all should pay an equal share of taxes.

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Name : Barbara Dorvee

Date : 6/7/2009

Email : [bdorvee@hotmail.com](mailto:bdorvee@hotmail.com)

Address : 2157 Lake Road, Seneca Falls, N.Y. 13148

Comment :

Do not put any of this land into federal trust. I do not understand why you want to "pit" one group of people against another. This is one nation under god with everyone having the same rights. I was born and raised in Seneca County. I currently live here in Seneca County and pay property taxes, school taxes, sales tax, highway use tax and any and all taxes that the state of New York has seen to levy on its' citizens. My parents and my grandparents also lived in Seneca County and they too worked here, and paid all of the same taxes. I choose to live here because it is my home, but I do not choose to be discriminated against. There is a law on the books in the state of New York that requires tax collection on tobacco and gasoline products sold by Indian Businesses, but no one is enforcing that law. Once the land is put into trust no taxes, no taxes, for anything will be collected, and yet I and everyone else in New York State will have to continue to pay all of the taxes assessed on us. No one is denying anyone the right to own property, or operate a business, but if one group is exempt from paying taxes that everyone else is obligated to pay, then that sets up an "unfair" playing field. Seneca Falls has lost numerous "mom" and "pop" businesses because they could not compete with Indian owned businesses that do not pay their fair share of taxes. As more property is being bought and the threat of putting it into trust to be exempt from taxes is happening more and more homeowners and business owners are looking to leave New York. New York is one of the highest taxed states. Every time a property is pulled off the tax roles, the remaining properties have to make up the deficit. My husband and I are retired and can barley make the tax payments that continue to go up. I have worked my whole life so I could retire and live in my hometown. I'm afraid we are going to have to leave my hometown. Soon there will be no one left to pay state taxes, county taxes, property taxes, school taxes, town taxes, village taxes, sales taxes, highway use taxes, water and sewer taxes, special fire district taxes, library taxes, etc., etc., etc.,

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Name : Louis Caterina

Date : 6/7/2009

Email : [loucaterina@yahoo.com](mailto:loucaterina@yahoo.com)

Address : 2157 lake road Seneca falls, NY 13148

Comment :

Do not put any of this land into federal trust. This adversely affects the quality of life of all. We have all seen our property taxes skyrocket to the point that many fixed income folks and others have their homes up for sale. Allowing this land to go into trust will only aggravate this already overburdened situation. We cannot and will not pay for the special treatment of a small section of citizens, just because they have a small amount of native american blood. If this land is allowed to go to trust, where will tax money come from to support the services that will surely be needed over what is already available. Who will pay the school taxes for those tribal members that may live on trust status land and want to utilize the local school system. Where will the money come from to support the other services, police, fire and road maintenance to mention a few. If no tribal members now live, work and pay taxes here, why should they want to have land in trust here.. My family and I have 100% american blood going back 4 (four) generations and all we ask is to be treated the same as our neighbors. So if trust status is granted to this group then trust status should be granted to all.

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Name : Harry L. Harper

Date : 6/7/2009

Email : [hlharper33@rochester.rr.com](mailto:hlharper33@rochester.rr.com)

Address : 2146 State Rte 326 Auburn N.Y.

Comment :

I oppose the placing of the 130 acres of Cayuga an Seneca county land into trust. It is time the Indian problem was over. No one alive had any part in the confusion over land ownership. Non-indians have developed the land over the years to make what it is today and should be allowed to keep it as is. The indian land claim only serves the attorney's working for a change in the land status.

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Name : Sheila Tucker

Date : 6/6/2009

Email : stucker817@verizon.net

Address : 5680 Silver Street Road Auburn, NY

Comment :

I am opposed to the placing of all the land that the Cayugas own in Cayuga County into the land trust because the land is not contiguous. Some of the land is individual houses and once the land is placed in trust the Indians do not have to abide by local zoning or state environmental regulations. The bingo hall in Cayuga County is next to a school for instance. I totally support their placing the large acreage in a block that they have in trust but not the individual separated small parcels. The economic impact on the Village of Union Springs is evident. They Cayugas would own 20% of the land there--who would pay for the services. The impact on the remainder of the home owners is serious. My greatest concern is an environmental one. They own land on Cayuga Lake. The activities on that lake are regulated by New York State DEC--I believe that they would not be able to regulate the properties owned by the Cayugas if it becomes tribal land. There must be some way to have a compromise. I have no problem with their store or sales that they conduct there. They desire to have land on their former tribal site--and I agree that it would be wonderful for them to have a place called "home." Thank you for your consideration. Sheila Tucker

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Name : Brad Jones

Date : 6/5/2009

Email : bradjones@rochester.rr.com

Address : 11 Courtney Drive, Seneca Falls, N.Y. 13148

Comment :

To Board of Supervisors, Indian Affairs Committee members, and Citizens Advisory Committee members - From time to time, I mention the name of ITT Goulds Pumps as a company that could potentially move out of Seneca County due to high taxes / high wages. If the Cayuga's are granted land-to-trust status; and with ITT Goulds being the largest tax payer in Seneca County, you probably could agree with my thinking somewhat. Well, just yesterday, ITT announced the upcoming closure of its ITT Rule Manufacturing facility in Gloucester, Ma., a quaint seashore community, rich in history. "The Perfect Storm" setting was based in Gloucester, for any of you that have read the book or watched the movie. Seneca Falls, like Gloucester, has a rich history as well (i.e. Women's Rights / Erie Canal / Finger Lakes), however, ITT, like other major corporations, "looks at financials, and only financials". Although I'm now retired from ITT Goulds (33years), I know how ITT thinks, probably better than most in our community - strictly financials !! Read the article below and for a moment, replace ITT Rule with ITT Goulds - a strong possibility a few years down the road if land-to-trust is granted and property taxes escalate. I am forwarding this e-mail / news article attachment to [www.nocayugalandintotrust.net](http://www.nocayugalandintotrust.net), and to Senator Michael Nozzolio, Assemblyman Minority Leader Brian Kolb, and Assemblyman Gary Finch. Brad Jones ITT Rule plant leaving for Mexico Loss of 87 local jobs projected from corporate parent's move By Patrick Anderson Staff Writer ITT Rule Industries, the West Gloucester company that revolutionized the bilge pump and became a leading marine equipment manufacturer and innovator from its home in Cape Ann Industrial Park, is moving its production line to Mexico, its corporate parent announced yesterday. The move will result in the loss of 87 local jobs at a time of rising unemployment throughout the state and tough times for Cape Ann's other large industrial businesses. The recession and collapse of the recreational boat market forced ITT, the international conglomerate that bought Rule in 1998, to consolidate production of all of its marine and recreational vehicle equipment to a plant in the city of Chihuahua in north central Mexico, a company spokesman said. "This decision does not reflect the quality of the workforce," Tom Glover of ITT said yesterday. "This will allow us to remain competitive long term." "All of our competitors are manufacturing in China and Mexico," he added. Forty-eight white-collar workers in marketing, administration, finance, human resources, engineering and customer service will be retained at the Kondelin Road facility, which is owned by ITT, Glover said. Cuts to the local work force will be phased in, Glover said, starting in August and accelerating through the fall, until all manufacturing is halted by the end of 2009. Rule Industries began in the Beverly Farms garage of founder Clinton Rule, a self-described "crackpot inventor" whose struggle with a leaky boat inspired him to develop a new bilge pump design that would come to lead the world market. In the 1970s, Rule expanded into design and production of a number of different marine products, including saws, paint, anchors and electronics. Rule also owned the historic Paint Factory for a period of time

after acquiring it in 1979. After Rule sold the company, it passed through the hands of a number of owners before landing with ITT — the engineering and manufacturing giant based in White Plains, N.Y., with multiple businesses related to managing the flow of liquids, from wastewater to ocean water. The company has \$11 billion in annual sales. Under ITT control, Gloucester's Rule factory developed not only pumps, but winches, toilets and compasses. Innovations developed at the plant allowed the company to produce compasses, marketed under the Danforth brand, that could be used all over the world without dipping and shaking when they experience large changes in latitude and global position. It was quiet at the Rule factory parking lot yesterday afternoon, with only a few employees heading home for the day and fewer interested in discussing the future closing. "It's just one of those economic things," a man said before he got in his truck. Glover said the performance of ITT's marine businesses has been "reflective of the overall business downturn" and sales of equipment to boat builders and retail are both down. The plant in Chihuahua — some 300 miles south of El Paso, Texas, on the Rio Grande River, and perhaps best known for the dog that bears its name and as home of famed Mexican bandit and revolutionary Pancho Villa — will handle the production of all of the marine products that had been made in Gloucester, Glover said. "It is a bad day for Gloucester," said former Mayor John Bell, who worked with Rule officials for years to keep the company in Gloucester and to encourage it to expand its business. "Gloucester people and the genius of Clint Rule built the Rule brand. People who have been touched by Rule in Gloucester will be devastated." Bell said that, over the last several years he had been talking with Rule officials, and the facility had been "in limbo," with questions circling about ITT's vision for the facility and how it would fare in ongoing rounds of consolidation. "It is part of the downside of being part of a large global company that thinks globally, not locally," Bell said. "It was a good run in Gloucester." Patrick Anderson can be reached at [panderson@gloucestertimes.com](mailto:panderson@gloucestertimes.com),

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Name : Matthew V. Cowen

Date : 6/5/2009

Email : [mvc421@yahoo.com](mailto:mvc421@yahoo.com)

Address : 11 Grove Street Union Springs, NY 13160

Comment :

There should be no land into trust. In all previous dealings with the Cayuga Nation, they have attempted to be deceitful, and not forthcoming on their intentions. They assumed that they could just take the property and put it into trust themselves. I am opposed vehemently to any land into trust effort going through in my hometown. These people have been compensated numerous times for the same property. "In 2001, the two tribes jointly won a \$247.9 million federal court judgment based on a 1994 court ruling that the state had illegally purchased the land more than 200 years ago. In April 2005, that judgment was overturned by the 2nd U.S. Circuit Court of Appeals in New York City, which then dismissed the entire 25-year-old claim, saying the Cayugas had waited too long to reclaim their land. The U.S. Supreme Court let the decision stand." So why is it the UNITED STATES SUPREME COURT has made a ruling, yet they are still able to persist in making a land grab attempt? NO MORE. No Land into Trust No Casino No more special treatment based on heritage I will be unable to attend the meeting as I will be out of state. I do however feel it is necessary to voice my opinion as a TAXPAYER on this issue. I have one other question. When the Indians won their cash settlement, was it disbursed? If so, once it was overturned did they have to pay the money back?

Also, I have one more concern. How is it that there are discussions about land into trust when the Cayuga Indians are currently pending charges for the sale of untaxed cigarettes? This blatant disregard for the law, as well as the the disregard for the law in terms of the bingo hall and attempting to evade paying taxes should be evidence enough that there should be no land into trust. There should be no concessions made to criminals.

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Name : Phillip A Dressing

Date : 6/4/2009

Email : [pdressing@rochester.rr.com](mailto:pdressing@rochester.rr.com)

Address : 120 State Street, Seneca Falls, NY

Comment :

The negative impacts of putting land into trust are wholly unacceptable and destructive to the fabric of our communities. We cannot tolerate the loss of property taxes and operating revenue for various districts. Our residents are already over burdened. And the precedent of operating ever increasing retail businesses without paying taxes would be a death blow to many struggling businesses and services in our communities. This would be an unfair, repugnant situation. Can you imagine having to choose only between Indian businesses and Walmart? This is un-American!

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Name : Bob Tarzwell

Date : 6/3/2009

Email : [rtarzwell@megadawn.com](mailto:rtarzwell@megadawn.com)

Address : 5875 east lake rd, Romulus NY

Comment :

Any removal of land from the tax rolls is wrong, it places a bigger burden on the people left to pay, as we all know once this starts there will be no end. If this is granted they will add more and add more each application. Once you open the flod gates it will never stop.  
robert Tarzwell

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Name : William S. Excell  
Date : 6/1/2009  
Email : wse1963@hotmail.com  
Address : 1909 Mills Road Waterloo NY 13165

Comment :

I can only hope that the lands purchased by the Indians, is not EVER put into trust. This would undermine the very core of any government that has jurisdiction over these lands presently. How can you patch work land, and provide the basic elements that tax payers money goes to support, fairly? You can't, they are American citizens, and should be treated fairly. Any special conciderations, amounts to prejeduice, and would cause disention in the communities. Enough of the foolishness, this has gone on long enough, and set back the progress of these great communities long enough.

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