

Memorandum

Date: July 2, 2009

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

From: Suzanne Sinclair, County Manager, Seneca County
and Peter Tortorici, Chairman, Cayuga County
Legislature

Re: Seneca County and Cayuga County Draft
Environmental Impact Statement ("DEIS) Additional
Comments (and Questions) Cayuga Indian Nation
("CIN") Trust Acquisition Project

Timing of the Issuance of the DEIS: Until Critical Issues Before the Courts Are Finally Decided, (Including All Appeals) The Pending CIN Applications for Land into Trust Should Be Stayed

Why is the BIA advancing its review of the land into trust application and proceeding with the DEIS, when there are several pending legal challenges that have not been resolved that will dramatically affect the environmental impacts associated with the CIN land-into-trust application. For example, the social and economic impacts on the counties and on the state of the sale of untaxed cigarettes, and other goods and services from CIN stores are wide-ranging and as set forth in detail in the Counties Comment Report dated July 1, 2008 as well as Professor Ayres' Report submitted herewith the impact from loss of property taxes and sales taxes on the Counties will result in substantial adverse impacts. In sum, should CIN be allowed to continue to sell goods and services to all purchasers without collecting sales taxes the fiscal, social and other impacts from such untaxed sales will dramatically affect the ability of the Counties to provide needed services to their residents because sales taxes are a substantial component of the revenue used by the Counties to pay for such services.

Further, the impact of the sales of untaxed goods and services on non-CIN businesses as outlined in the Counties Comment Report is dramatic and is likely to cause such businesses to curtail their operations and may cause such businesses to stop operating altogether, causing a loss of jobs and exacerbating the tax revenue losses associated with CIN's Applications. Until these issues are resolved in the courts, how can the DEIS adequately evaluate these when this issue is unresolved?

2. On what basis does the CIN claim that it is entitled to make an application under the federal statute at issue authorizing land into trust transfers, where as here CIN was not recognized under federal law at the time the statute at issue went into effect, and/or was not under the jurisdiction of the federal government at the time the statute went into effect?

Inadequate Justification of “Purpose and Need” And Failure to Provide Certain Necessary Information

3. NEPA regulations require the EIS to specify the underlying purpose and need to which the agency is responding regarding the action under review. Thus, the EIS should examine the purpose of the Proposed Action, considering whether such purpose is already being met by the success CIN has achieved to date. Beyond the obvious economic advantages apparent to having the lands held in trust, can the BIA has illustrate the “need” that the lands be taken into trust in order to fulfill CIN’s listed purposes?

4. On what basis does the CIN claim to be entitled to make application under the Indian Reorganization Act (the “IRA”) seeking to have land held in trust, where as here, CIN was not recognized under federal law at the time the IRA went into affect?

5. On what basis does CIN claim to be entitled to make application under the IRA, where as here, CIN was not under federal jurisdiction during the time at issue so to entitle it to the benefit of the land into trust process under the IRA?

6. How can CIN justify seeking to have lands taken into trust where as here, the record shows that in accord with the longstanding Bureau of Indian Affairs (BIA) Policy, such applications should be denied where CIN has shown it has the “ability to manage [its] own affairs” as it has been able to acquire property, and conduct its business operations without the extraordinary relief of having lands taken into trust under the IRA?

7. The DEIS refers to a 2003 CIN “Plan” which is business plan which was stated to concern or relate to the businesses operated by CIN on the lands at issue. This is an important document. Why is this not included in the DEIS or at least provided as part of the appendices to the DEIS or made available as requested by the counties?

8. The DEIS indicates that the CIN businesses have earned a return for CIN and have been used by it to fund various CIN enterprises and to fund various other CIN programs for its members, and all of this is was accomplished without the land being into trust. In light of the foregoing, why does CIN need to have trust status for the land at issue? Clearly without land being held in trust , CIN’s activities are already furthering its economic development and self sufficiency. Further, there is no indication how or in what manner holding lands into trust will make CIN enterprises more profitable. As such, this application therefore seems to not meet the NEPA requirement that need be demonstrated.

9. The CIN applications if granted would result in the disfavored practice of “checkerboarding,” by taking into trust lands to be in effect held as reservations which are not contiguous and which are directly adjacent to non-CIN lands. This is clearly contrary to the stated IRA goal of trying to consolidate legitimate Indian lands. Why does not the DEIS recognize this and address (and try to mitigate) the negative effects of checkerboarding on non-CIN lands and the difficulties of efficiently providing municipal and community regulatory control, and emergency or policing services?

10. Until recently, the land into trust process has only been utilized in the western and mountain regions of the country. No land has been taken into trust in the state of New York; why doesn't the DEIS consider and evaluate the appropriateness of placing lands into trust in the more populated eastern region of the nation?

Failure to Identify/Consider Other Alternatives

11. Here, the DEIS is presented in such a way that it appears to be more of a justification for the Proposed Action, instead of an unbiased consideration of the alternatives. NEPA regulations require the EIS to specify the underlying purpose and need to which the agency is responding regarding the action under review, including any alternatives to same. Specifically, the Council in Environmental Quality (“CEQ”) regulations implementing the NEPA requires agencies to “rigorously explore and objectively evaluate all reasonable alternatives.” Accordingly the EIS should seriously and objectively evaluate all reasonable alternatives to the same degree. Why is the EIS written in such a way that it promotes taking the CIN lands into trust, rather than an unbiased presentation of the reasonable alternatives?

12. The EIS evaluates three alternatives; none of which include a provision to leave some regulatory authority with the state of New York. Under any of the analyzed alternatives the lands placed into trust will be surrounded by non-Indian territory. As such, any future developments or any activity that has any effect on the environment will impact the surrounding community. Why does the DEIS fail to evaluate the indirect and cumulative effects of CIN lands being dispersed among non-Indian lands?

13. Why does the DEIS fail to identify other alternatives to the proposed action that would mitigate some of its negative impacts?

14. One issue of concern is the fact that if the land in trust applications are approved, the CIN land will no longer be on the tax and assessment rolls, which directly, negatively impacts local government that provides needed public services and infrastructure maintenance, and disproportionately affect all of the remaining individual taxpayers and users of special districts who will have to then make for the loss of these revenues, why was this critical issue not analyzed in the DEIS?

15. The proposed action does not require the CIN to make payments in lieu of taxes or to pay assessments or other fees etc for the community infrastructure it will continue to

use and impact after the trust applications are granted (if the are); such negative impacts will increase exponentially when the inevitable occurs and the business on the CIN properties are expanded and the undeveloped properties are developed, yet the DEIS did not bother to identify this issue, let alone analyze it, why?

16. The issue of the adverse impact of the failure by CIN to share in the cost of public services and infrastructure could be addressed by identifying and evaluating an alternative that includes some form of payment to taxing, assessment and other such jurisdictions and districts based on the use of community infrastructure, and such an alternative could be implemented by requiring such payments based on the use of such services by CIN, so that when continued development occurs, then payments can and should be increased, why was this not done in the DEIS? This type of required payment structure by CIN should be implemented as a condition to granting the trust applications, and is similar to a condition required by the BIA for other trust applications by Indian Nations.

17. Another issue of concern is the inability to enforce state and local regulations related to health and safety, environmental protection and development control. The DEIS fails to specify how and in what forms the federal government will assume these responsibilities, with assurance that minimally accepted requirements and protections are maintained so as to protect the valuable natural resources ranging from groundwater resources, Cayuga Lake, Cayuga River and other such resources, as well as to insure human health issues are properly addressed, why was this not addressed in the DEIS?

18. Since the negative impact of adversely affecting the regulatory structure for the reason is a major concern, why did the DEIS not identify and evaluate an alternative that requires as a condition to granting the applications a requirement that CIN be required to be bound by critical county, local and state regulations and agree to enforcement by local, county and state regulatory agencies so that the likely potential damage to natural resources is avoided and impacts to human health issues are avoided as well?

Failure to Identify/Evaluate Build out of Lands As Part of the Impact Analysis

19. Where CIN has failed to identify a future use for a parcel, BIA should assume a use that results in the most significant impacts based upon CIN's current operations and likely future development including expansion of current operation (i.e., expansion of gaming, gasoline retail and campground operations). As such, the EIS must by necessity specifically consider the impacts of CIN expanding such operations (i.e., gasoline sales, convenience store operations, campgrounds and gaming) and the impacts from such expansion and further development. Why does the FEIS fail to evaluate impacts associated with the purchase of additional properties and placing of same into trust status?

20. The conveyance of the subject lands into trust will have a significant effect on numerous aspects of the states environmental resources, including water, wildlife, ecosystems, wilderness, noise and light. Nevertheless, the EIS fails to evaluate the impact of future build-out or expansion by CIN. The CIN's need statement reveals an express intent to purchase more land. Thus, the application should not be considered as a single isolated attempt to transfer land into trust. Rather, since CIN's stated intention is to acquire more land it is necessary for the EIS to consider the impact of placing successive purchases of land into trust. Why does the FEIS disregard the actual and cumulative impacts of placing the CIN's land into trust, as well as CIN's unspecified future development?

21. When actions will have cumulative or synergistic environmental impact upon a region and are pending concurrently before an agency, their environmental consequences must be considered together. While each land-in-trust application received by BIA and the Department of Interior must be approved or denied based on its own merit, the DEIS must evaluate the cumulative the effect of the approval of both the Oneida and Cayuga trust applications. The DEIS should review in tandem the effect of having both the Onieda casinos and the Cayuga casinos operating as well as the jurisdictional effects of having trust lands checker boarded throughout Central New York. Why does the DEIS fail to consider the cumulative effect of granting both the Oneida and Cayuga land into trust applications?

22. The DEIS claims that CIN has no "present plans" for the development on the CIN lands subject to the land to trust applications and so the DEIS assumes that no such development will occur. This assumption violates one of the basic premises of the NEPA process which requires an evaluation of impacts that may occur, especially when the stated purpose for the CIN land into trust application is to further the economic development and self sufficiency of the CIN and the undeveloped parcel associated with the Union Springs CIN property is identified in the second alternative as an "Enterprise" property by CIN which obviously means CIN plans to build and expand businesses on the large vacant parcel associated with the Union Springs CIN property. Therefore, the DEIS must assume build out of these lands and identify and evaluate the full range of environmental impacts from such development as required by NEPA, by minimally starting with expansion of the current business operations on those properties. If not, how can these future impacts be anticipated and mitigated?

23. And what happens if the stated assumptions in the DEIS regarding no further development change in the future, and the CIN proceeds with development when this new condition was not considered in the FEIS? Can such development be prevented until a revised EIS is prepared? What would be the consequences for the CIN if this occurs? How can the communities be protected from impacts of future development when these possible impacts weren't evaluated now?

24. If placed into trust, there will be little the affected communities can do to exercise control over the development of the Seneca Falls parcels. While the DEIS

purports to address the effects on traffic resulting from the proposed action; in reality it fails to do so, as no effort was made to determine whether traffic conditions which existed in 2005 when the gaming operations were shut down (voluntarily or otherwise), what if re-starting this gaming now 4 or 5 years later would have more of an impact on traffic because gamblers will come from further away, increasing the numbers of vehicle trips or if driver behavior has changed and more patrons will travel to these operations in their own vehicles rather than several patrons sharing a vehicle.

25. Further, the traffic analyses it does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain to occur given the purpose of the application as stated by CIN is to engage in activities that will result in economic growth, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 89 and East Bayard Street/Lake Road, should turning lands or additional traffic control devices be added ?

26. Why did the traffic analysis only analyze overall Levels of Service (LOS) at affected intersections and not service levels for individual movements within such intersections (for example, left turns from an intersection, right turns etc), as the New York State DOT and other accepted criteria requires an analysis of individual movements?

27. If the lands are placed into trust, there will be little or nothing the affected municipalities can do to exercise control over the development of the Seneca Falls parcels. While the DEIS states it addresses the effects on traffic resulting from the proposed action, it does not explain how it has addressed such traffic, for example, there is simply no information in the DEIS that indicates that any attempt was made by BIA or CIN to determine how much traffic would be generated by re-starting the gaming operations that previously existed, therefore, there is no basis to conclude the DEIS has accurately analyzed what traffic impacts might be expected from the resumption of such gaming.

28. Further, the traffic analysis fails to analyze impacts from the expansion of the gas station operations and other operations on the Seneca Falls parcels that are all but certain to occur in the future in light of CIN's stated purpose in making trust application seeking to engage in activities which will result in "economic growth." Since such a scenario is, at the very least, all but certain given the purpose of the application, the DEIS should address the traffic impacts of just such an expansion, including the impact to the level of service associated with each movement of that intersection.

29. In addition, no analysis was undertaken as to how restarting gaming or likely expansion of gaming and other operations would impact traffic at the intersection of State Route 89 and the New York State Chiropractic College's driveway, and no measures were analyzed to address any such impacts, as adding turn lanes to accommodate additional traffic etc., why was such an analysis not undertaken?

30. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Seneca Falls parcel. In addition to the DEIS failing to address in any objectively verifiable manner the effects on traffic resulting from the proposed action (including re-starting gaming operations) it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of re-starting gaming as well as an expansion of such. Specifically, how would an expansion impact traffic at the intersection of State Route 89 and the Seneca Falls Health Center's driveway, has this been analyzed, if not why not?

31. Has the potential impact from starting again gaming operations been analyzed in terms of impacts to this intersection from increased vehicular traffic, and specifically has CIN personnel knowledgeable about past or future operations been consulted as to the number of patrons likely to patronize such gaming operations, the amount of vehicular traffic expected and the like ?

32. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Seneca Falls parcels. In addition to failing to analyze in any objectively verifiable manner the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 89 and Jackson Road, has each of the turning movements that might be impacted by such an expansion been analyzed, including whether adjustments should be made to any traffic control devices, the implementation of such devices etc?

33. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Seneca Falls parcels. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 89 and the parcel's driveway?

34. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Seneca Falls parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic likely to occur from the re-starting of gaming operations and the expansion of existing operations at the Seneca Falls Parcels have on the intersection of Garden Street and the driveway for one of the parcel's at issue?

35. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Seneca Falls parcels. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of re-starting gaming activities as well as the expansion of current operations. Specifically, how would re-starting gaming activities and the anticipated expansion impact traffic at the intersection of State Route 89 and Garden Street, including the level of service at that intersection, were improvements to such intersection considered to address such impacts?

36. If placed into trust, there will be little the Town can do to exercise control over the development of the Seneca Falls parcels. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, including re-starting gaming, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of the re-starting of gaming operations as well as the likely expansion of current operations. Specifically, how would the re-starting of gaming as well as the likely expansion of current operations impact traffic at the intersection of State Route 89 and Willows Hill Road, including the impact of any additional traffic on the level of service for each of the movements associated with such intersection?

37. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Seneca Falls parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 89 and Noble Road including the level of service for each individual movement associated with such intersection?

38. If placed into trust, there will be little the Village can do to exercise control over the development of the Union Springs parcels. In addition to the DEIS fails to address the effects on traffic resulting from the proposed action, including failing to evaluate among other issues the amount of traffic expected to be generated from resumption of the gaming operations. Further the DEIS does not address the scenario in which the parcels are developed beyond the proposed action. Since such a scenario is, at the very least, all but certain given the purpose of the application, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would the resumption of gaming operations as well as the likely expansion of current operations impact traffic at the intersection of State Route 90 and State Route 326, including the level of service for each of the movements associated with that intersection, were any improvements to that intersection analyzed?

39. If placed into trust, there will be little or nothing the Village can do to exercise control over the development of the Union Springs parcel. In addition to the DEIS failing

to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of the resumption of gaming operations as well as the impact of the likely expansion of current operations. Specifically, how would the resumption of gaming and other operations contemplated by the application as well the likely expansion of current operations impact traffic at the intersection of State Route 90 and Old State Route 326 including the level of service associated with each such movement, and were improvements analyzed to that intersection reviewed and if not why not ?

40. If placed into trust, there will be little or nothing the Village can do to exercise control over the development of the Union Springs parcels. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of the resumption of gaming and other activities contemplated by the trust applications as well as reviewing the likely expansion of operations. Specifically, how would the resumption of gaming and other operations as well as the likelihood of expansion impact traffic at the intersection of State Route 90 and the driveway of the parcels at issue, including impacts on the level of service for such intersection and each of the movements associated with that intersection; further were improvements analyzed to that intersection?

41. If placed into trust, there will be little or nothing the Village can do to exercise control over the development of the Union Springs parcels. While the DEIS addresses the effects on traffic resulting from the proposed action, it does not address the scenario in which the parcels are developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion as well as looking at the impact associated with the resumption of gaming activities. Specifically, how would the resumption of gaming and other activities associated with the trust applications impact traffic and how would the likely expansion impact traffic at the intersection of State Route 90 and McDonald's Point Road, including the level of service at that intersection, including the level of service associated with each movement of that intersection?

42. If placed into trust, there will be little or nothing the Village can do to exercise control over the development of the Union Springs parcels. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of not only the resumption of gaming and other activities contemplated by the trust applications but of the likely expansion and further development of same. Specifically, how would the resumption of gaming and other activities impact traffic and how would the likely expansion impact traffic including impacts on the level of service at the intersection of State Route 90 and the high school's driveway, were any

improvements analyzed to address impacts to levels of service from the proposed and likely expansion of the operations?

43. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Montezuma parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action including from the resumption of gaming on the parcels at issue, it does not address the scenario in which the Montezuma parcel is developed. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would the proposed action as well as the development of the Montezuma parcel impact traffic at the intersection of State Route 90 and Fuller Road/State Route 90 including the level of service associated with each such movement at that intersection?

44. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Montezuma parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it does not address the all but certainty that the Montezuma parcel will be developed. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 90 and Travers Lane, including the level of service for each of the individual movements associated with that intersection?

45. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Montezuma parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it does not address the scenario in which the parcel is developed. Since such a scenario is, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 90 and Erie Street/Dock Street, including the level of service for each of the movements within such intersection?

46. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Montezuma parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, a realistic possibility, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 90 and State Route 31 and specifically how would it affect each of the movements for that intersection including the level of service for each such movement of that intersection?

47. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Montezuma parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a

scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would the proposed action as well as the likely development of the Montezuma parcel impact traffic at the intersection of Fuller Road and McDonald Road and how would it affect the level of service for each movement associated with such intersection, has there been any analysis of improvements that might be made to address impacts at that intersection and if not, why not?

48. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Springport parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed. Since such a scenario is, at the very least, all but certain the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 90 and Great Gully Road and the level of service associated with each movement for such intersection?

49. If placed into trust, there will be little the Town can do to exercise control over the development of the Springport parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed. Since such a scenario is, at the very least, all but certain, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 90 and Hardy Road and specifically how would the level of service for each movement within such intersection be affected, were traffic improvements associated with that intersection considered and analyzed, if not why not?

50. If placed into trust, there will be little or nothing the Town can do to exercise control over the development of the Springport parcel. In addition to the DEIS failing to address the effects on traffic resulting from the proposed action, it also does not address the scenario in which the parcel is developed beyond the proposed action. Since such a scenario is, at the very least, all but certain given the stated purpose of the land to trust application, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 90 and Farleys Point Road and specifically the levels of service for each movement of that intersection?

51. If placed into trust, there will be little the Town can do to exercise control over the development of the Springport parcel. While the DEIS addresses the effects on traffic resulting from the proposed action, it does not address the all but certainty that parcel is developed. Since such a scenario is more than likely, the DEIS should address the traffic impacts of just such an expansion. Specifically, how would an expansion impact traffic at the intersection of State Route 90 and Carrs Cove Road and each of the movements associated with that intersection?

Inadequate Investigations of Specified Potential Impacts Including those Associated with Traffic, Groundwater, Surface Water, Wetlands, other Natural Resources and Plant and Animal Species

52. The DEIS does not adequately address the potential traffic impacts associated with reestablishing and possibly expanding the gaming operations in Seneca Falls and Union Springs. This analysis must evaluate the effects of a greater number of employees and more patrons than when they were last operating in 2005 in order to meet minimum requirements under NEPA, why was not a basic analysis of the expected number of patrons and vehicular traffic associated with such patronage undertaken, when this could have been easily accomplished, why did the analysis undertaken rely on a 2001 document and not more recent information and/or more reliable information based on past operations conducted by CIN, surely persons who were involved in the previous gaming operations could have been interviewed, and other information obtained as to those previous operations ?

53. Evaluating traffic conditions based on conditions that occurred five years ago and then making “conservative assumptions” based on assumptions from a 2001 document is not a reliable or adequate means to measure potential traffic impacts from the resumption of gaming after all of this time, particularly where as here, an empirical analysis of expected traffic and patronage could have been undertaken based on interviews with persons which previously operated the gaming which took place several years ago. The “analysis” of such impacts in the DEIS creates an incomplete picture. Why was not empirical data gathered, or at least anecdotal information obtained to provide approximations for what traffic impacts may be expected and why were traffic impacts associated with each of the parcels not always undertaken during the peak periods of the tourist season, and at times that would allow comparisons?

54. If the application is approved, the gaming operations will not only re-open but likely expand based on the purpose identified in the DEIS which is to engage in activities that result in “economic growth” not economic status quo--with more employees and increased patronage. This logically will result in greater traffic negatively impacting levels of service. Why wasn't that considered?

55. If the trust applications are approved, the gaming operations will not only re-open but likely expand. What's the effect on traffic if there are physical expansions to the floor areas at both the Union Springs and Seneca Falls' gaming operations? This needs to be evaluated in light of the stated purpose of the CIN trust applications to engage in activities which cause economic growth, and the impacts from such operation and expansion must be evaluate in order for the DEIS to meet minimum requirements including identification of mitigation measures, including traffic improvements to various intersections including where applicable, signal timing adjustments for traffic control devices, the addition of turning lanes and/or traffic control devices etc.

56. Without such an analysis, the counties and the affected municipalities as well as the State of New York will be left with the responsibilities (and costs) of

implementing traffic improvements to address the operations contemplated by the CIN applications and the all but certain expansion of same just to maintain the current levels of service, yet CIN will have no obligation to share in the cost of such improvements, even though it will be responsible for creating the impacts requiring such measures. Further, the cost of implementing such measures will fall disproportionately to the remaining residents of the counties.

57. With the likelihood, if not certainty of increased traffic from the re-establishment of gaming and the all but certain expansion of gaming and other CIN operations, how will tourism be affected by increased traffic congestion, especially around the Union Springs and Seneca Falls sites? This needs to be considered as tourism is a critical economic component of the municipalities in both Counties, and in fact, it is one of the most important positive economic drivers for the Finger Lakes region

58. With water and sewer lines crossing CIN lands--now or in the future--how will access to these lines be assured? What happens if a line breaks or there is a need for emergency repairs? Who's responsible? And who pays for costs associated maintenance or emergency repairs?

59. The water ponds found on one of the Union Spring's parcels contains unique habitat for certain plants and animal species. This was previously pointed out to BIA. Why did the DEIS not include further investigation to determine the possible presence and significance of these plants and animal species and how same might be impacted by the resumption of gaming and other activities and the inevitable expansion of such operations?

60. Also the most recent Phase I Assessments indicated that they did not include the interviews with persons required by the ASTM standards, including apparently the failure to interview previous owners as well as the failure to evaluate whether underground storage tanks and other facilities holding thousands of gallons of petroleum products meet minimum standards for leak detection and secondary containment. Why did BIA commission investigations that did not meet standards, especially given the possible presence of substantial sized underground storage tanks and fuel dispensers on the parcels subject to the trust application in close proximity to sensitive resources including to Cayuga Lake? In the absence of any state or local environmental regulation in the future should the CIN applications be granted, it is critically important that the existing conditions of these sites be known with certainty.

61. The Phase 1 site assessment for one of the Seneca Falls properties refers to the previous use of floor drains and other recognized environmental conditions associated with previous and current gasoline filling station activities, yet the Phase II "investigation" was limited to a handful of soil borings and no groundwater was tested, even though the Phase I Reports for the Seneca Falls properties indicated that groundwater may have been impacted. Why was this not further investigated to determine if past potential discharges impacted groundwater?

62. Further given the close proximity of the CIN Seneca Falls properties to the Cayuga Lake, it is even more important to thoroughly evaluate past discharges at the site given that such reports concluded that groundwater (and hence any contaminating discharges which may have occurred) may be flowing toward the lake. Completing this analysis now is critical especially in light of the fact that if the trust applications are granted there will be an absence of state and local environmental regulations.

63. Given the history of spills and potential spills on CIN properties containing gasoline stations and other commercial operations (including former boat maintenance operations) including on the Union Springs parcels at issue and the close proximity of many of these parcels to Cayuga Lake and other receptors together with the fact that if the trust applications are granted there will be no state, county or local regulations enforced, why was not a more rigorous evaluation completed of subsurface soil conditions and groundwater on these and on adjacent lands as the "Phase II" investigation consisted of merely a handful of simple soil tests?

64. Given the history of spills and activities that involve petroleum products and other pollutants, why was the groundwater not tested on both the Seneca Falls and the Union Springs properties?

65. Given that the Phase I Assessments dated April 2009 concluded that gasoline tanks, including underground storage tanks were not registered as required with DEC, why was that issue not addressed in the DEIS, and specifically what needs to be done to register such tanks and requiring that such registration be made before the trust applications were granted?

66. Given the close proximity of the CIN gasoline filling station operations to terribly sensitive and important natural resources including Cayuga Lake and groundwater used for drinking, why didn't the DEIS evaluate whether the existing pumps, underground storage tanks and other tanks and facilities on the CIN sites containing gas station and other operations had the required level of secondary containment so as to satisfy minimum state and federal standards, as a spill from any such tank or other facility could have significant long-lasting negative impacts to sensitive and irreplaceable natural resources in the counties potentially impacted by such spills?

67. The Union Spring properties are located in a Well Head Protection Plan area. Given the importance of this water supply, why did the DEIS not complete an investigation of the groundwater conditions at the parcels subject to the trust application in the vicinity of the Well Head Protection Plan Area to determine if such properties have caused contamination or may be impacted by it to assure that this water source is protected now and in the future?

68. One of the Seneca Falls parcels contains shows wetlands. Why did the DEIS not further investigate this area, including delineation of such wetlands, so that impacts from nearby development can be determined and mitigated?

69. The Springport property is located just west of certain wetlands. Why did the DEIS not require this wetland be delineated?

70. The Montezuma property is in proximity to certain wetlands and has wetlands encroaching on it, and the Montezuma property is in close proximity to a nationally recognized habitat preservation area. Under the circumstances delineation of any such wetlands was clearly required under applicable regulations and guidance, including that guidance etc promulgated by the Army Corps of Engineers to properly analyze current and likely future impacts to these environmentally sensitive areas, yet the DEIS failed to do so, why?

71. It is likely that there are several species of concern under state law, such as the Green Frog, Raccoon and Spring Peeper that are found on or in proximity to the Seneca Falls parcels and other parcels the subject of the trust applications. As such, the potential species that may be affected by future development needs to be further investigated to better determine how they can be protected and methods identified as to how these species may be adequately protected and preserved in absence of state and local regulations if the trust applications are granted.

72. Several animal species which thrive in a wetlands setting such as the Red-Bellied Woodpecker and Eastern Wood Peewee, frequent at least one of the Union Springs parcels for nesting. These and others fall into to the category of species of special concern and further investigation is required on the CIN parcels at issue to determine if current and future operations and activities pose a threat and how these can be mitigated, why wasn't more investigation undertaken?

73. There is a water pond on the CIN Union Springs property that is believed to have resulted from quarry operations and with the associated lime deposits. It can serve as a unique habitat for certain species and turtles and in light of the fact that future development on these lands will go unchecked by any state, county or local regulation, the potential impact on such habitat from such unfettered growth must be investigated in order to determine how such habitats will be affected and what measures should be employed to mitigate such impacts, why did not the DEIS look into this issue?

74. As you know, if the land is placed into trust, there will be no enforceable restrictions that will prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of presented by further development and build-out of the CIN Union Springs properties which is all but certain to occur given the purpose of the applications as stated by CIN, why weren't these impacts analyzed

75. Further, given the purpose of the CIN applications, it is all but certain the Seneca Falls properties will be developed or further developed beyond the proposed action, what would be the impact of such development be on the wetlands (whether mapped or

unmapped) located on the parcels in Seneca Falls and other parcels subject to the CIN trust application that have been shown to contain or likely contain or even potentially contain wetlands?

76. As you know, if the land subject to the CIN trust applications is placed into trust, there will be no enforceable restrictions that will prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Seneca Falls properties are built out beyond the proposed action, what would be the impact on the groundwater in Seneca Falls and how would that affect its residents?

77. As you know, if the land is placed into trust, there will be no enforceable restrictions that will prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Seneca Falls properties are built out beyond the proposed action, what would be the impact on any land resources on those properties?

78. One or more of the Seneca Falls properties contain Schoharie silt loam and Schoharie silty clay loam, both of which are considered by the USDA to be prime farmland soils. It is highly likely that the properties adjoining and surrounding the Seneca Falls property contain these important soils as well. As you know, if the land is placed into trust, there will be no enforceable restrictions on current operations conducted by CIN on such properties that would protect such soils from the adverse effects of improper drainage and from contamination that might occur from such operations (from spills or releases from petroleum bulk storage facilities operated by CIN on such properties) yet the DEIS failed to evaluate measures that could be implemented consistent with current regulations to insure that proper drainage controls were put into place and failed to evaluate the current status of petroleum storage facilities so as to require measures to prevent spills and leaks so as to avoid damage to such soils, why didn't the DEIS analyze these issues?

79. Further, given that it is all but certain that future development will occur on the Seneca Falls properties if the applications are granted, and such development will not be regulated in any manner the potential impact of that likely development scenario was not evaluated in the DEIS including the potential impacts of such a scenario on such valuable soils. If the Seneca Falls properties built out beyond the proposed action, what will be the impact on these prime farmland soils contained in the non-nation properties of Seneca Falls?

80. The Seneca Falls property contains Canandaigua silt loam, which the USDA classifies as farmland of statewide importance. It is highly likely that the properties adjoining and surrounding the Seneca Falls property contain this important soil as well. As you know, if the land is placed into trust, there will be no enforceable restrictions on current operations to prevent improper drainage that would adversely affect such soils

and similarly no state or local regulations that operate so as to insure losses from petroleum storage tanks do not occur, yet the DEIS does not evaluate methods that could be employed to mitigate the impacts from the lack of enforcement of such regulations by requiring as mitigation measures the implementation of acceptable measures to adequately control drainage and prevent damage from the releases of petroleum, why weren't such measures analyzed?

81. Further, if the CIN applications are granted, there will be no controls in place to prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. Further, if the Seneca Falls property is built out beyond the proposed action, what will be the impact on this important farmland soil contained in the non-nation properties of Seneca Falls?

82. As you know, if the land is placed into trust, there will be no enforceable restrictions that will require operations undertaken by CIN on the lands taken into trust to comply with state or local air quality regulations, yet the DEIS fails to evaluate the impact of current operations and planned resumption of other operations on the CIN properties on air quality in light of the absence of any state or local regulation in this regard, nor is there any analysis of whether federal regulations would or could be enforced so as to insure a minimal level of protection of air quality, why not?.

83. Further, if the trust applications are granted there will be no regulations in place so as to restrict future development, which is all but assured, up to its maximum physical build-out potential, including operations of a commercial or industrial nature that could adversely impact air quality. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the properties subject to the CIN application are built out beyond the proposed action, what would be the impact on the air quality without any state regulation and with no analysis as to what if any federal regulation would occur of this resource?

84. As you know, if the land is placed into trust, there will be no enforceable restrictions that will prevent CIN operations on the land subject to the application to abide by any noise regulations on the state or local level, yet no analysis was performed of the potential impact of the absence of such regulation on the communities and residents impacted or potentially impacted. Further if the CIN applications are granted there will be no restrictions on development on the lands at issue so that development up to such properties maximum build-out potential is a likely scenario. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the properties subject to the CIN applications are built out beyond the proposed action, what potential noise impacts are likely and how would such noise impacts affect the communities at issue?

85. If the trust applications are granted, there will be no state or local restrictions on CIN operations including zoning or other regulations as to signage, building

construction etc so that current operations and those contemplated to resume under the applications could be conducted without regard to any potential visual or other aesthetic impacts, yet no analysis was undertaken in the DEIS of the impacts likely to occur from the continuation of such operations without any such restrictions, why wasn't such an analysis undertaken?

86. Further, if the trust applications are granted there would be nothing preventing the properties at issue from being developed beyond their existing condition up to their maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the properties at issue are built out beyond the proposed action, what visual impacts would be felt by the impacted communities?

87. As you know, if the land is placed into trust, current activities which take place on various CIN properties will not be subject to any state or local regulations or laws relating to protection of human health and the environment, and there will be no state or local enforceable restrictions that will prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts to wetlands and other natural resources from the absence of enforcement of environmental and human health regulations on activities undertaken on the CIN properties, including the CIN Union Springs property containing gasoline tanks and other commercial operations, why not? Further, why didn't the DEIS analyze if the Union Springs properties are built out beyond the proposed action which is virtually certain, what would be the impact on any wetlands (whether mapped or unmapped) in and around the Union Springs Property?

88. As you know, if the land is placed into trust, there will be no regulation under state or local law of activities impacting the environment or public health under including no regulation of activities associated with the operation of the gasoline operations and the resumption of gaming on the applicable CIN Union Springs property where such operations have and will take place, yet the DEIS fails to analyze what damage might occur to the environment and impacts to human health from the absence of the ability to enforce such regulations or whether there are any applicable federal regulations which would protect the communities at issue or more importantly whether any federal agencies would be in a position to enforce any such regulations, why wasn't such an analysis performed?

89. Further, if the trust applications are granted there will be no state or local restrictions on land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Union Springs properties are built out beyond the proposed action, what would be the impact on the groundwater in Union Springs and how would that affect its residents?

90. As you know, if the land is placed into trust, there will be no ability for the state or affected communities to enforce laws and regulations, including those drafted to protect air quality for the entire community, yet the DEIS failed to address the potential impact of the failure to be able enforce such regulations for the protection of human health and the environment as concerns air quality, including air quality impacts from the commercial operations at the CIN Union Springs Property at issue, including sales of gasoline, the operation of gaming etc, why wasn't such an analysis undertaken?

91. Further, if the land is taken into trust, there will be no enforceable restrictions at the state or local level that will prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the CIN Union Springs properties are built out beyond the proposed action, what would be the impact on the air quality in Union Springs and how would that affect its residents?

92. As you know, if the land is placed into trust, there will be no enforceable restrictions on the state and local level that will protect against undue noise impacts, including such impacts from increased traffic etc associated with the resumption of gaming, yet the DEIS made no attempt to properly quantify such potential impacts from noise due to traffic, commercial operations and other operations contemplated, instead making invalid "assumptions" based on outdated and inapplicable documents and materials

93. Further, if the trust applications are granted, there will be nothing at the state and local level that can be done to prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Union Springs properties are built out beyond the proposed action, what noise impacts would be felt by Union Springs and how would that affect its residents?

94. As you know, once the land is placed into trust, there will be no enforceable restrictions that will prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the CIN Union Springs properties are built out beyond the proposed action, what would be the impact on the living resources in Union Springs and how would that affect its residents?

95. As you know, if the land is placed into trust, there will be no enforceable restrictions that will allow regulation of hazardous material or wastes on in connection with the CIN properties at issue, despite this fact, the DEIS fails to undertake any analysis of what impact the failure to regulate these issues on any local or state level will have, including adverse impacts to the environment, property and human health such failure to so regulate will have, nor does the DEIS analyze what federal laws are in place to protect affected communities from issues related to the storage and disposal of such materials including those that may be used or disposed of on the CIN Union Springs properties at issue, and the DEIS did not analyze what if any federal regulations would be

applicable, and how or whether same would be enforced so as to provide minimal protection to human health and the environment.

96. In addition if the CIN applications are granted, there is no local, county or state control that can be exercised so as to prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Union Springs properties are built out beyond the proposed action, what impacts the storage, use or disposal of hazardous material might have on impacted or potentially impacted residents on or in proximity to the CIN Union Springs properties?

97. The Union Springs property contains Cazenovia silty loam and Schoharie silty loam soils, both of which are considered by the USDA to be prime farmland soils. It is highly likely that the properties adjoining and surrounding the Union Springs property contain these important soils as well and if the CIN applications are granted, there will be no ability to enforce controls and regulations that would protect such soils including regulations addressing drainage and other requirements and regulations addressing the prevention of spills or releases of hazardous materials etc, yet the DEIS fails to address such impact or even evaluate if any federal regulations would apply to protect such soils and prevent such harm from occurring or how such regulations might be enforced, why not?

98. As you know, once the land is placed into trust, there will be no enforceable restrictions that will prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Union Springs property is built out beyond the proposed action, what will be the impact on these prime farmland soils contained in the non-nation properties of Union Springs?

99. The Union Springs property contains Lakemont silty clay loam soils, which the USDA classifies as farmland of statewide importance. It is highly likely that the properties adjoining and surrounding the Union Springs property contain this important soil as well. As you know, once the land is placed into trust, there will be no state or local regulation of any kind that would prevent damage to or loss of such soils through improper drainage practices or from the storage, use or disposal of petroleum or hazardous materials or other contaminants, yet the DEIs fails to address the impact of the inability to enforce such regulations or even to examine whether there are any federal regulations that could provide minimal protection from such impacts or how such regulations would be enforced.

100. Further, if the trust applications are granted, there will be no enforceable restrictions on the local or state level that will prevent the CIN Union Springs properties and from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Union Springs property is built out beyond the proposed action, what will be the impact on this important farmland soil contained in the

non-nation properties and residents of Union Springs not residing on the CIN Union Springs properties?

101. As you know, if the CIN applications are granted, there will be no restrictions related to operations on the CIN Union Springs properties on the state or local level concerning zoning, building codes or other codes that will may result in visual impacts from such operations on the CIN Union Springs properties, and yet there is no analysis in the DEIS of potential visual impacts that may result from the ongoing operations as well as from the resumption of other operations contemplated by the CIN applications including associated with gaming.

102. Further, if the CIN applications are granted, there will be no ability for the state or localities to prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Union Springs properties are built out beyond the proposed action, what visual impacts would be felt by Union Springs and how would that affect its residents?

103. As you know, if the land is placed into trust, there will be no ability for the state or the localities to control development of the parcels subject to such CIN applications, including developing the CIN Springport parcel up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario which is all but certain to occur given the stated purpose of the CIN trust applications. If the Springport property is built out beyond the proposed action, what would be the impact on any wetlands (whether mapped or unmapped) in Springport?

104. As you know, if the land is placed into trust, there will be no ability at the state or local level control development including no ability to prevent the land from being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Springport property is built out beyond the proposed action, what would be the impact on the groundwater in Springport and how would that affect its residents?

105. As you know, if the land is placed into trust, there will be no enforceable regulation on the state or local level that will allow for the regulation of the development of the land beyond its existing mostly non-developed condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario including the impact of the inability to enforce air quality regulations. If the Springport property is built out beyond the present mostly undeveloped condition, the impact on air quality from likely build out scenarios for the CIN Springport property should be evaluated.

106. Further, if the land is placed into trust, there will be no enforceable restrictions at the state or local level will prevent the land from being developed beyond its existing mostly non-developed condition up to its maximum build-out potential nor any regulation of noise generated from the CIN properties including the CIN Springport property. Despite this fact, the DEIS does not even attempt to address the potential impacts of the absence of any ability to regulate noise from operations on CIN parcels, including from the CIN Springport properties, why was this analysis not undertaken?. Further, as there will be no ability for regulating development of the CIN parcels on the state or local level, the CIN Springport parcel can be built out to the maximum extent possible and in so doing create noise impacts from such a build-out, scenario, yet the DEIS failed to evaluate and analyze such impacts, why? If the Springport property is built out as expected, the potential noise impacts from such development should be analyzed, but the DEIS fails to do so, why?

107. As you know, if the land is placed into trust applications are granted, there will be no enforceable restrictions at the state or local level that will regulate the use storage or disposal of hazardous materials, petroleum etc on the CIN properties, nor will there be any ability to regulate development so that such lands taken into trust, including the largely undeveloped CIN Springport parcel. Thus, the Springport parcel may be developed up to its maximum build-out potential without any ability for the Town of Springport, the County or the State to regulate such development. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario including the absence of any regulation of such hazardous materials on operations on the CIN Springport property. If the Springport property is built out and operations involving hazardous materials use and storage occur the impacts from such development and operation should have been analyzed in the DEIS including impacts on residents in proximity to the parcel and on the environment.

108. As you know, if the land is placed into trust, there will be no enforceable restrictions that will prevent the land from being developed beyond its existing largely undeveloped condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. If the Springport property is developed and built out which is all but certain given the purpose of the CIN application the DEIS must evaluate potential build out and development scenarios and evaluate the impact of same such as what visual impacts would be felt by Springport and how would that affect its residents?

109. The Springport property contains Cazenovia silty loam and Schoharie silty loam soil both of which are considered by the USDA to be prime farmland soils. It is highly likely that the properties adjoining and surrounding the Springport property contain these important soils as well. As you know, if the land is placed into trust, there will be no way for the state, county or the Town of Springport to regulate development on the Springport parcel or activities that may take place on same. As a result, there will be no ability at the local, county or state level to require that measures such as accepted drainage practices or construction of facilities take place to meet minimum standards to protect the environment from harm (including the soils identified) from such likely future

activities and development. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario which is all but certain to occur given that the purpose of the applications as cited by CIN is to engage in activities that will result in economic growth. If the Springport property is developed as it inevitably will be, impacts from such development from likely development scenarios must be evaluated and to that issues such as what will be the impact of such development and operations on the Springport property be including to these prime farmland soils?

110. The Springport property contains Lakemont silty clay loam, which the USDA classifies as farmland of statewide importance. It is highly likely that the properties adjoining and surrounding the Springport property contain this important soil as well. As you know, if the land is placed into trust, there will be no ability at the state, county or local level to regulate how the land is developed or the operations and activities that may take place on same, nor has there been any analysis of whether there are federal regulations that would apply so as to insure that minimum standards are met, nor any analysis if there is any federal agency which can assure that such regulations (if any) are enforced. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a development scenario, which is all but certain given the stated purpose of the CIN applications. If the Springport property is built out beyond the proposed action, what will be the impact on this important farmland soil including on properties and residents not residing on the CIN Springport Property and what is the likelihood (if any) that there are any federal regulations or enforcement protocols that would protect such resources?

111. The Almeron Durkee House, which is on the National Historic Register, is located approximately one mile north of the CIN Springport property. As you know, if the land is placed into trust, there will be no ability at the local, county or state level to regulate development and prevent CIN Springport Property from being developed to its maximum build-out potential which is all but certain given the stated purpose of the CIN applications. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario. In fact, the DEIS summarily dismisses any discussion of such impacts. If the Springport property is built out beyond the proposed action, the DEIS needs to examine the potential impacts of likely development of build out and development of the Springport Parcel will have on the Almeron Durkee House, such as what would be the viewshed impacts to such historic resource?

112. As you know, once the land is placed into trust, at the local, county and state level there will be no ability to enforce critical environmental regulations enacted to protect valuable environmental resources. Further, because granting the trust applications will also deprive the state, county and local governments from regulating development of land including from exercising control over it being developed beyond its existing condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario which is all but inevitable given the stated purpose of the CIN applications to engage in activities that will result in economic growth and expansion of the Nation's activities. If (and more likely when) the Montezuma property is developed (it is mostly undeveloped now) the

impact of the inability of any local, and state government to regulate activities on and development of the CIN Montezuma Property must be analyzed, including potential impacts on any wetlands (whether mapped or unmapped) in Montezuma, such analysis should include delineation of such wetlands which is required by applicable federal guidance and other criteria but which the BIA refuses to undertake, why didn't BIA undertake such delineation as part of the DEIS ?

113. As you know, if the land is placed into trust, there will be no ability for any local, county or state government to regulate activities undertaken on the CIN Montezuma Property, including the inability to regulate to control that land from being developed to its maximum build-out potential; yet the DEIS does not evaluate the potential impact of the of the inability to enforce such regulations to protect the environment and regulate development, including failing to analyze whether and to what degree there are any federal regulations that would apply so as to insure critical resources are adequately protected, and even more importantly what federal agencies would do to insure such regulations (if any) are enforced. Thus, the DEIS does not even attempt to address the potential impacts of such impacts, including if (and in all likelihood when) the CIN Montezuma property is built out, what would be the impact on the groundwater in Montezuma and how would that affect its residents, including what would be the impact of operations and activities on the CIN Montezuma property essentially unregulated on groundwater based on likely development scenarios, why was this not undertaken?

114. As you know, if the land is placed into trust, there will be no ability for any local, county or state government agencies or representatives to insure that irreplaceable natural resources including air quality is adequately protected and preserved in light of any activities that might be undertaken on the CIN Montezuma property, and in addition there will be no ability for the state, county or local governments to regulate in any fashion development or to prevent the land from being developed beyond its existing non-developed condition up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario, which is all but certain given the purpose articulated by CIN in the trust applications. Thus, if the CIN Montezuma property is developed the DEIS should have analyzed what would be the impact on the air quality from likely building out scenarios and operations including to residents potentially impacted by such negative air quality impacts, why did the DEIS not review in detail what federal regulations may apply and whether same would provide minimal protections to the impacted communities and as important whether and under what circumstances such regulations would be enforced?

115. As you know, if the land is placed into trust, the state, county and local governments will be unable to insure that noise impacts are addressed and minimized from operations on the CIN Montezuma properties, including impacts from any business or other activities that may be undertaken there. Further, for the same reason at the state, county and local level, there will be no ability to regulate in any fashion development of that property so as to prevent or control development of such property to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the

potential impacts of such a scenario, which is all but certain given the stated purpose of the CIN trust applications. Thus, the DEIS should have at a minimum evaluated potential noise impacts that will result from operations on the CIN Montezuma parcel that will not be subject to any such local, county or state regulation or control, nor was there any attempt to evaluate if there are any federal regulations that would apply so as to address and prevent negative noise impacts including from increased traffic etc, or how such regulations (if any) would be enforced. Further, if the CIN Montezuma property is developed and built out which is all but certain, what noise impacts would be felt by Montezuma and how would that affect its residents, and why were these issues not identified, let alone addressed in the DEIS?

116. As you know, if the land is placed into trust, there will be no ability to regulate and insure the enforcement of minimal zoning or building code or other requirements on activities on the CIN Montezuma property, including no such ability by any local, county or state authorities to protect the communities affected from unfettered development such as controlling in some manner development of this parcel up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario which are all but a certainty given the CIN purpose stated for making the trust applications. If the Montezuma property is developed and built out, what visual impacts would be felt by affected communities and their residents of likely build out scenarios?

117. As you know, if the land is placed into trust, there will be no ability to protect valuable resources associated with the CIN Montezuma Parcel and other resources with which it is connected (including wetlands, a nationally recognized reserve area and other resources) from the use, storage and disposal of hazardous materials, nor any ability of such local and state authorities to protect against unfettered development that will prevent the land from being developed up to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario which is all but certain given the stated purpose of the CIN trust application. If (and more likely when) the Montezuma property is built out or developed, what impacts would the use, storage and disposal of hazardous material have on the invaluable resources associated with that parcel and on the environmental of affected communities and residents?

118. As you know, if the land is placed into trust, there will be no ability at the local, county or state level to preserve the impact of the use and development of the Montezuma Property on any recognized or potentially recognized historic, architectural or other resources, and there is nothing such local, county and state governments can do to prevent the land from being developed to its maximum build-out potential. Despite this fact, the DEIS does not even attempt to address the potential impacts of such a scenario which is all but certain. Thus, the DEIS should have analyzed likely build-out and development scenarios in order to identify what impacts would occur or potentially occur if the Montezuma property is built out and what impact same would it have on the Seneca River Crossing Canals Historic District which is located nearby, why was this analysis not undertaken?

Inadequate Socioeconomic Analysis

119. The DEIS purports to undertake a socioeconomic analysis by evaluating employment and income, demographic trends, lifestyle and cultural values and environmental justice. In doing so, the DEIS does not factor in future CIN growth and development. The CIN's stated purpose is to purchase more lands. Why does the socioeconomic analysis not evaluate the reasonably foreseeable future conditions taking into consideration the anticipated growth in visitors to the CIN gaming operation, the gas stations and the convenience stores and the associated increase in employment and other changes that are likely to occur with that growth?

120. The DEIS should evaluate the possible disadvantages of the application on the surrounding community. Of particular concern is the evaluation of the changes in employment and housing resulting from expansion of CNN operations, as well as changes due to the anticipated contraction of non-tribal enterprises. Why does the DEIS not evaluate the future conditions resulting from ongoing and planned actions by the CIN?

122. A complete DEIS must evaluate whether the trust application will result in any significant adverse socioeconomic impacts including such impacts that would disproportionately affect low-income and minority populations. The environmental justice analysis in the DEIS evaluates whether the trust application or any of its alternatives will disproportionately affect low-income or minority populations, including the Cayuga Nation, yet no assessment is made as to whether the communities have been sufficiently involved in the decision making process. Additionally no review as to whether affected communities will disproportionately bear the negative consequences of gaming in the Counties as identified in Professor Ayres July 2, 2009 Report, why does the DEIS not evaluate the socio-economic impacts of the application including from re-established gaming as it relates to low-income and minority populations?

123. The conclusions found in the DEIS regarding economic impacts from the taking of the CIN lands into trust significantly overstates any potential positive impact from the taking the land and issue into trust by among other things, double counting jobs created by CIN enterprises when such jobs were largely already in existence when CIN purchased its business operations in Union Springs and in Seneca Falls, and by wholly ignoring the negative impact of the substantial competitive advantage the CIN businesses enjoy over other business which must collect sales taxes, why were these comments including those by renowned economic and legal expert Ian Ayres ignored at the scoping stage, why is BIA attempting to hide from these basic unassailable facts, particularly where as here it is attempting to tout positive economic impacts as a basis to grant CIN's applications?

124. The DEIS utilizes the so-called IMPLAN model to measure the economic impacts of the existing and proposed CIN business operations but critical underlying data upon which the gaudy predictions of extremely positive economic impacts are not provided including data which purports to show significant expenditures by CIN in the Counties and the State, why not provide this data as required by federal law, and in order to promote a transparent process?

125. Moreover, the basic computer runs needed to make the IMPLAN results meaningful so that the conclusions reached can be independently verified are not provided, despite the requirements under NEPA and other law that such information be provided. Why doesn't the DEIS include such underlying data that were specifically used as input into the model? Without this, it is impossible to determine the validity of the DEIS's conclusions that the Counties will enjoy substantial economic benefits from the granting of the CIN applications, why not provide the data as part of the appendices to the DEIS?

126. Continuing to sell untaxed cigarettes and other goods and services has had a significant negative effect on non-CIN businesses in the area and has also deprived affected municipalities and others of their local share of such sales taxes as such sales tax revenue constitutes a critical and significant component of funds used by the Counties to provide necessary services and infrastructure (over 16% of such funds for Cayuga County nearly 40% in Seneca County based on recent data), why aren't these financial impacts considered in the DEIS, as they are substantial as was pointed out in comments made by the Counties to the BIA Scoping report. These were based in part on the work of Ian Ayres, yet the DEIS makes no mention of this issue nor the comments and conclusions provided by Dr. Ayres, why not?

127. We are hearing about the impacts on sales from non-CIN convenience and grocery stores and other businesses that their sales have dramatically increased and decreased depending on whether the CIN-owned stores sell untaxed goods and services. The same degree of impact is expected from non-CIN operated gas stations that sell their products and pay all the required taxes. Why did the DEIS not evaluate these impacts to determine how competing businesses are affected by CIN businesses? This is not only a significant issue for many businesses trying to survive, but for local communities that depend on these businesses to employ residents and to pay their sales and property taxes.

128. Why did the DEIS not evaluate the social impacts (and costs) of selling untaxed cigarettes on the increased rates of smoking among residents?

129. Why did the DEIS not evaluate and quantify the revenues lost to the state and to local governments from selling untaxed cigarettes and other untaxed goods and services, including the impact of lost sales taxes on the state, county and local level?

130. Why didn't the DEIS evaluate the impact of the competitive advantage enjoyed by CIN businesses over non-CIN businesses as CIN is not collecting sales taxes, resulting in decreased sales from non-CIN businesses thereby adversely affecting those

operations by likely causing such competing businesses to decrease their operations or cause such businesses to shut down altogether ?

131. Given the proximity of a re-opened gaming operation in Union Springs to the Union Springs' schools, the potential for negative social impacts is anticipated to the student population, yet the DEIS failed to even identify same, let alone identify measures that could be undertaken to mitigate such impacts, why not? What happens when this gaming operation inevitably expands (in accordance with the stated purpose of the CIN trust application seeking to engage in the expansion) and why weren't the impacts from such an expansion reviewed as part of the DEIS?

132. What continued economic impact will the current operation of CIN businesses including those contemplated by CIN's land into trust applications (including the resumption of gaming) in Seneca Falls and in Union Springs on non-CIN businesses in those communities particularly if CIN continues to sell untaxed goods and services? Further, what is the impact of the all but inevitable further commercial development of the CIN businesses in Seneca Falls and Union Springs have on non-CIN businesses in Seneca Falls and Union Springs and the area in general, particularly if the Nation is permitted to sell untaxed goods and services including on businesses which sell the same types of goods and services as sold by the CIN businesses but which must collect taxes?

133. What continued economic impact will the current operation of CIN businesses including those contemplated by CINs land into trust applications (including the resumption of gaming) have on non-Cayuga Indian Nation businesses in other Seneca and Cayuga County communities including , Fayette, Tyre, Aurelius, Junius, Springport, Montezuma, Waterloo, Fleming, Savannah, Galen, Mentz, Auburn, Sennett, Owasco, Scipio, Venice, Brutus, Cato, and Conquest among other communities, particularly if the Nation is permitted to sell untaxed goods and services, including impacts on non-CIN businesses which sell the same types of goods and services sold by CIN-businesses but must collect sales taxes, and what about the future impact of the inevitable expansion of CIN businesses on non-CIN businesses in the referenced communities?

134. What is the impact to the tourism industry in Seneca and Cayuga Counties if the CIN land into trust applications are granted and CIN is thereby exempted from each and all local, county and state/regional development and zoning restrictions and controls allowing the operation of activities and uses which are in conflict with zoning and community plans in Seneca Falls, Union Springs, and other communities impacted by the CIN applications and the operation of CIN businesses, why weren't these impacts analyzed in the DEIS? How will such unfettered development on current CIN parcels and those likely to be acquired in the future by CIN (and made the subject of additional land into trust applications as CIN has stated its intent to do) impact tourism in these communities, particularly when uses that are not conducive to tourism are developed by CIN?

135. If the Cayuga Indian Nation-run businesses continue to have the competitive advantage over non-CIN businesses of selling goods tax free, combined with the additional advantages to such businesses if the CIN trust application is granted of not paying any property taxes or other fees or assessments and not being required to comply with any local, county or state oversight or regulations of any kind, what impact will that competitive advantage have on non-CIN businesses? Information provided to the Counties indicate that tax-free sales have significantly decreased the ability of non-CIN businesses to compete, potentially causing non-CIN businesses to curtail operations and reduce workforce, why weren't these impacts and potential impacts analyzed in the DEIS?

136. What will be the longer term affect of non-CIN businesses curtailing operations and reducing their workforce and/or ceasing operations altogether as the result of CIN's advantage? What impact will that have on employment opportunities in Seneca Falls, Union Springs and other communities in the Counties? What impact will reduction in the number of businesses paying property and sales taxes have on the localities affected and why weren't these impacts analyzed in the DEIS?

137. Given the competitive advantages of the Cayuga Indian Nation-run businesses as detailed above (i.e. based on sales of untaxed goods and services and being exempted from property taxes and other assessments and not being required to comply with any regulation or oversight on the local, county or state level), what impact will such competitive advantage have on non-CIN businesses and to the extent such non-CIN businesses will not only suffer from the competitive disadvantages as detailed herein, but also bear a disproportionate share of taxes, fees and assessments from which CIN businesses will be exempt (despite the fact that CIN businesses and other occupants will continue to use such services and infrastructure)?

138. What impact will be felt in the communities in the Counties when businesses suffering from this competitive disadvantage and bearing the disproportionate cost of such infrastructure and services cut back or cease doing business? How will employment opportunities be impacted in the Counties with the loss of such businesses? What will the fiscal and financial impact of the loss of tax base on the Counties and localities if or when such non-CIN businesses curtail operations or cease to operate altogether? Why did the DEIS fail to analyze these impacts?

139. If the Cayuga Indian Nation is permitted to sell certain goods tax free on their Seneca Falls property and other properties in Seneca County and the sales tax revenues of Seneca County are reduced as a result and that impact and such losses are combined with the impact of the exemption that the CIN properties (and the activities undertaken on them, commercial and otherwise) will enjoy from paying any property taxes, assessment and other fees if the trust applications are granted, what impact will the reduced tax revenues have on Seneca County's ability to provide services to its residents and maintain infrastructure particularly in light of the continued use of those services and infrastructure by CIN properties and the likely increase use of such services and infrastructure by the CIN properties in Seneca County when the inevitable occurs and

the CIN trust properties are further expanded and developed and the CIN businesses grow? How will Seneca County be able to raise the necessary funds for such services and infrastructure from a smaller number of residents and properties?

140. If, the Cayuga Indian Nation is permitted to sell certain goods tax free on their Union Springs property and other properties in Cayuga County and the sales tax revenues of Cayuga County are reduced as a result and that impact is combined with the impact of the exemption that CIN properties (and the activities that take place on them, commercial and otherwise) will enjoy from the paying property taxes and other assessments and fees; what impact will the reduced tax, assessment and other revenues have on Cayuga County's ability to provide services to its residents and maintain infrastructure in light of the continued use of those services and infrastructure by CIN if the land to trust applications are granted and in light of CIN's likely increase use of such infrastructure and services when the inevitable occurs and the CIN trust properties are further expanded and developed and its businesses are further expanded and developed?

141. Why doesn't the DEIS analyze the potential impact of an increase in the smoking rate among residents of both Counties and each of the affected and potentially affected municipalities attributable to the availability of low-cost cigarettes and what effect that will have on the health of those residents? And why didn't the DEIS analyze the fiscal impact of those effects might be on affected and potentially affected municipalities?

142. Why weren't any alternatives for the CIN Seneca Falls Properties, the CIN Union Springs Properties, the Montezuma Property, other than "The Proposed Action", "No Action" and "Enterprise Properties into Trust", analyzed in the DEIS, specifically why weren't alternatives analyzed that would actually seek to mitigate the impacts recognized in the DEIS but not addressed, such as alternatives whereby the granting of any trust applications are conditioned on CIN entering into agreements with affected municipalities, school districts and other service providers and those responsible for maintaining infrastructure where CIN would pay its fair share to bear the costs of such services and infrastructure—particularly in light of the fact that CIN's use of such services and infrastructure will continue and undoubtedly increase if the trust applications are granted?

143. Similarly, why weren't alternatives considered requiring the CIN properties at issue to continue to be regulated under essential local, county and state laws and regulations so that the environment and public health are adequately protected?

144. Why didn't the DEIS consider an alternative where as a condition to granting the CIN trust applications, the Cayuga Indian Nation is required to enter into agreements with affected municipalities, school districts, fire districts, sewage districts, library districts and other public service providers where it would make payments in lieu of taxes and assessments, and where such agreements would be structured so that when CIN expanded its operations or further developed its lands, its payments would increase so as to fairly reimburse service providers and affected municipalities based on CIN's impact on public infrastructure and public services it will continue to use but not share in the cost to provide? The DEIS's failure to analyze this as an alternative is particularly troubling given the DEIS's recognition of these impacts and given BIA's recent policy of requiring such agreements be in place before granting trust applications to other Indian Nations.

145. What would the impact of such agreements by CIN to fairly share in the costs of such public services and infrastructure have on the fiscal condition of the Counties and affected municipalities, sewer and library districts etc? What would the impact be on the ability of the Counties, and affected municipalities and service providers and other taxing jurisdictions and districts to maintain infrastructure and provide necessary services?

146. Why didn't the DEIS analyze the impact on non-CIN businesses and individuals paying disproportionately higher shares of the cost to maintain public infrastructure and public services if the CIN land into trust applications are granted? Why didn't the DEIS analyze the potential for non-CIN businesses to curtail their operations and potentially shut down altogether based on the combination of the competitive disadvantage they find themselves if untaxed goods and services can sold by CIN businesses and the trust applications are granted exempting CIN's properties from other taxes and fees?

147. Why didn't the DEIS consider as an alternative requiring as a condition to the granting of the CIN trust applications requiring the Cayuga Indian Nation to enter into an agreement under which it would make payments in lieu of taxes to the Seneca Falls Central School District and other affected school districts whereby CIN would make payments for such district taxes based on the uses of the CIN parcels and based on a formula whereby the school district taxes would increase based on the use and development of the CIN-parcels located within the jurisdiction of each such school district? The failure of the DEIS to consider this alternative is particularly troublesome in light of the DEIS's acknowledgement of this impact, and the fact that BIA has a policy conditioning the granting of trust applications for other Indian Nations on them entering into such agreement What would the impact of such an agreement have on the fiscal condition of the School District? What would the impact be on the ability of the affected school districts to provide educational services?

148. Why didn't the DEIS consider as an alternative requiring as a condition to granting the CIN trust applications that the Cayuga Indian Nation enters into an agreement under which it would make payments in lieu of assessments etc to the

Bridgeport Fire District and other affected fire districts be an alternative worth analyzing given the indisputable fact that the CIN will continue to use or otherwise benefit from such services, but if the trust applications are granted, it will not share in the cost to provide those services? What would the impact of such an agreement have on the fiscal condition of the affected and potentially affected fire districts? What would the impact be on the ability of impacted fire districts to provide services?

149. Why didn't the DEIS consider as an alternative the Cayuga Indian Nation be required as a condition to granting the CIN trust applications entering into an agreement under which it would make payments in lieu of taxes to Cayuga County and Seneca County given the undisputed impact that granting the trust applications will have on the provision of necessary public services and maintenance of infrastructure on the Counties and their residents—continued and increasing use by CIN without it having to pay its fair share of taxes etc associated with the provision of such services and maintaining such infrastructure? What would the impact of such an agreement have on the fiscal condition of the Counties? What would the impact be on the ability of the Counties to provide services?

150. Why didn't the DEIS consider as an alternative conditioning the granting of the trust applications on the Cayuga Indian Nation entering into agreements with each and every affected or potentially affected municipality including but not limited to the Town of Seneca Falls, the Village of Union Springs, the Town of Springport and the Town of Montezuma, as well as each of the affected Library, Sewer and Water Districts and School Districts under which it would make payments in lieu of taxes to each of those taxing jurisdictions and public service providers as an alternative worth analyzing? What would the impact of such agreements have on the fiscal condition of the affected or potentially affected jurisdictions and service providers? What would the impact be on the ability of the various municipalities and agencies affected to provide such services?

151. Why weren't alternatives where the Cayuga Indian Nation makes payments in lieu of taxes to Seneca County, Cayuga County and other taxing jurisdictions in the County reviewed in the DEIS as doing so would not only address critical impacts to those governments in providing infrastructure and community services from a shrinking base of properties (if the trust applications were granted), and such alternatives would also help to even the playing field somewhat for non-Nation businesses in Seneca Falls and avoid the curtailing of operations of those other businesses and the likely shut down of such businesses and the ramifications of the loss jobs etc from the loss of such businesses?

152. Wouldn't an alternative where the Cayuga Indian Nation makes payments in lieu of taxes to Cayuga County and the taxing jurisdictions in the County even the playing field somewhat for non-Nation businesses in Montezuma? Why wouldn't this be feasible?

153. Wouldn't an alternative where the Cayuga Indian Nation makes payments in lieu of taxes to Cayuga County and the taxing jurisdictions in the County even the

playing field somewhat for non-Nation businesses in Auburn? Why wouldn't this be feasible?

154. Is there any assurance that the Cayuga Indian Nation will purchase goods and services from businesses in Seneca County and Cayuga County or otherwise reinvest their profits in both Counties economy, if the CIN land into trust applications are granted in part on the fiscal benefits to the Counties particularly in light of the utter lack of mitigation measures and lack of conditions, isn't it irresponsible to not require as a condition to granting such applications that the CIN businesses and others continue to purchase goods and services within the Counties even after the trust applications are granted?

155. Why didn't the DEIS consider as an alternative the requirement of community benefits type agreements with each of the affected taxing and other jurisdictions including Seneca and Cayuga Counties and each of the impacted or potentially impacted municipalities, school districts and other taxing jurisdictions which are providing necessary community services and infrastructure maintenance etc which would address concerns of (and impacts to) the municipalities?

No Discussion on Mitigating the Impacts of CIN Failing to Contribute Its Fair Share of Property Taxes, Fees, Assessments and Other Costs to Maintain Public Infrastructure and Community Infrastructure CIN Properties Will Continue To Use Even if the Trust Applications Are Granted

156. If the BIA grants this application and the properties go off the tax rolls, will they still pay special district charges for water, sewer, fire, library, etc.? If no, doesn't NEPA and other law require that these impacts be addressed and mitigated?

157. CIN's decision not to collect taxes from non-tribal members impacts other business that must collect and remit these taxes. Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are able to offer lower prices. By virtue of CIN enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and undercutting their competitors. How does the DEIS evaluate the effect that the loss of sales and excise tax has on the state and local governments as well as competing businesses?

158. CIN's current operations include two gas stations/convenience stores. Gasoline and cigarette sales amount for a substantial portion of revenue generated from these stores. CIN's decision not to collect taxes from sales on gasoline and cigarettes from non-tribal members produces a further tax burden for the state and local government. How does the DEIS evaluate the impacts of CIN's continual refusal to collect sales and excise taxes from non-tribal members?

159. The loss of tax revenue from lands into trust may not seem significant to BIA , but it is for the Counties. In today’s economic climate, the financial stress on local governments and school districts are enormous. With the CIN buying more property in the 64,000 acre “claim” area, this application can arguable used to set precedent for future applications to the BIA. The DEIS needs to address this issue now and consider the financial consequences on these taxing jurisdictions of placing more and more lands into trust and off the property tax rolls. As set forth in Professor Ayres Report and in the Counties Comment Letter the data indicates that property tax losses alone to the Counties (without figuring in losses to special districts, school districts and the like) amount to tens of millions of dollars, how can these losses including current losses and catastrophic future losses if applications are made for the land in the alleged claim area be mitigated?

160. Most of the local property tax payments typically go to school districts. With future Land Into Trust applications likely that will take more lands of the property tax rolls, how can these significant (and catastrophic if all of the property in the claim area is acquired and placed into trust) financial impacts be mitigated? This is a critical issue-- now and for the future. Why didn’t the DEIS evaluate these impacts and identify ways that this tax burden on schools and their taxpayers can be mitigated?

161. Water and other utility lines cross some the CIN lands to be taken into trust under applications. How will access to these lands be assured to allow for operation and maintenance, and for repairs. Will these lands be paying for the costs of these lines or will these costs have to be picked up by all the other ratepayers? If they are, why doesn’t the DEIS better evaluate these impacts and how they can be mitigated, especially the added costs that must be borne by others.

No Discussion of Mitigating the Effects of The Lack of State and Local Regulation of Lands

162. In absence of state and local regulation, why doesn’t the DEIS specifically analyze how future development on these CIN lands will be regulated so that health and safety concerns and environmental protection are assured. What specifically is the federal regulatory system (if any) that will replace local and state controls and how will enforcement assure that minimally acceptable requirements are met and that community plans are considered? Why didn’t the DEIS address these critical concerns and why didn’t it identify mitigation measures etc to address same?

163. The Town of Springport and the Village of Union Springs have just completed a joint Master Plan that lays out a blueprint for its future. Why is this not considered in the DEIS as well as not considering the master plans, zoning and other measures to shape development in other communities impacted by the CIN fee into trust applications? And with local controls through zoning and subdivision regulations not applicable to the CIN properties, how can these communities effectively implement their plan for the future, including insuring that critical land resources are preserved for

tourism purposes? This results in a significant impact on affected or potentially affected communities including Union Springs and Springport, yet such impacts are not even identified in the DEIS, let alone evaluated as required, why not?

164. Springport has just completed town wide water improvements that are being supported by a full base of users. Why did the DEIS not consider this issue and evaluate the financial impacts of CIN lands not paying these special district charges, including the impacts on remaining town ratepayers which must now and in the future (when the inevitable occurs and the CIN Springport parcel is developed and/or further developed) bear a disproportionately higher cost of these improvements ?

165. One parcel of significant concern is the currently vacant 111-acre parcel in Union Springs. The DEIS needs to address how to address the negative impacts associated with unregulated development on this parcel and the potentially devastating impacts to the Village of Union Springs, the Cayuga Lake watershed, and this beautiful and pristine area of Finger lakes region.

166. How can food safety be assured for consumers from food products grown on CIN lands that are no longer subject to any state or local regulation to insure such products meet minimum standards; what if any federal regulations would insure such basic protections are in place for all, and what federal agencies etc would enforce such regulations ?

167. For the CIN's gas stations, how can the public be assured they are getting what they are paying for if there are no required inspections from state authorities that ensure the pumps are properly calibrated and that same are working properly, in the absence of any local or state regulation, what if any federal regulations would apply to insure that minimum standards to insure consumer protection in this area are being adhered to, and as important, what federal agencies are charged with enforcing such standards?

No Consideration of Cumulative Impacts of the Application

168. In order to comply with the minimum standards under federal law, including NEPA, the DEIS needs to address the impacts of the CIN further plans for land acquisition, future development, and likely subsequent Land into Trust applications. This is a critically important issue because the CIN continues to acquire additional land in the counties, now totaling about 900 acres in the counties. And this land is all in the nearly 64,000 acre so-called claim area which CIN claims is an ancestral land and which CIN has indicated it will attempt to re-claim. It is clear that the CIN plan is to proceed with future applications to the BIA for land into trust status. With this reality, why hasn't the DEIS considered the cumulative impacts from of this application by identifying and evaluating the full range of environmental impacts from this future activity as required by NEPA, including the impacts associated with the taking of each of the lands into trust to which CIN claims it is entitled to acquire?

169. Why doesn't the DEIS consider and evaluate the effects of reestablishing gaming operations on the problem and social costs of gambling addiction. This is critically important when considering the proximity of CIN lands to the Oneida Indian Nation's lands and its substantial gaming operations, including those which will be further developed based on BIA's granting of OIN's application for placing approximately 13,000 acres of land into trust located in Oneida and Madison Counties

170. What will be the affect of granting this application on the rate and extent of future land purchases of private properties by the CIN in the Counties, and the likelihood of future land into trust applications?

171. What is the impact of CIN acquiring property on the open market and placing such property into trust when the property was acquired from profits earned from businesses which did not comply with existing law including existing state and other law requiring the collection of taxes etc?

172. Clearly this land in trust application must be viewed in light of the increasing purchase of private properties by the CIN in both Counties. Given that the CIN currently owns about 900 acres in a 64,000 acre claim area, what would be the financial impacts on local governments, special districts and the average taxpayer of likely future land into trust applications, and how can these financial burdens can be mitigated, and why weren't each of these impacts analyzed in the DEIS, we know the loss of property taxes alone from such likely future actions would be over \$10 Million in one county and nearly \$12 Million in the other, why weren't these impacts identified and evaluated in the DEIS ?

173. To be complete the DEIS needs to address the impacts of the CIN further plans for land acquisition, future development, and likely subsequent Land into Trust applications. This is a critically important issue because the CIN continues to acquire additional land in the counties, now totaling about 900 acres in the counties. And this land is all in the nearly 64,000 acres in the claim area. It is clear that the CIN plan is to proceed with future applications to the BIA for land into trust status. With this reality, why hasn't the DEIS considered the cumulative impacts from of this application by identifying and evaluating the full range of environmental impacts from this future activity as required by NEPA.

174. Why doesn't the DEIS consider and evaluate the effects of reestablishing gaming operations on the problem and social costs of gambling addiction. This is critically important when considering the proximity of CIN lands to the Oneida Indian Nation's lands and its gaming operations.

175. What will be the affect of granting this application on the rate and extent of future land purchases of private properties by the CIN in the Counties, and the likelihood of future land into trust applications?

176. Clearly this land in trust application must be viewed in light of the increasing purchase of private properties by the CIN in both Counties. Given that the CIN currently

owns about 900 acres in a 64,000 acre claim area, what would be the financial impacts on local governments, special districts and the average taxpayer of likely future land into trust applications, and how can these financial burdens can be mitigated?

177. CIN does not collect or remit state and local taxes on gas and tobacco products; therefore, offers these products at a reduced price compared to other competitors. This price reduction entices the general public to travel an extended distance to purchase tobacco and gasoline products. Why doesn't the DEIS consider and evaluate the effects of the increase in greenhouse gases, or carbon dioxide emissions due to the unnecessary burning of fuels to travel longer distances to purchase fuel and tobacco products at CIN enterprises?

178. Agriculture is a major land use in this area and will be impacted by the CIN application. Several parcels of land that are part of the proposed transfer have businesses that are actively run by the CIN. Since if trust status is granted these businesses do not need to pay property tax or appropriate sales tax, they would gain an unfair advantage in the marketplace due to the lower tax burden. Why doesn't the DEIS fully recognizes or accurately reflect the financial and environmental impacts of the proposed action to surrounding agricultural lands and farms families?