

BOARD OF SUPERVISORS SENECA COUNTY

Waterloo, New York 13165

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

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

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

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

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

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

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

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

WHEREAS, the DEIS treats gaming as an existing condition and makes no study of its prior impact or future impact on the community, stating only that "the Nation would provide information to its patrons regarding gambling addiction counseling services available in the area;" and

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Waterloo, New York 13165

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

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

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

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

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

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

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

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

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Waterloo, New York 13165

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

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

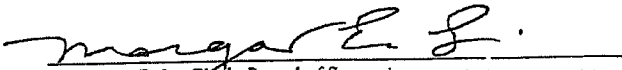
RESOLVED, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

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

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

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

STATE OF NEW YORK)
County of Seneca)


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

Given under my hand and official seal

6/7/2009

OPPOSING LAND INTO TRUST APPLICATION OF CAYUGA INDIAN NATION

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

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

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

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

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

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

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

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

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

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

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

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

Whereas, the DEIS reports the median household income of CIN members to be \$26,722, compared to \$37,487 in Cayuga County and \$37,140 in Seneca County, but it provides no analysis of any potentially adverse impact upon the

provision of State, County and local services, including social services, if the application were granted and members of CIN relocated to Cayuga and Seneca Counties; and

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

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

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

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

RESOLVED, the Cayuga County Legislature rejects the preferred alternative contained in the DEIS and calls upon the BIA to elect the No Action alternative, and be it further

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

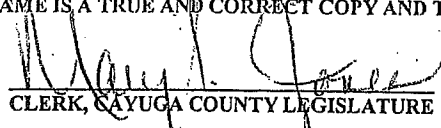
RESOLVED, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

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

RESOLVED, a copy of this resolution shall be sent to the following public officials: Barack Obama, President of the United States; Kenneth Salazar, Secretary of the Interior; Charles Schumer, United States Senator; Kirsten Gillibrand, United States Senator; Michael Arcuri, United States Congressman; David Paterson, Governor of the State of New York, Michael Nozzolio, New York State Senator; and Brian Kolb, New York State Assemblyman.

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

6/24/2009 10:00 AM


CLERK, CAYUGA COUNTY LEGISLATURE

Sue Sauvageau, Director
Seneca County Weights & Measures
1 DiPronio Drive
Waterloo, NY 13165
6/26/09

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

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

Dear Mr. Keel:

Seneca County Officials have asked for my comments on the Draft Environmental Impact Statement with respect to the Cayuga Indian Nation's Land into Trust Application. We were to discuss the impact directly related to our departments as well as general concerns.

I serve as Weights and Measures Director for Seneca County. Weights & Measures is a County regulatory entity empowered by New York State Agriculture and Markets Law to regulate commercial transactions involving sales by weight or measure, and to maintain fair market practices and equity in all transactions. The department provides consumer protection, by insuring accurate quantities as represented, and business protection, by providing a level playing field for competition.

After some legal negotiations in May 2005 involving the County and the Cayuga Nation, I have established a regular regulatory testing relationship with the Cayuga owned Lakeside gas station in Seneca County as well as the recently opened Cayuga Corner produce market. These businesses are subject to and meet the same Agriculture and Markets weights and measures standards required of all other businesses in the jurisdiction. Cayuga County Weights and Measures maintains the same working relationship with tribal owned businesses. Our testing relationship with the Cayuga Nation is as I understand it, unique in New York State.

My concern is that this working relationship will be wiped out by the Land into Trust designation. Our current testing relationship provides fair and equal standards for both businesses and consumers. It was developed through collective hard work and is a valuable asset to the community. It should be preserved. This is not addressed in the DEIS and I would like to see it included.

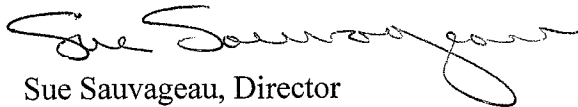
As I understand it, Land into Trust becomes Federal Land subject to Federal Regulatory entities only. In the field of weights & measures regulation, the states look to the National Institute of Standards and Technology and the National Conference on Weights and Measures for guidance and standards. Actual regulation is administered by the states and local governments within the various states. In the absence of local regulatory oversight, how will standards be applied on Trust Lands? The DEIS does not answer this question.

A peripheral concern, although not subject to Weights & Measures regulation, is the ongoing condition of the underground storage tanks at the Cayuga owned gas stations within the potential trust area. These stations met the upgraded Environmental Protection Agency standards enacted in the 1990's and monitored by the New York State Department of Environmental Conservation. Will the Federal Government monitor the condition of these tanks as they age on Trust lands? The DEIS does not clarify this question.

Finally, as a citizen and working property owner, taxes are always a concern. Seneca County has suffered a huge drain of property from the tax rolls, whether for Industrial Development Agency projects, or for municipal, school, church, non-profit, state, and federal use. The majority of our working families can not handle the increasing burdens of a shrinking tax base. Although the properties identified in this Land into Trust represent a tiny portion of the total tax base, the possibility of additional Land into Trust requests paints a bleak picture for property owners and the local governments that they support. Adequate Federal financial support amounting to a replacement of these taxes is needed. The DEIS does not address mitigation of this issue.

The Draft Environmental Impact Statement does not cover my several concerns and it does not outline potential solutions for these problems. I would like to see solutions to these various concerns incorporated into any Land into Trust Request. I would like to thank the Bureau of Indian Affairs for the opportunity to comment, and I would welcome concrete solutions to my concerns.

Sincerely,



Sue Sauvageau, Director
Seneca County Weights & Measures

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

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

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

Dear Mr. Keel:

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

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

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

Page Two
Mr. Franklin Keel
June 15, 2009

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

- Given that we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.
- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
- Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.
- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.

- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.
- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

The town of Springport is currently engaged in a visioning process to develop a master plan for future development of this rural area. Taking 130 acres in the heart of this community into trust will remove the town's ability to control development on Scenic State Route 90, in the heart of the tourist region of the Finger Lakes.

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

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Mr. Franklin Keel
June 15, 2009

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

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

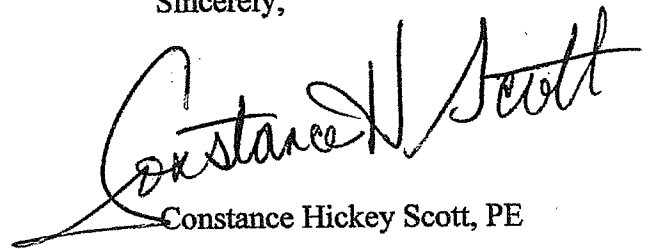
We oppose the land-into-trust application submitted by the Cayuga Indian Nation of New York and urge the Bureau of Indian Affairs to deny the application in all respects, including for the reasons set forth in this letter.

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

Sincerely,



Eric M. Scott



Constance Hickey Scott, PE

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

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

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

Page Five
Mr. Franklin Keel
June 15, 2009

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

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

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

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

Ray & Joyce Williams
539 Fire Lane 14
Cayuga, NY 13034
June 12, 2009

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

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

Dear Mr. Keel:

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

Taxes:

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

Infrastructure/ Services:

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

Regulatory Jurisdiction:

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

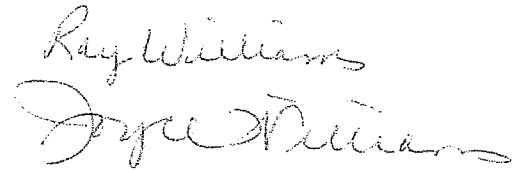
resources. Without the ability to apply regulatory laws to Cayuga Indian Nation trust property, State and local governments would be unable to protect the property and health of residents in the overall community with whom the Cayuga Indian Nation shares a common environment.

Future Development:

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

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

Sincerely,



Ray & Joyce Williams

Cc:

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

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

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

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

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

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

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

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

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

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

Dear Mr. Keel:

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

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

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

Page Two
Mr. Franklin Keel
June 15, 2009

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

- Given that we understand that the Cayuga Indian Nation has indicated it seeks to acquire more lands and that it reportedly has many acres of land located in the counties that are not part of the current land to trust applications, we believe the Cayuga Indian Nation will continue acquire properties within what it contends is the reservation area, make application to have such additional lands held in trust and then develop or further develop such properties resulting in increased losses of future tax and assessment revenue.
- The Cayuga Indian Nation's failure to state its future development plans or potential plans exacerbates the concern that the future acquisition of additional lands will result in future land-into-trust applications which will remove more lands from the obligations of taxation and assessments and remove more properties and businesses conducted on those properties from all state, county and local regulatory control.
- Infrastructure maintenance, police protection, fire protection, emergency services and other public services require revenues from property taxes and assessments to support same. The loss of tax and assessment revenue generated from the Cayuga Indian Nation trust properties will impose the cost of such referenced local services on a smaller group of property owners thus increasing the unit cost for those services. Such services will be continued to be used by the Cayuga Indian Nation properties taken into trust and persons occupying such properties (should the application be granted) but without the Cayuga Indian Nation trust properties paying any taxes or assessments.
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- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Under any analysis, the removal of the subject lands from tax rolls will have a significant adverse impact on the communities in Seneca county and Cayuga county.
- Governmental entities that derive revenue from property to maintain infrastructure and community services include the relevant counties, towns and villages and local school, fire, sewer and water districts.

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- An approved trust application (and any future applications that may be granted) will result in a tax shifting that will place greater and greater tax burden on fewer property owners, particularly as properties taken into trust are inevitably developed or are continued to be developed. This unfair tax burden will inhibit private sector investment and job growth in the region and burden current non-Cayuga Indian Nation businesses and residents remitting such taxes.
- The development and all but certain expansion of Cayuga Indian Nation lands including Cayuga Indian Nation operations, retail facilities and gaming will increase the demand on community services provided by local and state governments. Certain of these services will continue to be undertaken by local governments without the payment of any taxes or assessments for properties which are the subject of Cayuga Indian Nation applications and/or future applications.

The town of Springport is currently engaged in a visioning process to develop a master plan for future development of this rural area. Taking 130 acres in the heart of this community into trust will remove the town's ability to control development on Scenic State Route 90, in the heart of the tourist region of the Finger Lakes.

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Rodriguez", with a large, stylized flourish at the end.

Mark Rodriguez

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

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

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

Page Five
Mr. Franklin Keel
June 15, 2009

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

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

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

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

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

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

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

Dear Mr. Keel:

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

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

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

Page Two
Mr. Franklin Keel
June 15, 2009

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

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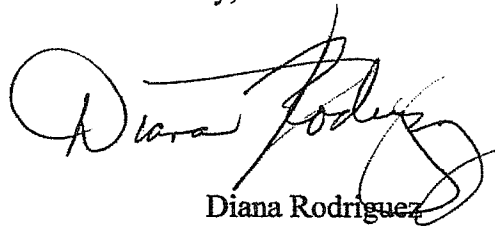
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Thank you for the opportunity to submit our comments and concerns into the public record.

Sincerely,



Luis Rodriguez



Diana Rodriguez

cc:

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

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

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

Page Five
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June 15, 2009

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

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

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

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

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

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

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

Sincerely,



Danielle Rodriguez

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

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

Raymond Lockwood, County Legislature
1877 State Rte 326
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Mr. Franklin Keel
June 15, 2009

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

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

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

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



County of Cayuga

County Treasurer
James Orman

County Manager
Wayne D. Allen

June 25, 2009

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

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

Dear Director Keel:

We wish to take this opportunity to address a material weakness in the submitted DEIS for the Cayuga Indian Nation of New York Trust Acquisition Project.

The material weakness of the DEIS is the fiscal impact of lost sales tax revenues and its impact on the County budget and the County tax levy.

There are four principle areas of County revenues used to balance County budget. The four areas are State and Federal Aid, real property taxes and County sales tax.

The County Sales Tax revenues represent 28% of all County revenues collected. The County shares 50% of its sales tax revenues with the Towns and Villages throughout our County. If there is a loss of sales tax revenue, the loss of revenue has a direct impact on the County, Town and Village budgets.

We have first hand knowledge, that the present commercial businesses run by the Cayuga Indian Nation in Cayuga County has a devastating impact on local businesses whether its selling tobacco products or gasoline or other products.

Every sales tax dollar collected alleviates the need to raise local real property taxes to pay for vital and mandated government services.

When there is a loss of sales tax revenue, the County Legislature must decide to raise real property taxes to pay for these services or cut programs and services to the residents of the County. The services encompass and are not limited to those who are in need including the County Nursing Home, Certified Home Health Agency, County Road Patrol and other Health and Human Services.

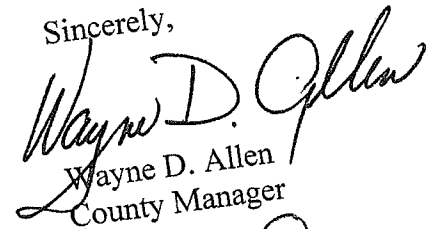
Franklin Keel

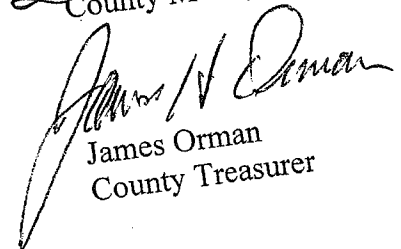
Without the growth of County sales tax, all levels of local government in Cayuga County would be forced to raise real property taxes year after year.

For those homeowners who live on the *fringe* of our local economy, any additional increase of real property taxes to balance the County budget could lead to foreclosure on their property and home.

We ask that you "**take no action**" at this time and seriously evaluate and address the significant loss of local sales tax moneys that continue to be lost to those commercial Cayuga Nation establishments who compete for our local dollars with our local businesses who pay their fair share of Federal, State and local taxes.

Sincerely,


Wayne D. Allen
County Manager


James Orman
County Treasurer

RESOLUTION NO. **325-09** (623/09)

COA-OppgLandIntoTrstApplOfCayIndNatrev

OPPOSING LAND INTO TRUST APPLICATION OF CAYUGA INDIAN NATION

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

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

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

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

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

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

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

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

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

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

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

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

Whereas, the DEIS reports the median household income of CIN members to be \$26,722, compared to \$37,487 in Cayuga County and \$37,140 in Seneca County, but it provides no analysis of any potentially adverse impact upon the

provision of State, County and local services, including social services, if the application were granted and members of CIN relocated to Cayuga and Seneca Counties; and

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

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

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

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

RESOLVED, the Cayuga County Legislature rejects the preferred alternative contained in the DEIS and calls upon the BIA to elect the No Action alternative, and be it further

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

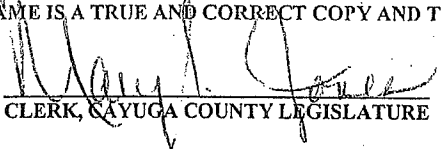
RESOLVED, a copy of this resolution shall be sent to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214 so as to be received by July 6, 2009, and be it further

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

RESOLVED, a copy of this resolution shall be sent to the following public officials: Barack Obama, President of the United States; Kenneth Salazar, Secretary of the Interior; Charles Schumer, United States Senator; Kirsten Gillibrand, United States Senator; Michael Arcuri, United States Congressman; David Paterson, Governor of the State of New York, Michael Nozzolio, New York State Senator; and Brian Kolb., New York State Assemblyman.

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

6/24/2009 10:00 AM


CLERK, CAYUGA COUNTY LEGISLATURE

June 15, 2009

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

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

Director Keel,

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

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

June 15, 2009

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

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

Director Keel,

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

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

June 15, 2009

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

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

Director Keel,

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

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

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

June 15, 2009

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

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

Director Keel,

I, Margaret Hoskins 1288 Clark St Rd Auburn
N.Y.
Find the DEIS as issued to be deficient in the following ways:

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

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

June 6, 2009

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

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

Dear Mr. Keel:

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

- Once land is placed into trust, it becomes exempt from local property taxes, special district charges and other fees shared by users of the community infrastructure such as roads, sewers and more.
- Sales at gas stations and cigarettes sales undoubtedly suffer when competing enterprises are charging lower prices by refusing to collect required taxes. By virtue of Cayuga Indian Nation enterprises not remitting sales and excise taxes they are able to offer their customers lower prices, therefore attracting more customers and substantially undercutting their competitors.
- Trust properties will continue to use community infrastructure (roads, emergency services etc.), yet those properties (and activities on them) will be exempt from sharing in the cost to maintain such infrastructure and pay for services occupants of trust properties will continue to use.
- New York and its municipalities enforce environmental laws to prevent damage to our natural resources and to prevent detrimental affects to all who share in the same environment. If the Cayuga Indian Nation lands are taken into trust they would be exempt from such state, county and local environmental laws, thereby posing a significant potential risk of damage or potential damage to our natural resources thereby adversely impacting residents of the counties because we all share in the same environment, and such trust status and lack of regulatory control presents threats or potential threats to our natural resources.

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

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

Sincerely,

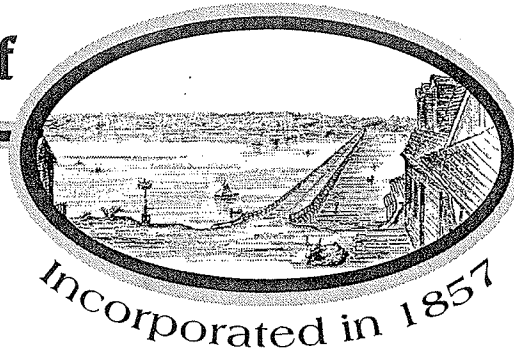


Francis O Blackwell III

cc:

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

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



June 15, 2009

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

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

Director Keel,

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

Taxes:

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

Infrastructure and Services:

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

Unfair Competition

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

Regulatory Jurisdiction:

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

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

Environmental Consequences:

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

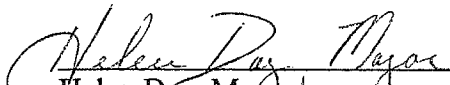

Future Development


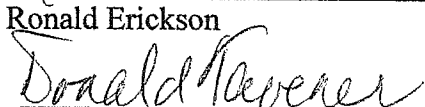
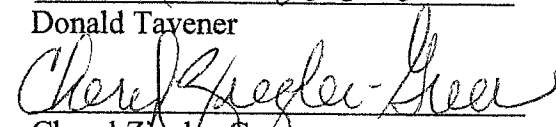
- It is understood that the Cayuga Indian Nation owns many more acres than it is asking to have put into trust right now. It is assumed they will continue to acquire properties within the area they contend is the reservation area of their ancestors and then ask to have these lands taken into trust. This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

Therefore, be it Resolved:

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

Respectfully Submitted,


Helen Day, Mayor

Christopher Ryan, Deputy Mayor


Ronald Erickson

Donald Tavener

Cheryl Ziegler-Greer

June 24, 2009

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

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

Director Keel:

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

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

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

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

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

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

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

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

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

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

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

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

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

I oppose approval of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Hayden", written in a cursive style.

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

June 23, 2009

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

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

Director Keel:

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

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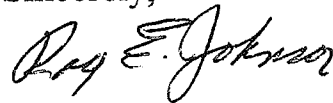
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The DEIS ignores the apparent collusion of some government officials allowing for the continuation of these criminal activities.

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

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

Sincerely,



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

June 23, 2009

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

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

Director Keel:

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

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

Deborah Pinesky
2157 Rowles Rd.
Caneva, N.Y. 14456

Handwritten notes on lined paper.

Respectfully submitted,

Name Printed _____

Signature _____

Date _____

June 18, 2009

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

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

Director Keel,

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

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

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

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

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

Karen D. Lewis

June 23, 2009

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

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

Director Keel:

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

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

Jodie Below
~~2157 Mountain Rd~~
58 Virginia St.
Watloo, N.Y. 1314

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

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

Director Keel:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Glenn Cicora, Sr.
6565 Route 90
Cayuga, N.Y. 13034
June 24, 2009

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

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

Director Keel,

I, KENNETH R GREEN of 364 WESTLAKE RD OSWEGO ¹³¹²⁶ find
the DEIS as issued to be deficient in the following ways and oppose approval of this application:

Purpose & Need

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

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

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

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

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

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

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

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

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

Alternatives

Alternative 1: The Proposed Action

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

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

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

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

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

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

Potential Effects of the Alternatives

Alternative 1: The Proposed Action

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

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

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

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

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

Alternative 3 does not prove actual need, rather only supports greed. This alternative produces most if not all of the same problems as alternative #1. The principle difference would be the creation of a strictly absentee landlord scenario, which would cause a clear outward flow of revenue from the area. It also demonstrates that the value of the area to the CIN is primarily a source of revenue via its gambling enterprises and disproves that their stated desire is to return to their ancient homeland. The admitted absence of CIN members living in the region further supports the concept of the area simply being a distant revenue source.

Mitigation

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

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

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

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

Summary of Deficiencies

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

1. Taxes and government revenue

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

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

B. Decline in government non-tax revenues

- i. Professional licencing fees
- ii. Inspection fees

2. Government cost of operation

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

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

B. Emergency services

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

C. Social Services

- i. Additional addiction services
- ii. Welfare
- iii. Medicaid
- iv. Dispute resolution
- v. Effects of introducing a population with recognized high rates of substance abuse into the community
- vi. Gambling related social problems (e.g. divorce, abuse, bankruptcy, crime)

D. Legal expenses

- i. Any dealings with the tribe will be required to be handled at the federal court level.

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

E. Pollution abatement

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

3. Land use

- A. Local comprehensive use plans (e.g., Town of Aurelius Comprehensive Plan) will be distorted and ineffective in the adjacent or host community
 - i. The DEIS makes no mention of any comprehensive plan by the CIN
 - ii. Lacking a comprehensive plan uncoordinated land use will occur
 - iii. Uncoordinated land use will diminish adjacent property values
 - iv. Uncoordinated land use could result in development counter to host community's comprehensive plan (e.g., commercial development in an agricultural zone, or vice versa).
- B. Lack of Building codes impact on neighboring property to the trust lands
 - i. The DEIS does not address substandard buildings and their effect
 - ii. The DEIS does not demonstrate that the CIN has anyone qualified to administer a building code program
 - iii. The DEIS does not indicate that any agreements with any entity have be negotiated for such services
- C. Environmental effects on neighboring properties to the trust lands
- D. Effects of the EPA's self regulation policies towards tribes on the surrounding community

- E. Effects on waterways passing through or adjacent to CIN lands
 - i. The CIN likely will own, or already does own land on Cayuga Lake and or the NYS Canal and seek to have it taken into trust as well
 - ii. The DEIS expresses no limitations on the CIN and potential claims to the waterways.

- 4. Environmental impacts
 - A. Impunity from basic state & local statues & inspection
 - i. The DEIS makes no mention of who or how environmental issues will be addressed
 - ii. The DEIS does not list any CIN members as qualified to address these issues
 - iii. The DEIS makes no mention of agreements being in place for anyone to provide enforcement or management of environmental issues

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

 - C. Practical compliance to Federal laws & statutes (e.g. inaction by EPA to violations by the Seneca - Cayuga Tribe in Aurelius)
 - i. The DEIS makes no mention of CIN members being qualified to monitor or enforce the federal regulations
 - ii. Given the EPA's stated policy of self-regulation the DEIS does not even hint at how these statues would be enforced or monitored
 - iii. The DEIS makes no mention that the CIN has agreements in place with others to ensure these regulations are enforced

- 5. Effects on business
 - A. Tribal sovereignty will create an uncompetitive environment for businesses located in the region
 - i. Failure to collect sales taxes
 - ii. Failure to collect excise taxes
 - iii. Failure to adhere to with weights and measures standards
 - iv. Failure to comply with building codes
 - v. Sheltered from liability by their sovereign immunity
 - vi. DEIS fails to quantify the effect on surrounding businesses

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- i. Exempt from local land use laws the CIN will be free to use its reservation in a manner that is detrimental to the surrounding communities
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 - iii. Uncoordinated land use can result in undue burdens on the area infrastructure
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- C. The DEIS does not explain why a tribe not recognized in 1934 is eligible for land into trust privileges

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

Respectfully submitted,

Name Printed KENNETH R GREEN

Name Signed Kenneth R Green

Date signed 6/23/09

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

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

Director Keel,

I, John Brown of AUBURN NY 13021
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the DEIS as issued to be deficient in the following ways and oppose approval of this application:

Purpose & Need

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

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

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

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

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

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

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

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

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

Alternatives

Alternative 1: The Proposed Action

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

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

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

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

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

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

Potential Effects of the Alternatives

Alternative 1: The Proposed Action

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

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

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

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

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

Alternative 3 does not prove actual need, rather only supports greed. This alternative produces most if not all of the same problems as alternative #1. The principle difference would be the creation of a strictly absentee landlord scenario, which would cause a clear outward flow of revenue from the area. It also demonstrates that the value of the area to the CIN is primarily a source of revenue via its gambling enterprises and disproves that their stated desire is to return to their ancient homeland. The admitted absence of CIN members living in the region further supports the concept of the area simply being a distant revenue source.

Mitigation

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

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

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

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

Summary of Deficiencies

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

1. Taxes and government revenue

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

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

B. Decline in government non-tax revenues

- i. Professional licencing fees
- ii. Inspection fees

2. Government cost of operation

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

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

B. Emergency services

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

C. Social Services

- i. Additional addiction services
- ii. Welfare
- iii. Medicaid
- iv. Dispute resolution
- v. Effects of introducing a population with recognized high rates of substance abuse into the community
- vi. Gambling related social problems (e.g. divorce, abuse, bankruptcy, crime)

D. Legal expenses

- i. Any dealings with the tribe will be required to be handled at the federal court level.

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

E. Pollution abatement

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

3. Land use

- A. Local comprehensive use plans (e.g., Town of Aurelius Comprehensive Plan) will be distorted and ineffective in the adjacent or host community
 - i. The DEIS makes no mention of any comprehensive plan by the CIN
 - ii. Lacking a comprehensive plan uncoordinated land use will occur
 - iii. Uncoordinated land use will diminish adjacent property values
 - iv. Uncoordinated land use could result in development counter to host community's comprehensive plan (e.g., commercial development in an agricultural zone, or vice versa).
- B. Lack of Building codes impact on neighboring property to the trust lands
 - i. The DEIS does not address substandard buildings and their effect
 - ii. The DEIS does not demonstrate that the CIN has anyone qualified to administer a building code program
 - iii. The DEIS does not indicate that any agreements with any entity have be negotiated for such services
- C. Environmental effects on neighboring properties to the trust lands
- D. Effects of the EPA's self regulation policies towards tribes on the surrounding community

- E. Effects on waterways passing through or adjacent to CIN lands
 - i. The CIN likely will own, or already does own land on Cayuga Lake and or the NYS Canal and seek to have it taken into trust as well
 - ii. The DEIS expresses no limitations on the CIN and potential claims to the waterways.

4. Environmental impacts

- A. Impunity from basic state & local statutes & inspection
 - i. The DEIS makes no mention of who or how environmental issues will be addressed
 - ii. The DEIS does not list any CIN members as qualified to address these issues
 - iii. The DEIS makes no mention of agreements being in place for anyone to provide enforcement or management of environmental issues
- B. Culpability for environmental mishaps
 - i. Sovereign immunity would shelter the CIN from any misdeeds
 - ii. Reliance on the federal courts would for all practical purposes provide an economic firewall from most aggrieved parties
- C. Practical compliance to Federal laws & statutes (e.g. inaction by EPA to violations by the Seneca - Cayuga Tribe in Aurelius)
 - i. The DEIS makes no mention of CIN members being qualified to monitor or enforce the federal regulations
 - ii. Given the EPA's stated policy of self-regulation the DEIS does not even hint at how these statutes would be enforced or monitored
 - iii. The DEIS makes no mention that the CIN has agreements in place with others to ensure these regulations are enforced

5. Effects on business

- A. Tribal sovereignty will create an uncompetitive environment for businesses located in the region
 - i. Failure to collect sales taxes
 - ii. Failure to collect excise taxes
 - iii. Failure to adhere to with weights and measures standards
 - iv. Failure to comply with building codes
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Name Printed JOHN J. BRUTON

Name Signed John J. Bruton

Date signed 6-23-09

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

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

Alternatives

Alternative 1: The Proposed Action

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

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

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

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

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

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Alternative 3 does not prove actual need, rather only supports greed. This alternative produces most if not all of the same problems as alternative #1. The principle difference would be the creation of a strictly absentee landlord scenario, which would cause a clear outward flow of revenue from the area. It also demonstrates that the value of the area to the CIN is primarily a source of revenue via its gambling enterprises and disproves that their stated desire is to return to their ancient homeland. The admitted absence of CIN members living in the region further supports the concept of the area simply being a distant revenue source.

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

Summary of Deficiencies

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 - ii. Property taxes
 - iii. Excise taxes (eg, alcohol, cigarettes, fuels) No data supplied
 - iv. Special districts (eg, sewer, water, lighting)
 - B. Decline in government non-tax revenues
 - i. Professional licencing fees
 - ii. Inspection fees
2. Government cost of operation
 - A. Capital improvements needed to address new demands by CIN enterprises
 - i. Highway
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 - B. Emergency services
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 - v. Effects of introducing a population with recognized high rates of substance abuse into the community
 - vi. Gambling related social problems (e.g. divorce, abuse, bankruptcy, crime)
 - D. Legal expenses
 - i. Any dealings with the tribe will be required to be handled at the federal court level.

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

E. Pollution abatement

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

3. Land use

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

- i. The DEIS makes no mention of any comprehensive plan by the CIN
- ii. Lacking a comprehensive plan uncoordinated land use will occur
- iii. Uncoordinated land use will diminish adjacent property values
- iv. Uncoordinated land use could result in development counter to host community's comprehensive plan (e.g., commercial development in an agricultural zone, or vice versa).

B. Lack of Building codes impact on neighboring property to the trust lands

- i. The DEIS does not address substandard buildings and their effect
- ii. The DEIS does not demonstrate that the CIN has anyone qualified to administer a building code program
- iii. The DEIS does not indicate that any agreements with any entity have be negotiated for such services

C. Environmental effects on neighboring properties to the trust lands

D. Effects of the EPA's self regulation policies towards tribes on the surrounding community

- E. Effects on waterways passing through or adjacent to CIN lands
 - i. The CIN likely will own, or already does own land on Cayuga Lake and or the NYS Canal and seek to have it taken into trust as well
 - ii. The DEIS expresses no limitations on the CIN and potential claims to the waterways.

4. Environmental impacts

- A. Impunity from basic state & local statues & inspection
 - i. The DEIS makes no mention of who or how environmental issues will be addressed
 - ii. The DEIS does not list any CIN members as qualified to address these issues
 - iii. The DEIS makes no mention of agreements being in place for anyone to provide enforcement or management of environmental issues
- B. Culpability for environmental mishaps
 - i. Sovereign immunity would shelter the CIN from any misdeeds
 - ii. Reliance on the federal courts would for all practical purposes provide an economic firewall from most aggrieved parties
- C. Practical compliance to Federal laws & statutes (e.g. inaction by EPA to violations by the Seneca - Cayuga Tribe in Aurelius)
 - i. The DEIS makes no mention of CIN members being qualified to monitor or enforce the federal regulations
 - ii. Given the EPA's stated policy of self-regulation the DEIS does not even hint at how these statues would be enforced or monitored
 - iii. The DEIS makes no mention that the CIN has agreements in place with others to ensure these regulations are enforced

5. Effects on business

- A. Tribal sovereignty will create an uncompetitive environment for businesses located in the region
 - i. Failure to collect sales taxes
 - ii. Failure to collect excise taxes
 - iii. Failure to adhere to with weights and measures standards
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 - v. Sheltered from liability by their sovereign immunity
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- B. Tribal sovereignty relieves the CIN from culpability for its actions, products and the condition of their property
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 - iv. The CIN will be sheltered from recourse should they renege on any cooperative agreements with other community members, including service providers such as fire, police, and EMS.
- iv. The DEIS makes no mention of any provisions in place by the CIN to address and monitor these issues

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

6. Regulatory

- A. Enforcement of basic health, safety and criminal codes
- i. Most basic regulations are enforced at the local or state level, the CIN on the reservation would be exempt
 - ii. The DEIS makes no mention of if or how these items would be enforced on CIN property
 - iii. The DEIS makes no mention of the CIN having a police force
 - iv. The DEIS makes no mention of if or how health codes will be enforced
 - v. It would be impractical for the CIN to regulate these items when split between the various groups of parcels

- vi. With the small group of people in the CIN impartiality would be unlikely
 - vii. The DEIS makes no mention of the CIN having any members qualified to enforce any of these regulations
- B. Enforcement of wildlife harvesting
- i. The NYSDEC regulates the harvest of wildlife. The CIN would be exempt from NYSDEC regulations
 - ii. Unrestricted harvesting of wildlife would negatively effect local wildlife populations
 - iii. Diminished wildlife populations would negatively effect the local sporting industry
 - iv. Unrestricted and uncoordinated wildlife harvesting would negatively effect the NYSDEC's management of the areas wildlife populations
 - v. Unrestricted and uncoordinated harvesting of migratory fowl would negatively effect areas and wildlife populations over a vast region extending from Canada to Florida
 - vi. The DEIS makes no mention of the CIN having members qualified to coordinate, manage or enforce any wildlife management regulations
 - vii. The DEIS makes no mention of any agreements with any source for addressing wildlife management
- C. The practical limitations of the Federal courts and investigators
- i. The cost of bringing an action in Federal court will make many issues mute, depriving the area residents of their civil rights
 - ii. The Federal courts have a significant back log which will make actually hearing the case pointless, thus depriving area residents of their civil rights
 - iii. The Federal courts lack experience in addressing most low level litigation, thus depriving area residents the right to a fair and speedy trial on their issue
 - iv. Federal investigators lack sufficient man power to address only but felony cases, thus depriving both tribal members and area residents of the civil rights
 - v. Federal prosecutors lack the man power to address any cases other than higher level cases
 - vi. Federal investigators and prosecutors lack sufficient experience to address lower level crimes or disputes, thus depriving tribal members and the area residents of their civil rights
7. Jurisdictional deficiencies
- A. The checkerboard of trust land will create gray areas of jurisdiction, resulting in enhanced opportunities for criminals.

- B. The checkerboard effect of the trust land will cause inconsistent conditions due to a lack of regulation coordination & enforcement.
 - C. The checkerboard effect of the trust lands will create cross border enforcement problems leading to increased crime.
 - D. The clouded jurisdictional issues will make federal enforcement more difficult, less effective and less likely.
 - E. The clouded jurisdictional issues will make Federal prosecution more difficult, less effective, more expensive and less likely.
 - F. All of the above items will likely lead to a haven for criminals and a threat to the surrounding community.
8. Legal deficiencies
- A. The DEIS makes no mention of the CIN having an established legal system other than the Federal courts, this deprives the CIN members of the same court local and small claims civil rights enjoyed by the surrounding communities
 - B. Given that the CIN business model is to provide goods and services to people from outside the reservation, many non-CIN members will lose their legal civil rights when on the reservation doing business
 - C. Very few of the CIN's customers will be aware of the difference in their legal rights when on the trust lands and the DEIS makes no mention of notifying the public
 - D. Given that the parcels noted on the application are on significant highways, it is reasonable that future trust applications will include land that would then engulf the highways significant numbers of travelers will unwittingly and unavoidably be subject to tribal law
 - E. The DEIS makes no mention of any mechanism being in place or even considered to prevent or address trust land engulfing Village, Town, County, State and interstate highways. Due to the geographic position of the Finger Lakes these highways have great significance.
 - F. The DEIS makes no mention of preventing or addressing trust land from engulfing any navigable waterway including Cayuga Lake, the NYS Barge Canal, and the Seneca River. (Note: the NYS Barge Canal regulates the water levels throughout the region extending north to Lake Ontario.)

- G. The DEIS makes no effort to prevent the CIN from claiming rights to Cayuga Lake through lake shore property purchases on both sides of the lake, as other tribes have done in other areas
 - H. Area residents will, for the first time, be exposed to laws that will have their basis and application based on the race of the individual (e.g., Indian vs. non-Indian).
 - I. The Indian - non Indian legal status will forever ensure that tribal members will be viewed differently in the surrounding communities
 - J. The Indian - non Indian status in the communities will serve only to pressure tribal members to focus their activities towards the tribe and diminish their civil rights as United States citizens
 - K. The DEIS makes no mention of the segregating effect the differences in legal status will have on the civil rights of the tribal members and the surrounding communities
9. Political deficiencies
- A. Undue influence on government and government employees
 - i. The DEIS does not address the significant impact that tribes have over government employees (e.g. NYSDOT ignores the CIN's removal of traffic control islands in Union Springs, while prosecuting another area business for similar right of way infractions)
 - ii. The DEIS does not address the influence exerted on elected officials by the tribes and its effect on area residents. Governor Pataki was directly apprised of the above situation to no avail.
 - iii. The DEIS ignores the collusion between NYS officials and the CIN regarding the sale of cigarettes to non- Indians
 - iv. The DEIS ignores the collusion between NYS officials and the CIN regarding the sale of gasoline
 - v. The DEIS ignores the need for a RICO Act investigation of the influence demonstrated by the CIN on NYS officials
 - vi. The DEIS ignores the significant advantage that the McCain - Feingold Act provides the CIN over the area residents in political campaigns
 - vii. The DEIS ignores the repeated attempts by the CIN to negotiate a class 3 compact with NYS both here and the Catskills
 - viii. The DEIS ignores the National Indian Gaming Commission's passion for expanding and granting class 3 gaming licenses

10. Community and social effects

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

11 Infrastructure & services

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


12. Authority of the BIA and/or the DOI to take land into trust

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

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

Respectfully submitted,

Name Printed ALBERT COOK

Name Signed 

Date signed 6/24/09

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

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

Director Keel,

I, Kristy A. Weber of 399 Firelane 23, Moravia find ¹³¹¹⁸
the DEIS as issued to be deficient in the following ways and oppose approval of this application:

Purpose & Need

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

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

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

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

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

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

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 - iv. Unrestricted and uncoordinated wildlife harvesting would negatively effect the NYSDEC's management of the areas wildlife populations
 - v. Unrestricted and uncoordinated harvesting of migratory fowl would negatively effect areas and wildlife populations over a vast region extending from Canada to Florida
 - vi. The DEIS makes no mention of the CIN having members qualified to coordinate, manage or enforce any wildlife management regulations
 - vii. The DEIS makes no mention of any agreements with any source for addressing wildlife management
- C. The practical limitations of the Federal courts and investigators
- i. The cost of bringing an action in Federal court will make many issues mute, depriving the area residents of their civil rights
 - ii. The Federal courts have a significant back log which will make actually hearing the case pointless, thus depriving area residents of their civil rights
 - iii. The Federal courts lack experience in addressing most low level litigation, thus depriving area residents the right to a fair and speedy trial on their issue
 - iv. Federal investigators lack sufficient man power to address only but felony cases, thus depriving both tribal members and area residents of the civil rights
 - v. Federal prosecutors lack the man power to address any cases other than higher level cases
 - vi. Federal investigators and prosecutors lack sufficient experience to address lower level crimes or disputes, thus depriving tribal members and the area residents of their civil rights
7. Jurisdictional deficiencies
- A. The checkerboard of trust land will create gray areas of jurisdiction, resulting in enhanced opportunities for criminals.

- B. The checkerboard effect of the trust land will cause inconsistent conditions due to a lack of regulation coordination & enforcement.
 - C. The checkerboard effect of the trust lands will create cross border enforcement problems leading to increased crime.
 - D. The clouded jurisdictional issues will make federal enforcement more difficult, less effective and less likely.
 - E. The clouded jurisdictional issues will make Federal prosecution more difficult, less effective, more expensive and less likely.
 - F. All of the above items will likely lead to a haven for criminals and a threat to the surrounding community.
8. Legal deficiencies
- A. The DEIS makes no mention of the CIN having an established legal system other than the Federal courts, this deprives the CIN members of the same court local and small claims civil rights enjoyed by the surrounding communities
 - B. Given that the CIN business model is to provide goods and services to people from outside the reservation, many non-CIN members will lose their legal civil rights when on the reservation doing business
 - C. Very few of the CIN's customers will be aware of the difference in their legal rights when on the trust lands and the DEIS makes no mention of notifying the public
 - D. Given that the parcels noted on the application are on significant highways, it is reasonable that future trust applications will include land that would then engulf the highways significant numbers of travelers will unwittingly and unavoidably be subject to tribal law
 - E. The DEIS makes no mention of any mechanism being in place or even considered to prevent or address trust land engulfing Village, Town, County, State and interstate highways. Due to the geographic position of the Finger Lakes these highways have great significance.
 - F. The DEIS makes no mention of preventing or addressing trust land from engulfing any navigable waterway including Cayuga Lake, the NYS Barge Canal, and the Seneca River. (Note: the NYS Barge Canal regulates the water levels throughout the region extending north to Lake Ontario.)

- G. The DEIS makes no effort to prevent the CIN from claiming rights to Cayuga Lake through lake shore property purchases on both sides of the lake, as other tribes have done in other areas
 - H. Area residents will, for the first time, be exposed to laws that will have their basis and application based on the race of the individual (e.g., Indian vs. non-Indian).
 - I. The Indian - non Indian legal status will forever ensure that tribal members will be viewed differently in the surrounding communities
 - J. The Indian - non Indian status in the communities will serve only to pressure tribal members to focus their activities towards the tribe and diminish their civil rights as United States citizens
 - K. The DEIS makes no mention of the segregating effect the differences in legal status will have on the civil rights of the tribal members and the surrounding communities
9. Political deficiencies
- A. Undue influence on government and government employees
 - i. The DEIS does not address the significant impact that tribes have over government employees (e.g. NYSDOT ignores the CIN's removal of traffic control islands in Union Springs, while prosecuting another area business for similar right of way infractions)
 - ii. The DEIS does not address the influence exerted on elected officials by the tribes and its effect on area residents. Governor Pataki was directly apprised of the above situation to no avail.
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 - v. The DEIS ignores the need for a RICO Act investigation of the influence demonstrated by the CIN on NYS officials
 - vi. The DEIS ignores the significant advantage that the McCain - Feingold Act provides the CIN over the area residents in political campaigns
 - vii. The DEIS ignores the repeated attempts by the CIN to negotiate a class 3 compact with NYS both here and the Catskills
 - viii. The DEIS ignores the National Indian Gaming Commission's passion for expanding and granting class 3 gaming licenses

10. Community and social effects

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

11 Infrastructure & services

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

12. Authority of the BIA and/or the DOI to take land into trust

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

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

Respectfully submitted,

Name Printed KRISTY A. WEBER

Name Signed Kristy A. Weber

Date signed 6/24/09

June 17, 2009

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

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

Director Keel:

I Joseph Addona of FALL ST SENECA FALLS
find the DEIS as issued to be deficient in the following ways and oppose approval of this
application.

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

~~Joseph Addona~~

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

**AURELIUS FIRE DISTRICT COMMISSIONERS OPPOSE LAND-INTO TRUST
APPLICATION OF CAYUGA INDIAN NATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, a copy of this resolution shall be sent to the following public officials:
 Barack Obama, President of the United States
 Kenneth Salazar, Secretary of the Interior
 Charles Schumer, United States Senator
 Kirsten Gillibrand, United States Senator
 Michael Arcuri, United States Congressman
 David Paterson, Governor of the State of New York
 Michael Nozzolio, New York State Senator
 Brian Kolb, New York State Assemblyman

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

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

6/23/2009
Date

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

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

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

Director Keel,

Purpose & Need

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

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

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

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

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

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

The CIN has clearly established an ability to purchase land and businesses on the free

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

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

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

Alternatives

Alternative 1: The Proposed Action

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

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

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

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

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

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

Potential Effects of the Alternatives

Alternative 1: The Proposed Action

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

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

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

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

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

Alternative 3 does not prove actual need, rather only supports greed. This alternative produces most if not all of the same problems as alternative #1. The principle difference would be the creation of a strictly absentee landlord scenario, which would cause a clear outward flow of revenue from the area. It also demonstrates that the value of the area to the CIN is primarily a source of revenue via its gambling enterprises and disproves that their stated desire is to return to their ancient homeland. The admitted absence of CIN members living in the region further supports the concept of the area simply being a distant revenue source.

Mitigation

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

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

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

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

Summary of Deficiencies

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

1. Taxes and government revenue
 - A. Decline in tax revenues, which will result in increased burden on the rest of the community
 - i. Sales tax
 - ii. Property taxes
 - iii. Excise taxes (eg, alcohol, cigarettes, fuels) No data supplied
 - iv. Special districts (eg, sewer, water, lighting)
 - B. Decline in government non-tax revenues
 - i. Professional licensing fees
 - ii. Inspection fees

2. Government cost of operation

- A. Capital improvements needed to address new demands by CIN enterprises
 - i. Highway
 - ii. Water
 - iii. Sewer

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

- C. Social Services
 - i. Additional addiction services
 - ii. Welfare
 - iii. Medicaid
 - iv. Dispute resolution
 - v. Effects of introducing a population with recognized high rates of substance abuse into the community
 - vi. Gambling related social problems (e.g. divorce, abuse, bankruptcy, crime)

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

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

3. Land use

- A. Local comprehensive use plans (e.g., Town of Aurelius Comprehensive Plan) will be distorted and ineffective in the adjacent or host community
 - i. The DEIS makes no mention of any comprehensive plan by the CIN
 - ii. Lacking a comprehensive plan uncoordinated land use will occur
 - iii. Uncoordinated land use will diminish adjacent property values
 - iv. Uncoordinated land use could result in development counter to host community's comprehensive plan (e.g., commercial development in an agricultural zone, or vice versa).

- B. Lack of Building codes impact on neighboring property to the trust lands
 - i. The DEIS does not address substandard buildings and their effect
 - ii. The DEIS does not demonstrate that the CIN has anyone qualified to administer a building code program
 - iii. The DEIS does not indicate that any agreements with any entity have be negotiated for such services

- C. Environmental effects on neighboring properties to the trust lands

- D. Effects of the EPA's self regulation policies towards tribes on the surrounding community

- E. Effects on waterways passing through or adjacent to CIN lands
 - i. The CIN likely will own, or already does own land on Cayuga Lake and or the NYS Canal and seek to have it taken into trust as well
 - ii. The DEIS expresses no limitations on the CIN and potential claims to the waterways.

4. Environmental impacts

- A. Impunity from basic state & local statues & inspection
 - i. The DEIS makes no mention of who or how environmental issues will be addressed
 - ii. The DEIS does not list any CIN members as qualified to address these issues
 - iii. The DEIS makes no mention of agreements being in place for anyone to provide enforcement or management of environmental issues

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

- C. Practical compliance to Federal laws & statutes (e.g. inaction by EPA to violations by the Seneca - Cayuga Tribe in Aurelius)
 - i. The DEIS makes no mention of CIN members being qualified to monitor or enforce the federal regulations
 - ii. Given the EPA's stated policy of self-regulation the DEIS does not even hint at how these statutes would be enforced or monitored
 - iii. The DEIS makes no mention that the CIN has agreements in place with others to ensure these regulations are enforced

5. Effects on business

- A. Tribal sovereignty will create an uncompetitive environment for businesses located in the region
 - i. Failure to collect sales taxes
 - ii. Failure to collect excise taxes
 - iii. Failure to adhere to with weights and measures standards
 - iv. Failure to comply with building codes
 - v. Sheltered from liability by their sovereign immunity
 - vi. DEIS fails to quantify the effect on surrounding businesses

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

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

6. Regulatory

- A. Enforcement of basic health, safety and criminal codes
- i. Most basic regulations are enforced at the local or state level, the CIN on the reservation would be exempt
 - ii. The DEIS makes no mention of if or how these items would be enforced on CIN property
 - iii. The DEIS makes no mention of the CIN having a police force
 - iv. The DEIS makes no mention of if or how health codes will be enforced
 - v. It would be impractical for the CIN to regulate these items when split between the various groups of parcels
 - vi. With the small group of people in the CIN impartiality would be unlikely
 - vii. The DEIS makes no mention of the CIN having any members qualified to enforce any of these regulations
- B. Enforcement of wildlife harvesting
- i. The NYSDEC regulates the harvest of wildlife. The CIN would be exempt from NYSDEC regulations
 - ii. Unrestricted harvesting of wildlife would negatively effect local wildlife populations
 - iii. Diminished wildlife populations would negatively effect the local sporting industry
 - iv. Unrestricted and uncoordinated wildlife harvesting would negatively effect the NYS DEC's management of the areas wildlife.

- v. populations
Unrestricted and uncoordinated harvesting of migratory fowl would negatively effect areas and wildlife populations over a vast region extending from Canada to Florida
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C. Very few of the CIN's customers will be aware of the difference in their legal rights when on the trust lands and the DEIS makes no mention of notifying the public

D. Given that the parcels noted on the application are on significant highways, it is reasonable that future trust applications will include land that would then engulf the highways significant numbers of travelers will unwittingly and unavoidably be subject to tribal law

E. The DEIS makes no mention of any mechanism being in place or even considered to prevent or address trust land engulfing Village, Town, County, State and interstate highways. Due to the geographic position of the Finger Lakes these highways have great significance.

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I. The Indian - non Indian legal status will forever ensure that tribal members will be viewed differently in the surrounding communities

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- A. The DEIS provides no mitigation measures regarding the negative effects of commercial gambling
 - B. The DEIS provides no mitigation for the increased crime associated with commercial gambling
 - C. The DEIS lists no mitigation for the impact for the influx of staff typical of commercial gambling
 - D. The DEIS lists no efforts to mitigate increased need for social services as a result of commercial gambling
 - E. The DEIS provides no mitigation for splitting existing communities with trust land

- F. The DEIS provides no mitigation to compensate for the introduction of the "reservation culture" to an area where none currently exists
- G. The DEIS does not recognize nor provide mitigation for the distortion of free market real-estate prices due to their tax exempt status
- H. The DEIS ignores the effect of encroachment by the trust lands on adjoining property
- I. The DEIS provides no mitigation for the practical diminishment of civil rights due to encroachment by the trust land

11 Infrastructure & services

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

12. Authority of the BIA and/or the DOI to take land into trust

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

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

Respectfully submitted,

Date	Signature/Printed Name	Address
6/24/09	<i>Warren A. Albrecht</i> WARREN A. ALBRECHT	4291 CARRS Cove Rd Union Springs, NY 13160

On the dates above indicated before me personally came each of the individuals whose signatures appear on the petition sheet containing 1 signatures, who signed in my presence and who, being by me duly sworn, each himself/herself, said that the forgoing statement made and subscribed by him/her was true.

6/24/2009

Deborah A. Pinckney

DEBORAH A. PINCKNEY
ID #01P16074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2010

Date	Signature/Printed Name	Address
6/24/09	 JEFFREY W. DAY SR.	5994 LAKE ST. RD. CAYUGA, NY 13034
6/24/09	 John E Green	6194 LAKE STREET CAYUGA NY 13034
0624.09	 BRUCE D. SIERZMAN	44 GROVER STREET, A2. AUBURN, NY 13021
6/24/09	 SUZANNE G. AXTER Suzanne Axtner 6053 Lake Ave Ext Auburn	6053 LAKE AVE EXT AUBURN NY 13021
6-24-09	 Mary J. Jones 6035 Oakidge Rd - Auburn	6035 Oakidge Rd. Auburn, NY 13021
6/24/09	 Peter R B	11 Bruce Ridge Auburn NY 13021
6/24/09	 Lisa Green	31 Amherst Ave Auburn, NY 13021
6/24/09	 Lisa Green	31 Amherst Ave Auburn NY 13021
6/24/09	 Catherine Donovan Catherine Donovan	99 Swift St Auburn, NY 13021
6-24-09	 GEORGE DONOVAN	99 SWIFT ST AUBURN, NY 13021
6/24/09	 Daniel R Cuddy	119 Stryker Auburn, NY 13021
6/24/09	 ANN PETRUS	2435 RT 31 WEEDSPORT NY 13166
6/24/09	 Linda Murphy	318 N. Marvine Ave Auburn NY 13021

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 13 signatures, who signed in my presence and who, being by me duly sworn, each for himself/herself, said that the foregoing statement made and subscribed by him/her was true.

Date

6/24/2009

Signature/Notary Public

DEBORAH A. PINCKNEY
ID #01P6074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2010

Date	Signature/Printed Name	Address
6/24/09	Jeannette McCormick Jeannette McCormick	7260 N. Division St Rd Auburn, Ny 13021
6/24/09	Trace Coulson Trace Coulson	11 Silver Ave Auburn N.Y. 13021
6/24/09	Chris Petrus CHRISTOPHER K PETRUS	2435 STATE ROUTE 31 WEDDINGTON, NY 13166
6/24/09	Carol L Chase CAROL L CHASE	955 Lake Como Rd Cortland N.Y. 13045
6/24/09	Charleen Dygent Charleen Dygent	4938 State Rt. 34B Auburn, NY 13021
06/24/09	Charles E. Riechy CHARLES E. RIECHY	148 Salt Road Auburn, N.Y. 13018
6/24/09	David S. Gould DAVID S. GOULD	2741 SAND BEACH ROAD AUBURN NY. 13021
6/24/09	Jeannette Gansz Jeannette Gansz	7084 N. Division St Rd Auburn NY. 13021
6/24/09	Bruce E. Culver Bruce E. Culver	1847 Britt Rd Aurora NY 13026
6/24/09	Sharon Culver SHARON Culver	1847 Britt Rd Aurora NY 13026
6/24/09	David B. Avery David B. Avery	834 Fire Lane #7 King Ferry, N.Y. 13081
6/24/09	Linda A. Avery Linda A. Avery	834 Fire Lane #7 King Ferry, NY 13081
6/24/09	Amy Toren Amy Toren	2663 Dog Corners Rd Aurora, NY 13026

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 13 signatures, who signed in my presence and who, being by me duly sworn, each for himself/herself, said that the forgoing statement made and subscribed by him/her was true.

Date

6/24/2009

Deborah A. Pinckney
Signature/Notary Public

DEBORAH A. PINCKNEY
ID #01P8074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2010

Date	Signature/Printed Name	Address
6/24/09	Skara Crowley Sharon Crowley	5047 State RT 34 Auburn NY
6/24/09	Michael Crowley GERALD CROWLEY	5047 AUBURN RT 34
6/24/09	JOEFANTAUZZO	113-N-SEWARD
6/24/09	Barbara E. Budelmann Barbara E. Rudelmann	11 Wegman St Auburn NY 13021
6/24/09	Bruce Budelmann BRUCE	11 WEGMAN ST. AUBURN NY 13021
6/24/09	Luella BARR LUELLA BARR	87 J. Lewis St AUBURN NY 13021
6/24/09	Joseph Costicco JOE	4650 E. CAHILL ST AUBURN, NY
6/24/09	Anne Carnicelli ANNE CARNICELLI	117 Frances St. Auburn, N.Y. 13021
6/24/09	Adam P. Kozwalski ADAM	4912 West Union Auburn, NY 13021
6/24/09	Cheryl Heary CHERYL HEARY	501 Deer Rd Union Springs NY 13160
6/24/09	David A. Brooks DAVID A. BROOKS	54 Cherry Ave. Aurora, NY 13026
6/24/09	Doris F Brooks DORIS F BROOKS	54 Cherry Ave Aurora, N.Y. 13026
6/24/09	William Heary WILLIAM HEARY	561 Dill Rd Union Springs NY 13160
6/24/09	Sandra Lent SANDRA LENT	3075 East Seneca Rd. Auburn NY 13021

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 14 signatures, who signed in my presence and who, being by me duly sworn, himself/herself, said that the forgoing statement made and subscribed by him/her was true.

Date 6/24/2009

Deborah A. Puckney
Signature/Notary Public

DEBORAH A. PUCKNEY
ID #01P8074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 20 10

Date	Signature/Printed Name	Address
6/24/09	 JAMES H LENT	3075 E. GENESEE RD AUBURN NY 13021
6/24/09	Donald Poole DONALD POOLE	175 E. GENESEE ST AUBURN NY 13021
6/24/09	 John F Conway Jr	25 John Smith Ave Auburn, NY 13021
6/24/09	Alexander P. Vanderpool Alexander P. Vanderpool	3 Elizabeth St Auburn, NY 13021
6/24/09	Kathryn A Latawyskin Kathryn A Latawyskin	5003 Silver St. Rd. Auburn, NY 13021
6/24/09	Mary M Cuff MARY M. CUFF	1 Meadowbrook Dr. Auburn, NY 13021
6/24/09	Lorraine Quinn Lorraine Lorraine Quinn	6436 Sharon Dr Auburn NY 13021
6/24/09	Jane Quinn JANE QUINN	17 Fourth Ave. Auburn, N.Y. 13021
6/24/09	Kathleen J Kleiber Kathleen J. Kleiber	1701 Horaco Rd Aurora, N.Y. 13026
6/24/09	Richard B. Gray RICHARD B. GRAY	6436 SHARON DR. AUBURN, NY 13021
6/24/09	Matthew Smith Matthew Smith	65 Mattie St Auburn, NY 13021
6/24/09	Karol Fedigan Karol Fedigan	2 First Ave Auburn, NY 13021
6/24/09	Beverly J. Parker BEVERLY J. PARKER	11 EVANS ST Auburn, NY 13021
6/24/09	Jeffrey Herwick JEFFREY HERWICK	7054 Clestar Rd Auburn, NY 13021

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 14 signatures, who signed in my presence and who, being by me duly sworn, himself/herself, said that the foregoing statement made and subscribed by him/her was true.

6/24/2009
Date

Signature/Notary Public

DEBORAH A. PINCKNEY
ID 0016074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2010

Date	Signature/Printed Name	Address
6/24/09	<i>Pamela Kirkwood</i> Pamela STIKIKWOOD	22 Wellenbrenner Dr Auburn, NY 13021
6/24/09	SUSAN QUERNS <i>Susan Querns</i>	7162 Owasco Rd Auburn NY 13021
6/24/09	Ramon Cornwall RAMON CORNWALL	7162 Owasco Rd. Auburn, NY 13021
6/24/09	Brad Waldm Brad Wallner	5914 South St. Rd. Auburn, NY 13021
6/24/09	<i>Mary Jo Mosley</i> Mary Jo Mosley	94 E. Genesee St. Auburn NY 13021
6/24/09	<i>Meghan Coe</i> Meghan Coe	3259 Franklin St Rd Auburn NY 13021
6/24/09	<i>Sarah Brotherton</i> Sarah Brotherton	150 Perrine St. Auburn, NY 13021
6/24/09	<i>Susan M Dwyer</i> SUSAN M Dwyer	214 S. Seward Ave Auburn, NY 13021
6/24/09	<i>Gregory S. Rigby</i> Gregory S. Rigby	124 Owasco St. Auburn, NY 13021
6/24/09	<i>Julie Schneider</i> Julie Schneider	PO Box 86 Poplar Ridge NY 13139
6/24/09	<i>Charles Hoskins</i> Charles Hoskins	123 SOUTH STREET AUBURN, N.Y. 13021
6/24/09	<i>Elane Daly</i> Elane Daly	160 N. Fulton St Auburn, ny 13021
6/24/09	Laurie Dido Aime Dido	335 Hunter Ave Auburn NY 13021
6/24/09	<i>Timothy J Murphy</i> Timothy J Murphy	46 FAIRWAY DR. AUBURN, NY 13021

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 14 signatures, who signed in my presence and who, being by me duly sworn, said that the forgoing statement made and subscribed by him/her was true.

Date 6/24/2009

Deborah A. Pinckney
Signature/Notary Public

DEBORAH A. PINCKNEY
ID #016074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2010

Date	Signature/Printed Name	Address
6/24/09	Michael J. Sincavage Michael J. Sincavage	Auburn, NY 29 Evans St 13021
6/24/09	Kevin Wabry KEVIN WABRY	153 S. HOOPES Ave AUBURN N.Y. 13021
6/24/09	Ronald Wabry RONALD J. WABRY	2108 West Genesee St Road AUBURN NY 13021
6/24/09	Irma Pinckney Irene Pinckney	2031 Pinckney Rd Auburn, NY 13021
6/24/09	Jenna M. Pinckney Jenna M. Pinckney	2035 Pinckney Rd Auburn, NY 13021
6/24/09	Colleen E. Pinckney Colleen E. Pinckney	2035 Pinckney Rd Auburn, NY 13021
6/24/09	Kathleen L. Pinckney Kathleen L. Pinckney	2035 Pinckney Rd Auburn, NY 13021

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 7 signatures, who signed in my presence and who, being by me duly sworn, each of them himself/herself, said that the forgoing statement made and subscribed by him/her was true.

6/24/09
Date

Deborah A. Pinckney
Signature/Notary Public

DEBORAH A. PINCKNEY
ID #01P6074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 20 10

COPY

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

**AURELIUS FIRE DISTRICT COMMISSIONERS OPPOSE LAND-INTO TRUST
APPLICATION OF CAYUGA INDIAN NATION**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, a copy of this resolution shall be sent to the following public officials:
 Barack Obama, President of the United States
 Kenneth Salazar, Secretary of the Interior
 Charles Schumer, United States Senator
 Kirsten Gillibrand, United States Senator
 Michael Arcuri, United States Congressman
 David Paterson, Governor of the State of New York
 Michael Nozzolio, New York State Senator
 Brian Kolb, New York State Assemblyman

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

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

6/23/2009
Date

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

COPY

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

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

Director Keel,

Purpose & Need

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

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

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

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

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

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

The CIN has clearly established an ability to purchase land and businesses on the free

Y9003

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

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

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

Alternatives

Alternative 1: The Proposed Action

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

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

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

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

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

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

Potential Effects of the Alternatives

Alternative 1: The Proposed Action

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

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

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

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

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

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

Alternative 2: No Action

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

Alternative 3: Enterprise Properties into Trust

Alternative 3 does not prove actual need, rather only supports greed. This alternative produces most if not all of the same problems as alternative #1. The principle difference would be the creation of a strictly absentee landlord scenario, which would cause a clear outward flow of revenue from the area. It also demonstrates that the value of the area to the CIN is primarily a source of revenue via its gambling enterprises and disproves that their stated desire is to return to their ancient homeland. The admitted absence of CIN members living in the region further supports the concept of the area simply being a distant revenue source.

Mitigation

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

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

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

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

Summary of Deficiencies

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

1. Taxes and government revenue
 - A. Decline in tax revenues, which will result in increased burden on the rest of the community
 - i. Sales tax
 - ii. Property taxes
 - iii. Excise taxes (eg, alcohol, cigarettes, fuels) No data supplied
 - iv. Special districts (eg, sewer, water, lighting)
 - B. Decline in government non-tax revenues
 - i. Professional licensing fees
 - ii. Inspection fees

2. Government cost of operation

- A. Capital improvements needed to address new demands by CIN enterprises
 - i. Highway
 - ii. Water
 - iii. Sewer

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

- C. Social Services
 - i. Additional addiction services
 - ii. Welfare
 - iii. Medicaid
 - iv. Dispute resolution
 - v. Effects of introducing a population with recognized high rates of substance abuse into the community
 - vi. Gambling related social problems (e.g. divorce, abuse, bankruptcy, crime)

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

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

3. Land use

- A. Local comprehensive use plans (e.g., Town of Aurelius Comprehensive Plan) will be distorted and ineffective in the adjacent or host community
 - i. The DEIS makes no mention of any comprehensive plan by the CIN
 - ii. Lacking a comprehensive plan uncoordinated land use will occur
 - iii. Uncoordinated land use will diminish adjacent property values
 - iv. Uncoordinated land use could result in development counter to host community's comprehensive plan (e.g., commercial development in an agricultural zone, or vice versa).

- B. Lack of Building codes impact on neighboring property to the trust lands
 - i. The DEIS does not address substandard buildings and their effect
 - ii. The DEIS does not demonstrate that the CIN has anyone qualified to administer a building code program
 - iii. The DEIS does not indicate that any agreements with any entity have been negotiated for such services

- C. Environmental effects on neighboring properties to the trust lands

- D. Effects of the EPA's self regulation policies towards tribes on the surrounding community

- E. Effects on waterways passing through or adjacent to CIN lands
 - i. The CIN likely will own, or already does own land on Cayuga Lake and or the NYS Canal and seek to have it taken into trust as well
 - ii. The DEIS expresses no limitations on the CIN and potential claims to the waterways.

4. Environmental impacts

- A. Impunity from basic state & local statutes & inspection
 - i. The DEIS makes no mention of who or how environmental issues will be addressed
 - ii. The DEIS does not list any CIN members as qualified to address these issues
 - iii. The DEIS makes no mention of agreements being in place for anyone to provide enforcement or management of environmental issues

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

- C. Practical compliance to Federal laws & statutes (e.g. inaction by EPA to violations by the Seneca - Cayuga Tribe in Aurelius)
 - i. The DEIS makes no mention of CIN members being qualified to monitor or enforce the federal regulations
 - ii. Given the EPA's stated policy of self-regulation the DEIS does not even hint at how these statutes would be enforced or monitored
 - iii. The DEIS makes no mention that the CIN has agreements in place with others to ensure these regulations are enforced

5. Effects on business

- A. Tribal sovereignty will create an uncompetitive environment for businesses located in the region
 - i. Failure to collect sales taxes
 - ii. Failure to collect excise taxes
 - iii. Failure to adhere to with weights and measures standards
 - iv. Failure to comply with building codes
 - v. Sheltered from liability by their sovereign immunity
 - vi. DEIS fails to quantify the effect on surrounding businesses

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

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

6. Regulatory

- A. Enforcement of basic health, safety and criminal codes
- i. Most basic regulations are enforced at the local or state level, the CIN on the reservation would be exempt
 - ii. The DEIS makes no mention of if or how these items would be enforced on CIN property
 - iii. The DEIS makes no mention of the CIN having a police force
 - iv. The DEIS makes no mention of if or how health codes will be enforced
 - v. It would be impractical for the CIN to regulate these items when split between the various groups of parcels
 - vi. With the small group of people in the CIN impartiality would be unlikely
 - vii. The DEIS makes no mention of the CIN having any members qualified to enforce any of these regulations
- B. Enforcement of wildlife harvesting
- i. The NYSDEC regulates the harvest of wildlife. The CIN would be exempt from NYSDEC regulations
 - ii. Unrestricted harvesting of wildlife would negatively effect local wildlife populations
 - iii. Diminished wildlife populations would negatively effect the local sporting industry
 - iv. Unrestricted and uncoordinated wildlife harvesting would negatively effect the NYS DEC's management of the areas wildlife.

- populations
 - v. Unrestricted and uncoordinated harvesting of migratory fowl would negatively effect areas and wildlife populations over a vast region extending from Canada to Florida
 - vi. The DEIS makes no mention of the CIN having members qualified to coordinate, manage or enforce any wildlife management regulations
 - vii. The DEIS makes no mention of any agreements with any source for addressing wildlife management
- C. The practical limitations of the Federal courts and investigators
- i. The cost of bringing an action in Federal court will make many issues moot, depriving the area residents of their civil rights
 - ii. The Federal courts have a significant back log which will make actually hearing the case pointless, thus depriving area residents of their civil rights
 - iii. The Federal courts lack experience in addressing most low level litigation, thus depriving area residents the right to a fair and speedy trial on their issue
 - iv. Federal investigators lack sufficient man power to address only but felony cases, thus depriving both tribal members and area residents of the civil rights
 - v. Federal prosecutors lack the man power to address any cases other than higher level cases
 - vi. Federal investigators and prosecutors lack sufficient experience to address lower level crimes or disputes, thus depriving tribal members and the area residents of their civil rights
7. Jurisdictional deficiencies
- A. The checkerboard of trust land will create gray areas of jurisdiction, resulting in enhanced opportunities for criminals.
 - B. The checkerboard effect of the trust land will cause inconsistent conditions due to a lack of regulation coordination & enforcement.
 - C. The checkerboard effect of the trust lands will create cross border enforcement problems leading to increased crime.
 - D. The clouded jurisdictional issues will make federal enforcement more difficult, less effective and less likely.
 - E. The clouded jurisdictional issues will make Federal prosecution more difficult, less effective, more expensive and less likely.

F. All of the above items will likely lead to a haven for criminals and a threat to the surrounding community.

8. Legal deficiencies

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

- K. The DEIS makes no mention of the segregating effect the differences in legal status will have on the civil rights of the tribal members and the surrounding communities
9. Political deficiencies
- A. Undue influence on government and government employees
 - i. The DEIS does not address the significant impact that tribes have over government employees (e.g. NYSDOT ignores the CIN's removal of traffic control islands in Union Springs, while prosecuting another area business for similar right of way infractions)
 - ii. The DEIS does not address the influence exerted on elected officials by the tribes and its effect on area residents. Governor Pataki was directly apprised of the above situation to no avail.
 - iii. The DEIS ignores the collusion between NYS officials and the CIN regarding the sale of cigarettes to non- Indians
 - iv. The DEIS ignores the collusion between NYS officials and the CIN regarding the sale of gasoline
 - v. The DEIS ignores the need for a RICO Act investigation of the influence demonstrated by the CIN on NYS officials
 - vi. The DEIS ignores the significant advantage that the McCain - Feingold Act provides the CIN over the area residents in political campaigns
 - vii. The DEIS ignores the repeated attempts by the CIN to negotiate a class 3 compact with NYS both here and the Catskills
 - viii. The DEIS ignores the National Indian Gaming Commission's passion for expanding and granting class 3 gaming licenses
10. Community and social effects
- A. The DEIS provides no mitigation measures regarding the negative effects of commercial gambling
 - B. The DEIS provides no mitigation for the increased crime associated with commercial gambling
 - C. The DEIS lists no mitigation for the impact for the influx of staff typical of commercial gambling
 - D. The DEIS lists no efforts to mitigate increased need for social services as a result of commercial gambling
 - E. The DEIS provides no mitigation for splitting existing communities with trust land

- F. The DEIS provides no mitigation to compensate for the introduction of the "reservation culture" to an area where none currently exists
- G. The DEIS does not recognize nor provide mitigation for the distortion of free market real-estate prices due to their tax exempt status
- H. The DEIS ignores the effect of encroachment by the trust lands on adjoining property
- I. The DEIS provides no mitigation for the practical diminishment of civil rights due to encroachment by the trust land

11 Infrastructure & services

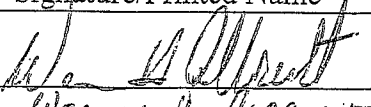
- A. The preservation of uninhibited use of the many easements & rights-of-way in the effected area is not addressed in the DEIS
- B. Ownership of mineral rights is not addressed in the DEIS
- C. The area north of Cayuga Lake, which is part of the 64,000 acre land claim area, contains an abnormally high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

12. Authority of the BIA and/or the DOI to take land into trust

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

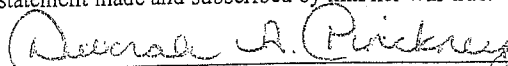
We trust you will fully consider these deficiencies as you prepare the Final Environmental Impact Statement and reject this application.

Respectfully submitted,

Date	Signature/Printed Name	Address
6/24/09	 WARREN H. ALBRECHT	4291 CARRS Cove Rd Union Springs, NY 13160

On the dates above indicated before me personally came each of the individuals whose signatures appear on the petition sheet containing 1 signatures, who signed in my presence and who, being by me duly sworn, each himself/herself, said that the foregoing statement made and subscribed by him/her was true.

6/24/2009



DEBORAH A. PINCKNEY
 NOTARY PUBLIC - STATE OF NEW YORK
 QUALIFIED IN CAYUGA COUNTY
 COMMISSION EXPIRES MAY 27, 20 10

Date	Signature/Printed Name	Address
6/24/09	 JEFFREY H. DAY SR.	5994 LAKE ST. RD. CAYUGA, NY 13034
6/24/09	 John E Green	6194 LAKE STREET CAYUGA NY 13034
0624.09	 BRUCE D. SIERMAN	44 GREENER STREET, AZ. AUBURN, NY 13021.
6/24/09	 SUZANNE E ANTHONY 6053 Lake Ave Ext Auburn	6053 LAKE AVE EXT AUBURN NY 13021
6-24-09	 Mary J. Jones 6035 Oakridge Rd - Auburn	6035 Oakridge RD. Auburn NY 13021
6/24/09	 Peter R B	11 Bruce Ridge Auburn NY 13021
6/24/09	 Lisa Green	31 Amherst Ave Auburn NY 13021
6/24/09	 Lisa Green	31 Amherst Ave Auburn NY 13021
6/24/09	 Catherine Donovan Catherine Donovan	99 Swift St Auburn, NY 13021
6-24-09	 GEORGE DONOVAN	99 Swift St AUBURN, NY 13021
6/24/09	 Daniel A Cuddy	119 Stryker Auburn, NY 13021
6/24/09	 ANN PETRUS	2435 RT 31 WEEDSPORT NY 13166
6/24/09	 Linda Murphy	318 N. Marvins Ave Auburn NY 13021

On the dates above indicated before me personally came ¹³ each of the individuals whose signatures appear on this petition sheet containing 13 signatures, who signed in my presence and who, being by me duly sworn, each for himself/herself, said that the forgoing statement made and subscribed by him/her was true.

Date 6/24/2009

Signature/Notary Public

DEBORAH A. PINCKNEY
ID #01P6074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2016

Date	Signature/Printed Name	Address
6/24/09	Jeanette McCormick Jeanette McCormick	7260 N. Division St Rd Auburn, NY 13021
6/24/09	Trace Coulson Trace Coulson	11 Silver Ave. Auburn, N.Y. 13021
6/24/09	CHRISTOPHER K PETRUS	2435 STATE ROUTE 31 WEDDYSBURG, NY 13066
6/24/09	Carol L Chase CAROL L Chase	955 LAKE Como Rd Cortland NY. 13045
6/24/09	Charleen Dybert Charleen Dybert	4938 State Rt. 34B Auburn, NY 13021
6/24/09	CHARLES F RIZSU	148 Salt Road Auburn, NY 13021
6/24/09	DAVID S GOULD DAVID S. GOULD	2761 SAND BEACH ROAD AUBURN NY. 13021
6/24/09	Jeanette Gorse Jeanette Gorse	7084 N Division St Rd Auburn NY. 13021
6/24/09	Bruce E. Culver Bruce E. Culver	1847 Britt Rd Aurora NY 13026
6/24/09	Sharon Culver SHARON Culver	1847 Britt Rd Aurora NY 13026
6/24/09	David B Avery David B. Avery	834 Fire Lane #7 King Ferry, N.Y 13081
6/24/09	Linda A. Avery Linda A Avery	834 Fire Lane #7 King Ferry, NY 13081
6/24/09	Amy Torea Amy. Torea	2663 Dog Corners Rd Aurora, NY 13026

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Date

6/24/2009

Deborah A. Pinckney
Signature/Notary Public

DEBORAH A. PINCKNEY
ID #019074234
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2016

Date	Signature/Printed Name	Address
6/24/09	Skara Crowley Sharon Crowley	5047 State Rt. 34 Auburn NY
6/24/09	Michael Crowley GERALD CROWLEY	5047 AUBURN RT 34
6/24/09	JOEFANTAUZZO	113-N-SEWARD
6/24/09	Barbara E. Budelmann Barbara E. Budelmann	11 Wegman St Auburn NY 13021
6/24/09	Bruce Budelmann Bruce Budelmann	11 WEGMAN ST. AUBURN NY 13021
6/24/09	Luella BARR Luella Barr	57 S. Lewis St AUBURN NY 13021
6/24/09	Joseph Capicco Joseph Capicco	4650 E. CAPEVIEW S. AUBURN, NY 13021
6/24/09	Anne Carnicelli Anne Carnicelli	117 Frances St. Auburn, N.Y. 13021
6/24/09	ALAN P. Kozwisk ALAN P. Kozwisk	4912 West Union AUBURN NY 13021
6/24/09	Cheryl Heary Cheryl Heary	561 Dee Rd Union Springs NY 13160
6/24/09	David A. Brooks David A. Brooks	54 Cherry Ave. Aurora, NY 13026
6/24/09	Doris F Brooks DORIS F BROOKS	54 Cherry Ave Aurora, N.Y. 13026
6/24/09	William Heary William Heary	561 Dill Rd Union Springs NY 13160
6/24/09	Sandra Lent Sandra Lent	3075 East Seneca Rd. Auburn NY 13021

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 14 signatures, who signed in my presence and who, being by me duly sworn, said that the forgoing statement made and subscribed by him/her was true.

Date

6/24/2009

Signature/Notary Public

Deborah A. Pinkney

DEBORAH A. PINKNEY
ID #016074834
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
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Date	Signature/Printed Name	Address
6/24/09	<i>James H Lent</i> JAMES H LENT	3075 E. GENESEE RD AUBURN NY 13021
6/24/09	<i>Donald Peole</i> DONALD PEOLE	175 E. GENESEE ST AUBURN NY 13021
6/24/09	<i>John F Conway Jr</i> John F Conway Jr	25 John Smith Ave Auburn, NY 13021
6/24/09	<i>Alexander P. Vanderpool</i> Alexander P. Vanderpool	3 Elizabeth St Auburn, NY 13021
6/24/09	<i>Kathryn A Latanuskin</i> Kathryn A Latanuskin	5663 Silver St. Rd. Auburn, NY 13021
6/24/09	<i>Mary M Cuff</i> Mary M. Cuff	1 Meadowbrook Dr. Auburn, NY 13021
6/24/09	<i>Lorraine Quinn</i> Lorraine Lorraine Quinn	6436 Sharon Dr Auburn NY 13021
6/24/09	<i>Jane Quinn</i> JANE QUINN	17 Fourth Ave. Auburn, N.Y. 13021
6/24/09	<i>Kathleen J. Kleiber</i> Kathleen J. Kleiber	1701 Horoco Rd Aurora, N.Y. 13026
6/24/09	<i>Richard B. Givens</i> RICHARD B. GIVENS	6436 SHARON DR. AUBURN, NY 13021
6/24/09	<i>Matthew Smith</i> Matthew Smith	65 Mattie St Auburn, NY 13021
6/24/09	<i>Karol Fedigan</i> Karol Fedigan	2 First Ave Auburn, NY 13021
6/24/09	<i>Beverly J. Parker</i> BEVERLY J. PARKER	11 EVANS St Auburn, NY 13021
6/24/09	<i>Jeffrey Herwick</i> JEFFREY HERWICK	7054 Chestnut Ridge Rd.

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 14 signatures, who signed in my presence and who, being by me duly sworn, said that the forgoing statement made and subscribed by him/her was true.

6/24/2009
Date

Deborah A. Pinckney
Signature/Notary Public

DEBORAH A. PINCKNEY
ID 001P6074634
NOTARY PUBLIC - STATE OF NEW YORK
QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2010

Date	Signature/Printed Name	Address
6/24/09	<i>Pamela Skirkwood</i> Pamela SKIRKWOOD	22 Wellenbush Dr Auburn, NY 13021
6/24/09	SUSAN QUERNS <i>Susan Querns</i>	7162 Owasco Rd Auburn NY 13021
6/24/09	Ramon Cornwall RAMON CORNWALL	7162 Owasco Rd. Auburn, NY 13021
6/24/09	<i>Brad Wallner</i> Brad Wallner	5914 South St. Rd. Auburn, NY 13021
6/24/09	<i>Mary Jo Mostey</i> Mary Jo Mostey	94 E. Genesee St. Auburn NY 13021
6/24/09	<i>Meghan Coe</i> Meghan Coe	3259 Franklin St Rd Auburn NY 13021
6/24/09	<i>Sarah Brotherton</i> Sarah Brotherton	150 Perrine St. Auburn, NY 13021
6/24/09	<i>Susan M Dwyer</i> SUSAN M DWYER	214 S. Seward Ave Auburn, NY 13021
6/24/09	<i>Gregory S. Rigby</i> Gregory S. Rigby	124 Owasco St. Auburn, NY 13021
6/24/09	<i>Julie Schneider</i> Julie Schneider	PO Box 86 Poplar Ridge NY 13139
6/24/09	<i>Clifford Hoskins</i> Clifford Hoskins	123 SOUTH STREET AUBURN, N.Y. 13021
6/24/09	<i>Elane Daly</i> Elane Daly	160 N. Fulton St Auburn, ny 13021
6/24/09	<i>Laure Dido</i> Anne Dido	335 Hunter Ave Auburn NY 13021
6/24/09	<i>Timothy J Murphy</i> <i>Timothy J Murphy</i>	46 FAIRWAY Dr. AUBURN, NY 13021

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Date 6/24/2009

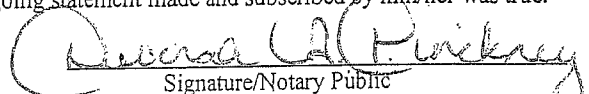
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QUALIFIED IN CAYUGA COUNTY
COMMISSION EXPIRES MAY 27, 2010

Date	Signature/Printed Name	Address
6/24/09	Michael J. Sincavage Michael J. Sincavage	Auburn, NY 13021 25 Evans St
6/24/09	Kevin Waby KEVIN WABY	153 S. HOOPES AVE AUBURN N.Y. 13021
6/24/09	Ronald Waby RONALD WABY	2108 West Genesee ST Road AUBURN NY 13021
6/24/09	Irma Pinckney Irma Pinckney	2031 Pinckney Rd Auburn, NY 13021
6/24/09	Jenna M. Pinckney Jenna M. Pinckney	2035 Pinckney Rd Auburn, NY 13021
6/24/09	Colleen E. Pinckney Colleen E. Pinckney	2035 Pinckney Rd Auburn, NY 13021
6/24/09	Katherine Pinckney Katherine Pinckney	2035 Pinckney Rd Auburn, NY 13021

On the dates above indicated before me personally came each of the individuals whose signatures appear on this petition sheet containing 7 signatures, who signed in my presence and who, being by me duly sworn, each himself/herself, said that the forgoing statement made and subscribed by him/her was true.

6/24/09
Date


Signature/Notary Public

DEBORAH A. PINCKNEY
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