



CAYUGA COUNTY WATER QUALITY MANAGEMENT AGENCY

**Bruce R. Natale, P.E.**  
Chairman

Cayuga County Department of Planning & Economic Development, 5th Floor, 160 Genesee Street, Auburn, NY 13021  
Voice: 315-253-1276 Fax: 315-253-1499 Email: wqma@cayugacounty.us

June 30, 2009

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

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

Dear Mr. Keel:

On behalf of the Cayuga County Water Quality Management Agency (CCWQMA), I am submitting this letter, as well as my statement from 6/17/09, regarding the Draft Environmental Impact Statement ("DEIS") issued pursuant to the National Environmental Policy Act of 1969 ("NEPA") for the Cayuga Indian Nation ("CIN") applications for Land Into Trust.

The CCWQMA is concerned about the potential impact of the CIN's Route 90 gasoline station in Union Springs on the Village of Union Springs' water supply wells.

The four underground petroleum storage tanks at the CIN's gasoline station are at an elevation of approximately 450 feet above sea level. The Village's wells extend down to an elevation of 300 to 320 feet above sea level. The gasoline, diesel fuel and kerosene are stored in unmonitored tanks that are not checked for leakage, 130 to 150 feet ABOVE the Village's drinking water wells. The sites are about a half mile apart, and the bedrock between the two sites is porous and fractured. The potential for petroleum leakage to impact the wells is significant.

The BIA needs to amend the DEIS to add mitigation measures to correct this potential environmental impact under all three alternatives.

Very Truly Yours,

Bruce R. Natale, PE

RECEIVED  
2009 JUL -6 P 3:02  
BIA-ERO  
REGIONAL DIRECTOR



## CAYUGA COUNTY WATER QUALITY MANAGEMENT AGENCY

**Bruce R. Natale, P.E.**  
Chairman

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Statement at the BIA DEIS Hearing in Seneca Falls, NY, June 17, 2009

Good Evening. I am Bruce Natale from Auburn, New York and I am an Environmental Engineer for Cayuga County. I am also the Chair of the Cayuga County Water Quality Management Agency.

The Environmental Site Assessments, prepared by AKRF for the Cayuga Indian Nation, that are in the DEIS prepared by AKRF for the BIA contain the following statements:

- On the Route 89 gasoline station in Seneca County, the “Registration for the current USTs was not up to date with NYSDEC (New York State Department of Environmental Conservation). In addition, there was no documentation found for maintenance, leak detection, product inventory records,...”
- On the Route 90 gasoline station in Cayuga County, the “Registration for the current USTs was not up to date with NYSDEC. In addition, there was no documentation found for maintenance, leak detection, fluid measurement records, closure sampling related to the former underground tanks,...”

I can sum up AKRF’s words as:

- The gas tanks are NOT registered.
- The gas tanks may NOT be maintained.
- The gas tanks may NOT be checked for leakage.

This is an environmental problem now and will continue to be an environmental problem if this application is granted.

Who will regulate these gas tanks?

- The BIA?
- The USEPA?
- The Coast Guard?
- Who?

Who will respond to gas spills?

- The BIA in Nashville?
- The USEPA in New York City?
- Who?

Who will protect our local waters? Particularly who will protect the Village of Union Springs’ drinking water wells from future leakage from unmonitored tanks?

This is a serious environmental issue that needs to be addressed, and, the DEIS must be revised to address it.

Our drinking waters need to be protected. Thank you.

RECEIVED  
2009 JUL -2 P 12:46  
BIA-ERO  
REGIONAL

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.

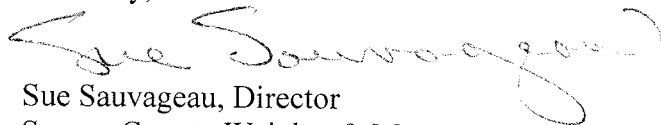
As I understand it, Land into Trust becomes Federal Land subject to Federal Regulatory entities only. In the field of weights & measures regulation, the states look to the National Institute of Standards and Technology and the National Conference on Weights and Measures for guidance and standards. Actual 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



# SENECA COUNTY

PLANNING BOARD RECEIVED

2009 JUN 29 P 2:10

June 25, 2009

BIA-ERO  
REGIONAL DIRECTOR

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

Dear Mr. Keel:

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

Sincerely,

William Dalrymple, Chairman  
Seneca County Planning Board

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

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

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

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

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

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

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

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

  
Secretary