

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 Town of Tyre 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 Town of Tyre 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