

### A. DESCRIPTION OF THE PROPOSED ACTION

The Cayuga Nation of New York (the “Nation”) has applied to the Bureau of Indian Affairs (“BIA”) for a fee-to-trust transfer of 125± acres<sup>1</sup> of land owned by the Nation (the “Proposed Action”). The statutory authority for acquiring land in trust status for Indian tribes is provided in the Indian Reorganization Act of 1934 (IRA), with regulations under 25 USC §465 and codified at 25CFR Part 151.

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

The fee-to-trust applications that comprise the Proposed Action were individually dated April 14 and May 25, 2005 (hereinafter the inclusive application date is cited as “May 25, 2005”). The property proposed for fee-to-trust transfer had been comprised of seven separate parcels (nine tax map I.D. numbers) located in the Village of Union Springs and the Towns of Springport and Montezuma, in Cayuga County, and the Town of Seneca Falls, in Seneca County, New York. However, the 0.018 acre parcel of land in the Town of Montezuma which was originally included in the application and evaluated in the DEIS has been withdrawn from the fee-to-trust application, and is no longer included as part of the Proposed Action or any alternatives.

The purpose of the Proposed Action is to address the Nation’s need for cultural and social preservation, political self-determination, self-sufficiency, and economic growth as a federally recognized Indian tribe. Under the Proposed Action, the Nation intends to continue to use the subject properties in their current uses, including two gas stations, two convenience stores, a car wash, two gaming facilities, and vacant land.<sup>2</sup>

The Proposed Action is subject to the National Environmental Policy Act (“NEPA”) of 1969, as amended (42 U.S.C. §4321 et seq.). NEPA requires the preparation of an Environmental Impact Statement (EIS) for major Federal actions that may significantly affect the quality of the environment. A Draft Environmental Impact Statement (DEIS) was prepared by the Bureau of

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<sup>1</sup> The notice of intent published in the Federal Register on February 13, 2006 (71 FR 7568) cited the conveyance into federal trust of seven parcels comprising 125± acres of land. The records of the affected municipalities report the actual acreage of the seven parcels included in the Nation’s Land Trust Application to be 129.16 acres. Since the Proposed Action now excludes the Montezuma parcel, the fee-to-trust application comprises six parcels and 129.14 acres of land.

<sup>2</sup> The Nation’s gaming operations were in operation at the time of the fee-to-trust application. The gaming operations are therefore considered baseline condition current uses and are part of the affected environment.

Indian Affairs (BIA) of the U.S. Department of Interior (DOI) and issued for public review on May 22, 2009. A public hearing for the DEIS was held at the New York Chiropractic College in Seneca Falls, New York, on Wednesday, June 17, 2009; public comments on the DEIS were accepted by the BIA until July 6, 2009. This document is the Final EIS (FEIS). The FEIS presents the analyses included in the DEIS and addresses substantive comments on the DEIS received during the public comment period.

## **B. PROBABLE IMPACTS OF THE PROPOSED ACTION**

### **PURPOSE AND NEED**

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

The Proposed Action is the fee-to-trust transfer of the Nation's approximately 125± acres of land, including the parcels of land on which its business operations are located (the "Enterprise Properties"). The Nation wishes to continue use of the proposed fee-to-trust properties for multiple purposes, involving the continuation of previous and existing uses. Existing and previous uses of the Enterprise Properties include convenience store and gas station operations, gaming facilities, a car wash and related activities; the non-Enterprise Properties are vacant, open land. The Nation presently has no plans for further development (e.g., erection of new buildings) on the properties subject to the Proposed Action.

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

## **C. ALTERNATIVES**

### **ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE**

This alternative is the Preferred Alternative. Under this alternative, the parcels of land included in the Nation's Fee-to-trust application, excluding the parcel in the Town of Montezuma which has been withdrawn from the application, would be taken and held in trust by the United States. These parcels are located in the Village of Union Springs and the Town of Springport, in Cayuga County, and in the Town of Seneca Falls, in Seneca County, New York.

Under this alternative, the Nation would continue use of its properties for multiple purposes, involving the continuation of previous and existing uses, including convenience store and gas station operations, gaming facilities, a car wash and related activities. The Nation presently has no plans for further development of the subject properties.

Under the Proposed Action, the Nation plans to reopen its two Class II gaming facilities located in Union Springs and Seneca Falls, known respectively as LakeSide Entertainment 1 and LakeSide Entertainment 2. These two facilities, which together would comprise 119 Class II

gaming machines, were in full operation at the time of the fee-to-trust application, and were in operation from the spring of 2004 through September and October of 2005, at which time the Nation temporarily suspended the gaming operations.

The Nation has no plans for further development of the properties on which the Nation's Enterprises are located. The Nation plans to continue the agricultural use (field crops) of the 82 tillable acres of the 108 acre vacant parcel in Union Springs. The Nation has owned this parcel since 2005, and has continued its agricultural use for soybean cultivation. The Nation plans to use the soybean crop as an additional source of revenue.

#### **ALTERNATIVE 2: NO ACTION**

Under this alternative, the Nation's properties would not be placed into trust, and the Nation would continue to own the properties in fee. The Nation would continue use of its properties for the multiple purposes in operation at the time of the fee-to-trust application (e.g., gas stations and convenience stores, and a car wash). Under this alternative, the BIA would assume that the Nation would continue to pay property taxes; however, the Nation would have to determine whether or not it would do so. The Nation would also have to determine whether or not it would it would re-open its gaming facilities, in which case, no changes from the environmental baseline would occur.

#### **ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST**

Under this alternative, the five parcels of land included in the Nation's Fee-to-trust application that are largely contiguous to one another would be taken into trust by the United States. Two such Enterprise Property parcels are located in Seneca Falls, Seneca County, and three Enterprise Property parcels are located in Union Springs, Cayuga County. Under this alternative, the Nation's LakeSide Trading commercial enterprises would continue to operate, and the Nation's LakeSide Entertainment Class II gaming facilities would reopen.

Under this alternative, the Nation's non-Enterprise Properties in the Town of Springport, in Cayuga County, would not be taken into federal trust.

### **D. EXISTING CONDITIONS**

Since the publication of the DEIS, the background conditions of the Project Area have not changed to any degree that would substantively affect the analyses. The Nation continues to utilize its properties in the manner described in the DEIS. Furthermore, there have been no environmental changes in the vicinity of the Project Site that warrant further analysis of the existing conditions, or future with or without the Proposed Action.

#### **TOWN OF SENECA FALLS**

The property in Seneca County is located in the Town of Seneca Falls and consists of three contiguous tax lots comprising a single approximately rectangular block of land encompassing 13.98 acres. The property is currently developed, consisting of the Nation's LakeSide Enterprise operations (a gas station and convenience store), and LakeSide Entertainment 2 (the gaming operation). The Class II gaming operation occupying the rear portion of the convenience store building was in operation at the time of the fee-to-trust application, May 25, 2005. Subsequent to the application, the gaming operation was temporarily closed.

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The surrounding area consists of agricultural, residential, and recreational uses. The topography of the Nation's property in Seneca Falls is generally level. The property consists entirely of open, mowed lawn area occupying a former campground and including several outbuildings and a gas station. Gravel drives giving access to the former camp sites are still evident and the site has been maintained (mowed) up to the present day. Scattered trees generally 6-10 inches in diameter constitute the only woody vegetation found within the project site.

There are no mapped, regulated waterbodies on the Nation's property in Seneca Falls. The property contains no mapped New York State (NYS) or National Wetland Inventory (NWI) wetlands. The property is located within the Cayuga Lake Watershed area and contains two soils considered by the USDA to be prime farmland soils and one classified as farmland of statewide importance.

The property is served by municipal water and wastewater systems; electricity is provided by New York State Electric and Gas ("NYSEG"); and a private contractor provides solid waste services. The property is currently served by local police, fire and ambulance services.

The Seneca Falls Village Historic District is located approximately 2 miles west of the Nation's Seneca Falls property. The property is not part of the Seneca Falls Village Historic District, nor is the Historic District visible from the Property due to the approximately 2 mile distance between the sites, existing topography and vegetation, and the built environment. In addition, the National Register listed Ferry Farm, which was a station on the Underground Railroad, is located along Cayuga Lake approximately 0.2 miles northeast of the Nation's property. However, Ferry Farm is not visible from the Nation's property. The Seneca Falls parcel is not located within an archeologically sensitive area. Areas deemed by the New York State Historic Preservation Office (SHPO) to be "sensitive" include generous buffer areas around previously discovered archeological sites.

Cayuga Lake State Park is located on Cayuga Lake in Seneca Falls. Portions of the park extend inland and are located across the street from the Nation's property. The beachfront portions of the Cayuga Lake State Park are not visible from the property.

The LakeSide Trading business on the property primarily sells gasoline and convenience store goods, including cigarettes. The LakeSide Entertainment 2 gaming facility occupies the rear portion of the LakeSide Trading building. The existing baseline condition at the time of the fee-to-trust application defines the gaming room to include 33 electronic bingo machines and a cashier's booth. The Nation's business office occupies an approximately 1,200 square foot building immediately adjacent to the Trading location. At the LakeSide Trading operation, the Nation currently maintains a workforce consisting of 20 employees. In addition to paying wages and salaries to employees, the gas station and convenience store make expenditures in the order of \$295,227 per year to purchase of goods and services. The direct effect on the local economy from the Nation's Seneca Falls activities, measured as economic output or demand, is estimated at approximately \$952,871 annually. The total annual economic activity that results from the Nation's existing operations is estimated at \$2.6 million in New York State. Of that, \$1.3 million would occur in Seneca County.

Traffic analyses indicate that the lane groups/approaches of the intersections for the property in Seneca Falls generally operate acceptably at LOS B or better under 2009 existing conditions during the peak hours analyzed. Traffic volumes on adjacent roadways are elevating at low levels typical of that in a rural area.

Proportional modeling was used to determine locations which had the potential for having noise impacts, and to quantify the magnitude of those potential impacts. One noise receptor location was chosen within the Seneca Falls study area (NYS Route 89 between Jackson Road and Garden Street). This site was chosen because it represents nearby noise-sensitive land uses, which would primarily be residential uses. At this receptor site, existing noise levels were determined by field measurements for both of the noise analysis time periods. Noise monitoring was performed during September 2008. Twenty-minute spot measurements were taken during the time periods reflecting peak hours of trip generation, as identified in the traffic analysis: Friday PM Peak Hour (4:00 to 5:00 PM) and Saturday Midday Peak Hour (12:00 AM to 1:00 PM).

The air quality screening analysis examined the existing levels of service (LOS) according to the traffic analyses and determined that none of the project-affected intersections in the Town of Seneca Falls have a LOS that would indicate the need for detailed microscale air quality analyses, and that no affected intersection results in adverse air quality impacts to the immediate area.

The Phase I Environmental Site Assessment concluded that the current use of the property as a retail gas station could have resulted in the existence of petroleum contamination, but there was no evidence of spills or leaks and soil sampling indicated trace compounds in soil were within acceptable limits. It was also concluded that the adjacent properties most likely have no negative environmental impact on the subject property. Assessments of the other tax parcels concluded that there was no evidence of Recognized Environmental Conditions (RECs) and adjacent properties likely have no impact to the subject parcel.

## **VILLAGE OF UNION SPRINGS**

The Union Springs property is comprised of four contiguous tax parcels forming a roughly rectangular block totaling approximately 111 acres and consists of vacant land, 82 acres of which are in soybean production; LakeSide Trading, which consists a convenience store, gas station, and car wash; and the gaming operation, LakeSide Entertainment 1, which occupies an approximately 2,300 square foot building that formerly occupied by a NAPA auto parts store. The gaming facility, comprising 86 electronic bingo machines, was in operation at the time of the fee-to-trust application May 25, 2005.

The surrounding area consists of agricultural, residential and recreational use. The topography of the Nation's property in Union Springs, as indicated in the 1978 USGS topographic map, slopes to the west toward Cayuga Lake with a depression around the two ponds on the property. The largest of the four properties at 111.16 acres, the Union Springs property consists primarily of former agricultural land that is open field habitat dominated by grasses. The Nation uses approximately 82 acres of this land for soybean production. The western portion of the subject property consists of deciduous forest habitat, separating it from residential properties further west. The eastern pond is an isolated depression surrounded by open field. The western pond is located adjacent to wooded hedgerow habitat, receiving surface flows from a wooded wetland stream within the hedgerow, then discharging directly westward.

There are two open water pond features within the Union Springs property, one on the north side of the property and one on the eastern side of the property. There are no NYSDEC mapped streams or waterbodies on the Nation's property in Union Springs. The property is located within the Cayuga Lake Watershed area and contains two soils considered by the USDA to be prime farmland soils and one soil classified as farmland of statewide importance.

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The property is served by municipal water and wastewater systems; electricity is provided by New York State Electric and Gas (“NYSEG”); and a private contractor provides solid waste services. The property is currently served by local police, fire and ambulance services.

The Charles Howland-William H. Chase house, which is on the National Register, is approximately 0.6 miles south of the Nation’s Union Springs property. The Peter Yawger House, which is on the Nation Register, is approximately 2.5 miles north of the Nation’s Union Springs property. The William Richardson House, which is on the Nation Register, is approximately 1.75 miles north of the Nation’s Union Springs property. The distance, existing vegetation, and topography, between these historic sites and the Union Springs property, completely obscure the view of this historic home from the Nation’s property. A potential historic site is located on NYS Route 90, approximately one mile south of the property, where an existing monument marks the approximate location of Ge-Wa-Ga, a Cayuga Nation Village. The property is located in an area deemed to be archeologically sensitive by SHPO. There is no known archeological site on the property and it is anticipated that any potential prehistoric resources that might have been present on this property would be disrupted, and scattered over the years of farming and agricultural uses.

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

Traffic analyses indicate that the lane groups/approaches of the intersections for the property in the Village of Union Springs generally operate acceptably at LOS C or better under 2009 existing conditions during the peak hours analyzed. Traffic volumes on adjacent roadways are elevating at low levels typical of that in a rural area.

Proportional modeling was used to determine locations which had the potential for having noise impacts and to quantify the magnitude of those potential impacts. Two noise receptor locations were chosen within the Union Springs study area: NYS Route 90 between NYS Route 326 and Old Route 326; and NYS Route 90 between Old Route 326 and McDonald’s Point Road. These sites were chosen because they represent nearby noise-sensitive land uses, which would primarily be residential uses. At each receptor site existing noise levels were determined by field measurements for both of the noise analysis time periods. Noise monitoring was performed during September 2008. At these sites, 20-minute spot measurements were taken during the time periods that reflect peak hours of trip generation as identified in the traffic analysis: Friday PM Peak Hour (4:00 to 5:00 PM) and Saturday Midday Peak Hour (12:00 AM to 1:00 PM).

The air quality screening analysis examined the existing levels of service (LOS) according to the traffic analyses and determined that none of the project-affected intersections in the Town of Seneca Falls have a LOS that would indicate the need for detailed microscale air quality analyses, and that no affected intersection results in adverse air quality impacts to the immediate area.

The Phase I Environmental Site Assessment concluded that the parcel containing the retail gas station could have resulted in the existence of petroleum contamination, but there was no

evidence of spills or leaks and soil sampling indicated trace compounds in soil were within acceptable limits. It was also concluded that the adjacent properties most likely have no negative environmental impact on the subject property. Assessments of the other tax parcels concluded that there was no evidence of Recognized Environmental Conditions (RECs) and adjacent properties likely have no impact to the subject parcel.

## **TOWN OF SPRINGPORT**

The Springport property consists of one tax parcel (150.00-1-29.1) comprised of approximately 3.70 acres. This parcel is rectangular and is bordered on the north and south by residential properties, on the east by New York State Route 90, and to the west by a former railroad bed followed by a wooded area. The topography of the Nation's property in Springport, as indicated in the 1978 USGS topographic map, slopes gradually to the west toward Cayuga Lake. The property consists of an open, mowed lawn comprising a residential lot, bounded to the north and south by existing single family residential homes. The property's lawn area has individual scattered trees as landscape features. Stormwater runoff from the subject property flows westward, entering a drainage ditch crossing beneath a dirt access roadway and entering forested wetlands immediately offsite to the west.

On the property there is one mapped NYS Class C stream. There are no mapped NYS waterbodies, NYS Wetlands or NWI Wetlands. The property is located within the Cayuga Lake Watershed area and contains two soils considered by the USDA to be prime farmland soils and one soil classified as farmland of statewide importance.

The property is vacant and has no water or wastewater infrastructure. The property is currently served by local police, fire and ambulance services.

The Almeron Durkee House, which is on the National Register, is located approximately one mile north of the property. Due to the distance, existing vegetation, and topography, the Almeron Durkee House is not visible from the Springport property. Several potential historic resources in proximity to the property include a monument to the Sullivan-Clinton Route campaign; a Cayuga Castle marker; a memorial marker for Joseph Chaumrot, Rene Menard, Chief Saonchiogwa, Stephen De Carheil and Peter Raffwix; and an Indian Mound marker. The property is located in an area deemed to be archeologically sensitive by SHPO. There is no known archeological site on the property.

The Springport property is not evaluated for traffic, noise and air quality on the basis that the vacant property does not generate traffic.

The Phase I Environmental Site Assessment indicated that there was no evidence of Recognized Environmental Conditions (RECs) for the subject parcel or any adjacent property.

## **E. POTENTIAL EFFECTS OF THE ALTERNATIVES**

### **ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE**

Under the Preferred Alternative, the Nation's properties in Seneca Falls, Springport, and Union Springs would be placed into federal trust. The properties would continue to be used as at the time of the fee-to-trust application. This alternative would involve reopening of the existing, but temporarily closed, gaming facilities at the Seneca Falls and Union Springs Enterprise Properties. As a result of this alternative, no new development or construction is planned, and

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therefore there would be no change to land and water resources, living resources, cultural resources, or resource use patterns.

Traffic analyses indicated that there would be no notable change in traffic patterns with the Proposed Action and therefore no changes to mobile source area or onsite air quality generated by the properties. Noise levels resulting from the Proposed Action are projected to be less than 1.0 dBA. Increases of this magnitude would not be perceptible, and would not result in any significant noise impacts. Because the gaming operation, functional at the time of the application, was suspended later that year, the updated traffic information (and the air quality and noise analyses that depended in part on the traffic study) reflects 2009 traffic conditions, but cannot accurately represent an environmental baseline that includes operational gaming at the Seneca Falls and Union Springs properties. The analyses and conclusions, however, reflect non-gaming conditions but project conditions that include operational gaming facilities.

The Nation's LakeSide Entertainment businesses would restore 19 jobs that were lost when the Nation temporarily suspended operations at its Class II gaming facilities. The Nation plans to hire back the same 19 individuals who were laid off, all of whom currently are area residents. Including the indirect and induced economic activity that will occur off-site as a result of the the Proposed Action, the total employment supported in the two counties from the LakeSide Trading operations plus the reopened LakeSide Entertainment facilities is estimated at 72 jobs, an increase over the Nation's current total effect of 24 jobs. Total employment in the broader New York State economy resulting from the Nation's operations under this Alternative is estimated at approximately 81 jobs.

Therefore, there should be no significant impact on the workforce, housing, or schools as this employment would not result in new residents moving into the affected area.

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

Under this Alternative, the direct effect on the local economy, measured as output or demand, from the annual operation of the Proposed Action is estimated at \$3.1 million, an increase of approximately \$1.3 million over existing operations. Including activity that occurs off-site, the total effect from the annual operation of the Proposed Action on the two counties' economy is estimated at \$4.2 million. The total effect on the New York State economy is estimated at \$7.5 million annually.

The continuing of existing business operations and the reopening of these facilities is not expected to result in any adverse impacts to community service providers in the affected communities. The gaming facilities were in full operation at the time of the fee-to-trust application, and during the period of operation the properties were adequately serviced by local emergency, community service, and infrastructure providers. The same level of business operations and local service needs would be anticipated in the future under this alternative.

As trust land, the Nation's property would not be subject to local or county taxation, and would therefore not contribute to the funding of these services through the property taxation system. The Nation, however, would assume the full range of jurisdiction over the subject properties. Further, the Nation intends to explore cooperative agreements with regards to community service providers, including emergency services, to ensure that the Nation's properties and



patrons of its businesses are adequately protected. No cooperative agreements were in place prior to the Nation's land-into-trust application; however, the Nation does intend to fully explore such agreements.

#### **ALTERNATIVE 2: NO ACTION**

Under this alternative, the Nation's properties would not be placed into trust, and the Nation would continue to own the properties in fee. The Nation would continue use of its properties for the multiple purposes in operation at the time of the fee-to-trust application (e.g., gas stations and convenience stores, and a car wash). Under this alternative, the BIA would assume that the Nation would continue to pay property taxes; however, the Nation would have to determine whether or not it would do so. The Nation would also have to determine whether or not it would re-open its gaming facilities, in which case, no changes from the environmental baseline would occur. There would be no changes to the existing conditions as described above. If the Nation made a determination not to continue payment of real property taxes, the economic, fiscal and taxpayer effects would be as described under Alternative 1: The Proposed Action. In addition, under this alternative, the status quo with respect to jurisdictional issues and disputes between the Nation and State and local governments would continue.

#### **ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST**

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

Traffic analyses indicated that there would be no notable change in traffic patterns with the Proposed Action and therefore no changes to mobile source area or onsite air quality generated by the properties.

Anticipated noise levels of Alternative 3 would be the same as Alternative 1. Therefore, the maximum increase in noise levels would be less than 1.0 dBA. Increases of this magnitude would not be perceptible, and would not be significant.

As with Alternative 1, the Nation would reopen the two LakeSide Entertainment gaming facilities. The economic benefits of increasing business activities and increasing the number of employees at these sites would be the same as discussed above, under Alternative 1.

The continuing of existing business operations and the reopening of these facilities is not expected to result in any adverse impacts to community service providers in the affected communities. The gaming facilities were in full operation at the time of the fee-to-trust application, and during the period of operation the properties were adequately serviced by local emergency, community service, and infrastructure providers. The same level of business operations and local service needs would be anticipated in the future under this alternative.

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

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prior to the Nation’s land-into-trust application; however, as previously stated, the Nation intends to fully explore such agreements.

**F. MITIGATION**

No significant adverse impacts were identified as a consequence of either Alternative 1, the Proposed Action (Preferred Alternative), or Alternative 3. Therefore, it is concluded that neither the Proposed Action nor Alternative 3 would result in any significant adverse impacts needing mitigation of any form.

While there will be no significant adverse impacts resulting from the Proposed Action and Alternative 3, these alternatives would result in all or certain parcels of the Nation’s land being transferred to the federal government as trust properties. As a result, local, county and school district taxes would no longer be levied on these properties. As shown on Table 1 below, with the exception of the Town of Springport (2.61 percent), the Nation’s property taxes constitute less than 1 percent of the tax revenues for the affected jurisdictions, and therefore no significant adverse impact is anticipated.

**Table 1**  
**The Nation’s Property Tax Payments as Percentage of Total County/Municipal Property Tax Collections**

	<b>Town of Springport (includes the Village of Union Springs)</b>	<b>Town of Seneca Falls<sup>1</sup></b>
<b>County</b>		
Total Property Taxes Collected	\$29,565,821	\$8,827,518
The Nation’s Property Tax	\$16,784.24	\$3,740.12
<b>Nation’s Percent of Total</b>	<b>0.05677%</b>	<b>0.0423%</b>
<b>Town/Village</b>		
Total Property Taxes Collected	\$313,173	\$90,625
The Nation’s Property Tax	\$8,173.42 <sup>2, 3</sup>	\$377.54 <sup>2</sup>
<b>Nation’s Percent of Total</b>	<b>2.60987%</b>	<b>0.4165%</b>
<b>School (including Library)</b>		
Total Property Taxes Collected	\$6,767,703	\$9,301,887
Total Nation Property Tax	\$36,222.16	\$13,978.76
<b>Nation’s Percent of Total</b>	<b>0.53522%</b>	<b>0.15028%</b>
<b>Notes:</b>	<sup>1</sup> Figures for Town of Seneca Falls provided by Seneca County in “Supplemental Seneca County Volume,” letter from Joseph D. Picciotti, Harris Beach PLLC. See Appendix J of the DEIS. <sup>2</sup> Town/Village figures for the Town of Springport and Town of Seneca Falls were provided per Note #1, above. The provider stated that the Town of Springport figure does not include tax amounts for college chargeback, fire districts, water districts or sewer districts. <sup>3</sup> Includes Town of Springport taxes and Village of Union Springs taxes.	
<b>Sources:</b>	<a href="http://www.orps.state.ny.us">http://www.orps.state.ny.us</a> Accessed June 14, 2006. Town of Springport Fiscal Budget General Fund—Townwide for 2006 “Estimated Revenues.” <a href="http://www.uscsd.info/departments.cfm?sublevel=8869&amp;subpage=25&amp;subsubpage=576">http://www.uscsd.info/departments.cfm?sublevel=8869&amp;subpage=25&amp;subsubpage=576</a> . Accessed June 14, 2006. Village of Union Springs Fiscal Budget General Fund for 2005-2006 “Estimated Revenues.” <a href="http://www.emsc.nysed.gov/mgtserv/2005_property_tax.htm">http://www.emsc.nysed.gov/mgtserv/2005_property_tax.htm</a> . Accessed June 14, 2006.	