

This Chapter discusses the potential impacts that the Proposed Action and the alternatives may have on cultural resources.

A. ALTERNATIVE 1: PROPOSED ACTION

The Proposed Action involves placing the Nation's property into trust and reopening the temporarily closed LakeSide gaming facilities at the Nation's Seneca Falls and Union Springs properties. This action will not have an impact on locally significant historical or archeological sites due to the proximity of the Nation's properties to sites of known or potential historic significance, and due to the low potential of most of the Nation's properties to yield archeologically significant artifacts. A letter was sent to the New York State Historic Preservation Officer on October 14, 2005 (see Appendix C of the DEIS) to confirm that no historic properties would be affected by the Proposed Action. The fee-to-trust property transfer is an undertaking as defined in Section 301 of the National Historic Preservation Act. On October 17, 2005, the New York State Historic Preservation Officer in Albany, NY, acknowledged receipt of the fee-to-trust notification package submitted by the Bureau of Indian Affairs (BIA) for environmental review and compliance. The package documented the BIA's finding that no historic properties would be affected.

The BIA also submitted a copy of the fee-to-trust notification package to the Deputy State Historic Preservation Office in Peebles Island, NY, by fax on October 19, 2006. The BIA has not received comments from the offices of the SHPO or the Deputy SHPO concerning the proposed fee-to-trust property transfer. According to 36 CFR §800.4(d)(1)(i), "if the SHPO/DHPO, or the Advisory Council on Historic Preservation if it has entered the section 106 process, does not object within 30 days of receipt of an adequately documented finding, the agency official's responsibilities under Section 106 are fulfilled." While the absence of a response from SHPO cannot establish or disestablish the cultural significance of the properties, the proposed action does not include any physical changes to the subject parcels.

Therefore, no significant impact on existing historical or cultural resources on or in the vicinity of any of the properties is expected. Furthermore, if any development of the Nation's property were to be proposed in the future, the Nation would comply with all Federal laws regarding cultural and historic resource protection and preservation, including but not limited to the National Historic Preservation Act of 1966 (Public Law 89-665, as amended).

B. ALTERNATIVE 2: NO ACTION

As with Alternative 1, no changes would occur and the properties would not be placed into trust. Under this alternative, the Nation would continue use of its properties for the multiple purposes in operation at the time of the fee-to-trust application, including, gas stations and convenience stores, a car wash, and gaming facilities. Under this alternative, the Nation may elect to return the subject properties to the environmental baseline conditions by reopening its temporarily

closed gaming facilities, in which case, no changes from the environmental baseline would occur. No changes are expected to archeological or historically significant sites that are listed on other properties that would be considered within close proximity to the site. The likelihood for archaeological artifacts on each of the properties is the same as discussed under Alternative 1. Similarly, no changes are proposed to any of the properties and therefore no significant impact on existing cultural resources on or in the vicinity of any of the properties is expected.

C. ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

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 Nation may elect to return the subject properties to the environmental baseline conditions by reopening its temporarily closed gaming facilities, in which case, no changes from the environmental baseline would occur. This alternative will not have an impact on locally significant historical or archeological sites, because of the distance of these sites to other known sites, and the low potential of the Nation's properties to yield archeologically significant artifacts. A letter was sent to the New York State Historic Preservation Officer on October 14, 2005 (see Appendix C of the DEIS) to confirm that no historic properties would be affected by the Proposed Action. No response was received. No changes are proposed to any of the properties, and if any development were to be proposed in the future, the Nation would comply with all Federal laws regarding cultural and historic resource protection and preservation. Therefore, no significant impact on existing historical or cultural resources on or in the vicinity of any of the properties is expected.

D. CUMULATIVE IMPACTS

No cumulative impacts on cultural resources are anticipated for the proposed action under any of the analyzed alternatives. No other currently active proposals are similar to the proposal in either county. Tribal fee-to-trust applications in other New York counties are also not anticipated to produce statewide cumulative impacts, since any cultural resource impacts from other proposals, if any, would be localized. Implementation of the Nation's proposal would return both Counties' conditions to those of the environmental baseline date of the Nation's application, which included the gaming operation. With no impacts on cultural resources resulting from the proposal, and no other proposals impacting the same resources, no cumulative impacts are anticipated.