

Supplemental Seneca County Volume:
Corrected Pages for the Pre-publication DEIS
dated February 2009

Please be advised that the enclosed contains changes to specific errors and omissions found in the text, tables and graphs of the Pre-publication DEIS. The form of the changes enclosed include track changes, as well as marginal notes and inserts including new graphs and new text as appropriate.

Chapter 1:

Purpose and Need

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A. INTRODUCTION

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± acres¹ of land owned by the Nation (the "Proposed Action").

The property proposed for fee-to-trust transfer is 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. Figure 1-1, "Regional Location," indicates the general location of the subject properties in the region, and Figure 1-2, "Property Location," indicates the location of these properties.

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.

B. BACKGROUND AND HISTORY

To understand and appreciate the nature of the application for this land in trust transfer, it is both necessary and important to set forth in some detail the factual background of the relationship between the Cayuga Indian Nation and the land in question.

At the time of the arrival of Europeans, the Cayugas were one of six nations of the Iroquois Confederacy which commanded a presence over a large part of the present-day New York State, extending north into Canada and south into Pennsylvania. In the Fifteenth and Sixteenth Centuries the Confederacy had driven Algonquin Indians and other tribes out of this territory and into Canada and New England. The Iroquois Confederacy was a powerful alliance which warred with other tribes in that area and which occupied much of present day New York State with claims to the large territories in the Midwestern states.

The Cayugas occupied an area in Central New York which had originally been occupied by a people known as the Lamokas. By the time of the American Revolution the Cayugas occupied several towns and villages, centered around present day Cayuga Lake in central New York. This largely boundaryless territory incorporated in excess of 3 million acres of land.

The Cayugas and their successors' claims to the land in question are governed by the international legal doctrine of discovery as well as by New York and American jurisprudence. Under the doctrine of discovery, the discovering European nations held fee title to lands in the Americas subject to the native inhabitants' aboriginal title. Aboriginal title is an Indian tribe's possessory right to land that it has actually and exclusively used and occupied "from time immemorial". (In this case dating to the Fifteenth and Sixteenth Century) The underlying fee title of the sovereign is known as the "preemption right". The sovereign also held the exclusive right to extinguish aboriginal title, which was known as the

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"right of extinguishment". Prior to 1777, Great Britain held fee title interest to all of the Cayuga lands as well as the right of preemption and the right of extinguishment. In 1777, New York State became sovereign over the lands within its boundaries and acquired all of the property rights previously held by Great Britain.

During the American Revolution the Iroquois confederacy split over which side to support. The Cayugas were among those nations that were loyal to the British. Cayuga warriors fought alongside British troops and attacked non-combatant settlers in Western New York and on the American frontier.

In 1778 New York Governor George Clinton asked General George Washington for military assistance to secure the New York frontier. Washington, in response, dispatched U.S. Major-General John Sullivan, whose forces advanced upon the Cayugas' homeland surrounding the northern part of Cayuga Lake, destroying their homes and crops. This military action forever changed the demographics of the region. The Cayugas and some of the other Iroquois tribes, retreated to the vicinity of Fort Niagara, a British stronghold near the shores of Lake Ontario where they remained under British protection until after the war. The Cayugas never again existed as a unified nation or tribe. Moreover, except for a brief period when a few families returned to Central New York, the Cayugas never returned to their homeland in the Finger Lakes.

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Shortly after the war, on September 5, 1784, Governor Clinton met with representatives of the six Nations at Fort Stanwix in present day Rome, New York. In the ensuing treaty, Clinton reestablished peace and friendship with the six Nations. Just six weeks later on October 22, 1784 the United States also entered into a treaty at Fort Stanwix with those Nations of the Iroquois confederacy that had sided with the British. This treaty granted peace with the Indian Nations, but in return extinguished Indian title to millions of acres of Iroquois lands without paying compensation. Most of these lands had been acquired by the United States from Great Britain through the Treaty of Paris and were located in Northwest Territory.

During the same year a large number of Iroquois, including many individual Cayugas, moved to a 765,000 acre reservation on Lake Ontario in Canada. Those Cayugas who remained in the United States resided with other Iroquois near Buffalo Creek in the western part of New York. It was at this time that the Cayuga Tribe as a single Nation was splintered into various factions and remnants. A chief named Fish Carrier was the leader of the Cayugas at Buffalo Creek.

Later in the 1780s several families of Cayugas lead by an individual named Steel Trap, returned, for a short period to the sites of the villages that Cayugas had formerly inhabited near Cayuga Lake. This group has been referred to as the Cayuga Lake faction. The vast majority of the Cayugas had already resettled largely under British protection. Moreover, the Iroquois residing at Buffalo Creek, did not intend to return to their aboriginal homeland. Rather, they made several attempts to sell their former homeland to private parties. For example, on November 30, 1787, Fish Carrier's faction attempted to sell, in the form of a 999 year lease, virtually all of their aboriginal lands to a private company lead by John Livingston. In return, Livingston agreed to pay an annuity of \$2,000.00. That lease was invalidated by the New York legislature because it effectively violated New York's

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preemption right and Article 37 of the New York Constitution. To stop these attempted sales, on March 18, 1788, the New York Legislature passed a statute that expressly prohibited leases of Indian lands to private parties.

Nevertheless, Fish Carrier and other members of the Cayugas at Buffalo Creek continued to try to shed their interest in the land and signed another instrument with the Livingston group agreeing to a very similar lease. The Legislature, again, however failed to ratify it.

To remedy this problem in early 1789 the State invited the Cayugas to attend a treaty to purchase their aboriginal lands. Contemporaneous documents confirm that the the State was concerned that the Cayugas would continue their efforts to sell lands to private parties and that those private parties would make settlements in defiance of the State's authority.

On February 25, 1789, the Cayugas entered into a treaty with New York state in which the Nation ceded all of the Cayugas' aboriginal lands -- approximately 1,600 square miles or 3 million acres -- "to the people of the State of New York forever". The State then set aside 64,000 acres or 100 square miles of the ceded lands for the Cayuga Lake faction's further "use and cultivation but not to be sold, leased, or in any other manner aliened or disposed of to others." This state reservation was the parcel that was later referenced at the Treaty of Canandaigua upon which the present day Cayuga Indian Nation and the Department of Interior so heavily rely. Additionally, the 1789 treaty with New York also provided for "\$500.00 in sovereign" to be paid on June 1, 1789 for the Cayugas, an additional \$1,625.00 to be paid on June 1, 1790 and a cash annuity of \$500.00 to be paid every year thereafter.

Although the entire Cayuga leadership was invited to join the 1789 treaty, only Steel Trap and his followers from the Cayuga Lake faction attended. Governor Clinton elected to enter into a treaty with the Cayuga Lake faction, because its leader assured him that his group had authority to act on behalf of the entire nation.

However, when the 1789 treaty was presented to the much larger Buffalo Creek faction, it objected. Joseph Brandt, a well-known Iroquois leader of mixed lineage speaking on behalf of this band of Iroquois sent the Governor a letter requesting that the State "not make any further Settlements or Surveys on the Lands until the money is paid to us agreeable to the sales we made at Buffalo Creek last summer [with the Livingston lessees]." The letter continued:

It is not that we have any Objections to you having the Lands; it is equal to us who has it, as we have sold it in public Counsel...; but we expect to be paid the money then agreed for with Dr. Benton [one of the principal Livingston lessees], and to have the Distribution of it ourselves and not that a few individuals shall run away with the whole, to the Prejudice of all Five Nations...

Among other things, the Buffalo Creek faction and the other Iroquois with whom they were now aligned, complained that the parcel set aside for the Cayuga Lake faction's use could not be sold. To resolve this situation, Clinton met with the larger Buffalo Creek faction ten months later. He assured Fish Carrier that he had not intended to depart from the tribes' ancient customs by dealing only with Steel Trap's Cayuga Lake faction. Fish Carrier attempted to dispose of the reservation that had been created for the Cayuga Lake faction

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under the 1789 treaty stating that the Buffalo Creek majority "do[es] not consider the Reserv[ation] as our own. This is the purport of our Agreement at a full council at Buffalo Creek [with the Livingston lessees]..." Clinton however declined the invitation to receive this land back stating:

We have no Right, nor are we disposed to interfere, if some of you choose to reside in one place and others in another; but while any of you wish to continue at your ancient Place of Residence, we cannot consistent with Justice dispose of any of the lands comprised in the Reservation... We came not here to violate Agreements but to confirm them..."

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Emphasis added.

On June 22, 1790, Fish Carrier and the other Cayuga representatives of the Buffalo Creek group acceded to the Governor's proposal and executed an instrument that ratified and confirmed the previous treaty of February 25, 1789. In exchange, the Buffalo Creek faction received an additional \$1,000.00.

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The following month on July 22, 1790, Congress passed the first Indian Trade and Intercourse Act providing that no sales of lands to Indians will be valid unless such sales were made and duly executed at some public treaty held under the authority of the United States. In December of 1790, President Washington delivered a speech in Philadelphia to the Senecas and other members of the six nations in which he referred to the United States Indian Commissioner Pickering's explanation of how the statute would protect their interests in their lands. Washington also pointed out that the six nations had legal remedies in federal court if private land speculators took advantage of them. The Cayugas were thus aware of the Non-Intercourse Act.

In 1791, Secretary of War, Henry Knox, sent Pickering to meet at a treaty session in Newton Point with the chiefs of the six nations to secure their neutrality in the United States' dispute with certain Indians in the Ohio Valley. During that session, the Cayugas raised with Pickering their desire to lease or sell the state reservation at Cayuga Lake.

At the conclusion of the treaty, the Cayugas executed a twenty-year lease for all but one square mile of the Cayuga Lake parcel to John Richardson, who had settled on the reservation with the consent of the Cayuga Lake faction, in exchange for annual payment of \$500 in cash and cattle. Pickering purported to ratify this transaction "in behalf of the United States."

New York officials, however, objected to the Richardson lease and Knox, on behalf of President Washington, rescinded it on August 17, 1791. Knox reiterated that the state's interest in the lands that it reserved to the Cayugas was "unquestioned" and encompassed "all possible alienations" of Indian lands.

Fish Carrier was very upset at the United States' rescission of the Richardson lease. Several months later, Knox asked Clinton to "do everything in your power to accord to the reasonable desires of Fish Carrier and his people . . ." to accomplish this New York would need to purchase back the remaining reservation at Cayuga Lake. Although both the larger Buffalo Creek faction and the Cayuga Lake faction (which had largely left the area by this time) had attempted to sell the reservation to the state in 1793 and 1794, no treaty was then entered into.

On November 11, 1794, the United States (through Pickering) and the Cayugas, among other tribes, entered into a treaty at Canandaigua. In Article 2 of that treaty, the United States acknowledged the lands reserved to the Cayuga Nation in its 1789 treaty with the State of New York "to be their property" and that such lands "shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase." The United States itself has recognized that the reference to the "people of the United States" was not to the federal government, but to the state or its designees. Thus, this language was an express acknowledgment that the state had the right to purchase the Cayuga's interest in the land.

During the treaty negotiations at Canandaigua, the Cayugas called upon Pickering to assist them in selling the Cayuga Lake parcel to the "York people." Fish Carrier complained that "we reap no benefit from it, not even to the value of a penny. We want to dispose of it, so that our women and children may reap some benefit from it." Fish Carrier also expressed frustration with Clinton's commitment to preserving the reservation for the smaller remnant of the Cayuga Lake faction: "the York people [have] not com[e] forward to bargain for our land according to our request . . . [W]e desire by all means that our request may be complied with by the York people." Pickering responded by helping Fish Carrier draft a petition requesting that New York treat with him. At the direction of President Washington, Pickering later transmitted the speech Fish Carrier made at the treaty session to Governor Clinton.

In response to the efforts of the Buffalo Creek faction and the other Iroquois to sell the Cayuga Lake parcel to New York, the state appointed commissioners to negotiate the purchase of the lands reserved to the Cayugas in the 1789 treaty. The legislature expressly acted to allay controversy over the title to lands that the tribes had attempted to lease to private parties and to allow the remnants of the Cayugas in Western New York a means of income.

After several days of negotiation and counterproposals, the parties reached an agreement on July 27, 1795. Sixteen representatives signed for the Cayugas and Schuyler and three other treaty commissioners signed for New York. The 1795 treaty was also witnessed and signed by two federal Indian agents. Under the terms of the 1795 treaty, the Cayugas sold to the state their interest in 60.815 acres of the lands reserved to them in the 1789 treaty, and in return received a payment of \$1.800 and a perpetual annuity of \$1.800 to be paid to the United States Indian Agent at Canandaigua. The Cayugas also reserved a tract of land two miles square for the remaining Cayuga Lake faction, one square mile surrounding a purported silver mine, and another square mile of land on the west side of the Lake for Fish Carrier and his progeny. The United States government was aware of the treaty but specifically decided not in any way to intervene.

Between 1795 and 1800, the remaining faction at Cayuga Lake moved to Buffalo Creek abandoning any of the lands that had been reserved in the 1795 treaty. In 1799, the federal Indian Agent asked Governor John Jay of New York on behalf of the Cayugas whether the state would purchase the remaining Cayuga Lake land (consisting of the two parcels and the "silver mine") since it was no longer occupied by any Cayugas. On February 16, 1801, at the direction of President Adams, acting Secretary of War Dexter stated that the sale of the Cayugas remaining reservation lands could go forward if the Cayugas could find a suitable person to attend the negotiation of the transaction. Finally, on February 26, 1807, New York Governor Morgan Lewis signed an agreement in principle with two Cayugas who were accompanied by a federal Indian Agent of the United States. On May 30, 1807, the Cayugas

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signed the treaty in Albany approving the transfer of the remaining 3,200 acres to New York for \$4,800 which payment was transmitted to the Cayugas through the federal Indian Agent. This terminated any remaining interest by the Cayugas in reservation land.

In the two centuries that have passed since the last Cayuga left this area, New York has paid and the Cayugas have accepted the annuities called for under these various treaties. Prior to 1790, many of the Cayugas in Western New York permanently migrated, some settling in Sandusky, Ohio and then moving to Indian territory in Oklahoma. (This band in mingling with Senecas has become the Seneca Cayuga Tribe of Oklahoma.) By 1789, there were only 349 Cayugas at Buffalo Creek. From 1790 to 1795, the vast majority of these remaining Cayugas left to move to Canada or to the western frontier. A British census conducted in 1795 confirmed that the majority of the Cayuga tribe were then residing at Grand River, at the north of Lake Erie in Canada. This faction became the Cayuga band of Canada.

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Throughout the 1800s and 1900s the majority of Cayuga have lived in Canada, Ohio and Oklahoma. The remaining small remnant in New York resided with the Senecas on their reservation in Western New York. That remnant living with the Seneca's which was never a "tribe" as defined under the case law, has become the Cayuga Indian Nation of New York and purchased the land in question in 2003. Between 1807 and 1980 when the Cayuga Indian Nation brought a lawsuit seeking the return of the Cayuga Lake factions reservation based on an alleged violation of the Non Intercourse Act, the Cayugas at no point showed interest in this land other than to seek additional compensation for it. (The lawsuit was eventually dismissed in 2005 which prompted this application.)

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In 1832, following the Indian Removal Act of 1830, The Cayugas living at the Reservation near Sandusky, Ohio were moved by the United States government to a reservation in Northeastern Oklahoma. Those remaining in New York including the remaining 130 Cayugas who lived with the Senecas signed the Treaty of Buffalo Creek with the U.S. providing for their removal to Indian territory in Kansas.

After the War of 1812, the Canadian band no longer received any portion of the annuity from New York State. In 1910 they made a claim through Great Britain at an International Arbitration Tribunal and ultimately in 1926 were awarded \$100,000 to be paid by the US government. The remnant of the Cayugas in New York still living on the Seneca reservation also sought additional compensation from New York State beginning in 1906. Eventually in 1958 the State passed a law authorizing the creation of a fund of \$433,447.66 for the Cayugas' benefit with annual interest payments of \$21,673.00. Since 1958, Cayugas living in New York have received the interest payments together with the \$2,300.00 annuities under the Treaties. In addition the Cayugas in Oklahoma brought a claim against the United States for inadequate consideration before the Indian Claims Commission. That claim was eventually settled after a trial in 1970 for \$70,000,000.

The present Cayuga Nation of New York has its headquarters in North Collins, New York. Until the prospect of Class II gaming facility sales and tax free cigarette sales arose in 2003, members of the Cayuga Nation never expressed any interest in returning to the Cayuga Lake region and it is not now possible to determine their lineage. The Cayuga Indian Nation now claims that it intends to re-establish tribal presence in their homeland around Cayuga Lake, which they claim holds for them cultural and religious significance. However, this land has

been out of their possession for more than 200 years and at no point until twenty-first century did the Cayugas ever consider returning to this land for any reason other than to establish commercial enterprises with significant economic advantages that accompany Native American or pseudo Native American sales.

The transferring to federal trust of the Nation's Cayuga and Seneca County properties may provide cultural resource protections and enable the Nation to govern their lands as a sovereign Indian Nation. More significant however, is the reality that such a transfer would provide huge economic advantages to their businesses to the detriment of any competitors within the area. Moreover this transfer would take place on land the tribe permanently and intentionally abandoned more than 200 years ago. The transfer of land into federal trust under 25 U.S.C. § 465 and 25 C.F.R. § 151 is in certain circumstances (typically involving Western Tribes whose lands vanished in the late 1800s as a result of the US Government's allotment policy) an appropriate and accepted means of furthering the federal government's policy to support and protect federally recognized Indian Nations. There can be no serious dispute, however, that the purpose of the Cayuga Nation here is to further its economic interests which unfortunately would have an extreme impact on surrounding businesses. In essence the use of the federal land to trust transfer procedure would change the status of the land for the sole purpose of promoting business interests that terminated when the federal Cayuga land claim was dismissed after 25 years of litigation.

It is also important to understand the original purpose and background to the trust application process. In undertaking such a review, it is clear that the land at issue cannot be placed in trust under current law. The legislation enacting the land to trust transfer process, The Indian Reorganization Act ("IRA"), was enacted in 1934. At the time there was no Cayuga tribe. Individual Cayugas were displaced among Onondagas and Senecas. The members of what remained of the Confederacy strongly believed that the U.S. should deal exclusively with The Iroquois and not with individual tribes. In fact, The Cayugas were not even voting members of the Confederacy at that time. Moreover, the Iroquois overwhelmingly disapproved of the IRA because they believed it was designed to benefit western not eastern tribes. At the Congressional hearings, it was specifically noted that the federal government "rarely intervened" in New York, and that the government was not interfering with the "trend toward increased [New York] state involvement in Indian affairs."

In this way the Iroquois tribes in general, and certainly the remnants of the Cayugas in particular were in the identical position as the Naragansett Indian Tribe in 1934. Recently the United States Supreme Court has held that because the Naragansett Tribe was not a recognized Indian Tribe under Federal jurisdiction in 1934, the Department of Interior did not have the authority to place its land into trust. The Court decision was based on its conclusion that the record established the tribe was not under federal jurisdiction when the IRA was enacted in 1934.

It cannot be seriously disputed that in 1934 the Cayuga Indian Nation of New York was neither a tribe as that term has been defined by the courts, nor was it under federal jurisdiction. Accordingly, the Department of Interior has no right to place the land at issue into trust. *Carciori v. Salazar*, 555 U.S. (February 24, 2009).

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Cayuga Indian Nation Trust Application DEIS

There are no other Indian claimants to the land which is the subject of the applications. One tribe, the Seneca-Cayuga Tribe of Oklahoma, an out-of-state tribe with a home base and casino operation in Oklahoma, had submitted an application to the BIA to have 229 acres of land taken into trust which is within the Nation's treated reservation, but does not include the land which is the subject of the application. The Seneca-Cayuga's application was denied by the BIA on January 10, 2008.

On March 22, 2006, the BIA provided the Seneca-Cayuga Tribal Historic Preservation Officer with a formal consultation letter in respect to the Nation's fee-to-trust application. No response has been received from the Seneca-Cayuga Tribe.

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C. PURPOSE AND NEED

In 2003, a four-year plan was created by the Nation to lay out a guideline for the development of Nation businesses (known as the Nation's Enterprises) on the Nation's ancestral lands in Seneca and Cayuga Counties. The goal of this guideline was to utilize Enterprise profits to fund expansion and growth and to begin passing on revenues from the Enterprises to the Nation's membership. The Nation's plan included the purchase and operation of convenience stores/gas stations in Union Springs and Seneca Falls on the open market, as well as the creation and operation of two Class II gaming facilities.

Through its business arm, LakeSide Enterprises, the Nation now operates two convenience stores/gas stations, LakeSide Trading #1 in Union Springs, New York and LakeSide Trading #2 in Seneca Falls, New York. Both of these convenience stores sell cigarettes and other tobacco products to Indians and non-Indians.

On or about November 12, 2003, the Nation adopted a Resolution authorizing and adopting a Class II Gaming Ordinance. The Ordinance authorized Class II gaming on Indian land pursuant to regulations promulgated by the National Indian Gaming Commission ("NIGC") and in accordance with the provisions of the Indian Gaming Regulatory Act ("IGRA"). Shortly thereafter, the Nation opened its two Class II gaming facilities in Union Springs and Seneca Falls, known as LakeSide Entertainment 1 and 2. At that time, the gaming facilities, gas stations, car wash, and cigarette sales comprised the Nation's primary revenue sources. Operations at these gaming facilities were temporarily suspended in September and October of 2005 due to threats of litigation from local governments. Upon suspending the gaming operations, the Nation was left to depend on revenues from its car wash, and gas and cigarette sales to fund all tribal programs and activities.

As the Nation has publicly stated, the Nation intends to re-open these gaming facilities upon the fee-to-trust transfer, as the revenues from the Enterprises are critical to the Nation's plan to establish economic self-sufficiency as well as its desire to maintain a strong tribal government, both of which are among the goals of IGRA. The reestablishment of gaming facilities as a revenue source is critical to the Nation's fiscal and cultural well-being.

The Proposed Action, then, is the fee-to-trust transfer of the Nation's approximately 125± acres of land, including its Enterprise operations. The Nation wishes to continue use of its properties for multiple purposes, involving the continuation of previous and existing uses. Existing and

COUNTY HISTORIAN

1. In general, this DEIS does not acknowledge that the Iroquois Indian tribes were **not** the original human inhabitants of this area. I point out some specific places in the DEIS where this omission is obvious:

- Page 1-1 – First sentence in B. Background Information
This sentence begins by simply saying “Prior to the arrival of Europeans, the Nation commanded a major presence....”
The Lamoka culture (people) was flourishing in this Finger Lakes area long before the Iroquois culture. Within the areas of present Cayuga and Seneca Counties, the Lamoka made extensive use of Frontenac Island, which is located in Cayuga Lake.

Former Seneca County Historian Betty Auten wrote an extensive article title “The Original Inhabitants of Seneca County” in which she tells of these people of the Lamoka culture.

I would point out that on page 3.7-6 the comment is made “There are no known archeological sites on any of the Nation’s properties.” While this may be true, once again I am concerned about the omission of acknowledging that there may well be some archeological sites of the Lamoka culture in areas near to the parcels currently owned by the Cayugas. Reference to the Betty Auten article mentioned above would give the reader some basic insight into this.

Even if we “discount” the Lamoka culture, because of its happening so long ago, it is still a fact that there were other Indian tribes in the Finger Lakes region prior to the Iroquois. The Iroquois are not the original human inhabitants of this area.

- Page 3.7-1 – First sentence in B. Affected Environment
This sentence begins by simply saying “The general area was the ancestral homelands of the Nation....” While that may be accurate, once again there is the misleading omission.
- I would have to continue going through the entire DEIS to identify specifically other instances of this same kind of omission.

2. With reference to the discussion of State and National Register Listings that begins on page 3.7-2 of the DEIS, I believe that the DEIS does not acknowledge that there are some new additions to the National Register that are relatively close in location to the parcels of the lands-into-trust application.

These are especially the Ferry Farm cobblestone house next to the Red Jacket Fire House on Lower Lake Road in Seneca Falls, and the farmhouse of the Cobblestone

Winery (the former Souhan property) on Route 89 in the town of Varick. I believe that both of these structures, as well as some other cobblestone structures in Seneca County, are now listed on the National Register or in the process of being added. I say it this way because these structures have "cleared" the New York State level of review which is preliminary to the placement on the National Register.

A major point here is that the Ferry Farm cobblestone (next to the Red Jacket Fire House) has been placed on the National Register. This was done as part of the special study "Discovering the Underground Railroad, Abolitionism and African American Life in Seneca County, New York 1820-1880," done through the Seneca County Historian's Office in 2005-2006. This study was funded by a Preserve New York grant from the Preservation League of New York State and the New York State Council on the Arts. This Ferry Farm cobblestone house is very close in location to the parcels in the town of Seneca Falls that are part of the DEIS focus.

There is some reference to this Ferry Farm as a "Potential Historic Resource" on page 3.7-5. This information is clearly out-of-date regarding State and National Register status.

The Troop E Station in Waterloo provides police services and coverage for the Town of Seneca Falls. Table 3.10-1 shows the emergency calls for service from 2001 to 2006 that have been made to the Nation's LakeSide Trading and Entertainment properties in the Town of Seneca Falls.

FIRE

Seneca Falls Fire Department

Seneca Falls Fire Department, located in the Village of Seneca Falls, operates out of one station, protecting approximately 7000-8000 people living in a primarily residential area of 38 square miles. It is a municipal fire department governed by the Village of Seneca Falls. The services provided by the department include firefighting, hazardous material response, BLS Emergency Medical Service, Vehicle Rescue, and Search and Rescue.

The department averages 700 calls per year total, 400 are emergency medical service calls per year. The department has the capacity to maintain 30 personnel but only 28 of those positions are currently filled. The Department currently has five EMTs and one is a first responder.

Equipment includes two pumper trucks, one ladder truck, and one fly car. One of the pumper trucks is a 2003 model and needs to be replaced and the other is 2008. The ladder truck is a 1998, and the fly car is a 2004 in good condition.

Red Jacket Fire Department

The Red Jacket Fire Department is located at 2528 Lower Lake Road in the Town of Seneca Falls. The Department protects approximately 5000 people living in a 22 square mile area extending from the north end of Cayuga Lake south to the Seneca Falls town line. In addition to serving residences and some small businesses, the New York Chiropractic College, Gould's Pumps Water Systems, and the Seneca Falls Country Club are also served by the Red Jacket Fire Department. It answers mutual aid calls to surrounding departments when requested.

The facilities at the Red Jacket Fire Department include offices, a truck bay, a full-size kitchen, and a meeting room capable of holding 140 people. Across the street from the main facility is a boat house for water rescue gear, ice rescue gear, hovercraft, and boat. The Red Jacket Fire Department is one of two fire departments in Seneca County that offers ice and water rescue.

In 2008 the Red Jacket Fire Department answered 348 calls: 112 fire/water rescue calls and 236 emergency medical calls. There are 34 active members, 14 emergency technicians, and 5 trained scuba divers. Equipment includes a 2004 Pierce Rescue Pumper, a 2003 Chevy Suburban for EMS calls, a 1994 E-One Engine, a 1999 24-foot boat for water rescues on Cayuga Lake, a 1989 SCAT Hovercraft for ice rescues, and a 2005 Polaris Ranger for off-road emergencies. The information about this fire department was obtained from the Red Jacket Fire Chief.

AMBULANCE

North Seneca Ambulance ("NSA") operates out of Waterloo, New York (1645 North Rd)

The ambulance barn, training facility, office space, and living quarters are all located at this base. Currently, NSA has 60 active

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members and half are trained emergency medical technicians. Crews are on duty in six-hour shifts and there is a crew always on duty.

The Seneca County 911 Center dispatches 2900 calls per year for North Seneca. All calls go to the Seneca County 911 Center. Most patients are transported to Geneva General Hospital, Auburn Memorial, Clifton Springs, and Newark-Wayne Community Hospitals.

NSA uses four Braun Ambulances which are regularly expected by the state to comply with Part 800 of the Department of Health Code. The ambulances carry more equipment than required by law including multiple backboards and splints, bandages, oxygen, and specialized equipment for moving patients from difficult locations. There is a heart defibrillation unit on each ambulance which can monitor or shock a patient's heart as needed. Each ambulance also carries IV solutions and a drug kit for advanced life support.

NSA does not receive government funding and raises most of its revenue through third-party billing for services supplemented by membership dues. South Seneca Ambulance Corps and the Finger Lakes Ambulance Service and the Clyde Fire Department Ambulance provide back-up for NSA.

CAYUGA COUNTY

CA YUGA COUNTY EMERGENCY MANAGEMENT OFFICE

The mission of the Cayuga County Emergency Management Office is to provide for life safety, property and environment protection from all natural and manmade hazards that may occur within Cayuga County through a comprehensive and integrated emergency management planning and execution system approach.¹ It provides Emergency Medical, CPR, and Fire training for all county first responders. The office is also coordinates preparedness, mitigation, response, and recovery of all agencies and personnel for any potential or actual disaster that threatens life, property, and/or the environment in Cayuga County. It assists individuals, municipalities, and businesses during the emergency and through the recovery operation process. These disasters include flood, drought, hurricane, tornado, winter storm, ice storm, hazardous material or radiological release, airplane crash, train derailment, dam failure, long term power failure, mass casualty incidents, or act of domestic terrorism.

The Office of Emergency Services provides resource information and interacts with Fire, Emergency Medical, Law Enforcement, the American Red Cross, the New York State Health Department, the County Health Department, the Planning Department, and the New York State Weapons of Mass Destruction Taskforce. It also coordinates between the local and state/federal government in matters related to Federal grant or loan monies.

Locally, the office works with the Cayuga County Chapter of the American Red Cross, the Salvation Army, the New York State Health Department, schools, nursing homes, residential centers (adult care and day care), county government, the County Health Department, the County Planning Department, towns, villages, the City of Auburn, and the Local Emergency Planning Committee, in planning and preparedness for potential natural or manmade disasters.²

<http://co.cayuga.ny.us/ccemo/index.html>. Accessed December 4, 2006

<http://www.house.gov/science/hearings/full04/jun21/dinonno.pdf>. Accessed December 4, 2006

Deleted: Only about 25 percent of calls are directly to the NSA dispatcher since most calls are transferred from the Seneca County Sheriff's Department dispatch center. NSA handles about 2,000 calls per year.

Field Code Changed

Field Code Changed

Insert this information into each chart which depicts property tax, levy and special district ramifications for the Nation's Seneca properties being taken into trust, including replacing tables found in the Executive Summary and in Chapters 3 and 4

Nations Property Payments and Percentage of Total County/Municipality/Special
Districts

Town of Seneca Falls	
Bridgeport Fire	130,250
Total Levy	
Nations Bridgeport Fire	1,044.01
Taxes Paid	
Nations Percentage of	
Bridgeport Fire Paid	.008015%

Town of Seneca Falls	
Bridgeport Sewer	227,870
Total Levy	
Nations Bridgeport Sewer	2,053.38
Taxes Paid	
Nations Percentage of	
Bridgeport Sewer Paid	.009011

Seneca County Solid Waste	306,190
Total Levy	
Nations Solid Waste	60.00
Taxes Paid	
Nations Percentage of	.000195
Solid Waste Levy	

SENECA COUNTY REAL PROPERTY OFFICE

TABLE 1 PAGE 10

THE NATION'S PROPERTY TAX PAYMENTS AS A PERCENTAGE OF TOTAL
COUNTY/MUNICIPAL TAX COLLECTIONS

	TOWN OF SENECA FALLS (as stated)	TOWN OF SENECA FALLS (as corrected)
County		
Total Property Tax Collected	\$9,135,827	\$8,827,518
The Nation's Property Tax	\$5,974.50	\$3,740.12
Nation's Percent of Total	0.06540%	.0423%
Town/Village		
Total Property Taxes Collected	\$90,625	OK
The Nation's Property Tax	\$1,421.54	\$377.54
Nation's Percent of Total	1.56860%	.4165%
School		
Total Property Taxes Collected	\$9,226,887	\$9,301,887
Total Nation Property Tax	\$6,314.58	\$13,978.76
Nation's Percent of Total	0.06844%	.1502%

TABLE 4.8-1 PAGE 4.8-4

THE NATION'S PROPERTY TAX PAYMENTS AS A PERCENTAGE OF TOTAL
COUNTY/MUNICIPAL TAX COLLECTIONS

	TOWN OF SENECA FALLS (as stated)	TOWN OF SENECA FALLS (as corrected)
County		
Total Property Tax Collected	\$9,135,827	\$8,827,518
The Nation's Property Tax	\$5,974.50	\$3,740.12
Nation's Percent of Total	0.06540%	.0423%
Town/Village		
Total Property Taxes Collected	\$90,625	OK
The Nation's Property Tax	\$1,421.54	\$377.54
Nation's Percent of Total	1.56860%	.4165%
School		
Total Property Taxes Collected	\$9,226,887	\$9,301,887
Total Nation Property Tax	\$6,314.58	\$13,978.76
Nation's Percent of Total	0.06844%	.1502%

TABLE 4.8-7 PAGE 4.8-14

TOWN OF SENECA FALLS TAXES

	TOWN OF SENECA FALLS (as stated)	TOWN OF SENECA FALLS (as corrected)
Seneca County Taxes		
Total Property Tax Collected	\$9,135,827	\$8,827,518
The Nation's Property Tax	\$5,974.50	\$3,740.12
Nation's Percent of Total	0.07%	.04%
Town of Seneca Falls		
Total Property Taxes Collected	\$90,625	OK
The Nation's Property Tax	\$1,421.54	\$377.54
Nation's Percent of Total	1.57%	.42%
School Relevy		
Total Property Taxes Collected	\$9,226,887	\$9,301,887
Total Nation Property Tax	\$6,314.58	\$13,978.76
Nation's Percent of Total	0.07%	.15%

SENECA COUNTY SHERIFF'S DEPARTMENT

PAGE 3.10-1 Sec B

Seneca County Sheriff's Office

The Seneca County Sheriff's Office currently has one (1) Lieutenant, five (5) Sergeants, thirteen (13) Full Time Deputies and ten (10) Part Time Deputies. The Seneca County Sheriff's Office patrols 690.4 miles of roadways and 62 miles of waterways. The Sheriff's Office moved in 2007 to the Seneca County Law Enforcement Center at 6150 State Route 96, Romulus, NY 14541, about 12 miles south of our old location in the Village of Waterloo. Divisions for this office include Road Patrol, Civil, Corrections, Criminal Investigations and Records. The Sheriff's Office also has the following specialized units: Juvenile Aid Bureau, K(Un it, Narcotics, DARE and Accident Reconstruction. The Sheriff's Office no longer has oversight of the E-911 Dispatch Center which is located in the Seneca County Office Building, 1 DePronio Drive, Waterloo, NY 13165. The Dispatch Center is responsible for dispatching all agencies within Seneca County.

TOWN OF SENECA FALLS

The NYSP and the Seneca County Sheriff's Office provide police services to the Town of Seneca Falls.

Pg 3.10-2 Table 3.1-1 Update for 2007 and 2008 (If nature of call is not listed below then it was listed as (0) on original table.

	2007	2008
911 Hang Up	1	1
Alarm	1	1
Ambulance	1	1
Criminal Mischief	1	0
Disorderly Conduct	1	0
Harassment	1	0
Juvenile	1	1
Larceny	1	3
MV Accident	5	8
Robbery	0	1
Suspicious Person	1	0
Traffic Hazard	1	0
V & T	3	8
Misc	<u>3</u>	<u>8</u>
Totals	<u>21</u>	<u>31</u>