

STATE OF NEW YORK
SENECA AND CAYUGA COUNTY

In the Matter of,

Notice of Availability of the Draft
Environmental Impact Statement for the Proposed
Fee-to-Trust Conveyance of Property for the
Cayuga Indian Nation of New York in Cayuga and
Seneca Counties, New York

Public Hearing, held at the New
York Chiropractic College, Seneca Falls,
New York, on Wednesday, June 17, 2009,
before MARY AGNES DRURY, Court Reporter
and Notary Public in and for the State
of New York.

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1 MR. CHANDLER - OPENING STATEMENTS

2 MR. CHANDLER: I'm Kurt Chandler, I'm the
3 proctor for this meeting, here with James
4 Kardatzke, and we're here doing this hearing
5 this evening. We'll begin the meeting with
6 the Pledge of Allegiance. Will you please
7 stand and face the flag.

8 (Whereupon, the Pledge of Allegiance was
9 recited.)

10 MR. CHANDLER: Okay. The Pledge of
11 Allegiance began in 1892. It was actually
12 started as a part of the program in
13 celebration of Christopher Columbus coming to
14 America and finding that the lands were
15 already occupied. With the founding of the
16 United States of America, our constitution has
17 defined how we are to work with the original
18 nations that were already here occupying the
19 land, these first Americans, our
20 government-to-government foundation.

21 Tonight we'll exercise that right for
22 that relationship through this public hearing.
23 We are here to take public comments on the
24 application by the Cayuga Nation to take 125
25 acres of land into trust. The land Fee to

1 MR. CHANDLER - OPENING STATEMENTS

2 Trust Application is within their Reservation
3 first acknowledged by New York in 1788, and
4 written by the United States settlement in
5 1794, an agreed upon by President George
6 Washington, we still honor that treaty signed
7 by President Washington today.

8 Now, this order will be for tonight. We
9 opened the doors at 5 for you to sign up.
10 Anyone who has not signed up, we have sign up
11 and you can speak tonight. Once we begin the
12 public comment portion of the meeting, we'll
13 continue with a restroom break until everyone
14 who wants to speak has spoken.

15 The entire meeting is part of a public
16 record for the application and it's being
17 recorded. Everything spoken tonight will be
18 part of the public record. The Draft
19 Environmental Statement was issued for public
20 comment on May 22, 2009. And we will receive
21 comments until the last day; July 6th, 2009.

22 The purpose of the meeting tonight is to
23 receive public comments on all the DEIS
24 specifically, it is not to receive comments on
25 Indian land to make waves or taxes on gasoline

1 MR. CHANDLER - OPENING STATEMENTS

2 or cigarettes, it cannot be considered.

3 Please keep your comments on track and
4 specific to the DEIS, so we can approve the
5 document. Our hope tonight is to approve the
6 document by taking public comments.

7 The address spoken tonight will be
8 invited first to Mr. Halftown to present the
9 applicant's public statement for the record.
10 We will be on time. After that, John
11 Feingold, our contractor who wrote the DEIS
12 will present the Nation's proposal as
13 explained in the public policy act on the
14 process.

15 When we begin the comment portion, we'll
16 begin with elected state and federal officials
17 untimed with representatives. Now, we'll ask
18 everyone to speak at the public podium
19 microphone and the person up here, Ashley, she
20 will be up here at the podium calling names.
21 She'll call five names at a time. Now, you
22 line up in the front here, and you will hear
23 your name called. And Dr. Kardatzke will
24 explain the public portion comments at this
25 point. When the last person has spoken, we'll

1 MR. HALFTOWN - PUBLIC STATEMENT

2 ask if there is anyone who wants to speak
3 again, and you'll come up and you'll be given
4 a final opportunity to say -- everyone who
5 wants to make a comment, a public comment for
6 the public record. At this point, I'd like to
7 call up representative Clint Halftown.

8 MR. HALFTOWN: Thank you, Kurt, and good
9 evening, ladies and gentlemen. My name is
10 Clint Halftown. I'm the federally recognized
11 representative of the Cayuga Nation and member
12 of Nation's council. I'm here tonight to tell
13 you about our people and why we are asking to
14 have approximately 125 acres of land being
15 placed into trust by the federal government.

16 Although we are a small nation, our
17 ancestors once occupied lands extending from
18 Central New York, north of Lake Ontario,
19 Provinces into Canada, south into
20 Pennsylvania, which totaled over three million
21 acres of land.

22 As we had previously said, part of this
23 land is a 64,015 acres of land that was
24 guaranteed to our Nation as Reservation land
25 under the Treaty of Canandaigua of 1794

1 MR. HALFTOWN - PUBLIC STATEMENT

2 between the US Government and Cayuga Nation.

3 It was signed by President George Washington.

4 This treaty remains valid and our Reservation

5 continues to exist until this day.

6 This land we are asking to place into

7 trust is part of this reservation. All of

8 this land was purchased at fair market value

9 from willing sellers. The trust applications

10 themselves are based upon federal law. In

11 fact, it is the same federal law that is cited

12 in the Sherrill case as being the appropriate

13 mechanism for Indians to gain sovereign land.

14 The Nation's applications are also rooted

15 in federal Indian policies that the US Supreme

16 Court recognized as far back as the 1800's

17 when the Supreme Court ruled that Indian

18 Nations had the right to self government and

19 that the federal government had an obligation

20 to preserve and protect the Indian lands.

21 This right to self governance was echoed more

22 than 100 years later with federal legislation

23 enacted in 1975 known as the Indian Self

24 Determination and Education Assistance Act.

25 This legislation stated that Congress is

1 MR. HALFTOWN - PUBLIC STATEMENT

2 committed to the maintenance of the federal
3 government's unique and continuing
4 relationship with Indian people, and that the
5 United States is committed to supporting
6 Indian tribes in developing strong tribal
7 governments and economies.

8 In fact, just today, in announcing the
9 appointment of a new senior policy advisor for
10 Native American Affairs, President Obama said
11 his administration is committed to
12 strengthening and building the nation to
13 nation relationship between the United States
14 and Indian Nation. These words from the
15 president are much appreciated by our Nation
16 and are yet another affirmation by the federal
17 government of the sovereignty of Indian
18 Nations. The Nation's trust applications are
19 completely consistent with federal policies
20 that supports private self governance and
21 economic independence.

22 The acceptance of our lands into trust
23 will enable our Nation to generate revenues
24 from our conveniences stores and our Class II
25 gaming facilities in Union Springs and Seneca

1 MR. FEINGOLD - PRESENTATION

2 Falls to fund tribal programs and services.
3 Acceptance of these lands into trust will
4 enable the Nation to regain tribal
5 jurisdiction over our lands. As the DEIS
6 states, "if the trust application are
7 approved, the Nation would simply resume
8 operations at these businesses, which were
9 very popular." And the DEIS also says the
10 Nation does not have any plans for new
11 development on any of the existing properties.

12 On behalf of the Nation, I respectfully
13 ask that the BIA take action on the
14 applications and approve them today. Thank
15 you very much.

16 MR. CHANDLER: Thank you. At this point
17 we'll have our contractor, AKRF, John Feingold
18 present the application and the process.
19 Thank you.

20 MR. FEINGOLD: Thank you very much. As
21 was said before, we're here this evening to
22 discuss the Draft Environmental Impact
23 Application submitted by and prepared by the
24 Bureau of Indian Affairs on the application by
25 the Cayuga Indian Nation for lands into trust.

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2 The Nation proposes to place in Seneca
3 and Cayuga County, lands approximately 125
4 acres into trust. And if approved, the BIA
5 would hold the land into trust for the use and
6 benefit of the Cayuga Indian Nation. This is
7 a federal action requiring a federal decision,
8 and is therefore subject to the National
9 Environmental Policy Act; and as a result, a
10 Draft Environmental Impact Statement was
11 prepared to assess the environmental effects
12 if taken into trust.

13 And as is mentioned, tonight is the
14 public hearing on the content and all that was
15 presented in the DEIS, and the goal of course
16 is to produce and approve the DEIS document.

17 The properties in question are in both
18 Cayuga County on the right side of the screen
19 and Seneca County on the left side of the
20 screen, comprising of seven parcels, five of
21 which are contiguous to one another, totaling
22 approximately 125 acres. The Seneca Falls
23 properties shown here on the left side of the
24 screen south of the Village of Seneca Falls,
25 just south of where we are right now, consist

1 MR. FEINGOLD - PRESENTATION

2 of two parcels that are contiguous to one
3 another totaling approximately 14 acres.
4 These parcels presently consist of an operated
5 gas station and convenient store. Across the
6 lake in the Village of Union Springs are three
7 parcels also contiguous to one another
8 totaling approximately 111 acres. These
9 parcels consist of a vacant agricultural field
10 that is destroyed in production right now, a
11 gas station, a car wash, and a convenience
12 store. Just south in the Town of Springport
13 is one parcel just approximately three and a
14 half acres, which is a vacant lot, and then
15 immediately north of I-90 in the Town of
16 Montezuma is a very small parcel comprised of
17 less than one-tenth of an acre.

18 These are the parcels owned by the Cayuga
19 Nation that are being proposed for that
20 status. As mentioned, the DEIS, the Draft
21 Environmental Impact Statement, has been
22 prepared in accordance with the National
23 Environmental Policy Act, also known as NEPA,
24 which requires that federal agencies must
25 consider the environmental issues in federal

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2 agency decision making. The DEIS has been
3 available for public review since May 22nd.
4 This is the document that many of you may have
5 seen. It has been in your libraries. Copies
6 for referenced in the entrance room, and it is
7 on-line. The county governments of Seneca and
8 Cayuga have received copies approximately a
9 week before the public review process started.
10 The environmental impact review process and
11 public involvement is spelled out under the
12 National Environmental Policy Act. There is a
13 scoping process. Many of you may have been in
14 attendance here in March of 2006 at the
15 scoping meeting with the public voiced
16 opinions and gave advice to the Bureau of
17 Indian Affairs as to what matters should be
18 evaluated in the environmental impact
19 statement.

20 Following the scoping is the preparation
21 of the draft environmental statement, and
22 that's the document that we're here to hear
23 your comments on here this evening.

24 A very important part of the National
25 Environmental Policy Act process is public

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2 involvement and public review of the
3 environmental impact statement, and that's
4 what we're here for tonight.

5 Following this evening, your comments
6 will be taken into consideration by the Bureau
7 of Indian Affairs, which we'll then prepare a
8 final environmental impact statement that will
9 include and we'll respond to comments received
10 from the public and other agencies and elected
11 officials. Following the preparation of the
12 final environmental statement is a 30-day
13 waiting period prior to the federal agency
14 decision, which is embodied in a document
15 called The Record of Decision. The decision
16 will be made in Washington, DC. Following the
17 decision, the implementation of the project or
18 decision then can move forward.

19 The process of preparing an environmental
20 impact statement leads to the decision by the
21 federal agencies being involved in a number of
22 steps. And I won't go through the entire
23 flowchart with you, but an important one that
24 you participated in, in March of 2006 was the
25 scoping process, where we met in this room and

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2 over 100 of you gave your comments and
3 suggestions as to what should be considered in
4 the environmental impact statement. The
5 environmental impact statement considers not
6 only the application made by the Cayuga Indian
7 Nation to place the lands into trust, but it
8 considered several alternatives that were
9 evaluated against the environmental inventory
10 against the existing conditions at the time
11 the application was submitted, and it
12 including a draft. The draft environmental
13 impact statement has been prepared. And
14 tonight, we're down in the lower right-hand
15 corner of this chart, at the public hearing
16 and comment period on the draft environmental
17 impact statement.

18 The Bureau of Indian Affairs will receive
19 comments until July 6th, 2009. Comments are
20 able to be presented orally this evening.
21 There is a drop box for comments to be placed
22 by the entrance of the room. We've provided
23 comments card for you to write comments, and
24 we'll be posting the address to whom comments
25 can be addressed, for those of you who wish to

1 MR. FEINGOLD - PRESENTATION

2 take down that information and provide your
3 comments separately.

4 The draft environmental impact statement
5 was prepared to identify the potential effects
6 of the placing of the placing of land into
7 trust. And the BIA determined that the
8 effects would largely be limited to the loss
9 of property tax revenues to the various
10 affected jurisdictions, and the loss of local
11 jurisdiction over the trust properties. These
12 particular effects will be analyzed under a
13 separate internal administrative analysis,
14 which will be conducted by the Bureau of
15 Indian Affairs according to the regulations of
16 the Indian Reorganization Act.

17 At this point, I think we're ready for
18 the Bureau of Indian Affairs to lay out the
19 ground rules for this evening.

20 MR. CHANDLER: We're going to begin with
21 elected officials. Ashley, read the names.

22 MS. LEY: The first speaker is Bruce
23 Sherman, constituent liaison for Assemblyman
24 Gary Finch.

25 MR. SHERMAN: The Assemblyman could not

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2 be in attendance tonight as he is in Albany at
3 the New York State Assembly Session as they
4 are wrapping up the 2009 legislative session.
5 I'm going to read a statement from the
6 Assemblyman to Mr. Frank Keel.

7 As a member of the New York State
8 Assembly representing Cayuga County and a land
9 owner in a Cayuga Indian Nation land claim
10 area, I am writing to strongly oppose any land
11 into trust efforts by the Cayuga Indian Nation
12 by the Federal Bureau of Indian Affairs. The
13 Draft Environmental Impact Statement severely
14 lacks information needed for thorough review.
15 The Bureau of Indian Affairs has failed to
16 review economic, environmental and
17 infrastructure impacts for both the properties
18 in question, and the entire Finger Lakes
19 region. We are a country that has been
20 founded on fair and equitable distribution of
21 taxes, and tax burden. There is absolutely no
22 doubt that the approval of the trust
23 application will result in a tax shifting that
24 will in fact place a greater burden on fewer
25 property owners. Approval of the trust

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2 application will remove the trust properties
3 from the local tax rolls forever, and the
4 adverse impacts that this application will
5 cause is insurmountable.

6 New York State and our local governments
7 derive substantial revenue from excise and
8 sales tax due on sale of goods such as
9 gasoline and tobacco products. The Cayuga
10 Indian Nation refuses to collect such taxes,
11 which results in ongoing reduction in local
12 and state tax revenue. This expounds the
13 issue of an unfair economic advantage that the
14 Cayuga Indian Nation enjoys as a result of
15 their current practices and a successful land
16 into trust application.

17 Sales at gas stations and cigarette sales
18 undoubtedly suffer when competing enterprises
19 are charging lower prices by refusing to
20 collect required taxes. The impact of the
21 Cayuga Indian Nation's tax free sales will be
22 devastating. The continuance of tax free
23 sales themselves will create an environment
24 that causes the loss of non-Cayuga Indian
25 Nation businesses and jobs. The tax base in

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2 affected counties will erode as a result of
3 job loss and business closures. The DEIS
4 clearly fails to investigate thoroughly the
5 adverse effects on the environment that the
6 land into trust application will have on our
7 pristine Finger Lakes region. The lands that
8 the Cayuga Indian Nation will take into trust
9 action will be exempt from environmental laws.
10 Subsequent development will not be subject to
11 local, state and federal building codes and
12 development laws. This poses a major risk of
13 damage to our scarce and irreplaceable natural
14 resources. As we fight to uphold the highest
15 standards of protection of our lakes and
16 watershed, the Federal Bureau of Indian
17 Affairs can remove these environmental laws
18 with one pen stroke.

19 Over all, the DEIS and the land into
20 trust application are dangerous to our local
21 communities, and New York State as a whole.
22 The precedent set by the passage of any
23 measure allowing the Cayuga Indian Nation land
24 trust is devastating and irreversible.

25 I urge the Bureau of Indian Affairs to

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2 adopt the no actions alternative and not grant
3 the application for lands into trust.

4 Sincerely, Gary D. Finch, Member of Assembly.

5 MR. CHANDLER: Could you please provide
6 your transcript to the court reporter? Is
7 there anyone else that has a transcript that
8 you read from, when you are done reading it,
9 please provide it to the court reporter; that
10 way, she can get it accurate.

11 MS. LEY: Joan Grela, Chief of Staff with
12 Senator Michael Nozzolio. And she will be
13 followed by Nick Weatherbee, Regional Director
14 of Senator Chuck Schumer.

15 MS. GRELA: Good evening. My name is
16 Joan Grela, I'm here tonight representing New
17 York State Senator Michael Nozzolio. Although
18 today's session of the New York State
19 Legislature makes it physically impossible for
20 Senator Nozzolio to attend this evening's
21 public hearing, Senator Nozzolio has been
22 there for the property owners of Cayuga and
23 Seneca County throughout every step of the
24 Cayuga Indian Nation land claim issue.
25 Senator Nozzolio has written testimony which

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is being submitted tonight that demands that the Federal Bureau of Indian Affairs' Environmental Impact assessment be scrapped. The BIA assessment is wrong. It is not acceptable to Senator Nozzolio or the citizens of Cayuga and Seneca Counties. Senator Nozzolio's full testimony is available on his website at www.senatornozzolio.com or by going to his Facebook page.

In conclusion, Senator Nozzolio's message to the Bureau of Indian Affairs is very simple and direct, it's the same message he delivered to the Bureau of Indian Affairs in March of 2006 in this very same building: Not here, not now, not ever. Thank you.

MR. WEATHERBEE: My name is Nick Weatherbee, I'm the regional director for Senator Chuck Schumer in Rochester and Finger Lakes Region. The Senator could not be here today as he would like to have been, as he is in Washington on other business. I'm now going to read the Senator's position.

Given the importance of the issues at the center of today's hearing, I'm grateful for

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2 the opportunity to offer a brief statement of
3 my views. In short, I oppose the taking of
4 land into trust on this application.

5 For years my position on the land into
6 trust process has been clear: I am deeply
7 skeptical of the appropriateness for large
8 parcels of land here in the more populated
9 east, as opposed to the western and mountain
10 parts of the nation, where this policy is more
11 appropriate. I believe the decision to take
12 land into trust is an important one that will
13 have both positive and negative impacts on all
14 parties involved. Because the decision is so
15 important to the Nation, the State of New
16 York, and the local community, I generally
17 feel that a mutually negotiated agreement is
18 preferable to a federally imposed decision
19 that, by nature, will invite litigation.

20 Regardless of when BIA plans to make a
21 final determination on this land into trust
22 application, the process will have significant
23 fiscal impacts on local governments. Because
24 the proposed trust land lies in a populated
25 area, we face a unique situation in which

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2 regulations and laws must be clear to all who
3 reside nearby. Taking land into trust can
4 often confuse this picture creating
5 jurisdictional problems.

6 This situation differs sharply from many
7 other applications in which land is taken into
8 trust. For instance, the areas in the Western
9 United States, there are wide parcels of land
10 which are taken into trust. Borders are
11 clear. And given the vast spaces involved,
12 there is, at times, little interaction between
13 residents of the tribe and other inhabitants.
14 However, in the case of 129 acres that
15 comprise the Cayuga's application, we are
16 faced with two parcels of land in Seneca
17 County totalling about 15 acres with the
18 remaining parcels in Cayuga County. This kind
19 of checkerboarding of densely populated areas
20 cannot be what was envisioned by the trust
21 process. Other aspects of the application are
22 similarly problematic.

23 Most importantly, I'm concerned about the
24 effect that placing this land into trust will
25 have on the region's tax base. For instance,

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2 last year, county authorities shut down two
3 service stations operated by the Cayuga Nation
4 on the argument that they were evading tax
5 laws. According to county estimates, local
6 stores may have been losing millions in tax
7 revenues before the stores were closed.
8 Because taking the land into trust will mean
9 exemption from property taxes and other
10 special district charges, the loss to the
11 counties' revenues could be massive. The loss
12 of revenues will likely create a substantial
13 budget shortfall, requiring an increase in
14 property taxes to make up the difference.
15 These impacts should be considered in this
16 process. Second, the DEIS does not
17 investigate or identify other potential
18 negative environmental effects on the affected
19 areas. The DEIS does not articulate how the
20 environment; namely Cayuga Lake, will be
21 protected in the absence of local, county or
22 state regulation of the lands involved.
23 Third, the DEIS does not take into account,
24 several pending lawsuits now working their way
25 through the courts.

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2 Finally, the Nation will require the use
3 of vital infrastructure such as roads, police,
4 fire and emergency without paying taxes used
5 to fund such services. I am also concerned
6 about the unequal playing field that can
7 result from the fact that trust land would be
8 exempt from most local zoning strictures.

9 I will say again that a negotiated
10 settlement would be preferable to all other
11 options; however, I cannot support the current
12 application for land into trust. The
13 potential problems created for the surrounding
14 community are too great to allow this process
15 to proceed in its current form at this time.

16 I look forward to working with all
17 interested parties to craft an appropriate,
18 mutually agreeable solution. Thank you for
19 your time.

20 MS. LEY: Thank you. Doug Finch on
21 behalf of Assemblyman Kolb, followed by
22 Cynthia Cornelius on behalf of Representative
23 Arcuri, followed by Andrea Taylor, assistant
24 regional director for Senator Kirsten
25 Gillibrand.

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2 MR. FINCH: Good evening. My name is Ed
3 Finch, I'm chief of staff to New York State
4 Assembly Minority Leader, Brian Kolb, who was
5 unable to join us this evening, but asked me
6 to stop and provide you his formal comments.

7 I regret that due to the State Assembly
8 currently being in session I am unable to
9 personally attend this public hearing and
10 offer my formal comments. In recognition of
11 the seriousness of this issue and its
12 potential adverse impact on our community, I
13 am providing the following written statement
14 for inclusion as part of the official public
15 record.

16 As Minority Leader of the New York State
17 Assembly and representative for the 129th
18 Assembly District, which includes Onondaga,
19 Ontario, Cortland, Cayuga and Seneca Counties,
20 I'm strongly opposed to the conveyance of
21 nearly 130 acres of local lands across Cayuga
22 and Seneca Counties into trust for the Cayuga
23 Indian Nation.

24 I also want to express my disagreement
25 with what I and numerous local leaders

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representing Cayuga and Seneca Counties believe to be an incomplete and inadequate draft environmental impact statement due to a lack of data to support your findings and conclusions in that document. The DEIS also fails to take into account pending litigation and should be withdrawn until such time as the litigation is resolved.

In these challenging fiscal times, when localities are struggling to do more and make do with less, removing the considerable acreage from the local property tax rolls is shortsighted and ill conceived. Conveyance of these local lands into a trust would only increase the already considerable financial burden on area taxpayers, while curtailing much needed revenue for essential local services.

Furthermore, the trust would allow unregulated commercial development that could drastically impact the quality of life throughout Cayuga and Seneca Counties, as such development would be excluded from state public safety, environmental and health

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2 regulations. It is for these reasons that I
3 opposed the proposed conveyance and urge its
4 denial by the Bureau of Indian Affairs.

5 I again call on our federal
6 representatives, Senator Charles Schumer and
7 Kirsten Gillibrand, along with Congressman
8 Mike Arcuri to weigh in on this issue best
9 settled at the federal level, where extensive
10 case law and legal precedent have repeatedly
11 opposed such a conveyance. The taxpayers of
12 Cayuga and Seneca Counties want an end to the
13 leadership vacuum that has occurred at the
14 federal level regarding this matter.

15 Thank you for affording me the
16 opportunity to offer my comments as part of
17 the official record for tonight's public
18 hearing. Sincerely, Bruce Kolb, New York
19 State Assembly Minority Leader.

20 MS. CORNELIUS: Good evening. My name is
21 Cynthia Cornelius, I'm the senior
22 representative for Michael Arcuri,
23 Congressional District 24 who represents 11
24 counties, including Seneca County and Cayuga
25 County. I have a statement from the

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2 Congressman.

3 I am sorry I am not able to be here this
4 evening, but I'm in Washington all this week.

5 In May of 2008, the Department of
6 Interior issued a record of decision on the
7 Oneida Indian Nation's application that would
8 take 13,086 acres, including many non-adjacent
9 parcels in Oneida and Madison Counties,
10 including the tribe's casino and a number of
11 its gas stations into trust. Several groups,
12 including the State of New York and the
13 counties have challenged the record of
14 decision in Federal District Court. I don't
15 like to mince words: What happened in Oneida
16 County could happen here, and it should not.
17 The situation in Oneida County is one no
18 community should ever have to face when the
19 federal government located 600 miles away
20 makes decisions based on false exaggerated and
21 unrealistic circumstances to justify a total
22 impractical settlement.

23 A Land Into Trust Decision is never the
24 best solution, especially one that leaves open
25 the possibility of an unacceptable

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checkerboard of trust land. The trust process leaves too many issues unresolved; whether the tribe can request additional trust land, zoning, regulatory, and tax jurisdiction over a tribe owned land not taken into trust, and how municipal services and local school districts are funded after huge reductions in the tax base.

The federal trust process was neither intended as a means for resolving Indian land claims nor to create de facto reservations. Litigation related to these claims has crippled Central New York for over a generation. Of grave concern to local residents is the fact that the trust process can create an unfair advantage for tribal business that enjoy the tax free status because they are located on trust land. This puts competing non-Indian owned businesses at a distinct economic disadvantage. I share this concern, particularly as the trust process can continue indefinitely and be abused to remove literally thousands of acres of land and numerous businesses in New York

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from state and local tax rolls. I support a locally arrived upon, global, negotiated settlement that will fairly resolve these land claims in a way that provides a permanent revenue stream to offset any lost property tax revenue that will assist counties and school districts in providing local services to residents and tribe members. Such a settlement must once and for all find a clear resolution of state regulatory and tax jurisdiction over non-trust parcels owned by tribes. Such a settlement would need to be approved by the tribe, the State of New York, and ultimately passed by Congress and signed into law by the President. The failure of the parties to negotiate in Oneida County resulted in the BIA's one sided unjust decision. We must never again allow the BIA to use refusal to negotiate as a rational for imposing upon local landowners a decision that clearly favors the interest of local Indian tribes.

However, if a negotiated settlement is unattainable, we absolutely must be prepared to litigate. As an attorney, I know the best

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agreements are those agreed upon, not forced on unwilling parties as is clear from the Department of Interior's decision on the Oneida trust application. The BIA must understand that they can best serve the Cayuga Tribe and the residents of Cayuga and Seneca Counties by acting as a conduit through which to resolve these differences and not as a hammer and anvil with which to craft a one-sided settlement. If that happens here in Cayuga and Seneca Counties, we will see an exact repeat of what happened in Oneida and Madison Counties. What we will see happen is rather than settling the dispute, the BIA will merely make an already bad situation worse. Being good neighbors, resolving these issues and ending a generation of litigation once and for all is the greatest gift we can give the children of Cayuga and Seneca Counties. I will continue to use whatever means necessary to ensure that fair and equitable settlements are reached. Thank you.

MS. TAYLOR: Good evening, my name is Andrea Taylor and I am the assistant regional

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2 director for Senator Kirsten Gillibrand for
3 Rochester and the Finger Lakes. Senator
4 Gillibrand is on official business in
5 Washington and could not be here tonight, so I
6 am here to listen to the concerns that will be
7 raised by all sides, and I hope that everyone
8 is given a chance to express their views and
9 there can be productive discussion among all
10 parties on how to move forward on this issue.
11 Thank you.

12 MS. LEY: George Fearon, Robert Shipley,
13 Clint Halftown, David Dresser.

14 DR. KARDATZKE: Just a second. I want to
15 repeat the ground rules, so everybody
16 understands. So to afford everyone has the
17 opportunity to speak, we're going to limit the
18 initial speaking to three minutes for
19 everyone's comments. There is a timer here
20 that you all see, which I'll let you know at
21 30 seconds, just so you don't have to
22 concentrate on the timer. And again, I'll
23 notify you of three minutes. After three
24 minutes, if you are unable to complete your
25 comments, you'll have another opportunity

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2 after everyone else who has signed up to offer
3 comments has had a chance to speak. Because
4 we are interested in what you have to say, the
5 comment period will not end until anybody who
6 is here who wants to speak is given the
7 opportunity to speak. Even if you did not
8 sign up to speak; if you feel you have
9 something else to say after the other
10 speakers, than the ones that have signed up
11 have spoken, we will ask you to come forward.

12 Now, I request, to help the reporter,
13 would you please state your name and where you
14 are from. And if you have a name like mine,
15 please spell it for the reporter, because she
16 will greatly appreciate it. If your comments
17 are written, you can hand them to her before
18 or you can read them and then hand them to
19 her, whatever works for you. We'll call
20 speakers in groups of five, so that if you
21 hear your name called, please come forward.
22 And I'll turn it over to Ashley and at about
23 8:00 to take a break, so we'll take about a
24 10-minute break so we'll have a chance to go
25 use the facilities and we'll do that about

1 PUBLIC COMMENTS

2 every two hours or so, so you have a chance to
3 use the lavatory. Ashley.

4 MS. LEY: I'll repeat the five: George
5 Fearon, Robert Shipley, Clint Halftown, David
6 Dresser, Menzo Case.

7 MR. FEARON: My name is George Fearon. I
8 am a Cayuga County Legislature representing
9 the Towns of Ledyard, Scipio and Springport.
10 I live in the Town of Springport.

11 In Section 3.8 G, the DEIS claims that
12 the Nation's Lakeside Trading and Lakeside
13 Entertainment operations at its Seneca Falls
14 and Union Springs properties generate economic
15 activities that benefit the counties an the
16 State of New York as a whole. In reality, the
17 DEIS claim is false. The direct changes
18 projected in area employment and spending did
19 not take into account the negative impact of
20 lost jobs and spending in two counties caused
21 by unfair competition from Cayuga Indian
22 Nation Enterprises. Many competing businesses
23 have been spending less; or in some cases such
24 as Union Springs, have actually gone out of
25 business completely while some others have

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2 reduced staffing. The be legitimate, the DEIS
3 would need address all positive and negative
4 aspects of the Cayuga Indian Nation
5 Enterprises and report the real gain or loss.
6 Lakeside Trading in both Cayuga and Seneca
7 Counties where businesses that were already in
8 place and were purchased by the Cayuga Indian
9 Nation. Therefore, the jobs currently
10 reported there are not new jobs in the two
11 counties.

12 The DEIS states that the gaming
13 operations in Union Springs and in Seneca
14 County have been closed temporarily and are
15 therefore not considered in the analysis of
16 the current effects of the Nation's business
17 activities. The Cayuga Indian Nation could
18 easily expand its temporarily closed gaming
19 facility in Union Springs a hundredfold with
20 the more than 100 adjacent undeveloped acres
21 in Union Springs. The Cayuga Indian Nation's
22 application for land in trust states their
23 intent to reopen gaming operations that were
24 in place in both counties.

25 I believe the DEIS is grossly deficient

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2 for not doing analysis of the gaming
3 operations that were in place and that are
4 intended to be re-established. It is a gross
5 deficiency that the DEIS does not address any
6 potential expansions of land in trust or
7 expansions of the use of such lands by the
8 Cayuga Indian Nation. When something is
9 supposed to last forever is set up, how can
10 valid projections only be made from present
11 and past statistics. For the DEIS to be
12 valid, it is imperative that projections are
13 made regarding likely and expected future
14 expansion of land in trust and the expansion
15 of the uses of such lands.

16 I recommend alternative number 2; no
17 action to be taken at this time. Thank you.

18 MR. SHIPLEY: My name is Bob Shipley, and
19 I have the honor of serving on the Seneca
20 County Board of Supervisors as County
21 Supervisor from the Town of Waterloo.

22 I strongly caution the BIA that this land
23 into trust decision comes with power and great
24 responsibility, not only to our Native
25 American neighbors, it must also be

PUBLIC COMMENTS

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2 accountable to the United States Constitution.
3 Ultimately, the DEIS and subsequent decision
4 must not adversely affect the economic welfare
5 of Seneca and Cayuga Counties or doom the fate
6 of the hardworking citizens and businesses and
7 the future generations of our diverse
8 community. As such, it is my testimony to the
9 BIA and to all here in attendance tonight,
10 that the DEIS has declared no negative impact
11 on our counties is flawed, and I submit that
12 the BIA is biased.

13 While I have great respect for our Native
14 American culture, it is also my opinion that
15 the BIA is overstepping their authority as
16 evidenced by this sweetheart deal for the
17 express purpose of evading tax collection on
18 the sale of gasoline and tobacco and any
19 measure that grants exclusive rights to gaming
20 using the excuse of preserving the Indian
21 culture or religious traditions as this is
22 misguided.

23 Furthermore, I do not believe that the
24 spirit of the US Constitution should be
25 circumvented to grant special privileges that

PUBLIC COMMENTS

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2 advocate a Sovereign Nation within the United
3 States of America. Our own forefathers would
4 be greatly disappointed that a US Federal
5 Agency has the power and authority to give any
6 group exemption from our laws or taxes.

7 In conclusion, I call on our Federal
8 Representatives; Senator Schumer, Gillibrand
9 and Congressman Arcuri to be accountable to
10 the majority will of the people of New York,
11 and ask them to intervene with the Secretary
12 of the Interior to obtain a termination of
13 action on the Cayuga Indian land into trust
14 application so as to preserve the future well
15 being of the people from the great State of
16 New York.

17 Lastly, I call on New York State citizens
18 in attendance here tonight who agreed with
19 these remarks to stand up and applaud as a
20 means of showing the BIA the number of New
21 Yorkers who oppose this DEIS and Cayuga land
22 into trust application.

23 DR. KARDATZKE: One of the things, folks,
24 if you clap loudly and the speaker is
25 speaking, the thought will continue to run.

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2 So if you want to hear everything that they
3 have to say, please wait until they have
4 finished.

5 MS. LEY: David Dresser.

6 MR. DRESSER: My name is David Dresser.
7 I'm Chairman of Seneca County's Indian Affairs
8 Committee, and I find this DEIS to be
9 inaccurate, incomplete, inconsistent,
10 misleading and biased. On pages 3.8-23 and
11 24, it falsely states that because the Nation
12 is a sovereign tax-exempt entity, no sales
13 taxes are paid on the Nation's purchases or
14 collected on the sales made by the Nation. In
15 fact, the United States Supreme Court has
16 repeatedly ruled that states may compel tribes
17 to collect taxes from sales to non-Indians,
18 and New York State law requires it. The DEIS
19 conspicuously omits reporting the Nation's
20 expenditures for cigarettes and gas in Tables
21 3.8-25, 26 and 27; thus hiding apparently
22 intentionally, the enormous profits made by
23 the Nation from the illegal sale of these
24 products. It is also remiss in not reporting
25 the negative impact of these sales on

PUBLIC COMMENTS

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2 completing non-Indian enterprises. The DEIS
3 talks on page 4.8-2 of advancing the Nation's
4 goal of re-establishing tribal presence in its
5 former homeland. Yet, two paragraphs above it
6 says it is not anticipated that members of the
7 Cayuga Nation would relocate to the project
8 area. What are they going to be, absentee
9 landlords? The DEIS states on page 5.1 there
10 is no clear consensus as to the relationship
11 between Indian gaming and problem gambling;
12 yet, it says the Nation will provide
13 information to its patrons regarding gambling
14 addiction counseling services available in the
15 area and reports only the positive economic
16 impacts of gaming.

17 On page S.10, the DEIS concludes that the
18 proposed action will not result in any
19 significant adverse impacts needing litigation
20 in any form. In fact, the negative impact of
21 this action would be huge. The resumption of
22 gaming and the renewed sale of untaxed
23 cigarettes would produce enormous profits with
24 which the Nation would buy more cherry picked
25 land to be placed into trust and taken off the

1 PUBLIC COMMENTS

2 property tax rolls. The DEIS does not mention
3 that the Nation already owns some 765 more
4 acres in the counties than are included in
5 these applications bought, I might add, at
6 exorbitant prices.

7 The DEIS disregards the central teaching
8 of the US Supreme Court landmark Sherrill
9 decision that checkerboard sovereign territory
10 has disruptive practical consequences in terms
11 of governance. It also disregards the Supreme
12 Court's 2009 Carcieri versus Salazar decision
13 which denied trust land to the Narragansett
14 Tribe in Rhode Island because it was not under
15 federal jurisdiction in 1934 when the Indian
16 Reorganization Act was passed.

17 Mr. Chandler, I suggest that you take
18 this flawed DEIS to Secretary Salazar --

19 (Whereupon, three minutes were up.)

20 MS. LEY: Menzo Case.

21 MR. CASE: Good evening. My name is
22 Menzo Case, and I'm president and CEO of
23 Seneca Falls Savings Bank, and we have
24 branches in Seneca Falls, Union Springs,
25 Auburn, Geneva, and Waterloo. As the local --

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2 once said, I don't know much about these
3 things; however, the board of directors and
4 the officers of Seneca Falls Savings Bank know
5 much about our community. We are very
6 concerned about the current DEIS that is under
7 consideration as deficient in many respects.
8 Due to the time limitations that's imposed, I
9 doubt I'll be able to get all of my comments
10 on the table.

11 It distresses us that the country's
12 policy separate but equal is upheld with
13 respect to Indian lands. We, as a country,
14 find that this concept doesn't work for the
15 school systems nor the workplace, but for some
16 reason our politicians refuse to acknowledge
17 the serious problems that encountered when
18 maintaining separate nations within one
19 nation. The absurdity of the entire concept
20 defies explanation. As Abraham Lincoln said,
21 a Nation divided against itself could not
22 stand.

23 With regard to the referenced DEIS by the
24 Department of the Interior and by extension,
25 the Bureau of Indian Affairs, does not appear

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2 to have the authority to grant the land into
3 trust application according to the most recent
4 court ruling. I won't go into detail on that,
5 but suffice to say, that the Cayuga tribe was
6 not on the list of 258 tribes recognized by
7 the federal government.

8 And certainly, if the DEIS is concerned
9 despite the potential legality of the issues,
10 the claims made in the DEIS said that taking
11 the property into trust will have little or no
12 impact on the county, town or state services,
13 and it is not likely for significant
14 additional development to occur on the
15 property in question, then our only resolve
16 that is set forth in the application, et
17 cetera, et cetera should be considered
18 carefully. As the Bureau is aware, Indian
19 property placed into trust is exempt from
20 property taxes, but it is the stated intent of
21 the Cayuga Nation to purchase up to 64,000
22 acres in various areas, and it involves land
23 further and re-establish their communities on
24 the properties.

25 I could tell you from our experience at

PUBLIC COMMENTS

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2 the bank in evaluating economic studies, that
3 this is highly deficient and does not address
4 these concerns about future development that
5 has been the stated intent of the Cayuga
6 Nation. And that we believe that this DEIS be
7 in fact rejected in its entirety, and that the
8 land into trust application therefore be
9 withdrawn and considered totally unacceptable.
10 Thank you.

11 MS. LEY: Susan Case, William Wayne,
12 Harry Pettingil, Kevin Swartley, Roberta
13 Halden.

14 MS. CASE: Hi, my name is Susan Case.
15 I'm concerned about the exemption application
16 for Indian land into trust and in the
17 potential effects the exemption has on our
18 school district, which is funded by the
19 property taxes. I'm sure that the removal of
20 properties from the tax roll will only
21 increase the tax burden of everyone unfairly
22 in the community.

23 I'm also concerned about the
24 re-establishment of gambling operations in our
25 small community. Seneca Falls is a small

PUBLIC COMMENTS

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2 town, and it will be adversely effected by
3 such operations, especially since we'll be
4 dealing with no local authority over the
5 development of these operations.

6 I am not opposed to any person operating
7 business in our community as long as it is
8 subject to the same laws and all law are
9 equally enforced.

10 Please also keep in mind the children of
11 Seneca County and how this will affect them in
12 the future. I ask that the no action
13 alternative be selected and the Cayuga Indian
14 Nation application into trust be denied in all
15 respects. Thank you for the opportunity to
16 submit by comments to you for the record.

17 MR. WAYNE: I'm going to read a letter
18 that I sent to the Seneca County Board of
19 Supervisors. My wife Mary and I are living on
20 a fixed income. Putting the land into trust
21 by the Cayuga Indian Nation will create a
22 burden on our income through increased
23 district, town, county and state taxes. Our
24 taxes will rise proportionally to the loss of
25 tax revenue sought by the amount of tax free

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2 Indian land acquisitions, plus Reservation
3 financial activities. These activities will
4 be mainly through the sale of tax free
5 cigarettes, gasoline and gambling. A
6 fostering of gambling casinos by the Cayuga
7 Indian Nation will create an undesirable
8 atmosphere in an environmentally rural, small
9 town area.

10 For these reasons in mind, we wish to go
11 on record as being opposed to placing any land
12 into trust for the Cayuga Indian Nation. Good
13 neighbors share the burden, not add to it.
14 Thank you.

15 MR. PETTINGILL: I am Harry Pettingill,
16 UCE Historian. The DEIS present statement are
17 fraudulent. You have failed to consider the
18 recorded laws of the Iroquois Confederacy, the
19 supreme ruling body of the five tribes. You
20 have shown complete ignorance of their
21 recorded laws. You must make correction or it
22 will not be accepted by our lawyers. May the
23 following facts enlighten you and correct you:
24 The laws of are all recorded in the book.
25 League of the Iroquois by Lewis Morgan, but

PUBLIC COMMENTS

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2 the historian was Seneca Chief and Grand
3 Sachem, Eli Parker, published in 1851, long
4 before the present conflict, so unbiased and
5 100 percent correct. When the five tribes
6 sachem meet in general council as one nation,
7 the Iroquois Confederacy, their decision had
8 to be of one mind. Unanimity was their
9 fundamental law. The environmental impact of
10 one tribe was the responsibility of all. In
11 national affairs, such as dealing with New
12 York State, it was the duty of the full
13 council only. When the Oneidas refused to
14 enter the Revolution, an amendment was made.
15 A tribe could leave the council, but it became
16 their responsibility alone and expect no help
17 from the other tribes in the future. In the
18 Cayuga case, it did not act alone. They
19 received millions of dollars and advice from
20 the Seneca and Oneida. So all were of one
21 mind. This means that the environmental
22 impact of the other tribes within New York
23 State must be in a corrected DEIS statement.
24 Examples: Oneidas built on wetlands, Mohawks
25 imported drugs, and Seneca as follows in a

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little more detail.

They say they will not evict residents. Well, the Seneca Nation evicted a thousand persons from their homes that some had lived in for almost 100 years located within the Seneca Salamanca Reservation. Yes, it was a 99 year renewable lease that had become due. How did the Seneca renew their lease? By increasing their rent say from a hundred dollars to a thousand dollars a month or more. I consider this eviction as extortion. Thank you.

MR. SWARTLEY: Good evening, my name is Kevin Swartley. I am a local livestock producer from Romulus and serve as the President of the Seneca County Farm Bureau. I represent over 400 farm families in Seneca County and am speaking on their behalf, as well as for our 30,000 New York Farm Bureau members statewide.

Thank you for the opportunity to comment on the draft environmental impact statement for the proposed fee to trust transfer of land for the Cayuga Indian Nation of New York.

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2 Agriculture is the major land use in this area
3 and will be impacted by the Cayuga fee to
4 trust land transfer. We do not believe that
5 the DEIS fully recognizes or accurately
6 reflects the financial and environmental
7 impacts of the proposed action to surrounding
8 agricultural lands and farms families.
9 Several parcels of land that are part of the
10 proposed transfer of land have businesses that
11 are actively run by the Cayuga Indian Nation.
12 Since these businesses do not need to pay
13 property tax or appropriate sales tax, they
14 would gain an unfair advantage in the
15 marketplace due to the lower tax burden and
16 cause further financial harm to other local
17 businesses.

18 This has already been demonstrated when
19 neighboring service stations and tobacco
20 retailers experienced a significant decrease
21 in sales when the Cayuga run service stations
22 were operational. In addition to loss of
23 business, the amount of sales tax to local
24 municipalities is estimated to be significant.
25 The DEIS is does not account for these impacts

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that Cayuga run businesses will have on other local small businesses and local governments.

Secondly, the DEIS does not account for the impact that lack of environmental regulation will have on competing farm operations and the increased risk for environmental contamination. New York's environmental regulations are often more stringent than those established by the Federal Environmental Protection Agency in order to best protect New York's natural resources. This again makes their businesses unfairly competitive and places surrounding citizens and the environment at risk.

Allowing the Bureau of Indian Affairs to take the Cayuga land into trust is the wrong solution to this issue. It ultimately will cause harm to small businesses and residents and the environment in our local communities. It will cause tremendous confusion in land use regulations and governmental oversight. It simply is not an equitable way to solve the problem. Thank you very much.

MS. HALDEN: My name is Roberta Halden.

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2 I am writing to you in regard to the Indian
3 plans to put our land into trust. Yes, I said
4 our land. My family has owned land here since
5 1909 and still does. We have always paid our
6 taxes. I have fished and hunted on our land
7 over the years, always with a valid license
8 and I obey the regulations. Now that the land
9 goes into trust, my taxes will go up and I
10 could lose my property. Also, a land trust
11 would allow the Indians to fish and hunt on
12 our land anytime, anywhere and in any amount;
13 they would no longer be subject to our hunting
14 or fishing rules.

15 Furthermore a land into trust with the
16 Indians will affect much more than the private
17 homeowners. We'll eventually see local
18 businesses fail. If we lose Goulds Pumps and
19 the remaining local businesses have to close,
20 the town is dead. The trust will also put the
21 tax burden away from our schools, and our
22 industries. Their kids will go to our schools
23 and the families will not have to pay their
24 fair share. The thought of Indians not paying
25 for the use of maintaining the roads, sewers,

PUBLIC COMMENTS

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2 and everything else is unbelievable. The
3 thought of them building unsafe buildings and
4 business is wrong. The Indians say they are
5 going to pay the county money. I don't
6 believe it for a minute. You can bet a casino
7 will be built within a year, you we do not
8 want a casino in this area. I have nothing
9 against the Indians, it is a few powerful
10 people who are greedy want something for
11 nothing. The Indians left and went to Canada
12 and now they want our land. No way. There is
13 no reason to have the land into trust. They
14 can buy the land and pay taxes like everyone
15 else. We do not want to fight just to be
16 treated with respect. We do not want to be
17 violated by people taking what is not theirs.
18 Please do the right thing for Seneca and
19 Cayuga County and deny the land trust.

20 MS. LEY: Suzanne Sinclair, Brad Jones,
21 Ellen Lott, Jonathan Gilbert, John Young.

22 MS. SINCLAIR: Good evening, my name is
23 Suzanne Sinclair, I'm the Seneca County
24 Manager. Seneca County opposes the
25 application for land into trust for the Cayuga

PUBLIC COMMENTS

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2 Indian Nation. We believe that this
3 application will result in serious negative
4 consequences on social, environmental, but
5 most especially economic. As the county's
6 budget officer, I am particularly to note that
7 the DEIS fails to consider the financial
8 impact of businesses that refuse to collect
9 sales taxes in competition with businesses
10 that do collect the required taxes. This
11 refusal creates an unfair advantage, but it
12 creates a powerful but nearly invisible tax
13 burden to citizens of Seneca County. The
14 counties provide mandated services. Those
15 services not funded by sales tax are funded by
16 property tax.

17 On November 25th, Lakeside Trading was
18 closed. Following a court order, our sales
19 tax revenue bounced by over \$200,000 when we
20 account -- other than Lakeside Trading, you
21 can account for all but \$151,000 of that
22 amount. Seneca County will submit written
23 comments at a later date to more formally
24 explain their objections.

25 Suffice to say, we believe that the DEIS

PUBLIC COMMENTS

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2 is fundamentally flawed on many counts, that
3 it has omissions of facts and draws
4 conclusions that have weak or no support. We
5 urge the BIA and the Department of the
6 Interior to reject the application. Don't
7 place any heavier burden on our citizens, the
8 property tax or a regressive tax fall heaviest
9 on those least able to pay. I thank you for
10 your opportunities.

11 MR. JONES: No disrespect to the Bureau
12 of Indian Affairs --

13 DR. KARDATZKE: Sir, turn around. Please
14 speak to us.

15 MR. JONES: Excuse me. My name is Brad
16 Jones. I'm the chairperson for the Citizens
17 Advisory Committee for Indians Affairs here in
18 Seneca County, also the former mayor of the
19 Village of Seneca Falls. The reason I may --
20 I thank you. The reason I was trying to speak
21 to the citizen and the residents of Seneca and
22 Cayuga County is the Bureau of Indian Affairs,
23 just for informational purposes, just for this
24 -- the gentleman told me to wake up. I'm
25 awake. As a matter of fact, one of these

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2 gentleman was with me four years ago down in
3 Oneida County, and we saw what happened in
4 Oneida County by the BIA.

5 With that said, I'd like to be the first
6 to welcome Native Americans, whether they are
7 from Cayuga, the Oneida, the Onondaga, I'd
8 like to welcome them to Seneca and Cayuga
9 County. I too am a Native American. I'm
10 going to speak from my heart this evening. It
11 really has nothing to do with Native
12 Americans, and we all know that, it has to do
13 with two groups; politicians and lawyers.
14 Politicians and lawyers.

15 We have to speak loudly and we have speak
16 clear. Tonight I heard the aide for
17 Congressman Michael Arcuri speak strong in our
18 favor. I also heard that he and Senator Chuck
19 Schumer use the word negotiate twice. What's
20 that tell you? I also heard -- or I didn't
21 hear anything, I think it was a 15-second
22 speech from the lady from Kirsten Gillibrand's
23 office.

24 So the reason I share this with you, we
25 have to take the message to our legislators,

PUBLIC COMMENTS

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2 that this is not fair. We are a community
3 that's made up of taxpayers and residents, not
4 by political appointments such as these
5 individuals are here from up there.

6 I'd like to end by stating a thank you to
7 both the Seneca County Board of Supervisors
8 and the Cayuga County Legislature. There are
9 two teams that are 100 percent behind the
10 residents and taxpayers of our community.
11 Thank you.

12 MS. LOTT: Hi, I'm Ellen Lott. We're
13 resident of Seneca County. We've been here
14 for 55 years and owned land and farmed it all
15 that time. We paid all the real estate taxes
16 on it. We retired, but own almost 1,400 acres
17 and still pay taxes on that. Our two sons and
18 son-in-law farm and own and pay taxes on
19 roughly 7,000 acres. The Indians sell untaxed
20 gasoline and cigarettes, which is breaking the
21 law, and want to have the land they bought put
22 into trust so they don't have to pay taxes on
23 that or they are allowed. They make more
24 money at what they do than any of us can,
25 because they don't collect or pay tax, and

PUBLIC COMMENTS

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2 putting lots of our people out of work because
3 of that. We have seven neighbors in Seneca
4 County that are Indian blood and are
5 upstanding citizens and do and pay everything
6 that is expected of them. We do not want or
7 need racial discrimination. The major reason
8 Indians are making money are vices and
9 addictions; smoking and gambling. We have
10 four grandsons coming home who hopefully will
11 want to follow in their parents footsteps. In
12 the last year or so the Indians have brought
13 land in the Seneca Falls area and paid double
14 the market price. How are our families going
15 to compete? No farmer can afford to invest
16 that much, agriculture wouldn't pay. The
17 Indians have made so much in casinos, they can
18 afford to pay any amount to unscrupulous
19 sellers. Every owner of any amount of real
20 estate should be interested enough and worried
21 enough about their taxes and environment to
22 attend this meeting and speak out.

23 We were married in 1954 and have farmed
24 and owned land and paid taxes on it ever since
25 in Pennsylvania, Delaware, Florida and now in

PUBLIC COMMENTS

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2 New York. When we bought land here in 1980,
3 the real estate agent warned us about the
4 Indian land claim, but we didn't think it was
5 anything to worry about. Now, 30 years later,
6 we are all still worrying, and some of our
7 neighbors moved there 20 years before we did
8 right over here. The solution is so simple, I
9 don't know why it hasn't been over and done
10 with. The Cayugas were not a federally
11 recognized tribe in 1934; and so therefore,
12 are not eligible to have land put into trust.
13 I dislike using the word Nation, because we
14 are one Nation Indivisible, not 250 plus
15 within our Nation and the United States.
16 Thank you.

17 MS. LEY: Jonathan Gilbert, John Young.

18 MR. YOUNG: Good evening, my name is John
19 Young. I am president of Hamilton Wilber Oil
20 Company. Our family run business has served
21 the Finger Lakes region for 62 years supplying
22 heating oil and propane and other fuels to
23 residential and commercial customers. We also
24 operate the Express Mart convenience store in
25 Moravia, New York.

PUBLIC COMMENTS

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2 I'm here to speak on behalf of the New
3 York Association of Convenience Stores, of
4 which our company is a long-time member.
5 NYACS is a not for profit organization
6 representing licensed mini marts here and
7 across the state.

8 It's pretty clear from the DEIS that a
9 major goal of the proposed action is to
10 restore the Cayuga Indian Nation's ability to
11 sell cigarettes and gas tax free to non-Indian
12 customers. In our view, this would be an
13 injustice to the community. For five years or
14 more, our non-retailers in Seneca and Cayuga
15 Counties, including my store, suffered the ill
16 effects of unfair competition from the Cayuga
17 Indian Nation. When the county authority
18 halted tax free sales at the Nation's two
19 Lakeside Trading last fall, taxable cigarette
20 sales at surrounding stores increased anywhere
21 from 20 to 150 percent. Our store ran \$4,000
22 that month. This underscores the magnitude of
23 the cigarette tax evasion that has been taking
24 place. How much business was being diverted
25 from our stores to Lakeside Trading and how

PUBLIC COMMENTS

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2 much tax revenue the counties were losing as a
3 result.

4 When the tax free sales are allowed to
5 exist, in surrounding communities are hurt in
6 three ways. One, tax collecting local
7 businesses lose legitimate sales and are
8 weakened, sometimes fatally. Two, local
9 county loses tax revenues need for vital
10 services. Three, with regard to the tobacco,
11 it defeats the public policy goal of using
12 excessive taxes to compel people to quit
13 smoking. Native American sales of cigarettes
14 and gas to non-Indian New Yorkers are indeed
15 taxable under existing state law. The Supreme
16 Court has made clear that states are entitled
17 to collect the taxes. The refusal of the last
18 three governors of New York to exercise this
19 right does not make the Cayuga Nation a tax
20 exempt entity as claimed. The DEIS describes
21 the local economic benefits of the Nation's
22 employment and purchase of goods and services.
23 With all due respect, many non-Indian stores
24 have employed local people and bought supplies
25 locally long before Lakeside Trading existed.

1 PUBLIC COMMENTS

2 But that doesn't justify the removing of our
3 property from tax rolls or excuse us from
4 collecting taxes or following regulations. We
5 sincerely respect the right of the Cayuga
6 Indian Nation to have -- thank you.

7 (Whereupon, three minutes were up.)

8 MS. LEY: Peter Tortorici, Rich Ricci,
9 Cincy Schlegel, Walter Gable and Donna Conley.

10 MR. TORTORICI: Good evening, my name is
11 Peter Tortorici. I currently serve as the
12 chairman of the Cayuga County Legislature. As
13 the chairman, I've been asked to state the
14 position of the Cayuga County Legislature on
15 the Cayuga Indian Nation application for land
16 into trust. For numerous reasons, some of
17 which are enumerated below, the Cayuga County
18 legislature is opposed to the application by
19 the Cayuga Indian Nation for land into trust.

20 A summary of Cayuga County's concerns and
21 comments on the draft environmental impact
22 statement are: Exemption from property taxes
23 and special district charges as well as
24 exemption from infrastructure payments, and no
25 state and local regulations of land. Failure

PUBLIC COMMENTS

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2 to assess the impacts of the Cayuga Indian
3 Nation expanding its businesses and developing
4 its land. Failure to investigate and identify
5 measures to prevent harmful impacts and
6 potential damage to the environment. The
7 failure to consider cumulative impacts of the
8 applications. Failure to identify or consider
9 other alternatives that would mitigate
10 impacts. The Cayuga Indian Nation application
11 does not meet with the purpose and need
12 requirement under NEPA. The DEIS should be
13 withdrawn until critical information is
14 provided and until critical decisions are
15 rendered on cases currently before the New
16 York State Courts. Cayuga County will further
17 submit concerns and objections to the Bureau
18 of Indian Affairs in a timely manner.

19 And speaking for myself as an individual
20 and also representing the Cayuga County
21 Legislature, for each and or any of the
22 foregoing reasons, I hereby recommend that
23 alternative number two, no action be taken.
24 Under this alternative, the BIA would take no
25 action and the Nation's properties would not

PUBLIC COMMENTS

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be taken into trust by the United States.
Thank you.

MR. RICCI: Good evening. My name is Richard Ricci, I'm the former Chairman of the Indian Land Claim Committee for eight years in Seneca County and I'm a proud member of Upstate Citizens For Equality. I have had my written comments forwarded however, there is one question I would like to ask the Bureau of Indian Affairs, it's really quite simple: How can you expect us to trust you? When you are an agency that can make a statement that there would be no significant impact by putting the land into trust, the kind that of statement really doesn't give us much credit for knowing anything. We could fill up three days of testimonies to refute that statement, and we are supposed to trust you. Your agency supported the eviction of 21,000 men, women and children from Seneca and Cayuga Counties from their homes in its original land claim, and we're supposed to trust you. Your agency took no action on behalf of the 16 Indian families whose homes were demolished on the 32

PUBLIC COMMENTS

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2 acre reservation in Oneida County. These
3 Indian people did absolutely nothing except
4 support the clan mother, Macy Shenendoah. And
5 when these people asked for your bureau's
6 help, they received none. You could not
7 support your own people, and we are supposed
8 to trust you. Your agency has the dubious
9 reputation as being the most corrupt agency in
10 the federal government. Your actions or
11 inactions are well-documented in many liberal
12 leaning magazines and newspapers, and we are
13 supposed to trust you. Your agency's most
14 despicable of all actions allows the Indian
15 people whose care is entrusted to your bureau
16 to have the highest unemployment rate, highest
17 poverty levels of any other group in the
18 America. This is hard to believe since no
19 other group receives the billions upon
20 billions of tax dollars and billions more from
21 casino revenues; and yet, many Indian people
22 remain impoverished. Your agency is well
23 aware of the fact that the Cayugas have been
24 paid eight times and you support a ninth
25 settlement. Will you support the Canadian

PUBLIC COMMENTS

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2 Cayugas, the Wisconsin Cayugas, and the
3 Oklahoma Cayugas when they come a calling and
4 want some more of our land. There is no place
5 in modern day America where you create a super
6 citizen status and tribal status. These
7 actions fly in the face of what we all cherish
8 in America. Our young men and women are
9 fighting and dying in Iraq and Afghanistan
10 against tribalism and for democracy, and the
11 Bureau of Indian Affairs wants to create
12 tribal states here which are counter to
13 democracy. There is something wrong with this
14 picture and we are supposed to trust you.

15 In closing, don't take us for fools as we
16 know the outcome of this hearing and what your
17 ruling will be. You will approve and we will
18 challenge you every step of the way and every
19 politician that supports this injustice. We
20 are mad as hell and we are not going to take
21 it anymore. No more. No more. No more.

22 MS. SCHLEGEL: I'm a small business owner
23 and resident of on the lake and I can't even
24 begin to say anything more meaningful than
25 what he just said, but I would like to enter

PUBLIC COMMENTS

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2 into the record a copy of something that is --
3 it's just a picture of a that that is in the
4 county, and it's an old sign. It says,
5 "Reservation of Cayugas sold to the state
6 1799. A body of Tuscaroras were the last of
7 the Iroquois to occupy this point." I think
8 it's something that should be part of the
9 record and also part of the media's
10 understanding as part of the problem.

11 So whether you say that if you take
12 anything else away from this hearing, please
13 know and understand that the land in Seneca
14 and Cayuga Counties is the lifeblood of our
15 local economy; not the prison, not a landfill,
16 but a lake. Its beauty and landscape attracts
17 tourist from all over the country, and the
18 historic villages along Cayuga Lake, wineries,
19 restaurants, gift shops, marinas, not to
20 mention the Amish and Mennonite farms that are
21 part of the landscape, and they are good
22 citizens and pay sales tax and also property
23 taxes. The bottom line of that is that it
24 provides such a quality of life for all the
25 residents here, but it's also our economic

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survival.

Land into trust means only one thing to us: Economic devasation. We cannot pick up the tab. We cannot afford to lose one dollar in our property and sales tax. We cannot afford to have one single small business fail or potential startups unable to settle here because of their inability to compete.

I have said from the beginning of this struggle, reservations are a failed social remedy. I would guess that many of you who work for the Bureau of Indian Affairs live in the Washington area or maybe even in a townhouse in Alexandria. Wherever you live, you have likely chosen not to live on a reservation or on land that has been taken into trust; a wise decision, as it is an environment fraught with self -- poverty, alcoholism and -- every effort that the Bureau should make is to integrate Native Americans into American society where there is freedom and opportunity, and where people of all cultures and traditions share equally both from the blessing and obligations of our land.

PUBLIC COMMENTS

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2 MR. GABLE: Walter Gable, Seneca County
3 historian. The DEIS is at least an incomplete
4 history. There are serious omissions with
5 vital information needed for intelligent and
6 correct decisions to be made about this
7 application for fee into trust. One serious
8 omission is the failure of this revised DEIS
9 to state explicitly the historic fact that
10 Cayugas were not the first in the Finger Lakes
11 area. The failure of the DEIS to even mention
12 this fact is a serious historical omission of
13 truth, an omission that could easily --
14 outside of the legal facts to infer that the
15 Iroquois were the original human inhabitants
16 of this area.

17 Another serious shortcoming is that this
18 DEIS does not provide a true perspective of
19 what this fee into trust process will bring
20 us. Good historical writing gives a complete
21 picture, but this DEIS is neither a good
22 writing nor a gist of a complete picture. I
23 advocate it would be irresponsible on the part
24 of the Bureau of Indian Affairs to consider
25 this fee into trust solely in terms of

PUBLIC COMMENTS

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separate parcels identified in this DEIS.

Now, the most serious omission in this document is clearly that it does not deal with negative impacts of granting land into trust. But you've heard those comments talked about specifically from others.

In closing, from this historian's viewpoint, I would submit that this DEIS only gives perhaps, at best, half of the information needed to make an intelligent decision about this request; that is simply unacceptable. The fee trust transfer request is a serious matter. This Indian land into claim issue is what historians call a turning point in history, certainly for Seneca and Cayuga Counties. I hope that when future generations write the history of this land claim and fee into trust business, that they will be able to say that the right decision was made on this matter, that this fee into trust application was denied for a very compelling reason. Thank you.

MS. LEY: Donna Coley, Gail Parks, Robert McKeveney, Michael Day, Carl Feltus.

PUBLIC COMMENTS

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2 MS. CONLEY: I'm Donna Conley,
3 C-O-N-L-E-Y. I am a business owner and
4 property owner for 36 years in Seneca County,
5 and I am a member of Upstate Citizens for
6 Equality. With a very troubled heart I stand
7 here in Seneca County New York one nation
8 under God, and we do honor and pledge one
9 flag, and we will remain one Nation. I am
10 opposed to land into trust which is one way of
11 giving our land away with no further control
12 over it. The DEIS says, piece of cake, you'll
13 never know what hit it, we'll shove it down
14 your throat and you will like it. The DEIS
15 states that there are no negative impacts of
16 putting the land into trust. We have already
17 felt the negative impact of the CIN through
18 their blatant disrespect for our laws and our
19 citizens. Peddling untaxed gas and
20 cigarettes, running their class two electronic
21 gaming, and maybe or maybe not paying property
22 taxes. The CIN, by refusing to collect sales
23 tax creates an unlevel playing field for
24 businesses that do collect and pay sales tax.
25 New York businesses do not have a choice of

PUBLIC COMMENTS

1
2 maybe I will or maybe I won't pay and collect
3 sale taxes.

4 As a business owner I do have to collect
5 and remit sales tax on time. The sad part is
6 the CIN do raise their prices on gas and
7 cigarettes, but keep it just below what New
8 York State taxes would be. This just adds to
9 the pot of profit that they will use towards
10 the county in lawyers and buying up more land.
11 This money also does not go for medical bills
12 created by cigarettes and addictions to
13 gambling; you and I pay for this.

14 Another impact would be our local
15 governments could not enforce any regulations
16 on land use, air quality, zoning, traffic,
17 noise, and health and safety on trust lands.
18 The CIN would be in complete control to write
19 and enforce the rules as they choose and when
20 they choose with no respect to existing laws
21 or regulations.

22 And this is from my heart, I have nothing
23 to gain from this except my home, my country,
24 God Bless America and we will keep it one
25 Nation undivided.

PUBLIC COMMENTS

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2 MS. PARKS: My name is Gail Parks --
3 First, whatever I'd like to state is that I
4 agree with the statements and sentiments of
5 those that spoke before me in opposition of
6 putting land into trust. Second, I'd like to
7 let you know that I would rather chew glass
8 and swallow it than stand here and speak in
9 front of people, but the seriousness of this
10 issue has, over the years, propelled me into
11 many uncomfortable and uncharacteristic
12 scenarios. I know many, if not most of the
13 people here feel that they have all too often
14 been forced to step out of their comfort zones
15 to stand up for what they believe. Third, I
16 would also to like to let you know that I have
17 been a staunch defender of the American
18 Indians past way of life and culture. I am a
19 wildlife enthusiast, a protector of nature and
20 am dedicated to a lifestyle that nurtures our
21 livestock and preserves our humble 250 acres
22 of land. The energy, commitment and time that
23 it takes to mange our small farming enterprise
24 cannot be measured quantitatively in dollars
25 alone. With the benefits and satisfaction and

PUBLIC COMMENTS

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2 rewards for our physical toils are also
3 spiritual, emotional and aesthetic. It is
4 disturbing to see how the values and
5 priorities of the American Indians has
6 changed. Instead of preserving their culture
7 and protecting the land, they spend their time
8 with lawyers looking for loopholes in century
9 old treaties to pursue their master plan of
10 revenge. They are smitten with a warped sense
11 of irony over the recent and potential land
12 acquisitions, and they are holding a harmless
13 community hostage with their ill gotten buying
14 power, which enables them to purchase any
15 piece of property or business they want.

16 The small group of people who claim to be
17 homeless has capital to purchase more than the
18 asking price on anything they wish to
19 purchase. How often are homeless people in
20 that position. How many hard working, tax
21 paying, law abiding citizens in Cayuga and in
22 Seneca Counties can afford to make similar
23 purchases, when in these trying economic times
24 foreclosure status has risen to become the
25 norm for so many. Our communities, and I

PUBLIC COMMENTS

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2 cannot state this vehemently enough, our
3 communities cannot, should not and will not be
4 able to shoulder the tax burden that would
5 result from the Indians nonpayment of property
6 taxes, sales taxes, or any other of their
7 nonpayment perks without us losing our land
8 and our lives.

9 One final thought. Recently throughout
10 this ordeal I've been reminded of the Bernie
11 Madoff scandal and how that was labeled as the
12 scam of the century. Well, Bernie Madoff's
13 scam --

14 (Whereupon, three minutes were up.)

15 MR. McKEVENY: Good evening, my name is
16 Robert McKeveny. I'm the Superintendent of
17 the Seneca Falls Central School District in
18 Seneca Falls, New York. On behalf of the
19 Board of Education, I am here to inform you of
20 the district's opposition to the Cayuga Indian
21 Nation draft environmental impact statement.
22 We urge the BIA to elect the no action
23 alternative with respect to the application
24 and deny approval of the land to be placed
25 into trust.

PUBLIC COMMENTS

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2 In addition to the various environmental
3 concerns related to the request as expressed
4 to you by other entities, there are specific
5 damaging financial impacts that a final
6 approval to this application would have on the
7 Seneca Falls Central School District. The
8 district currently educates 1,348 students for
9 the upcoming 2009/2010 school year. The
10 district's overall budget is \$25,102,303.
11 Funding for approximately 45 percent of the
12 budget 11,296,036 is raised through school
13 property taxes. The remaining balance of the
14 district's annual budget is realized from the
15 state aid distributed from the New York State
16 budget. As you may be aware, state aid
17 allocations are not increasing. School
18 districts have been forced to prepare for
19 budget reductions and potential take back of
20 stat aid during this past school year. The
21 Seneca Falls Central School District has been
22 faced with difficult budget decisions and has
23 been very sensitive to passing additional
24 costs on to community taxpayers. An approved
25 request for land into trust with the Cayuga

PUBLIC COMMENTS

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2 Indian Nation would result in a significant
3 amount of taxable property being taken off the
4 tax rolls. As 51 percent of the Cayuga Indian
5 Nation lands is within the school district
6 boundaries, it is entirely possible that lost
7 operating funds could approach \$6,000,000.
8 This is a significant percentage of the
9 district's \$25,102,3030 budget. This is a
10 dangerous precedent that would present a
11 financial hardship for the district and would
12 require additional costs to be passed on to
13 taxpayers or severe cuts to district programs
14 and personnel resulting in reduced program and
15 course offerings to our students. Passing
16 additional costs on to the taxpayers is not up
17 for option, especially in the current economic
18 climate. The financial impact of this trust
19 status is compounded by the fact that the
20 district would not be eligible for state aid
21 reimbursement for students living in the land
22 into trust locations. By law, funds are only
23 provided to the school district if students
24 reside on a state recognized reservation. The
25 district currently receives approximately

PUBLIC COMMENTS

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2 \$7,500 in state aid for each student. Given
3 the fact that the students living in these
4 areas would to all Seneca Falls Central School
5 District educational and transportation
6 services, an inability to qualify for such
7 state creates an imbalance and furthers
8 potential hardships for the school district.
9 Please understand --

10 (Whereupon, three minutes were up.)

11 MR. DAY: My name is Michael Day. I am
12 the president of the Seneca Falls Central
13 School District Board of Education, and I'm
14 here to deliver the resolution unanimously
15 passed this Monday, June 15th, in opposition
16 to the land into trust application of the
17 Cayuga Indian Nation. The Bureau of Indian
18 Affairs has released a draft environmental
19 impact statement supporting the proposed fee
20 into trust conveyance of certain real property
21 owned by the Cayuga Indian Nation located in
22 Cayuga and Seneca Counties in the State of New
23 York. The Superintendent of Schools and the
24 Board of Education of Seneca Falls Central
25 School District has reviewed and considered

PUBLIC COMMENTS

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2 the DEIS. The Superintendent of Schools and
3 the Board of Education have reviewed the
4 resolution of adopted by the Seneca County
5 Board of Supervisors at its public meeting on
6 June 9, 2009 opposing the proposed fee into
7 trust conveyance and supports that resolution
8 in its entirety. And, in addition to the
9 issues specifically raised in that resolution,
10 the Superintendent and the Board of Education
11 have additional concerns related to the impact
12 on the district if the final approval of the
13 fee to trust conveyance is granted and taking
14 the subject land into trust would render it
15 sovereign territory and therefore exempt from
16 local property taxes, thus reducing the
17 revenue of the district. And in order to
18 provide a free and appropriate education to
19 its students as set forth under state and
20 federal law, the district relies on tax
21 revenue generated from its property tax levy
22 for 45.2 percent of the overall district
23 budget which for the 2009/2010 school year is
24 \$25,102,202. The impact of this lose of tax
25 revenue will require additional costs to be

PUBLIC COMMENTS

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2 passed down to the district's taxpayers and/or
3 would require severe cuts to the district's
4 programs and personnel resulting in reduced
5 programs, course offerings, athletic and
6 extracurricular activities.

7 The DEIS states that quote, no members of
8 the Nation are unknown to reside in Cayuga
9 County, Seneca County, and it is not
10 anticipated the members of the Cayuga Nation
11 would relocate to the project area, end quote.
12 The DEIS also states that the proposed action
13 is intended the further the lifestyle,
14 cultural values and the objectives of the
15 Nation by advancing the Nation's goals of
16 re-establishing tribal presence in its former
17 homeland. In addition to tax revenues, the
18 district relies on state aid from New York
19 State to support the cost of its educational
20 programs and such state aid funds are only
21 allocated for students who live on
22 state-recognized reservations and children
23 living in that the areas subject to the
24 proposed fee for trust would be entitled to
25 attended the district's schools as residents

PUBLIC COMMENTS

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2 and be otherwise entitled to all educational,
3 transportation and other services provided by
4 the district, but the district would be unable
5 to obtain its normal per pupil share of state
6 aid for such students to help fund such
7 services given the fee for trust designation
8 and this inability to qualify for such state
9 aid for such students creates a further
10 economic burden --

11 (Whereupon, three minutes were up.)

12 MS. LEY: Carl Feltus.

13 MR. FELTUS: My name is Carl Feltus. The
14 BIA is using the DEIS to try to justify the
15 land into trust. However, the DEIS is flawed
16 so seriously that it should be ignored. The
17 author's opinion that granting land into trust
18 will have little or no impact is the baseless
19 assumption of this masterpiece. That opinion
20 is dead wrong. You put any business paying
21 taxes next to the one that does not, and it
22 will not take very long to see which one
23 survives. The advantage to the untaxed is
24 neither minimal nor nonexistent, it is huge.
25 This is an inequality. The tax burden that

PUBLIC COMMENTS

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2 would be shifted to non-Indians by granting
3 land into trust would be enormous. The outfit
4 that concocted that statement is either real
5 stupid or thinks we are. One can't help but
6 feel that this document was scripted before
7 the contract was signed to produce it. It's
8 hard to imagine how a decision such as basic
9 as who gets sovereignty is left to a bureau
10 within a department. It could not be further
11 removed from accountability to voters. That
12 is not by accident. I feel that it is most
13 likely due to our collective apathy and our
14 pending elected officials' lack of backbone
15 and/or scruples. Their ethics probably could
16 be argued, but their lack of political
17 coverage cannot be. The crux of this issue is
18 equality or the lack of it. If you see fit to
19 grant the land into trust, you are promoting
20 inequality. That serves no one well. Land
21 into trust is the exclusive agreement with one
22 set of people, the Cayugas. Exclusive
23 arrangements can only impede equality. We
24 should strive to be inclusive, and doing so
25 would foster equality. Thank you.

PUBLIC COMMENTS

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2 MS. LEY: Robert Kernan, Junior, Greg
3 Walton, William Schuster, Peter Schuster, Fred
4 Gaffney.

5 MR. KERNAN: Good evening, my name is Bob
6 Kernan. I reside in Seneca Falls. My first
7 experience looking at Seneca Falls was in 1979
8 when I accepted the position with the Seneca
9 Falls Savings Bank. When I first arrived,
10 Seneca County was a much different community.
11 We had a -- plant, a strong economic base due
12 to major industries in Seneca Falls, an army
13 depot and a private college in Seneca Falls,
14 along with a community of small businesses
15 without which was the strong economic base for
16 our counties' tax.

17 Subsequent to 1979 our county has
18 suffered many negative changes. Along the
19 with job losses, we experienced a financial
20 loss of children going away to college and
21 never coming back due to a lack of gainful
22 employment opportunities in our community.
23 Even though there had been some economic
24 improvement over the last 38 years, we are not
25 the same county as we once were. Frankly,

PUBLIC COMMENTS

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2 Seneca County cannot afford another major
3 setback; particularly businesses.

4 If the conditions of the DEIS are
5 accepted and approved by the BIA, it can only
6 look forward with the continuation of said
7 economic growth before we continue on our road
8 of granting higher taxes to offset the impact
9 of properties being removed from the tax
10 rolls, and the variety of services with which
11 affords our quality of life.

12 I don't believe our county profile is to
13 approve the current proposed actions taken by
14 the DEIS. And frankly, neither should we.
15 Let us all stand firmly and strongly to resist
16 the acceptance of the DEIS proposal. If you
17 are looking for the last nail in our coffin as
18 a private county, this is it. Our future as a
19 county depends on the reduction of any action
20 that surrounds the BIA to hold us hostage in
21 this county in our future. If failure is not
22 an option, the DEIS documented proposal must
23 be rejected at all costs. Thank you.

24 MR. WADHAMS: Just so you get that right,
25 that's Wadhams. That's Wadhams. I'd like to

PUBLIC COMMENTS

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2 thank you for the opportunity. I'm going to
3 be brief here, because I want to make sure I
4 get in my three minutes. I see nothing of a
5 good neighbor policy. I think the DEIS is
6 flawed considerably. The Indians come in and
7 are afforded all the amenities, so the taxes
8 are paid for, they pay no tax. And the land
9 is removed from the tax rolls, somebody has to
10 pick up that burden. That would be me. And
11 I'm a dirt farmer on the north end of town,
12 and I'm running right now on a thread right
13 now, I don't know if I can bear anymore, and I
14 know I'm not alone.

15 But that being said, there is no
16 disregard for the laws -- there is blatant
17 disregard for the laws, excuse me. And there
18 is nothing for like building codes and fire
19 safety. I don't know who, if -- you gentlemen
20 probably come from apartments, this area is
21 supported by volunteers. I'd hate to be
22 sending my firemen into some place that
23 doesn't have building codes.

24 And I didn't see anything in that
25 document at all about the watershed. Now, for

PUBLIC COMMENTS

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2 a couple of municipalities, they depend on
3 that lake for drinking water. Now if someone
4 has a pool, what are they going to do? And
5 also, there is nothing in the DEIS statement
6 for these drains for the farm bureau. I
7 depend on my neighbors to maintain their
8 grounds, so my ground drains and the same goes
9 back, and it is the point of being a good
10 neighbor, good neighbors share the burden they
11 don't create the burden. Thank you for your
12 time.

13 MS. LEY: William Shuster.

14 MR. SHUSTER: Good evening, my name is
15 William Shuster, Seneca Falls, New York. Once
16 again, there is no legal basis for this land
17 claim by the Cayuga tribe. It is another test
18 to us in a further land claim. With the
19 American Revolution, this area all became part
20 of the United States of America from England.
21 This is our country. The Oneida Nation were
22 original settlers here. All state laws by the
23 Cayugas have settled our tribes were then took
24 control and fought with the English against
25 us. In -- settle, the three settled with the

PUBLIC COMMENTS

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2 -- and by the part of the United States with
3 any Indian land claims. This was taken care
4 of at that time. Renew of any treaties of
5 land claims would be like other countries;
6 England, France, Spain, Canada, Russia,
7 Mexico, the Dutch or possibly the Vikings to
8 renew any treaty or any land established for
9 the territory once they own here, party of the
10 United States. Shame on you, the United
11 States government, the Bureau of Indian
12 Affairs, the Department of the Interior, the
13 leaders from the Indian tribes; over 200 years
14 and no settlement. They claim there is no
15 settlement. After at least eight times it was
16 ratified to settlements. Over 200 years of
17 gross corruption and frequent injustice, 10
18 billion dollars in one year from the
19 Department of the Interior cannot be accounted
20 for. Follow the money trail. End all land
21 claims now. Don't give our land away. Don't
22 sell us out. Don't sell us out. The veterans
23 of this nation, the taxpayers, landowners, the
24 United States citizens, equal rights for all.
25 This should be demanded by our federal

PUBLIC COMMENTS

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government that we have -- all have equal rights. Thank you.

MR. SHUSTER: I'm Peter Shuster, Mr. Keel, good evening. If you would follow the timetable of this trust, you have all of these Indians filing settlement in 20 years. That was since the timetable, to have them all Americanized within the first five years in the 20 years. Now we're going in the wrong direction trying to settle the land into trust. 125 acres, you know, it's just like a camel getting it's head into a tent, it won't be long before it's going to be more before it's more acres wanting to go into trust.

Mr. Keel, do you see any equality in setting up a Cayuga Indian land trust creating a class of privileged people that would be living in the so-called sovereign Nation. It would be like kings and nobility, they don't follow the laws in the United States, they will not pay taxes.

We fought a Revolutionary war -- and a declaration of independence to all people are supposed to be created equal. We fought a

PUBLIC COMMENTS

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2 Civil War for further equality to get rid of
3 the slaves so that they were equal. And now
4 you seem to be going in the wrong direction
5 with this land into trust. If you are going
6 to pursue it, that sets us up for perhaps
7 another Civil War. And I beseech you -- I
8 hope you have learned something tonight. God
9 bless you.

10 MR. GAFFNEY: Good evening, my name is
11 Fred Gaffney. I am the executive director of
12 the Seneca County Chamber of Commerce, which
13 represents 350 businesses located in Seneca
14 County and the surrounding area. The chamber
15 opposes the Cayuga Nation's land into trust
16 application in principle. Earlier today our
17 board of directors passed a resolution which
18 specifically addresses our objections to the
19 draft environmental impact statement as it
20 lacks critical information regarding, among
21 many other issues, the negative impacts of
22 Cayuga Nation's enterprises on surrounding
23 businesses and communities. Just a few
24 examples, the DEIS lists the expenditures on
25 goods and services occurring within and

PUBLIC COMMENTS

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2 outside Seneca and Cayuga Counties cigarette
3 and gasoline purchases for resale are
4 blatantly excluded. In November of 2008 law
5 enforcement officials in the two counties
6 seized 17,600 carton on untaxed cigarettes
7 from the Lakeside Trading convenience stores
8 located in Seneca Falls and Union Springs.
9 County officials calculate that these
10 cigarettes seized in a one day raid represent
11 \$485,000 in uncollected state excise taxes.
12 Clearly this loss of revenue has a significant
13 and negative impact on the State of New York,
14 Seneca and Cayuga Counties, and taxpayers
15 which is again glaringly absent from the DEIS.
16 Furthermore, this claim of special privilege
17 by the Cayuga Nation in not collecting taxes
18 has a negative impact on competing businesses
19 by not collecting sales and excise taxes on
20 cigarettes and gasoline the Lakeside trading
21 stores have an unfair advantage in offering
22 lower prices on these items. Existing and
23 former business owners have spoken publicly,
24 including this evening, about the detriment of
25 the unfair competition. The statement of the

PUBLIC COMMENTS

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2 the DEIS that the Cayugas have no plans for
3 the further development on the properties is
4 subject to the proposed action is
5 disingenuous. Already in 2009 two new
6 enterprises have been opened by the Cayugas on
7 adjacent and nearby properties. It is clear
8 that the Cayugas have every intention of
9 expanding their commercial enterprises which
10 will only compound the existing negative
11 impacts to the counties and state. The local
12 and state regulations that enterprises on
13 trust land would be exempt from include health
14 and safety inspection. As Cayuga enterprises
15 in the two counties include the sale of
16 produce and other food, this raises serious
17 concern for public safety. Furthermore the
18 Lakeside Trading stores selling gasoline are
19 not only within the Cayuga lake watershed, but
20 are you within close proximity to the lack.
21 To suggest that a lack of monitoring by
22 government agencies would create no
23 significant risk is optimistic at best.

24 A conclusion to be derived from this
25 incomplete information is an attempt by the

PUBLIC COMMENTS

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2 Cayuga Nation to suppress the true negative
3 impact of their enterprises currently
4 operating in the counties and mislead the
5 public regarding future development. While
6 the DEIS is therefore significantly flawed and
7 biased, we urge you, the Bureau of Indian
8 Affairs, to adopt the no action alternative
9 and not grant the Cayuga Indian Nation's
10 application for lands into trust. Thank you.

11 DR. KARDATZKE: We've been sitting here
12 for two hours. Would people like a 10-minute
13 break?

14 (Whereupon, the audience members shouted
15 no.)

16 MS. LEY: Gary Padula, Edward Ide, Robert
17 Wayne, Keith Kubasik.

18 MR. PADULA: My name is Gary Padula. I'm
19 a resident of Madison County. I'm a member of
20 Upstate Citizens for Equality. I'm a board
21 member of Central New York for Fair Business.
22 I'm a member of CERA and a past president of
23 the American Citizens Association. The recent
24 court ruling that have been going down against
25 the Bureau of Indian Affairs such as Rhode

PUBLIC COMMENTS

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2 Island, or Hawaii versus Hawaii, US versus
3 Oneida, Navajo versus US Forces and we can go
4 on. But this really boils down to is the
5 Bureau of Indian Affairs is violating our
6 civil rights. We were born in the United
7 States. We were raised in the United States.
8 We work in the United States. We contribute
9 to Social Security; yet, all of a sudden you
10 decide that you can take a group of people,
11 put them on the land, there will be no taxes
12 to the federal government, supply medical care
13 -- we don't have that advantage. In Madison
14 and Oneida Counties, we are the poster child
15 of what is not a benefit of having a casino.
16 You say this is all about the jobs. We say
17 it's all about the social negative impact on
18 the area; divorce, Orders of Protection, white
19 collar crime, suicides, small businesses that
20 can't pay the taxes and can't compete, they
21 are all in double digit percentages. We, as
22 citizens of Madison and Oneida County and now
23 Cayuga County will not allow you to put into
24 trust this land or any others. You are
25 violating our civil rights and will not put up

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with this anymore.

And last but not least, how can you push the land for these Americans of Cayuga heritage that are currently facing a life -- shortage. I don't think you would allow any government to allow any citizens of the United States other than these people to do that. The Cayugas are American citizens within the area. All this room is all Americans. We are all kinds of different origins. What gives you the right to supercede our God given birthright. In case of you didn't get it, we are all Native Americans. So that we, Cayuga County has to be treated just like the rest of us. We can't have a government agency come in and we will not let them preserve the rights of Americans of Cayuga heritage. So we not do expect you to come in here and research the rights of Americans of all heritages that live and work in Cayuga County. As the judge stated when he talked about the Oneidas, it's the same with the Cayugas, they could not be -- side with a creating future that's unjust. Thank you and God bless.

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MS. LEY: Edward Ide or Ode. Robert Wayne.

MR. IDE: My name is Edward Ide, I'm a Supervisor for the Town of Aurelius. I have a number of items that I would like to have recorded in the official record. The first one is my letter of opposition expressing the various and numerous deficiencies in the DEIS. The second is the resolution passed by the various town boards also pointing out deficiencies, as well as their opposition. And I have various letters from concerned citizens from the area who are willing to express their concerns by the DEIS and their opposition, and I'll leave them for you to read. Thank you.

MR. WAYNE: Good evening. My name is Robert Wayne. I have lived on Lower Lake Road in the Town of Seneca Falls for 53 years, of which 30 of those are at my current address which is 2515 Lower Lake Road. I was born in this country, which makes me Native American. I object to the Cayuga Indian Nation's land being placed in a trust, as it will cause

PUBLIC COMMENTS

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2 economic hardship to my family and neighbors
3 by causing an increase in our taxes. My taxes
4 have been increasing at a higher pace since
5 the Cayuga Indians open their gas station and
6 failed to collect the sales tax. I work two
7 jobs in order to keep my home. If the Cayuga
8 Indian's land is placed into trust, this will
9 result in more tax increases, and as a result,
10 my family will need to give up things that we
11 now have in order to keep our home. This is
12 not fair to me or to the other long time
13 residents. Our property values will decrease,
14 but our taxes will increase to offset the loss
15 of sales tax revenue.

16 Another reason why the land should not be
17 placed into a trust that the Cayuga Indians
18 would not have to follow the state and federal
19 environmental laws, zoning and building codes
20 or land use regulations. This causes a great
21 concern to me personally, because they would
22 not be required to have their underground gas
23 tanks tested like the honest, tax paying gas
24 station owners. My residence is directly
25 downhill from the described gas station. If

PUBLIC COMMENTS

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2 the gas tanks start to leak, it will
3 contaminate the land. Since my land is lower
4 than the gas station that the Cayuga's
5 operate, it will go downhill and contaminate
6 my land and possibly Cayuga Lake. It would no
7 longer be protected, because the tanks are not
8 tested. The Cayuga Indians want to use our
9 highways, fire and police protection, as well
10 as other amenities afforded to us taxpayers
11 without paying a penny for them. And finally,
12 I protest putting the Cayuga Indian land into
13 trust because it discriminates against me due
14 to race, which goes against the United States
15 Constitution.

16 One other thing I would like to add;
17 Mr. Wadhams brought it up: I am a volunteer
18 fireman. I've been a volunteer fireman for 36
19 years. Everybody -- I know many of these
20 people in this audience today, both tonight
21 during adverse weather. Their houses are
22 built to code. If there is an emergency or
23 anything, I know what's in there, because of
24 all the laws that tells us that they have to
25 let us know. I would strongly hesitate

PUBLIC COMMENTS

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2 getting up and going into Indian property in a
3 fire without knowing how that structure was
4 built and/or what is in there. Thank you.

5 MR. KUBASIK: Good evening, my name is
6 Keith Kubasik. I live at 42 North Seneca
7 Street in Waterloo, New York. And thank you
8 for listening to us tonight. New York State
9 has the dubious honor of having eight of the
10 top 10 highest taxed communities in the United
11 States. This is a situation, as a state, that
12 we are not proud of. Seneca and Cayuga
13 Counties have been and will continue to
14 address these issues with people about this.
15 We will not be able to survive as a viable
16 community if 64,000 acres or 125 acres or
17 whatever the number becomes is put into land
18 trust and exempted from property taxes, as the
19 remainder of the residents would have to
20 absorb the difference in their property taxes.
21 The establishment of non sales tax collecting,
22 the non regulated businesses will add yet
23 another burden onto an already volatile tax
24 base, not to mention the businesses paying
25 taxes and collecting taxes that will be forced

PUBLIC COMMENTS

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2 to close and leave the area. I openly embrace
3 our neighbors who will pay their share of
4 property taxes and run their businesses as we
5 do. I wrongly concluded that after -- for
6 over 20 years of the last four hearings that
7 the we won the battle of the land claim into
8 trust; to me, it is the same thing, we lose
9 valuable land that is not taxed and non tax
10 collecting businesses will prosper as law
11 abiding businesses will go elsewhere. I urge
12 you to take no action on this DEIS. If you
13 decide to put this land into trust, I fear
14 that there will be nothing left for our
15 community or our future generations to return
16 to, and I personally ask you to turn the
17 lights off in the Counties when you leave.
18 Thank you.

19 MS. LEY: Joyce Washburn, Arthur Hall,
20 Richard Talbot, Lisa Fitzgerald, Judy Bachman.

21 MS. WASHBURN: My name is Joyce Washburn.
22 I will speak slowly because I know that there
23 are a number of people that may be a little
24 hard of hearing, including my friend and
25 myself. I was born and raised in New York. I

1 PUBLIC COMMENTS

2 lived the past 17 years in Seneca Falls, New
3 York, and not a sole knows me. I am not one
4 to speak, but in this case I decided to speak.
5 I was born in New York State. I was raised in
6 New York State. I was schooled in New York
7 State, and I went on to be a nurse, I
8 practiced here for 40 years. This business
9 with the Indians started back when I was a
10 small girl, over 55 years, since I'm 66
11 already. And I think it's ridiculous that I
12 think the only thing that anyone is getting
13 out of it is him over there and these two guys
14 that are getting paid so much it's ridiculous.
15 It's time to stop. And I'm native American,
16 because I was born and raised in America.
17 Thank you.

18 MS. LEY: Arthur Hall, Richard Talbot.

19 MR. TALLCOT: I'm Richard Tallcot, a
20 resident of Cayuga County, chairman of the
21 Cayuga Seneca Chapter of Upstate Citizens for
22 Equality, a board member of the Citizens Equal
23 Rights Alliance and I live two miles from the
24 proposed trust acquisition area. I submitted
25 written comments, but I can add some more.

PUBLIC COMMENTS

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2 In April of 2006 the Cayuga tribe filed
3 for trust status and claimed it received no
4 local benefits and that the state roads were
5 maintained by the state before they purchased
6 the properties; so therefore, there was no
7 significant impact. What I find interesting
8 is that three years later, the AKRF who works
9 with the BIA agrees with them. I find this
10 significant that tribal courts should
11 ultimately have jurisdiction over non members,
12 that state jurisdiction on the tribal land
13 under 25 USC 232 and 233 would not apply. I
14 find it significant that the precedent taking
15 of land into trust in this state would happen
16 if we're not opposed. Lawrence Long, the
17 attorney general for South Dakota testified
18 before the Senate Indian Affairs Committee
19 last month. He finds it significant that the
20 statutes related to the trust is very broad,
21 but the law passed is very specific. Things
22 of this nature may be why the supreme court
23 has to explain the definition of words like
24 now to bureaucracies. In reference to taxes
25 Lawrence goes on to say that quote, this

PUBLIC COMMENTS

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2 situation is aggravated by the refusal of the
3 BIA to consider the cumulative effect on the
4 tax rolls, but of taking new land into trust.
5 Thus, even if half the land in a county is
6 already in trust, a new 100 acre acquisition
7 is analyzed as if it were the first
8 acquisition into trust in this county. And he
9 cites Shawano County Wisconsin, Board of
10 Supervisors verses Midwest Regional BIA
11 director in 2005 where the Indian Bureau of
12 Indian Affairs ruled that quote analysis of
13 the cumulative effects of tax loss on all
14 lands with Appellant's jurisdictional
15 boundaries is not required, unquote.

16 Other things Long cites as significant is
17 the loss of zoning authority as the Supreme
18 Court has long maintained, the exercise of
19 such authority is one of the primary ways in
20 which the community can maintain its
21 integrity. The general accounting office
22 found that the regulations as 25 CFR 151
23 provide little guidance and impose virtually
24 no limits on the lands which might be taken
25 into trust. Their report elaborates but

PUBLIC COMMENTS

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2 summarizes by noting, there is no criteria to
3 pass or fail. Plus, the GAO points out that
4 the process lacks an impartial decision maker.
5 I recommend that no decision, no action on
6 this matter. I stand in representative of
7 equality under the law of the United States
8 and I'm not going to back down.

9 MS. FITZGERALD: I'm Lisa Fitzgerald with
10 ITT Goulds Pumps, and also a resident of
11 Seneca Falls and live close to the --

12 However, I'd like to make a statement
13 from Bob Pagano, who is unable to attend
14 tonight's hearing. Goulds Pumps, Incorporated
15 as the largest private employer in Seneca
16 County, recognizes the potential for adverse
17 impact upon the businesses in our community if
18 a substantial portion of the area's available
19 property becomes exempt from taxes. This
20 could lead to increased taxes for the
21 remaining property holders. In our case,
22 higher taxes would negatively impact our
23 competitive position on the global market,
24 which could translate to lower demand for
25 workers at our Seneca Falls manufacturing

PUBLIC COMMENTS

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2 facility. For this reason we opposed the
3 conveyance of the land into trust. Thank you.

4 MS. BACHMAN: Before my time begins,
5 gentlemen, are you both from the Bureau of
6 Indian Affairs? Do we have any representative
7 here tonight from the Department of Interior
8 or the Department of Justice? Thank you, I
9 needed that information.

10 My name is Judith Bachman and I am a
11 resident of Oneida County, New York in Vernon,
12 New York, in the backyard of the Turning Stone
13 Casino. I am also the national spokesperson
14 for The Citizens Equal Rights Alliance , which
15 is a national organization dedicated to equal
16 protection of the law of all citizens.

17 I raise tonight the opinion of Sherrill,
18 the decision which said that the proper avenue
19 for land into trust was 25 USC 465. Also in
20 the Sherrill decision was a little deal called
21 justifiable expectations. Justifiable
22 expectations was carried forward in the Cayuga
23 decision to overturn it when it said that in
24 order for this to be a proper argument, it had
25 to be for the benefit of all the people.

PUBLIC COMMENTS

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2 I do not have for you tonight a written
3 statement, I have filed many of them, but it
4 is my personal opinion that you disregard them
5 and do not pay attention to them. This was
6 proven when the record of the decision was
7 issued on the Oneida Indian land claim when
8 you cited case in California that you said you
9 did not have to recognize the community input.
10 The court cases say different. That
11 particular case has been overturned, and the
12 Department of Interior knew it when they cited
13 it. I have filed and been part of US history
14 on the Arcuri decision that says, unless a
15 tribe was under federal recognition in 1934
16 they are not eligible for land into trust. We
17 submit by -- the list of tribes that were
18 recognized and presented to Congress, and
19 there was not one single New York tribe on
20 that list. I do not believe that land into
21 trust is a legal, viable option for New York
22 State.

23 There have been another two or three more
24 legal cases. I would draw your attention to
25 the case of -- Fessinger who have been

PUBLIC COMMENTS

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2 overturned and are no longer effective. I
3 would also in -- since my time is running out,
4 I am going to get the yellow yard very soon, I
5 would like to remind you all of something my
6 dad taught me years ago: If you don't listen,
7 you have to feel. I believe that the courts
8 are still going to help us feel. Thank you.

9 MS. LEY: Peter Same, Steven Getman,
10 Kathleen Knapp, Randy Knapp, Eleanore Casey.

11 MR. SAME: My name is Peter Same and I'm
12 the Town Supervisor of Seneca Falls and I'm
13 here representing approximately 9,000
14 residents in my community.

15 The Seneca Falls Town Board on June 6th
16 passed a resolution that cites approximately
17 15 reasons why we believe that the DEIS impact
18 is false. I will not go through the
19 dissertation, because they have all been
20 pretty much addressed already. That
21 resolution is on file or will be on file in
22 time.

23 I would like to address just a couple of
24 things. And in reference to the document, a
25 total failure to address the cumulative impact

PUBLIC COMMENTS

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2 of land taken into trust by the Department of
3 the Interior. This application from the
4 Cayugas request 15 acres in Seneca County be
5 granted and then another 114 acres in Cayuga
6 County. Since their original application, the
7 Cayugas have purchased an additional 765
8 acres. They do this because they are able to
9 do it with the monies that they make by
10 selling untaxed cigarettes and gasoline at
11 exorbitant profits and paying twice the market
12 value of the property. If this application is
13 granted, how long will it take to request the
14 additional to be placed into trust. Their
15 recognized leadership, Clint Halftown, states
16 their intention to buy back 64,000 acres
17 rather than 120. Think of the cumulative
18 impact of 52 percent of the tax base in the
19 Town of Seneca Falls coming off tax rolls.
20 This will have significant impact on the
21 taxpayers and the residents of Seneca Falls
22 and Seneca County. Why hasn't this been
23 addressed in the DEIS document?

24 The environmental impacts are a
25 tremendous concern in the unregulated use of

1 PUBLIC COMMENTS

2 lands. Trust land would be exempt from all of
3 the state regulations that the government
4 believes would be into trust. Why hasn't this
5 been addressed in the DEIS.

6 We believe that the BIA is a biased arm
7 of the federal government whose sole purpose
8 is to rule in favor of Native Americans. And
9 because of this, the draft environmental
10 impact statement should be withdrawn.

11 And as Supervisor for the Town of Seneca
12 Falls, I request that the BIA take the
13 alternative suggested in the DEIS, no action
14 and end this senseless waste of taxpayer
15 dollars. We are and should continue to be one
16 nation under God. Thank you.

17 MR. GETMAN: Good evening, I'm Steven
18 Getman, attorney. In January of this year, we
19 inaugurated a new president who ran a platform
20 of change. Mr. Obama promised to cover that
21 change in environmental platforms that
22 sustained more livable communities and
23 strengthen federal environmental social
24 justice. After being elected, he worked to
25 give states more control to adopt

PUBLIC COMMENTS

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2 environmental regulations which exceeded
3 federal rules. He also urged us as Americans
4 to look beyond the old provisions of race and
5 ethnicity.

6 With this in mind, I would like to remind
7 you all that the purpose of NEPA originally
8 expressed by Congress was intended to quote,
9 or to infer a quote; social, economic, and
10 other reforms for present and future
11 generations of Americans. NEPA is very fair
12 and social, economic and cultural
13 considerations are the exclusions. When NEPA
14 considers on any consequences --

15 Now, let's consider, as the president
16 urges us, to leave aside race and ethnicity.
17 And we open a business that makes millions if
18 not billions of dollars a year in New York
19 State selling addictive products and addictive
20 past times to our citizens that would be
21 exempt from local and environmental laws,
22 local land use laws, child protective laws,
23 workers compensation laws, immune from many
24 forms of civil lawsuits that would address
25 injustices. Once we take race and ethnicity

PUBLIC COMMENTS

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2 out of that fact pattern, this administration
3 if it lives up to its promise of environmental
4 and social justice and the original intent of
5 NEPA, would be strongly opposed to a grant of
6 authority; and therefore, I ask that this
7 administration live up to the original intent,
8 and I also ask this administration to live up
9 to the promise of no cultural divide. Bring
10 us together. End the racial divisions that
11 plague our nation and our communities.
12 Reflect this claim and let us live as
13 neighbors and true equals under the American
14 dream with equal opportunity as a promise for
15 us all.

16 MS. KNAPP: Kathleen Knapp Varick. I'm
17 Upstate Citizens for Equality. The BIA is
18 biased and the DEIS of the land into trust
19 application of the Cayuga tribe of Indians.
20 The majority of BIA are Indians. I believe
21 the DEIS is biased in favor of the tribes.
22 The BIA has a full-time staff of paid people
23 who have months to come up with the DEIS. The
24 working people of Seneca and Cayuga Counties
25 have only 45 days to respond. The BIA

PUBLIC COMMENTS

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2 employees care nothing about the people of
3 Seneca and Cayuga Counties who have lived here
4 for generations. The DEIS ignores the fact
5 that the Cayugas -- own almost 900 acres in
6 Cayuga and Seneca Counties at this time and
7 will surely apply for all of it to be put into
8 trust. The stated goal of the Cayuga tribe
9 and Clint Halftown is to purchase, 64,015
10 acres to be put into trust. The DEIS does not
11 realistically address the cost of roads, water
12 and sewer systems, and police and fire
13 protection and other public services. The
14 Cayugas will not pay their fair share.

15 The Indian Reorganization Act of 1934
16 allowed Congress to authorize spending to
17 purchase land to put into trust for an Indian
18 tribe. The IRA of 1934 does not allow the
19 Indian tribes to buy land with illegally
20 earned cigarette and gambling money and then
21 have the BIA put it into trust for them.

22 The DEIS ignores the law. Gambling is
23 not an existing condition here. In New York
24 State, the constitution does not allow it for
25 good reasons. The social costs are too great.

PUBLIC COMMENTS

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2 The DEIS is not realistically address the
3 social cause and problems of gambling. The
4 Cayuga tribe will be able to ignore the
5 Constitution of New York State, monopolize
6 profits from gambling and the local
7 governments will be responsible to pay for the
8 social costs of gambling. The DEIS ignores
9 the Carcieri versus Salazar decision. The
10 Cayugas were not recognized or under federal
11 jurisdiction in 1934. The Secretary of the
12 Interior cannot take land into trust for the
13 Cayuga tribe. The DEIS ignored the Kennedy vs
14 Tyler decision of 1925. The DEIS ignored the
15 City of Sherrill versus Oneida Indian Nation
16 decision. The DEIS ignores the fact that the
17 Cayuga land claim was dismissed. According to
18 the April 1959 note to BIA directors, title to
19 land acquired by the tribe outside the
20 reservation boundary shall be taken in fee.
21 The land into trust application by the Cayugas
22 is a back door Indian land claim.

23 (Whereupon, three minutes were up.)

24 MR. KNAPP: I'm Philip Knapp and I'm from
25 UCE in the Town of Romulus. The Cayuga tribe

PUBLIC COMMENTS

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2 already has use land on the Seneca reservation
3 near Salamanca. The DEIS has ignored the fact
4 that terrorist organizations rely on Native
5 American Indian reservations for tax free
6 cigarettes. Drug traffickers, illegal
7 immigrants and other criminals hide out on
8 Indian land. Criminals of all sorts would be
9 encouraged to commit crime in our Counties and
10 hide out on the trust land. Everyone
11 acknowledges this except the BIA. The Cayugas
12 have already demonstrated that they are
13 scofflaws and will not be good neighbors. The
14 Lakeside Trading stores illegally sold untaxed
15 cigarettes and continue to illegally sell
16 untaxed gas and other merchandise. They will
17 promote tobacco products to minors and even
18 encourage non Indian minors to gamble. I have
19 no confidence that tribal police would enforce
20 any laws fairly. The DEIS ignores the fact
21 that the citizens of Seneca and Cayuga
22 Counties do not want subsidize disruptive
23 checkerboarding in our counties where the US
24 Constitution would not apply. Many of the
25 families living in Cayuga and Seneca counties

PUBLIC COMMENTS

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2 have lived here for generations and others
3 have moved here more recently. We do not want
4 to be surrounded by checkerboarded properties
5 and the decisiveness that will come with that.
6 Property values will decline. People will
7 want to move away from the area because trust
8 land will not be under local jurisdiction.
9 Air, soil and water regulations, zoning and
10 land use regulations, building codes, law
11 enforcement and other community standards will
12 be ignored by the tribe. The DEIS ignores the
13 disruption to our lives if we are forced to
14 sell properties at a discounted price and move
15 away to escape the double standard that will
16 be created.

17 The United States of America is
18 indivisible; yet, the BIA continually works to
19 divides us. I believe that the BIA is an
20 enemy of the people of the United States of
21 America. The BIA ignores legal decisions.
22 The BIA is biased in the DEIS. I want to see
23 proof of an investigation by the IRS and the
24 United States Department of Justice that the
25 BIA does not accept bribes from Indian tribes.

1 PUBLIC COMMENTS

2 MS. CASEY: My name is Eleanore Casey. I
3 live in Ovid. I voice my opposition here
4 tonight of the trust application. The DEIS is
5 lacking my omission, neglect and half truths.
6 Trust land will place the area in a divisive
7 them and us situation. The CIN will live on
8 sovereign land and be exempt from property
9 taxes, sales, and excise taxes, and be free of
10 all local, county, and state laws while we
11 will be subject to all laws, taxes, and fees
12 and at the mercy of unfair business practices.
13 It is reasonable to assume this will lead to
14 discord. As CIN buys more land and applies
15 for trust status, the situation will only
16 become more adverse and conflict is a definite
17 possibility.

18 Gaming, which the CIN would have us
19 believe is the basis of their native culture
20 brings bankruptcy, divorce, broken homes, and
21 an excessive strain on welfare. In 1924, all
22 Indians were given citizenship and whether or
23 not they choose to accept it, they cannot
24 justify their continual whining about need.
25 The same options and opportunities are

PUBLIC COMMENTS

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2 available to them as to all citizens so that
3 the choice is theirs. Lakeside Trading in
4 both Cayuga and Seneca County, the produce
5 stand at the corner of Route 89 and East
6 Bayard Street Extension and the ice cream
7 stand opposite Lakeside Trading make it
8 obvious that they are adept in the operation
9 of money making businesses. Therefore, there
10 is no need for trust land. It is common
11 knowledge that illegal aliens bent on terror,
12 drug dealers and escaped criminals are welcome
13 on reservations. As we are already learning,
14 money buys anything.

15 The CIN has warned us that their
16 objective is to put 64,000 acres into trust.
17 At what point will our roads, Cayuga Lake, the
18 New York State barge canal, high voltage
19 electric lines, natural gas pipelines and
20 telecommunication cables come under the
21 regulation of CIN. That will be the time when
22 both the suppliers and the non Indians will
23 pay dearly for the use. Future trust
24 applications will likely encircle highways so
25 that unaware residents and visitors alike will

PUBLIC COMMENTS

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2 find themselves on reservation land where they
3 will be victims of tribal law. How will our
4 civil rights be protected under these
5 circumstances.

6 Finally, nothing in this study shows that
7 there will be little or no impact --

8 (Whereupon, three minutes were up.)

9 MS. LEY: Chuck Lafler, Chad Hayden,
10 August Sinicropi, Michael Quill, David
11 Bellomo.

12 MR. LAFLEER: Good evening, my name is
13 Chuck Lafler, I'm the Supervisor for the Town
14 of Seneca Falls here in Seneca Falls. I'm a
15 lifelong resident of Seneca County New York.
16 I'm here tonight to speak to you as a resident
17 as well as a Town of Seneca Board Supervisor.

18 I've been a member of the board for the
19 last ten years. Myself and many, many, many
20 people in this room have fought tirelessly
21 against the inequities of the Cayuga Nation's
22 efforts to first reclaim their ancestral land
23 and most recently their application for land
24 into trust here in our county and neighboring
25 Cayuga County.

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PUBLIC COMMENTS

As you know, I know I can speak for the Seneca County Board of Supervisors when I say that we have not, we will not support land into trust in Seneca County. I can also say -- I can also say as the DEIS stands at this present time, we will not accept that either.

As you know, the courts decided that the tribe had no claim to this land, but left the door open for the Nation to apply for land into trust that they have purchased in our two counties. This, I believe, was a bad decision on the court's part. I believe that if this land is placed into trust for the tribe, there will be a reversal of the decision, at least by the Supreme Court.

The purpose and the intent of granting land intrust has been distorted to benefit the goals of a few members of the tribe. The actions thus far by the tribe have shown that this is about money; whether it's gambling or selling untaxed commodity. Their actions to date do not show a desire to re-establish their culture as I see it.

You will hear and read the concerns of

PUBLIC COMMENTS

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2 those who reside here that are honest,
3 taxpaying contributors to our society, so I
4 will not repeat what they will tell you or
5 write to you. What I want to say as one of
6 those taxpaying citizens and a representative
7 of the people of Seneca County is this: This
8 is wrong on so many levels. You've heard it
9 over and over, and you'll continue to hear it
10 tonight, it is wrong on so many levels. The
11 only way to end this is for congress to ratify
12 any agreement that might put an end to this
13 madness. Other than that, we're going to
14 continue to waste taxpayer money and time for
15 many years to come. Thank you.

16 MR. HAYDEN: Good evening, I'm Chad
17 Hayden. I think the DEIS is insufficient in
18 at least one area. It fails to examine the
19 exact amount of Cayuga Nation business model.
20 And by that I mean it is insofar as we can
21 find from the published paper, that they're
22 not very transparent in sharing financial
23 information. But in the last year of
24 operation of the slot machines in Seneca
25 Cayuga, there was about 10 million dollars

PUBLIC COMMENTS

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2 worth of business. And of that 10 million
3 dollars, about one million dollars was spent
4 here in the county for employees and related
5 supplies, so 90 percent of it was spent
6 elsewhere outside of Cayuga's immediate area.

7 Now, to trace that with the 20 million or
8 the 25 million dollars of the -- treaty,
9 Cayuga County, wherein that industry, about 90
10 percent of those dollars that are generated
11 are spent and in regions that they are living.
12 So the Cayuga Indian Nation model is no
13 different than any attractive or exploited
14 third world kind of model. But that's on
15 those who view the Amazon Rain Forest from
16 infrastructure or the land and plants there,
17 it goes out and takes the profits and moves
18 out, that's the same kind of model that the
19 Cayuga Indian Nation has for its gambling
20 enterprises particularly. So I think in order
21 for the DEIS to examine and be effective in
22 looking at their impact on the economy, they
23 have to examine the business model which the
24 CIN uses.

25 And on a personal note, a few others and

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PUBLIC COMMENTS

I formed the tribe of Old Geezer White Guys,
can we apply for tribal status in Seneca
County.

MR. SINICROPI: My name is August
Sinicropi, I'm a resident of Seneca Falls.
After reviewing the draft environmental impact
statement, I strongly disagree with your
conclusion that placing land into trust here
will have minimal impact on the regional
environment. The most glaringly suspect
assumption the DEIS makes is that the
potential environmental impact of this
application is limited to the land currently
being nominated for trust status. The truth
is that if the trust status process is
approved in the current situation, it will be
over and over again, potentially impacting
thousands of acres in the region. CIN leaders
have stated this fact publicly on numerous
occasions in attempts to coerce residents into
a settlement. This obviously deceptive DEIS
ploy is insulting to thousands of us here who
realize that the BIA is surely aware that the
decision it makes on this issue will have

PUBLIC COMMENTS

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2 impact far beyond this initial application.
3 Moreover, it is impossible to limit the term
4 environment to a single arena in this case as
5 the DEIS tries to do. It tends to focus on
6 trust status impact on the natural
7 environment; air, water, flora and fauna. It
8 is too simplistic on its focus of economic
9 environment, our industry, retail,
10 entertainment, and municipal services, and the
11 social environment, neighborhood life,
12 educational institutions and our regional
13 culture. In this broad definition of
14 environment, the CIN application to place land
15 into trust here is potentially devastating and
16 must not be granted. In terms of the natural
17 environment, current residents would lose our
18 ability to monitor and protect ourselves from
19 potentially damaging activities on trust land
20 including such issues as zoning improprieties,
21 improper wildlife management and polluting
22 activities. Would anyone in your office feel
23 comfortable if your home ended up being
24 adjacent to property with no zoning or
25 pollution controls after the fact of your

PUBLIC COMMENTS

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2 purchase of the property. With the well being
3 of two of the world's most beautiful lakes,
4 tens of thousands of acres of productive
5 farmland and vineyards, the Seneca River, the
6 Montezuma National Wildlife Refuge, the Hector
7 National Forest and untold issues of air and
8 water supply at stake, it is extremely
9 dangerous to take any action that has even the
10 most remote potential to jeopardize these
11 priceless assets.

12 In terms of economic environment, enough
13 has been said. In terms of the social
14 environment however, a decision to place any
15 land into trust here could be potentially most
16 damaging. Not only to current local
17 communities, but to the CIN as well. There
18 are many families here living that are in
19 their fifth and sixth generation of residency
20 here in the region. Your decision will
21 determine whether the CIN returns as a
22 welcomed, long lost partner in the stewardship
23 of this beautiful land or as enemies facing
24 generation upon generation of hatred.

25 (Whereupon, three minutes were up.)

PUBLIC COMMENTS

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2 MR. QUILL: Good evening, my name is
3 Michael Quill, Mayor of the City of Auburn,
4 New York of Cayuga County. This letter is
5 addressed to Director Keel: This letter
6 contains comments which are supported by the
7 Auburn City Council regarding the draft
8 environmental impact statement with respect to
9 the Cayuga Indian Nation's land into trust
10 application. We opposed the land into trust
11 application and urge the Bureau of Indian
12 Affairs to deny the application in all
13 respects, including for the reasons set forth
14 in this letter. Once the land is placed into
15 trust it becomes be exempt from local property
16 taxes, special district charges and other fees
17 shared by users of the community
18 infrastructure; such as roads, sewers and
19 water. Under any analysis, the removal of the
20 subject lands from tax rolls will have a
21 significant adverse impact on the communities
22 in Cayuga County.

23 Further, New York derives substantial
24 revenue from sales tax and excise tax due on
25 sales of taxable goods, including gasoline and

PUBLIC COMMENTS

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2 tobacco products. The Cayuga Indian Nation is
3 not collecting New York State sales tax and
4 excise taxes normally due on the sales of
5 taxable goods to non tribal members. Non
6 collection of these taxes has and will
7 continue to create ongoing reductions in such
8 tax collections and reduction in local share
9 of those taxes paid to our communities. An
10 approved trust application will result in a
11 tax shifting that will allocate a greater and
12 greater tax burden on fewer property owners;
13 particularly, as properties taken into trust
14 are inevitably developed or are continued to
15 be developed. This unfair tax burden will
16 inhibit private sector investment and job
17 growth in the region and burden current non
18 Cayuga Indian Nation businesses and residents
19 remitting such taxes. I'm not going to make
20 it, but it will be on the record.

21 Also, infrastructure maintenance, police
22 protection, fire protection, emergency
23 services and other public services require
24 revenues from property taxes and assessments
25 to support the same. The loss of tax and

PUBLIC COMMENTS

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2 assessment revenue generated from the Cayuga
3 Indian Nation trust properties will impose the
4 cost of such referenced local services on a
5 smaller group of property owners, thus
6 increasing the unit cost for those services.
7 Such services will be continued to be used by
8 the Cayuga Indian Nation properties taken into
9 trust and persons occupying such properties
10 should the application be granted, but without
11 Cayuga Indian Nation trust properties paying
12 any taxes or assessments. The development and
13 all but certain expansion of Cayuga Indian
14 Nation lands including Cayuga Indian Nation
15 operations, retail facilities and gaming will
16 increase the demand on community services
17 provided by local and state governments.
18 Certain of these services will continue for
19 properties, which are subject of Cayuga Indian
20 Nation applications and/or future
21 applications.

22 (Whereupon, three minutes were up.)

23 MR. BELLOMO: Good evening, my name is
24 David Bellomo, I'm from Seneca Falls. I'm a
25 retired federal employee, and I listened to

PUBLIC COMMENTS

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2 most of the people tonight. It is
3 interesting. And the question to you two
4 gentlemen here that is kind of trumping me off
5 a little bit to say the least. You know, as
6 putting in my 30 years with the federal
7 government -- well, bureaucrats distrust my
8 angle, because you folks are typically
9 bureaucrats: I don't know where you come off
10 telling us that you have the authority to
11 overrule a treaty between the United States,
12 Great Britain and the Cayuga Indian Nation
13 when the treaty was settled in the early
14 1900's, okay? The settlement -- the
15 differences between New York State and United
16 States government and Great Britain and the
17 settlement were -- they had their problems
18 that supposedly were long time -- what's the
19 word I want -- a long time -- I don't know --
20 solved eight times by New York State between
21 us and paid off eight times between the
22 Indians of Bureau, you know, and all of a
23 sudden each time they're not happy, so they
24 come back for more and more and more and more.
25 And what happens is you people keep giving

PUBLIC COMMENTS

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2 away to give, and you reconvene its offer,
3 it's not fair, you know. Wait a minute. Wait
4 a minute. When the Onondagas were not happy,
5 they blocked off Interstate 81, the state
6 police had to go unblock it. When the Senecas
7 were unhappy, what did they do, they started
8 thruway tolls on the New York State Thruway,
9 Interstate 90, to Buffalo. I got you. And
10 just casinos rights are on the New York State
11 convention hall in Niagara Falls. New York
12 State is hardly there. They can do whatever
13 they want. Why should we continue to have to
14 pay these off when they don't deserve it. I
15 have said enough. Thank you.

16 MR. AIKMAN: Good evening, my name is
17 Walter Aikman, I live in Auburn, New York.
18 And working with young men and women that I'm
19 sure are a lot like my kids and your kids that
20 come to me at community college in Auburn, and
21 they have cell phones, and iPods, and iPhones,
22 and they come up and are concerned about the
23 environment, because they were told in the
24 media there is nothing they can do in America
25 about it, the impact of the environment,

PUBLIC COMMENTS

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2 certainly financial resources. And so I take
3 them around and I show them the great progress
4 that Americans have made in 100 years to
5 protect the environment. And one of the
6 things that I have taken this evening,
7 Montezuma National Wildlife includes wherein
8 1976 or so, you brought the -- from New York
9 State, we could see that you can do things in
10 Central New York.

11 You know, I oppose granting the Cayuga
12 Indian Nation trust status into land, because
13 I'm concerned that we'll undermine the entire
14 progress in conserving wildlife and protecting
15 the environment. The draft environmental
16 impact statement does not adequately address
17 the negative effects of gaming, it does not
18 honestly describe the negative impact on the
19 existing businesses in the community, and the
20 draft ignores the many ways that trust status
21 will erode the rules of American natural
22 resource conservation and environment
23 protection efforts and programs and policy.

24 Now, you know, we can take our kids with
25 us when we go get our hunting and fishing

1 PUBLIC COMMENTS

2 licenses, I did last fall, but about 100 years
3 ago no one did that, because we didn't do
4 that. Now, we just take it for granted and do
5 the right thing. And in New York State today
6 we're learning how to adopt new laws to
7 protect ourselves from extinct species, to
8 prevent the contamination of our wells, and
9 the air that we're burning is appropriately
10 burning in the backyard. And it's hard for us
11 to get back to those, but we will, because
12 we're committed. But if you grant the trust
13 status in these lands, that will negatively
14 impact the progress that we're made and
15 undermine the progress that we've made to
16 coexist within our natural environment.

17 So I strongly urge you to listen to the
18 folks who have spoken tonight who I agree
19 with, and how about that nice lady, one at a
20 time, she is a terrific, she is welcome at our
21 house anytime. So, please, listen and do
22 what's proper for New York.

23 MR. BROMKA: Good evening, my name is Jim
24 Bromka. I reside with my family on Route 89
25 in the Town of Romulus on beautiful Cayuga

PUBLIC COMMENTS

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2 Lake. I am the director of Water Treatment
3 and NELAP Approved Environmental Laboratory
4 Director for the Village of Waterloo and a
5 member of Seneca Lake Pure Waters Association.
6 I have a letter of concern that I'd like to
7 read. This letter is directed to Franklin
8 Keel, the Eastern Regional Director of the
9 Bureau of Indian Affairs.

10 The purpose of my letter is to express
11 the concern that I have with the Cayuga Indian
12 Nation's draft environmental impact statement
13 and its application to the Bureau of Indian
14 Affairs for its land to be placed into federal
15 trust and thus made sovereign.

16 I am worried about what damage to the
17 environment that will likely occur from
18 unregulated future development, especially the
19 Cayuga and Seneca Lakes as well as other
20 natural resources. My understanding is that
21 the Cayuga Nation will not be subject to
22 Seneca County or New York State regulations.
23 I am a New York State Certified Water System
24 and Distribution System Operator and am in
25 responsible charge for the safe drinking water

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PUBLIC COMMENTS

of nearly 10,000 people in Seneca County. The New York State Bureau of Water Supply Protection, the New York State Department of Health, the New York State Department of Environmental Conservation, and the United States Environmental Protection Agency all have oversight as the safe and permissible levels of contaminants, if any, I can allow in the drinking water. Water samples are tested daily in our New York State certified lab. And in addition surveillance water samples are sent out on a regular basis for outside chemical, biological and radiological testing. This testing is expensive. Monitory requires specialized equipment and highly qualified professionals trained to look for contaminants at the parts per billion or parts per trillion detection levels. Nearly every year new contaminate candidates are revealed and subject to regulatory review as to their effect on human health. It is far easier and cheaper to keep contaminants out of the lakes in the first place, rather than have to test and treat raw water for their removal.

PUBLIC COMMENTS

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2 However, if the Cayuga Indian Nation is
3 allowed to randomly select properties in
4 Seneca or Cayuga Counties, what is to stop
5 them from building their own landfills,
6 drilling gas wells with possible solvent
7 runoff or concentrated animal feeding
8 operations, for example, which all have
9 potential to contaminate our lakes and other
10 natural resources. These in themselves are
11 not necessarily detrimental, but who will
12 monitor their activities and consequential
13 impacts --

14 (Whereupon, three minutes were up.)

15 MR. NATALE: Good evening, I'm Bruce
16 Natale from Auburn, New York and I'm the
17 Environmental Director for Cayuga County and
18 I'm also the chairman of the Water Quality
19 Management Agency. The environmental impact
20 statements prepared for the BIA by AKRF for
21 the Cayuga Indian Nation that are in the DEIS
22 prepared for by AKRF for the BIA contains the
23 following statements. On the Route 89
24 gasoline station, the registration for the
25 current underground tanks was not up-to-date

PUBLIC COMMENTS

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2 with DEC. There is no documentation for
3 maintenance, leak detection, or prior
4 inventory records. On the Route 90 gas
5 station, the regulation for the current
6 underground tanks is not up-to-date with DEC.
7 And in addition, there is no documentation
8 found for maintenance, leak detection, fluid
9 measurement records. I can sum up in AKRF's
10 words as the gas tanks are not registered.
11 The gas tanks may not be maintained. The gas
12 tanks are not checked for leakage. This is an
13 environmental problem now and will continue to
14 be an environmental problem if the application
15 is granted. Who will regulate these gas
16 tanks? The BIA? The US EPA? The Coast
17 Guard? Who? Who will be respond to gas
18 spills? The BIA in Nashville? The US EPA in
19 New York City? Who? Who will protect our
20 local waters? Particularly, who will protect
21 the Village of Union Springs' drinking water
22 wells from future leakage from unmonitored
23 tanks? This is a serious environmental issue
24 that needs to be addressed and the DEIS must
25 revise to address it. Our drinking waters

1 PUBLIC COMMENTS

2 need to be protected. Thank you.

3 MS. LEY: Jack Rossen.

4 MR. ROSSEN: Good evening, my name is
5 Jack Rossen, I'm the chair of the anthropology
6 department of Ithaca College. I've read in
7 detail the DEIS and land trust request, and I
8 knew what I was going to hear tonight, but I'm
9 going to tell you a story. Much of the
10 history and rebuttals have been revised or
11 erased. Yes, the Cayugas -- the Cayuga are
12 the original people of this area and -- they
13 lived in towns of up to 50 long houses, they
14 lived here for thousands of history here. I
15 know the chiefs, council, clan mothers of the
16 Cayuga and I've worked with them for many
17 years on environmental issues, cultural
18 resource management, and representation of
19 their ancestor' skeletons held at local
20 museums. The Cayugas care deeply about the
21 environment, culture, health and safety, all
22 the issues raised here.

23 I find it really odd to hear all of this
24 worry about environment from a community that
25 takes trash from New York City and --

PUBLIC COMMENTS

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2 This application covers a minute amount
3 of the original Cayuga homeland. The tax base
4 issue has been much discussed. But there are
5 more reasons why the tax base has declined
6 here. One is the Empire Zone system that
7 offers 10 years of free property and sales tax
8 to any business and even old businesses that
9 change their name. I've been to countless
10 meetings here where worry about Indians taking
11 land off tax rolls, and Empire Zone proposals
12 have been discussed at the same meeting.
13 People complain about the tax base; and given
14 the raise at the same time. I think it's
15 important to understand the anger here and
16 social context of it. The state has been
17 pressed upon it for many years. The local
18 politicians have done a great job making
19 native people a convenient scapegoat. This
20 has diverted attention away from the all too
21 real economic and environmental problems that
22 exist here. There is an enormous historical
23 injustice here in an area that really needs to
24 reconcile and heal. Placing this tiny amount
25 of land into trust is the least that can and

1 PUBLIC COMMENTS

2 should be done. Thank you.

3 MS. LEY: Jonathan Gilbert.

4 MR. GILBERT: Good evening. My name is
5 Jon Gilbert. I'm a dairy farmer from Union
6 Springs, New York. I serve on the Cayuga
7 County Farm Bureau Board of Directors, and am
8 a prior president also. I represent
9 approximately 500 farm families in Cayuga
10 County, and I'm speaking on behalf of them, as
11 well as nearly 30,000 New York Farm Bureau
12 farm families across New York State.

13 I appreciate the opportunity to comment
14 on the DEIS. Agriculture is a big part of
15 landscape around here. The major land use
16 would be dramatically impacted by the land
17 transfer. As a business owner and also as a
18 leader for our economic industry, we are very
19 concerned about the financial impact to the
20 local taxpayers, as well as the community
21 infrastructure should the proposed land
22 transfer is implemented.

23 Particular concern to our members is what
24 granting the land into trust will do to tax
25 revenues to the local governments and schools.

1 PUBLIC COMMENTS

2 It's been discussed ad nauseam, especially
3 already this evening, I won't go over that in
4 great detail, but these are difficult economic
5 times. Every single tax dollar is precious
6 and provides for municipal and educational
7 services which our farm communities depend on.

8 Farm business by necessity own large
9 areas of land and therefore are dramatically
10 impacted by property tax increases. It's
11 likely that any loss in tax base will
12 dramatical directly raise my taxes by 10,000
13 or \$20,000 in my farm alone. That's a cost
14 that I cannot absorb. We believe that the
15 DEIS does not reflect the financial impacts on
16 farm businesses of increased property taxes.
17 Our farmers are already sustained substantial
18 tax increases through the years due to
19 unfunded state mandates and we cannot continue
20 to sustain any further tax increases to remain
21 in business.

22 Like I said, I'm here to represent my
23 family and my farm and the 13 people whose
24 paychecks I signed this morning, the 500 Farm
25 families of Cayuga County and the 30,000 farm

1 PUBLIC COMMENTS

2 family member across New York State. Thank
3 you for the opportunity to address this issue.

4 DR. KARDATZKE: At this moment I'm going
5 to take a 10-minute break. I have about seven
6 minutes after 9. We'll reconvene at 17
7 minutes after 9.

8 (Whereupon, the public hearing was
9 recessed and recalled.)

10 DR. KARDATZKE: Good. We're ready.
11 We'll start with the next five.

12 MS. LEY: Brooke Hansen, Brian Chappell,
13 Mark Davis, Karen Dodson.

14 MS. HANSEN: My name is Brooke Hansen. I
15 am the coordinator of Native American Studies
16 at Ithaca College. I've been a resident of
17 Central New York for a number of years, and
18 lived in three different land claim areas. I
19 support the application for land into trust
20 for numerous issues. The lack of
21 misrepresentations in the state's report by
22 Ian Ayres, commissioned by the State of New
23 York regarding the DEIS. There are many
24 assertions about the inability of the state to
25 regulate and protect the environment if the

PUBLIC COMMENTS

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2 trust land is approved. I guess you haven't
3 noticed the southern half of Cayuga Lake is
4 enlisted as endangered, you can't swim there,
5 fish in Cayuga Lake cannot be safely eaten.
6 Where was New York when these almost
7 irreversible environmental tragedies happened?
8 And now we are supposed to support and trust
9 New York State to continue their irresponsible
10 stewardship over this despoiled lands and
11 waters. I trust the Cayugas to take back care
12 of these lands than New York State. I have
13 sat with the Tiogas and the Cayugas on the
14 shores of Cayuga Lake while they discussed
15 options and strategies of how to take care of
16 this body of water, which includes demanding
17 accountability for the effects of lake source
18 cooling by Cornell University. Seneca and
19 Cayuga Counties have cried loudly about the
20 exemption from property taxes that trust lands
21 carry. Are the counties similarly targeting
22 churches, educational institutions or not for
23 profits for their property tax exemptions?
24 Are they addressing the deplorable plummeting
25 of corporate tax revenues that has been

PUBLIC COMMENTS

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2 occurring steadily since the 1930's. I won't
3 even bring up the boondoggle of the Empire
4 Zone tax exemptions, where is fairness and
5 equality there.

6 There are many legal, economic and
7 environmental issues to be considered in this
8 case that cannot -- but there is also a moral
9 right to be done here for the egregious legal,
10 historical and cultural injustices that the
11 Cayugas have endured. Thank you.

12 MR. CHAPPELL: Good evening, my name is
13 Brian Chappell, I live in the Town of
14 Aurelius. I have three letters prepared here
15 that I'd like to give to you.

16 The establishment of Sovereign Nation
17 Status for the Cayuga Indian Nation by the
18 Bureau of Indian Affairs would be at best one
19 of the most deceptive rulings a federal
20 administration could bestow on Cayuga and
21 Seneca Counties. It is because a sovereign
22 Cayuga Indian Nation would be forever exempt
23 from a number of state and local taxes, rules
24 and regulations and zoning issues. And the
25 loss of taxable property and sales tax would

PUBLIC COMMENTS

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2 immediately began to burden the local and
3 state tax budgets. The lack of regulations
4 would allow the CIN to ignore proper
5 guidelines and oversight to dispense such
6 things such as fuel. Local and state zoning
7 regulations could be entirely ignored, which
8 would lead to everything from unsafe buildings
9 to the absence of public safety. It is the
10 most disgusting political arena where a
11 federally funded administration would choose
12 to create a society here in New York State
13 where one nation would have special privileges
14 over the other. It would be highly likely for
15 these two nations to be forever at odds with
16 one another on the grounds of inequality.

17 It is for these reasons I feel that
18 alternative number two, no action be taken
19 whereas under this alternative, no land would
20 be put into trust for the Cayuga Indian Nation
21 by the Bureau of Indian Affairs. No action
22 would be the best option to take, because it
23 will ensure everyone who lives in Cayuga and
24 Seneca Counties equal rights.

25 I recommend that alternative number two,

PUBLIC COMMENTS

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2 no action. Whereas this alternative, no land
3 would be put into trust by the Bureau of
4 Indian Affairs. I base my opinion on the
5 increase in greenhouse gases, or carb dioxide
6 emissions due to the unnecessary burning of
7 fossil fuels to travel longer distances to
8 purchase fuel and tobacco products at the
9 Cayuga Indian Nation. The Cayuga Indian
10 Nation does not collect or remit state and
11 local taxes on gas and tobacco products;
12 therefore, offers these products at a reduced
13 price compared to other competitors. This
14 price reduction entices the general public to
15 travel an extended distance to purchase
16 tobacco and gas products. According to a
17 survey conducted by Cayuga County Legislator
18 David Axton, cigarette sales jumped
19 dramatically at surrounding stores when the
20 Cayuga Indian Nation stopped selling
21 cigarettes in November of '08. Some store
22 locations that experienced the increase of
23 sales were as far away of thirty miles from
24 the Cayuga Indian Nation store locations.
25 Therefore, it is safe to say that the general

PUBLIC COMMENTS

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2 public had been traveling extended distances
3 to purchase fuel and tobacco products from the
4 Cayuga Indian Nation when they were available.
5 To give an example, if a vehicle gets 20 miles
6 to the gallon and a person travels ten miles
7 --

8 (Whereupon, three minutes were up.)

9 MR. DAVIS: Mark Davis, citizen and
10 taxpayer of Seneca Falls, New York. We all
11 benefit greatly from living in this land of
12 prosperity and opportunity. We all have
13 access to goods and services on the federal,
14 state, and local levels that are second to
15 none in the world. Health care, social
16 programs, police and fire protection, and a
17 well maintained system of roads is just some
18 of the things that we benefit from directly or
19 indirectly on a day to day basis. Jobs,
20 safety and the social stability needed to
21 build a worthy inheritance for our children
22 are tied directly to the well being of this
23 infrastructure and to be integrity of our
24 community's social fabric. Like all things in
25 life, these things are not free. As

PUBLIC COMMENTS

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2 responsible citizens we are expected to do our
3 part to support the infrastructure. We all
4 benefit from paying our taxes: State and
5 local taxes such as property tax, fuel tax and
6 cigarette tax are used to pay and equip the
7 police officers, firefighters, and EMT's, to
8 maintain the roads the sewers and waterways,
9 to educate our children, to fund programs that
10 provide a social safety net for all.

11 The Cayuga land trust represents an
12 effort by a small group to dodge their
13 responsibilities as Americans and citizens of
14 the State of New York. The Cayugas through
15 their land trust scam purpose to profit from
16 the social services the rest of us pay for,
17 and they are not willing to pay the taxes that
18 the rest of us do. They want all the benefits
19 and none of the hard work. They want to foul
20 or community with casinos, which are proven to
21 increase gambling addiction and substance
22 abuse and divorce rates wherever they open.
23 They empty a Vegas style cesspool of every
24 imaginable social evil into the clear waters
25 of our Finger Lakes. They want to drive local

PUBLIC COMMENTS

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2 businesses into bankruptcy with uncompetitive
3 practices. They want to make this area
4 unattractive to continued investment by
5 raising taxes. Their actions will destroy
6 good paying jobs in the middle of the worst
7 recession in years. They want to get our
8 community to line their own pockets.
9 According to the DEIS, none of the members of
10 Cayuga Indian Nation are expected to move to
11 the area they place in trust. They are not
12 telling the full true story that their
13 activities will make these communities into a
14 place they wouldn't want to live, but are
15 fully willing to exploit for a profit. I find
16 this to be telling evidence that their land
17 into trust is nothing more than a land grab
18 clad in the tired shabby politics of guilt and
19 special interest maneuvering. When powerful,
20 wealthy, outside interests come into our
21 community and try to beat us with legions of
22 lying lawyers into paying their taxes so that
23 they can increase their profit margins, I call
24 foul. No action on the land trust.

25 MS. DODSON: Good evening, my name is

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2 Karen Dodson, and I represent Waterloo Premium
3 Outlets and Chelsea Property Group.

4 We oppose the land into trust application
5 and urge the Bureau of Indian Affairs to deny
6 the application in all respects, including for
7 the reasons below. An improved trust
8 application and future applications that may
9 be granted will result in tax shifting that
10 will replace greater and greater tax burden on
11 fewer property owners, particularly as
12 properties taken into trust are inevitably
13 developed or are continued to be developed.
14 This unfair tax burden will inhibit private
15 sector investment and job growth in the region
16 and burden current non Cayuga Indian Nation
17 businesses and residents with remitting such
18 taxes. The development and all but certain
19 expansion of Cayuga Indian Nation lands,
20 including Cayuga Indian Nation Operations,
21 retail facilities and gaming will increase the
22 demand of community services provided by local
23 and state governments. Certain of these
24 services will continue to be undertaken by the
25 local governments without the payment of any

PUBLIC COMMENTS

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2 tax assessments for properties that are the
3 subject of the Cayuga Indian Nation
4 application and future applications. We thank
5 you for the opportunity to submit our comments
6 and concerns into the public record.

7 MS. LEY: Ross parks, Ted O'Hara, Stephen
8 Dougherty. Robert Heist, Cheryl Greer.

9 MR. PARKS: My name is Ros Parks. I'm,
10 among other things, the president of the
11 Seneca County Town Highway Superintendents
12 Association. All towns are digging deeply to
13 try and make ends meet while costs are rising.
14 The concept of the loss of any tax base is
15 devastating at this time of crisis. Towns and
16 their highways departments, which by the way
17 command the majority of a town's budget
18 receive their operating funds from local real
19 estate tax receipts and some state aid.
20 Highway funds come to the towns from the state
21 through CHIPS payments. CHIPS is an acronym
22 for Consolidated Highway Improvement Program
23 System. That funds are distributed based on,
24 among other things, the number of miles of
25 roads in each town. CHIPS funds are derived

PUBLIC COMMENTS

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2 from gasoline excise taxes and truck highway
3 use taxes. For an enterprise to sell motor
4 fuel and fail to collect and remit these taxes
5 robs the state, counties, towns and villages
6 of these much needed funds. Furthermore, for
7 such an enterprise to sell products at a lower
8 price than the law abiding tax collecting
9 businesses, commerce is taken from the law
10 abiding business merchants. And when coupled
11 with the sale of tax free cigarettes and
12 gambling leads to increased traffic and
13 tragically greater deterioration of our road
14 system, couple with losses of our two primary
15 revenue sources that fund maintenance and
16 repairs of our already challenged road network
17 will be catastrophic, and I submit that draft
18 te draft environmental impact statement fails
19 to recognize any of these crippling impacts on
20 our community. This is not in any way
21 acceptable to our long established local
22 governments. There are many other issues,
23 which I attend to address in writing, but I
24 felt I needed to speak on this issue since
25 it's not received some focus tonight. No

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action should be taken on the draft environmental impact statement. Thank you.

MR. O'HARA: Good evening. My name is Ted O'Hara. Our family farm is in the affected area and we are heavily restricted and regulated by government as to what and when and where we can carry out farming operations. All of this is done to monitor and minimize the environmental impact. We must be very conscientious about our environmental stewardship. This may very be very frustrating at times to have a government determine what the best practices should be. We can live with this as long as we know everyone is treated the same and living by the same rules. There is a problem if the Cayuga Nation is allowed to ignore environmental regulations. Those of us selectively targeted become bitter and view our government as our enemy. This is highly disruptive to the local social environment.

Financially we cannot compete with those who are outside our laws and regulations. As landowners, we carry the bulk of our local tax

PUBLIC COMMENTS

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2 burden. We already must absorb the ever
3 increasing taxation levels caused by
4 government growth. To continually decrease
5 the local tax base by dropping a property and
6 business simply puts us as an agricultural
7 community at a great economic disadvantage.
8 We are prepared to deal with the adversities
9 of weather, breakdown, low price cycles, but
10 to end up with government as our enemy rather
11 than partners; this is what destroys a local
12 community. Ultimately it will break our
13 spirit and will lead our future generation of
14 potential farmers to say forget it, let
15 someone else feed our neighbors. Allowing the
16 Cayuga Indian Nation to move forward placing
17 the current and future land purchases into
18 trust means having those properties become
19 sovereign. Those lands being outside local
20 environmental laws and taxation will gravely
21 effect the agricultural community. We cannot
22 continue as a viable industry under such
23 physical, social and economic duress. I
24 implore you, the Bureau of Indian Affairs to
25 deny this application, thus preventing the

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breakdown or our entire community. Thank you.

MR. DOUGHERTY: Steve Dougherty, Seneca Falls, New York. As a resident of Seneca Falls, New York the draft environmental impact statement regarding Cayuga Indian Nation land into trust application causes me great concern. I oppose the land into trust application and want the Bureau of Indian Affairs to deny the application for many various reasons. The land put into trust will be taken off the tax rolls, which will have an impact on property taxes collected that support the operation of schools and local governments. This will create a greater tax burden on area property owners who will have to make up the difference. While I recognize it is approximately 125 acres now, there is little that would prevent more land from being put into trust creating a sense of unease and reduced ability to predict what our future tax base would be. Cayuga Indian Nation businesses will have an unfair advantage over other area businesses because they will not have to pay taxes while still receiving

PUBLIC COMMENTS

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2 services. As more businesses open, other
3 businesses will have difficulty remaining
4 profitable in Seneca and Cayuga County. That
5 would further hurt our areas's tax base and
6 employment opportunities would likely decline.
7 My next understanding is that land into trust
8 does not have to follow zoning laws and
9 environmental regulations. Perhaps not of the
10 businesses in operation now currently pose a
11 threat to our zoning and environment, however
12 what is to prevent a new or existing business
13 from ignoring these laws once the land is put
14 into trust. The potential exists for harm to
15 come to our land, water supply, and overall
16 quality of life when laws can be ignored.
17 There are questions regarding property values
18 that need to be answered. As well as what
19 affect will the land into trust have on
20 commercial and residential property values.
21 Will property values go down near land being
22 put into trust due to potential tax, business,
23 environmental and other issues that could
24 arise. The Cayuga Indian Nation application
25 for putting Seneca and Cayuga County land into

1 PUBLIC COMMENTS

2 trust should not be granted. Thank you for
3 the opportunity to submit my comments and
4 concerns into the public record.

5 MS. LEY: Robert Herst.

6 MR. HERST: Thank you very much. We've
7 heard a lot of important and real things said
8 from both sides of the issue this evening. I
9 wanted to make it as simple as I can from a
10 personal point of view. We live in Union
11 Springs, and we're part of this 64,000 acres
12 that is of interest to the Cayuga Indians.
13 And when we came to Union Springs in 1952
14 where I was hired to teach school, and my wife
15 and I -- I can't speak for her, she rises in
16 the back from where I am stand. We bought the
17 place that we now live in, in 1953, and it was
18 assessed at that point for \$3,000. Now, we
19 couldn't afford it then. The rest of it will
20 speak for itself.

21 Our assessment in 2008 was \$232,000. In
22 2009 our assessment \$638,400. Now, in 2008
23 our assessment was only 77 times what it was
24 when we bought the property. In 2009 it is
25 212 times what the assessment was.

PUBLIC COMMENTS

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2 Essentially, last year in 2008 we paid taxes
3 that were one and a half times what the
4 property was assessed for at \$232,000. I'm
5 totally sympathetic with Cayuga Native
6 Americans and even settlers that will come and
7 leave the -- evening. I'm sympathetic with
8 what we --

9 (Whereupon, three minutes were up.)

10 MS. GREER: Hi. My name is Cheryl
11 Ziegler Greer. I'm a resident of Cayuga, a
12 resident and property owner in the Village of
13 Cayuga. I come before you tonight because I
14 believe that the DIES is being negligent in
15 charge and standing by its environmental
16 impact study has failed, and I want all --
17 passed positively ended to the health, safety
18 and economic well being of the citizens and
19 the residents of the community.

20 I respectfully request that you find the
21 final report addresses all the questions and
22 concerns of every person that addresses you,
23 and I want to state for the record that it is
24 -- I support the option of no action on the
25 land into trust.

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PUBLIC COMMENTS

MS. LEY: John Greer, Judy Bachman, Diane Smith, Frank Sinicropi.

MR. GREER: Good evening. My name is John Greer. I live in the Village of Cayuga. I am currently the president of the Board of Education for Union Springs Central School District. We have submitted a written statement to you, but I wanted to stay behind to talk to you tonight in person about the effects the land into trust will have on our school district.

Our district encompasses five towns; the Town of Aurelius, Town of Fleming, Town of Springport, Town of Ledyard and Town of Scipio and Scipio is the where the Village of Union Springs and the Village of Cayuga are. We have approximately 930 students in our school district. The Superintendent of Seneca Falls School District and the President of the Board of Education have already stated the impacts that this would have on the local school district. I'll tell you about what it will do to our district.

Currently, we receive about \$67,000 in

PUBLIC COMMENTS

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2 property taxes from lands owned in our
3 district of the Cayuga Indian Nation. We also
4 have gas rights as well, that is another
5 property. So far that's been honored. We
6 have generated about 108,000 more in gas to
7 combine to \$176,000. The mission of our
8 district is to provide a quality education for
9 the students of the Union Springs Central
10 School District and it's very difficult when
11 you -- times to do that when you -- the loss
12 of that property tax will have a definite
13 impact on the education programs that are
14 offered and it would more so have an undue
15 burden on the rest of the taxpayers in the
16 district. The Board of Education in the
17 school district opposes the land into trust
18 for the Cayuga Indian Nation. Thank you.

19 MS. LEY: Judith Bachman. Diana Smith.

20 MS. SMITH: In the interest of time, I'll
21 give an abbreviated statement. As mayor of
22 the Village of Seneca Falls, I'm here to state
23 for the record that on behalf of the Board of
24 Trustees and the School District of Seneca
25 Falls, I wholeheartedly agree with and support

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the findings of the county taxpayers that have expressed their advice earlier and the county managers Suzanne Sinclair and so many eloquent speakers here tonight.

Simply put, we too strongly oppose the DEIS handling the land into trust application and its potential to unfairly burden the taxpayers of our community. I'm trying to be as concise as I can be and so I have a single question for you that I hope you might make as authors of the DEIS, some perspective on some of the strong reaction that you see tonight to document that seems nothing short of dismissive. And my question that I respectfully pose to you and your colleagues of the BIA is: Would you, as individuals, probably with families just like many of us, would you willingly remove the regulations in the environmental protections on the properties that surround your drinking water source? And that's just one of the concerns that your reports have missed.

It's ironic that in this land of democracy and equality, we're gathered tonight

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2 for a sole opportunity to verbalize protest
3 against the threat of government imposed
4 inequality. And I believe I speak for all
5 that we have and we will continue to welcome
6 anyone to live and invest in our beautiful
7 community as neighbors who share in the joys
8 of our quality of life, but who also share in
9 the cost of maintaining that quality of life
10 under equal laws and equal standards and equal
11 taxes. Thank you.

12 MS. LEY: Frank Sinicropi.

13 MR. SINICROPI: Good evening. My name is
14 Frank Sinicropi. I'm Chairman of the Zoning
15 Board of Appeals for the Town of Seneca Falls,
16 and also the Chairman of the Board of
17 Equalization for the Town of Seneca Falls.
18 Zoning is a device of land use regulation used
19 by local governments in most developed
20 countries. The word is derived from the
21 practice of designating permitted uses of land
22 based on mapped zones which separates one set
23 of land use from another. Zoning may be use
24 based, regulating the uses to which land may
25 be put or it may regulate building height, lot

PUBLIC COMMENTS

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2 coverage and similar characteristics or some
3 combination of these. Theoretically the
4 primary purpose of zoning is to segregate uses
5 that are thought to be in compatible. In
6 practice, zoning is used to prevent new
7 development from interfering with existing
8 residents or businesses and to preserve the
9 character of a community. Zoning is commonly
10 controlled by local governments such as
11 counties or municipalities. Zoning may
12 include regulation of the kinds of activities
13 which will be acceptable on particular lots,
14 such as open space, residential, agricultural,
15 commercial or industrial. The densities at
16 which those activities can be performed from
17 low density housing, such as the single family
18 homes, to high density houses, such as
19 highrise buildings, the height of a building,
20 the amount of space such structures may
21 occupy, the location of a building on the lot,
22 setbacks, the proportions of the types of
23 space on a lot such as how much landscaped
24 space, impervious surface, traffic lanes and
25 parking must be provided. Most zoning systems

PUBLIC COMMENTS

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2 have a procedure for granting variances,
3 exceptions to the zoning rules, usually
4 because of some perceived hardship caused by
5 the particular nature of the property in
6 question. Basically, urban zones fall into
7 one of five major categories: Residential,
8 mixed residential and commercial, commercial,
9 industrial and special. Such zoning has
10 served to protect the property values. I have
11 39 seconds. Zoning tries to bring order to
12 the landscape or the land use. If any
13 individuals is exempted from the regulations,
14 you will see chaos in land use. No one should
15 be exempt from the following zoning
16 regulations. Land into trust will harm the
17 harmony and character of a neighborhood. I
18 say not one square inch of land into trust.

19 MS. LEY: Richard Kinder, Stephen Church,
20 Elizabeth Koon, Robert Church, Susan Backlund.

21 MS. CHURCH: Hi, my name is Stephanie
22 Church with the Town of Aurelius where I serve
23 on the Town Board. The DEIS is incomplete and
24 insufficient. It does not adequately explain
25 the need to take land into trust. The Cayuga

PUBLIC COMMENTS

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2 Indian Nation has existed for roughly 200
3 years, not always with federal recognition,
4 but they have existed without land into trust
5 in Cayuga and Seneca Counties. They have
6 clearly demonstrated that they don't need the
7 federal government's help and protection to
8 buy land and to have business enterprises
9 here. Just because they want to be treated as
10 special and above the law doesn't mean that
11 they should. The DEIS does not explain what
12 this land into trust application for
13 noncontiguous parcels is not considered
14 checker boarding, which the US Supreme Court
15 clearly ruled against in its Sherrill
16 decision. The DEIS overestimates the positive
17 impacts of the land into trust application and
18 largely ignores the negative impacts. These
19 economic, social and environmental impacts
20 include decreased tax revenues, increased
21 demand for community infrastructure and
22 services, increased pollution from
23 inadequately maintained fuel tanks, increased
24 criminal activity and unregulated land use and
25 environmental activities. We want to believe

PUBLIC COMMENTS

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2 that people are fundamentally good, but we
3 have laws and regulations because that isn't
4 always the case. The DEIS is deficient in
5 that it only reviews current use. It makes no
6 consideration of future use and development.
7 Should land into trust status be granted, the
8 Cayugas would be free to develop land as they
9 see fit; be it a casino, a 5,000 head log farm
10 with runoff directly to Cayuga Lake, or a
11 landfill rival Seneca Meadows. Forever is
12 indeed a long time, and future use should be
13 considered in the DEIS. And in particular,
14 the DEIS does not adequately provide
15 mechanisms to protect our most valuable
16 natural resource, Cayuga Lake. As part of a
17 most recent revision to the town's
18 comprehensive plan, over 90 percent of our
19 residents stated it is important or very
20 important to protect Cayuga Lake.
21 Municipalities from throughout the Cayuga Lake
22 watershed has created a restoration and
23 protection plan for Cayuga Lake, which the
24 DEIS offers no mitigations to protect this
25 beautiful and economically vital resource.

PUBLIC COMMENTS

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2 In short, the DEIS assumes the best and
3 offers no mitigations for the worst. This
4 leaves our communities of taxpaying law
5 abiding US citizens with no way to preserve
6 our own heritage and defend our future from
7 this onslaught of greed. I urge you to find
8 in favor of option two, no action on this land
9 into trust application. Thank you.

10 MS. KOON: Hi, I'm Elizabeth Koon from
11 Cayuga, New York and I find the DEIS to be
12 deficient in the following ways: It ignores
13 the impact of having this land taken off the
14 tax rolls, which will increase the tax
15 responsibility of landowners. It will allow
16 trust properties to use our community's
17 infrastructure without sharing in the cost to
18 maintain such infrastructure. It ignores the
19 detrimental effect of having trust properties
20 be exempt from state, county, town and village
21 laws and regulations. It ignores the
22 detrimental effect of having our beautiful
23 area turned into a patchwork of trust and
24 non-trust land. Also, laws and regulations
25 are only effective if they apply uniformly

PUBLIC COMMENTS

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2 over an extended area. It puts the health of
3 our lake, land and people at risk forever. It
4 would allow for the possible development of
5 gaming and other questionable activities that
6 are not in accord with the spirit of our
7 community to be imposed upon area residents,
8 even in close proximity to the middle and high
9 school in the Village of Union Springs. In
10 our school system we teach the importance of
11 abiding by the local, state and federal laws.
12 Our students would learn that some people and
13 places in our country are exempt from these
14 laws, which undercuts the entire philosophy of
15 being a law abiding nation. Non Indian
16 businesses, which must pay taxes may not be
17 able to compete with Indian operated
18 businesses. Some may be forced to shut down
19 resulting in loss of jobs and tax revenue.
20 Other potential businesses may be discouraged
21 from operating in our communities because of
22 the discriminating competition they would
23 face. It ignores the probability that due to
24 all of the above, the value of our land and
25 residences for resale will steadily decline.

PUBLIC COMMENTS

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2 It ignores the probability that more and more
3 land in the area will be purchased by the
4 Cayugas and submitted for placement into
5 trust. Over time, the control of our area by
6 and for the people will diminish and this
7 historic part of our country where we have
8 grown up and chosen to live will be changed
9 forever. Contrary to the finding in the DEIS,
10 the proposed land into trust conveyance would
11 have a highly significant and negative
12 environmental impact on our region. Please
13 find in favor of option two, no action on this
14 land into trust application. Thank you.

15 MR. CHURCH: Robert Church, dairy farmer
16 from Cayuga County. Gentlemen, for four hours
17 now you've heard all the things that we object
18 about the environmental impact statement. I'm
19 not going to reiterate all of those things. I
20 think there are two very, very important
21 points that I want you to understand clearly.
22 Number one, a major concern that we have is
23 that the proposed usage will not end up being
24 what the end result would be. We've seen it
25 time and time again, and that is a very big

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2 concern of ours. And the other piece of this
3 is even if the environmental impact statement
4 is correct today, it is not enforceable. That
5 leaves a serious risk to are environment and
6 the things that make our community strong.
7 The fact that we will not be able to ever
8 enforce the draft environment impact statement
9 is very important for us. Thank you for your
10 consideration on this and I do support
11 objection as well.

12 MS. LEY: Susan Backlund.

13 MS. BACKLUND: Good evening, I'm Susan
14 Backlund, I'm here this evening representing
15 my father, Edgar Buckland. I'm reading from
16 his letter of appeal to Franklin Keel, Eastern
17 Regional Office, Bureau of Indian Affairs.
18 Dear Mr. Keel, while I could address the
19 subject of reverse discrimination relative to
20 the unfair business practices, I would like to
21 address the practice of the Cayuga Nation
22 buying land with their illegally obtained
23 money and the consequences thereof. With
24 unlimited amounts of money, the Nation is able
25 to purchase available property at inflated

1 PUBLIC COMMENTS

2 prices which increase the value of surrounding
3 land with attendant higher land assessments,
4 and land assessments in New York are already
5 inflated.

6 A case in point is the recent purchase of
7 a 151 acres in the Town of Varick purchased
8 for \$785,000 with the assessed value of
9 \$220,500. Needless to say, this purchase
10 price will effect assessments in the Town of
11 Varick.

12 At present, the Cayuga Nation wants to
13 place 129 acres in the Town of Seneca Falls
14 into trust. If this is allowed they will
15 undoubtedly want to put more ill obtained land
16 into trust. At present the Cayuga Nation owns
17 895 acres in Seneca and Cayuga Counties.
18 After artificially increasing the land values
19 putting the land in trust, the land is removed
20 from tax rolls and land owners are left with
21 higher taxes. By converting the land to
22 federal title, the land becomes exempt from
23 state local taxation, local land use
24 regulations, local law enforcement, and it
25 could not be taxed for community services such

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2 as fire, police protection, education, road
3 maintenance. Not subject to existing zoning
4 ordinances, the Nation could do with the land
5 what it would. The trust process removes land
6 from local jurisdiction. It places the land
7 under federal authority. Thereby reducing the
8 balances intended by the Constitution.

9 To sum it up: If the Cayuga Nation
10 continues to buy land at inflated prices and
11 it is allowed to place it into trust, we
12 non-Indian landowners face higher assessments,
13 higher taxes, and our local and state
14 governments would have no jurisdiction over
15 the land or its uses. The ramifications of
16 this proposal ultimately effect all Americans
17 everywhere in the 50 states. How could we
18 possibly explain to our children the handing
19 over of our basic and equal rights under the
20 Constitution. It seems discriminatory to
21 provide special immunity to the few at the
22 expense of the many. Thank you for your
23 consideration.

24 MS. LEY: Doug Ready, Debbie Pickney and
25 Paul Simkin, George Fearon, Mary Jones.

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PUBLIC COMMENTS

MR. SIMKIN: I oppose this Cayuga transfer into trust with the letter that I have written to the BIA.

My name is Paul Simkin, and I live in the Town of Ledyard in the southwestern corner of Cayuga County in New York State. I have some comments about the proposal to place some land in our area into trust for the Cayuga Indian Nation, which I understand to mean that it would become sovereign Indian territory.

First, I want to quote a piece which I wrote, and which I sent to be published in the Citizen newspaper in Auburn, New York. I have not problem with the Cayuga people owning land in Union Springs, and I have no problem with their operating a business that sells gasoline and other merchandise. However, I have a big problem with their being exempt from laws that people in the general public have to obey. As far as I know, the gasoline and other merchandise sold there are bought pretty much from the same sources as are used by neighboring businesses. The customers of this business come from the general population, and

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2 they come and go on roads maintained by the
3 general public I suppose that this business
4 uses the same electric power system, the same
5 telephone system and the same banking system
6 as competing business. If there should be a
7 fire business volunteer firefighters from the
8 general public would come and use equipment
9 paid for by the general public. It appears t
10 me that the Cayuga people owning this business
11 expect to have it both ways or in other words,
12 to have the advantages of being a part of the
13 USA and at the same time, to have the
14 advantages of not being part of the USA. I
15 have a problem with this and I do not buy
16 things from this business, how about you.
17 Paul Simkin, Poplar Ridge, end of quote. I
18 have scanned down the table of contents of the
19 draft environmental impact statement and have
20 read the most pertinent parts of its executive
21 summary. There is something missing here,
22 something that is not strictly environmental,
23 but is important, perhaps it should be put
24 into a draft constitutional impact statement.
25 This executive summary contains the sentence,

PUBLIC COMMENTS

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2 the purpose of the proposed action is to
3 address the nation's need for cultural and
4 social preservation, political self
5 determination, self sufficiency, and economic
6 growth as a federally recognized Indian tribe.
7 The term self determination sounds a lot like
8 sovereignty. It seems to me that the idea of
9 one or more sovereign states within a larger
10 sovereign state is a contradiction in terms.
11 Economically speaking, all of us in Upstate
12 New York are in the same boat. On the
13 surface, it would seem that some of us would
14 like certain parts of the USA to be removed
15 from the USA and to be completely separate
16 nations. If we were to be really serious
17 about this, then we would expect that if we
18 wanted to buy things at the Trading Post in
19 Union Springs, we would go through a border
20 crossing station like going into Canada, buy
21 the things and then go through the border
22 crossing station again. Assuring the US
23 official there that no, we are not bringing
24 anything illegal into the USA that yes, indeed
25 we are US citizens and that if necessary, we

PUBLIC COMMENTS

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2 could produce a passport book, passport card
3 or some other proof of US citizenship. If we
4 were really serious about this we would expect
5 that during our stay at the Union Springs
6 Trading Post we could no be assured of the
7 protection of the Constitution of the USA, but
8 would be subject to the legal system of a
9 foreign country, which might or might not be
10 as good as the legal systems of the USA and
11 Canada. I doubt that any of us would really
12 like to relocate some acres of Union Springs
13 from the USA to another country. It seems
14 clear to me that those of us that support the
15 proposed action are really advocating that
16 some of us should have it both ways even
17 though they may not think of it that way. I
18 am not a Constitutional scholar, but I don't
19 think that the US Constitution has provisions
20 for some people having it both ways. One
21 thing about the US Constitution is that it
22 provides for a division of power between the
23 federal government and the state governments
24 of the USA, but I doubt that it has a
25 provision for really sovereign nations within

1 PUBLIC COMMENTS

2 the USA. I think that a lot of thought went
3 into this Constitution. I suppose that a lot
4 of thought also went into making of the
5 earlier Constitutional type documents by the
6 Haudenosaunee People who lived in this area
7 way back then. It was only 20 years ago that
8 I first heard about this document from a paper
9 my son wrote for school. One thing about this
10 earlier document --

11 (Whereupon, three minutes are up.)

12 MS. LEY: Doug Ready, Debbie Pinckney.

13 MS. PINCKNEY: Good evening, I'm Debbie
14 Pinckney and I really don't have anything new
15 to add that hasn't been said already tonight.
16 I speak for myself as a resident of Aurelius
17 and Cayuga County all of my life. I am the
18 Aurelius Town Clerk and Tax Collector, I am
19 the Union Springs School Tax Collector, and
20 I'm also the Secretary Treasurer for the
21 Aurelius Fire District. I'll be submitting my
22 detailed letter in opposition before the July
23 6th deadline. And I've been writing all night
24 changing my -- what I want to say here, but,
25 you know, the DEIS statement of no significant

PUBLIC COMMENTS

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2 impact obviously does not consider the current
3 taxpayers and residents of Cayuga and Seneca
4 County as significant. Any land into trust
5 impacts us in too many ways to state in three
6 minutes. As a collector, I have to explain to
7 people on a regular basis the breakdown of
8 taxes, the educational needs of our children,
9 and the future generations is the necessary
10 expense, the cost of roads, water and sewer
11 infrastructure and police and fire protection
12 to name a few, has to be shared, the cost has
13 to be shared by everyone that benefits.
14 Nowhere in this country is there a place that
15 is like Central New York and the Finger Lakes.
16 We are blessed to live here. Many people tell
17 me I'm -- and unrealistic that thinking that
18 we, as member of the human race should be able
19 to complain. I've listened to the trust
20 issues and the what if's all night, and I'm
21 kind of embarrassed for some of the comments.
22 My best friend and the mother of my first
23 Godchild works for the Cayuga Nation in a
24 business that is legal and registered in the
25 State of New York. So what's the problem

PUBLIC COMMENTS

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2 running every business under the letter of the
3 law and living side-by-side in peace. I, for
4 one, welcome everyone to settle in this area,
5 to work together to protect our natural
6 resources, encourage -- for the residential
7 and commercial work, but pay your fair share.
8 We talk about pilots and we talk about Empire
9 Zones and you know what, they have an
10 expiration date. Land into trust is forever.
11 Where is the fairness. I go on record tonight
12 to respectfully request the BIA to reject the
13 Cayuga Indian land into trust application.
14 Thank you.

15 MS. LEY: George Fearon, Mary Jones.

16 MR. FEARON: Thank you. The first thing
17 that I'd like to really encourage people to
18 get their input into them by July the 6th,
19 because we can really get your thoughts down
20 good and do it in more than a few minutes up
21 here in front of the mic.

22 I want to talk a little bit about the
23 gambling. First of all, if you go on my
24 website you can see some of my own writings
25 going back about to 2001 on that subject, and

PUBLIC COMMENTS

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2 it's Georgefearon.com. But there are three
3 writers who are national economists; namely,
4 the last names of these people, Grinols,
5 Mustard and Dilley. And basically, a lot of
6 research was done about the benefits of gaming
7 was done and paid for by the gaming industry.
8 These are people that are independent and they
9 have come to the conclusion that might be more
10 valid than that come up with by researchers
11 being paid for by the industry. Their basic
12 conclusion is that for every dollar coming in
13 from gambling, that the cost is actually a
14 dollar in an area. And in crime alone, it's
15 estimated between \$65 and \$75 per taxpayer for
16 increase in crime in areas where you have
17 gaming opportunities.

18 Now, a number of people talked about the
19 tax shift that some other understand in front
20 of or behind me, is that property tax and
21 sales taxes are like a teeter totter, if one
22 goes up, the other goes down. Everyone that
23 is paying less, so when you pay less sales
24 tax, there is more property tax. And
25 basically, the tax shift is already here and

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in effect in the --

Trying to get to a little bit of what I want to talk about related to the Empire Zones and the PLU's. I want to talk about the PLU's. Under Empire Zones that is PLU's, that's payment in lieu of taxes, and it does expire to -- before me -- where after you pay your zoned taxes forever. The bottom line is we love to grant PLU's and Empire Zones to the Native Americans who are willing to operate on a level playing field. Thank you.

MS. LEY: Mary Jones, Nathaniel Gilbert.

MR. GILBERT: Hello. Umm, I'd like to stand up here and represent four people and a lot of other people that aren't here tonight, and they are our children. It's unfortunate that the young people who will be most affected by this are not here, they are in bed, mine are in bed right now. And I think that the problem I'd like to talk about is the philosophy behind the trust, there is a philosophical problem, and that is that we punish the future generations for the people's so-called of half generations. And I think

PUBLIC COMMENTS

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2 that, you know, I realize that there may have
3 been long submitted by our forefathers, that
4 is debatable, that say their work, the
5 solution and the time to make the resolution
6 is already done, but if there was -- if there
7 needs to be a solution still, I believe the
8 best way is a resolution that does not
9 perpetually permanently starve our children
10 our descendants and we do understand that the
11 Cayuga Indians were around, but the proper
12 solution is not to take one wrong and play
13 another wrong. Inequality is not solved with
14 further inequality and injustice is not solved
15 with further injustice. As a result, if we do
16 away with empire zones so be it, we do away
17 with all the injustice, all racial division,
18 all prejudice. The solution is not more
19 favoritism, the solution is harmony and unity
20 among mankind, and that cannot be achieved by
21 creating a harmful sovereign -- a so-called
22 Sovereign Nation which many people point out
23 they are not sovereign, because they put the
24 responsibilities on other people like
25 corporate welfare and individual welfare and

PUBLIC COMMENTS

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2 responsibilities are pushed onto other people
3 to bear the burden, when responsibility should
4 be part of freedom. If you want freedom, you
5 need to have responsibility, and that's what
6 I'd like to say. And I want to say that my
7 children should not suffer for my sins as much
8 as possible, and so I would like to oppose the
9 land into trust.

10 MS. LEY: We are through the list. I
11 have a number of people who did not finish.

12 DR. KARDATZKE: Is there anybody out
13 there who hasn't spoken that would like to
14 speak? Okay. By the way, we are asking those
15 that have spoken once to --

16 MR. SPEARS: Sorry, it's been a long
17 night and I'll only be with you guys for a
18 minute. As a young American I support the
19 Cayuga land trust. We as Americans base our
20 united culture by the spacial constructs in
21 which we inhabit. The Cayugas wish to
22 continue their traditions and culture by
23 creating a small area where they may unite
24 themselves. Do we wish to deny the Cayugas an
25 area to allow their culture to flourish like

PUBLIC COMMENTS

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2 our government has proudly for 234 years. We
3 fight overseas and for the rights and freedom
4 to oppressed people; and yet, we also -- over
5 these issues within our own orders. I would
6 also like to point out that the Cayugas did
7 not willingly surround their land, instead
8 only after aggressive attacks within the six
9 nations did they submit the jurisdiction of
10 the United States federal government. This
11 was their land. And placing 129 acres, only
12 129 acres into a land trust, would be only a
13 small portion of the land that they so rightly
14 deserve, and they would extend a hand over --
15 to the Cayugas who cherish and respect this
16 land, their homeland, the land which they love
17 as their own. Thank you.

18 MR. TROUT: Good evening. Jeffrey Trout.
19 Town of Fayette. As I read and re-read that
20 DEIS, I had to ask myself whether or not I was
21 living in contradiction to the DEIS. What I
22 mean by that is I believe that I need to
23 mitigate. Let me explain a couple of
24 examples. First, in my role as a Town of
25 Fayette councilman, we have taken oaths to

PUBLIC COMMENTS

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2 uphold the Constitutions of New York State and
3 the United States. I believe that the DEIS in
4 its conclusions would force me to contradict
5 that role. Second is in my role as a local
6 farmer. I rent and own and manage
7 approximately 700 acres in Seneca County.
8 About half that land is within the land claim
9 area. Recently, actions by the Cayugas have
10 created a looming spectrum of affordability to
11 unmask unlimited financial resources -- for
12 corrupt and divert the economic supply and
13 demand. In my personal situation, that
14 looming spectrum actually creates an economic
15 situation with a land value tripled thereby
16 putting it beyond the value of its state
17 producing ability. Thirdly, in my role as a
18 teacher, a history teacher in fact, I'm a
19 teacher of economics, we are often in a
20 situation where we have to teach our children
21 about human rights, apartheid and treating
22 people with respect. In this case, we have
23 what I believe is considered a teachable
24 moment. And again, a contradiction of the
25 DEIS proposes to compel and does not clear

1 PUBLIC COMMENTS

2 through with it. In essence, the DEIS, if you
3 follow through with it and you leave it to its
4 conclusion, would be nothing short of
5 apartheid. It was wrong in South Africa and
6 it would certainly be wrong here and it would
7 certainly be wrong to do to our children.
8 Thank you.

9 DR. KARDATZKE: Anyone else who hasn't
10 spoken?

11 MR. SCARPULLA: My name is Ron Scarpulla,
12 I'm a property owner along the lake. Excuse
13 me, I'm not much of a public speaker. I do
14 believe in -- I do have a vested interest.
15 Being a property owner, I would be more than
16 happy to pay my fair share of taxes. I also
17 have a vested interest in the United States
18 and in people. I'm a Vietnam veteran. I
19 worked for 35 years for the fire department,
20 and I often help people, and I make
21 contributions. I really fail to see the
22 Cayuga culture in the past when -- and that
23 operation puts other businesses at an unfair
24 advantage. I do welcome the Cayugas. I would
25 love to see the Cayuga tribe to take part in

PUBLIC COMMENTS

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2 social activities here. I would love to see
3 their dress. I would love to their way of
4 life. But we're not addressing that issue,
5 although that's a claim on some people, it's
6 their right, and I respect the rights, and I
7 would like to see them. But I also respect
8 everybody in the tax here. I also have to
9 reflect all of those that have given their
10 form of work or whether they be a veteran or
11 someone supporting our community. So I would
12 welcome them in an another way but, it's hard
13 to understand, it's hard to feel like you want
14 to support the group that has an unfair
15 advantage. And I thank you for your time and
16 I hope you will keep my voice up.

17 DR. KARDATZKE: Anyone else who hasn't
18 spoken?

19 MS. HILL: Good evening, ladies and
20 gentlemen, my name is Corrine Hill. I'm an --
21 I don't have anything written. This is kind
22 of impromptu as I am visiting. I'm a Bear
23 Club, I'm a 6th Nation -- Indian, and I live
24 in a beautiful -- well, it's called a
25 Reservation, but I prefer to call it

PUBLIC COMMENTS

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2 territory. And about 17 miles from my reserve
3 is a casino that is ours. And we do have on
4 our reserve, a very lovely infrastructure. We
5 do have an environmental partner and we're
6 working on a species project. We do have a
7 housing code. We have a fire department. We
8 have peacekeeper police. We have everything
9 there that a small town would have anywhere.
10 And I would just like to say that -- try to
11 put your minds at ease that we simply want the
12 same things that everybody else wants in the
13 world, whether they are asleep or across the
14 ocean or whether you are here with your
15 families, or whether it's our families. We're
16 all from the same species, I guess I can say,
17 and we have to learn to live together or we'll
18 all go down the tubes together. Thank you.

19 MR. JONES: Good evening, my name is Doug
20 Jones. I live about 200 yards from here on
21 the corner, and I have listened for the last
22 four and a half hours, and I came up here
23 during the intermission and I asked you
24 gentlemen what your job was. I am the
25 President of Seneca Falls Information

PUBLIC COMMENTS

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2 Association, and ours is an association that
3 opposed to this trust request for a variety of
4 reasons. You have an awesome task in front of
5 you. You have a community's life in your
6 hands. The information that you wrote in the
7 document that I do not feel is completely
8 accurate, nor does it tell the entire story.
9 For every decision, there is an opportunity to
10 cost and an opportunity to benefit. You
11 gentlemen, along with the Bureau of Indian
12 Affairs has to decide what will happen in
13 Seneca and Cayuga Counties for the next
14 infinite amount of years. I hope tonight
15 watching -- from everyone here, you gentlemen
16 included, that you have been open minded, that
17 you are willing to listen to what people have
18 said, and that you will make a decision that
19 represents the entire population, not just a
20 chosen few. I truly hope that is what happens
21 and you realize that there are serious
22 financial implications to this decision that
23 you make. Thank you very much.

24 DR. KARDATZKE: Just a minute. Just a
25 minute. Anyone else? If not is there anyone

1 PUBLIC COMMENTS

2 who had previously spoken that feels that you
3 need some more time.

4 MR. DRESSER: Once again, I am David
5 Dresser. I want to finish my remarks. But
6 first I'd like to -- I have a few minutes.
7 With the quote from the letter from
8 Mr. Chandler to one of our attorneys on the
9 28th of May he wrote, "the purpose of the
10 hearing is to gather comments that
11 specifically address the DEIS. Comments that
12 concern legal issues, cigarette or gasoline
13 taxes or the Cayuga land claim are outside the
14 scope of the hearing, such comments are just a
15 wast of all of our time. I'm sorry if you
16 feel we have wasted your time to our reference
17 legal issues and the sale of cigarettes and
18 gasoline which you believe to be -- you went
19 on to say, "we will allow everyone to speak as
20 part of our public process. The Cayuga people
21 will stay focused on information that will
22 benefit the DEIS so we can approve upon the
23 DEIS with a much better -- we just need to
24 facilitate the documentation of information
25 that also considers anything that we may have

PUBLIC COMMENTS

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2 overlooked on behalf of the DEIS." I would
3 submit that you have overlooked legal issues,
4 that they should be part of a document, and I
5 urge you to include them in the DEIS if it
6 must be issued. I gather a decision of no
7 action could not be made until after the DEIS
8 is complete; is that correct? I would like to
9 defer to the legal issues that I was planning
10 my comments on, and I urge you to consider
11 them. The DEIS disregards the central
12 teaching of the US Supreme Court's landmark
13 Sherrill decision that check boarded sovereign
14 territory has disruptive practical
15 consequences in terms of governance. It also
16 disregards the Supreme Court's 2009 Carcieri
17 versus Salazar decision, which denied trust
18 land to the Narragansett tribe in Rhode Island
19 because it was not under federal jurisdiction
20 in 1934 when the Indian Reorganization Act was
21 passed. Mr. Chandler, I suggest that you take
22 this flawed DEIS to secretary Salazar and tell
23 him that a final EIS should not be issued, nor
24 should any further trust applications be
25 accepted from the Cayugas because it cannot be

PUBLIC COMMENTS

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established that their nation was under

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federal jurisdiction in 1934. Thank you for

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your serious consideration of these comments.

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DR. KARDATZKE: Is there anyone else who

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hasn't spoken that would like to take time

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tonight?

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MR. SIMKIN: Paul Simkin again. I'd like

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to read a couple of sentences that I'd like to

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read to you. One thing about this earlier

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document is that to a large extent it was used

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as a pattern for the US Constitution.

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Although I have not studied this earlier

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document, I am thinking that its authors were

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wise enough to not include any provision for

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some people to have it both ways. Sincerely,

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Paul J. Simkin. Outside what I have written,

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I also say that the purpose of this Indian

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Nation might very well be accomplished as

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enacting as a corporate body within the

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general overall infrastructure of New York

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State and the United States.

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DR. KARDATZKE: Anyone else?

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MR. CHANDLER: Okay. If we're done, I

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want to thank you for coming. And it would be

PUBLIC COMMENTS

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our purpose to provide a better document.
That's what we are here for, to provide a
better DEIS document. And I do appreciate you
bringing your comments, and everything will be
part of the record for the application. Thank
you and good night.

(Whereupon, the public hearing had
concluded.)

* * * *

1 REPORTER'S CERTIFICATE

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I, MARY AGNES DRURY, Court Reporter and

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Notary Public, certify:

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That the foregoing proceedings were taken

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before me at the time and place therein set forth, at

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which time the witness was put under oath by me

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That the testimony of the witness and all

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objections made at the time of the examination were

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recorded stenographically by me and were thereafter

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transcribed

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That the foregoing is a true and correct

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transcript of my shorthand notes so taken

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I further certify that I am not a relative or

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employee of any attorney or of any of the parties nor

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financially interested in the action.

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MARY AGNES DRURY, CR
Notary Public

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