

The analyses presented in Sections 4.1 through 4.13 examined the potential for impacts resulting from the Proposed Project and its alternatives. This section, Section 5.0, “Mitigation,” is intended to discuss the means of reducing any significant impacts previously identified within the analysis of the alternatives to a less than significant level.

The Proposed Action and its alternatives do not involve physical changes to the properties subject to analysis, nor would they result in physical changes to surrounding properties. In addition, no significant adverse impacts were projected to occur in any other impact analysis area as a result of the Proposed Action and Alternative 3: Contiguous Parcels into Trust. Therefore, there are no known adverse impacts and no mitigation is required or proposed.

The Nation does not anticipate negative socioeconomic or fiscal effects of any sort. In fact, as discussed in Section 4.8, the Nation anticipates that the area communities will benefit economically and socially as a result of the Nation’s gaming operations. Nonetheless, while there is no clear consensus as to the relationship between Indian gaming and problem gambling, the Nation recognizes that gaming should be conducted in a responsible manner. The Nation would provide information to its patrons regarding gambling addiction counseling services available in the area.

Alternative 2: No Action, however, could result in significant adverse impacts to the Nation should the Nation determine not to reopen its gaming facilities and reestablish the baseline environmental conditions at the time of its fee-to-trust application. Under this scenario, there are no available means of reducing the adverse impacts on the Cayuga Nation should the gaming facilities not reopen, particularly if the State levy taxes on gasoline or tobacco products sold by the Nation. Although the Nation would have to determine whether or not it would it would reopen its gaming facilities under the No Action Alternative, only trust status for the subject enterprise properties (e.g., Alternative 1 or Alternative 3) would definitively result in the resumption of Tribal gaming. While the resumption of gaming may reduce some of these potential impacts, it cannot be considered mitigation for any potential loss of income due to the No Action Alternative.

In contrast to Alternative 2, under the Proposed Action and Alternative 3 the Nation would definitively resume operations of its small-scale gaming facilities, thereby reinstating its gaming revenue sources. Due to the fact that operations at the Nation’s Class II gaming facilities were temporarily closed in the fall of 2005, the Nation’s primary revenue source is the sale of cigarettes. While the State of New York has thus far declined to take action to enforce the Tax Law against the Nation, enforcement of the Tax Law in the future would result in the Nation not having the benefit of its primary revenue stream. Such a loss of revenue would severely impact the Nation’s economy and its goal of becoming economically self-sufficient.

The Nation’s lifestyle and cultural values receive critical financial support from its gaming enterprise revenues, and this alternative would curtail this support. The Proposed Action will enable the Nation to resume operations at these gaming facilities, and thereby reinstate this

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revenue source. If the Nation's gaming operations remain closed, the Nation's needs would not be met.