

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

As discussed in Section 3.5, in the absence of specific federal guidance and to reflect New York State noise impact analysis practice, this analysis reflects the New York State Department of Environmental Conservation (NYSDEC) guidance document titled *Assessing and Mitigating Noise Impacts* (October 6, 2000).

### **IMPACT CRITERIA**

For purposes of impact assessment, a significant adverse impact will occur when the project results in an  $L_{eq(1)}$  noise level of 65 dBA or more and produces an increase in  $L_{eq(1)}$  noise levels of greater than 6.0 dBA (comparing  $L_{eq(1)}$  noise levels for future conditions with the proposed project with future conditions without the proposed project). Both of these conditions would have to occur for there to be a significant adverse impact. The criteria are consistent with guidance from the NYSDEC.

### **A. ALTERNATIVE 1: PROPOSED ACTION**

Under this alternative, which involves placing the Nation's property into trust, no changes from the environmental baseline are proposed aside from reopening the temporarily closed LakeSide Entertainment gaming facilities at the Nation's Seneca Falls and Union Springs properties. Under this alternative, the property would continue to be used as it is now and there would be no changes from baseline environmental conditions to onsite noise generation, nor are any development or transportation projects in the area expected to significantly change traffic patterns that would result in increased noise.

In view of the above, this analysis used proportional modeling to determine locations which had the potential for having noise impacts, and to quantify the magnitude of those potential impacts. Three noise receptor locations were chosen within the study area. Site 1 is located on NYS Route 89 between Jackson Road and Garden Street. Site 2 is located on NYS Route 90 between NYS Route 326 and Old Route 326. Site 3 is located on NYS Route 90 between Old Route 326 and McDonald's Point Road. These sites were chosen because they represent nearby noise-sensitive land uses, which would primarily be residential uses. On-site noise monitoring was performed during September 2008 utilizing the equipment and methodologies discussed in Section 3.5. Twenty-minute spot measurements were taken during the time periods reflecting peak hours of trip generation, as identified in the traffic analysis: Friday PM Peak Hour (4:00 to 5:00 PM) and Saturday Midday Peak Hour (12:00 AM to 1:00 PM).

Under the Proposed Action, no additional development or change in use of the subject properties is anticipated to occur, and as a result, noise conditions under this alternative are expected to be the same as the environmental baseline conditions existing at the time of the fee-to-trust application, and those of the pre-October 2005 period when the LakeSide Entertainment gaming

facilities were in full operation, at which time no noise-related impacts existed as a result of those operating conditions. As discussed in Section 4.12, “Traffic and Transportation Effects,” the Proposed Action would result in no notable changes in LOS for any of the lane groups/approaches at the study area intersections. The traffic analyses consider the effects of the Nation’s Class II gaming operations as well as the uses currently in full operation. All lane groups and approaches at the study area intersections would continue to operate acceptably at LOS A, B, or C. Using the methodology previously described, noise levels with the Proposed Action were calculated. Table 4.5-1 presents future noise levels with the proposed project at the three receptor locations in the year 2009.

**Table 4.5-1  
Future Noise Levels (dBA) Under Alternative 1:  
Proposed Action**

Site	Time		2008 Existing $L_{eq(1h)}$	Future Noise Under Alternative 1 $L_{eq(1h)}$	Change in dBA level
1	Fri	PM	70.2	70.3	0.1
	Sat	MD	71.0	71.1	0.1
2	Fri	PM	69.0	69.1	0.1
	Sat	MD	68.1	68.4	0.3
3	Fri	PM	68.4	68.6	0.2
	Sat	MD	67.7	68.0	0.3

Comparing future noise levels under the Proposed Action with Existing noise levels, the maximum increase in  $L_{eq(1)}$  noise level would be less than 1.0 dBA. Increases of this magnitude would not be perceptible, and based upon DEC impact criteria would not be significant. As a result of the Proposed Action, no traffic or use-related noise impacts are expected to occur. Therefore, there would be no significant noise impacts as a result of the Proposed Action.

**B. ALTERNATIVE 2: NO ACTION**

As with Alternative 1, under this alternative, no changes from the environmental baseline conditions are proposed. Under this alternative, the Nation’s properties would not be placed into trust, and the Nation would continue to own the properties in fee. The Nation would continue use of its properties for the multiple purposes in operation at the time of the fee-to-trust application (e.g., gas stations and convenience stores, and a car wash). Under this alternative, the Nation may elect to return the subject properties to the environmental baseline conditions by reopening its temporarily closed gaming facilities, in which case, no changes from the environmental baseline would occur. There would be no changes to onsite noise nor are any development or transportation projects in the area expected to significantly change traffic patterns that would result in increased noise. Therefore, there would be no significant noise impacts as a result of the No Action Alternative.

**C. ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST**

Under Alternative 3, which would place the Nation’s property in Seneca Falls and Union Springs into trust, no changes from the environmental baseline conditions are proposed. Under

this alternative, the property would continue to be used as it is now and there would be no changes to onsite noise nor are any development or transportation projects in the area expected to significantly change traffic patterns that would result in increased noise. The traffic analysis of this alternative considers the effects of reopening the temporarily closed Class II gaming operations as well as the uses currently in full operation.

As with Alternative 1, the noise conditions under this alternative would be the same as those at the time of the fee-to-trust application when the LakeSide Entertainment gaming facilities were in full operation, at which time no noise-related impacts existed as a result of those operating conditions. Therefore, there would be no significant noise impacts as a result of the Enterprise Properties into Trust Alternative.

#### **D. CUMULATIVE IMPACTS**

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