

**Cayuga Nation of New York
Conveyance of Land into Trust
Cayuga County, New York**

Final Environmental Assessment

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1. INTRODUCTION

1.1 INTRODUCTION

In 2005 the Cayuga Nation of New York (the “Nation”) applied to the Bureau of Indian Affairs (BIA) of the U.S. Department of Interior (DOI) for a fee-to-trust transfer of 129± acres¹ of land owned by the Nation (the “Previous Application”). The BIA is the federal agency charged with reviewing and approving Tribal applications pursuant to 25 Code of Federal Regulations (CFR) Part 151 to take land into federal trust status. The statutory authority for acquiring land in trust status for Indian tribes is provided in the Indian Reorganization Act of 1934 (IRA), with regulations under 25 CFR Part 151 and codified at 25 U.S.C. § 5108. Transfer of lands into trust is a real estate transaction which would convey title to the subject properties to the United States, and the subject properties would be held in trust by the United States for the use and benefit of the Nation to ensure the cultural preservation, expression and identity, self-determination, self-sufficiency, and economic independence of the Nation as a federally recognized Tribe.

The fee-to-trust applications were individually dated April 14 and May 25, 2005 (hereinafter the inclusive application date is cited as May 25, 2005). The property proposed for fee-to-trust transfer had been comprised of seven separate parcels (nine tax map ID numbers) located in the Village of Union Springs and the Towns of Springport and Montezuma, in Cayuga County and the Town of Seneca Falls in Seneca County.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. § 4321 et seq.), a Draft Environmental Impact Statement (DEIS) was prepared by BIA for the Previous Application and issued for public review on May 22, 2009. A public hearing for the DEIS was held at the New York Chiropractic College in Seneca Falls, New York, on Wednesday, June 17, 2009; public comments on the DEIS were accepted by BIA until July 6, 2009. A Notice of Availability (NOA) for the Final EIS (FEIS) was published on October 12, 2010. The NOA indicated that a Record of Decision (ROD) would be issued on or after November 22, 2010; however, a ROD was never issued. In 2018, a Technical Memorandum analyzing the proposed fee-to-trust application and relevant changes in background conditions was submitted to the BIA. However, no action was taken on that Technical Memorandum.

The Nation now seeks to re-submit its application for a fee-to-trust transfer of land for four parcels located in Cayuga County totaling 115± acres (the “Proposed Action”) and to continue the use of each property as described in **Table 1** (see **Figures 1** and **2**). The properties in the Town of Seneca Falls and the property in the Town of Montezuma that were part of the Previous Application are not included in the Proposed Action. In addition, the Nation is constructing an approximately 4,928 square foot gaming facility building within the existing gravel parking lot on the 271 Cayuga Street parcel, 7 handicap parking spaces between the existing and proposed buildings, and a 77-space gravel parking area on the North Cayuga Street parcel (see **Figure 3**). The gaming addition received a letter of No Effect from the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) on September 7, 2021. The gaming addition also received New York State Department of Environmental Conservation (NYSDEC) Acknowledgment of Notice of Intent for

¹The notice of intent published in the Federal Register on February 13, 2006 (71 FR 7568) cited the conveyance into federal trust of seven parcels comprising 125± acres of land. The records of the affected municipalities report the actual acreage of the seven parcels included in the Nation’s Land Trust Application to be 129.16 acres

Coverage Under SPDES General Permit for Storm Water Discharges from Construction Activity – General Permit No. GP-0-20-001 on April 15, 2022.

**Table 1
Tax Parcels Comprising the Proposed Action**

| County | Municipality | Parcel Address | Parcel Deed Reference | Tax Lot Designations of Parcel | Approx. Acreage | Use |
|--------|--------------------------|---------------------------|-----------------------|---------------------------------|-----------------|------------------------------------------------------------------------|
| Cayuga | Village of Union Springs | North Cayuga Street | Book 1208 at page 236 | 134.17-1-1.51 | 108.0 | Vacant lot / agriculture, and gravel parking lot (planned improvement) |
| Cayuga | Village of Union Springs | 299 and 303 Cayuga Street | Book 1129 at page 222 | 134.17-1-1.21 134.17-1-1.121 | 1.98 | Gas station, former car wash,* convenience store |
| Cayuga | Village of Union Springs | 271 Cayuga Street | Book 1129 at page 225 | 141.05-1-3 | 1.48 | Gaming facility |
| Cayuga | Town of Springport | Route 90 | Book 1215 at page 291 | 150.00-1-29.1 | 3.70 | Vacant lot |

Note: *The car wash permanently closed in 2019.

Source: Tax assessment data.

This Environmental Assessment (EA) has been prepared to support an application from the Nation for land to be placed into federal trust (Proposed Action). As noted above, the BIA is the federal agency that is charged with the review and approval of tribal applications to take land into federal trust status. For this EA, the BIA serves as the Lead Agency for compliance with NEPA. The potential impacts of the planned gaming expansion are considered in this EA. The DEIS and FEIS are incorporated into this EA by reference.

This document has been prepared in accordance with the requirements of NEPA (42 United States Code [USC] § 4321 et seq.), the Council on Environmental Quality (CEQ) Guidelines for Implementing NEPA (40 CFR §§ 1500-1508), the BIA’s NEPA Guidebook (59 Indian Affairs Manual 3-H), Deputy Secretary for the Department of the Interior’s Order 3355 to improve the environmental review process under NEPA, and Section 508. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action and Project Alternatives, and either determine that a Finding of No Significant Impact (FONSI) is appropriate, request additional analysis, or request that an Environmental Impact Statement be prepared.

Given that the Nation expects a minor change in land use through the eventual addition of its new 4,928 square foot gaming facility and associated parking, BIA considered what NEPA analysis, if any, was necessary to inform its decision on the fee-to-trust application. After analysis, and as described in this EA, while the change in land use does represent new circumstances or information relevant to environmental concerns, it is not significant.² Therefore, it does not require

² Moreover, while the change in land use is not significant in our NEPA analysis, we also note that BIA’s decision whether or not to take the land into trust has no bearing on the Nation’s expanded gaming facility

the preparation of a supplemental EIS. Rather, pursuant to the Council on Environmental Quality's NEPA implementing regulations at 40 CFR § 1502.9, BIA is permitted to document this finding informally, or the BIA may do so "in a finding of no significant impact supported by an environmental assessment." BIA has chosen to document its findings in this EA. The agency decided that, given the passage of time since the EIS was completed and the agency's desire for transparency in its review and decision making process, this analysis and its findings will be documented through an EA.

A Notice of Availability for the Draft EA was circulated on September 19, 2022; the Draft EA was open for a 30-day public comment period. Responses to the comments received are provided in **Appendix H**.

1.2 LOCATION AND SETTING

The Proposed Action is the fee-to-trust transfer of approximately 115± acres of land comprising four separate parcels (five tax map numbers) in the Village of Union Springs and the Town of Springport in Cayuga County, New York.

The properties are variously referred to in this EA individually, by their individual tax lot identification numbers, or as contiguous properties comprising one or more tax lots. As used herein, and as further described below, the "Union Springs Property" consists of four contiguous tax lots comprising approximately 111 acres and the "Springport Property" consists of a single 3.7-acre tax lot. The Union Springs Property also comprises the Nation's "Enterprise Properties" discussed herein and further described in Alternative 3, "Enterprise Properties into Trust." **Table 1** above provides an overview of the Nation's properties.

UNION SPRINGS PROPERTY

The Union Springs Property comprises four contiguous tax parcels totaling approximately 111 acres. The property consists of vacant land, 82 acres of which are in agricultural use (field crops); LakeSide Trading, which consists of a convenience store, gas station, and former car wash (permanently closed in 2019); and the gaming operation, LakeSide Entertainment 1, which occupies an approximately 2,300-square-foot building formerly occupied by a NAPA auto parts store. The gaming facility, comprising 86 electronic bingo machines, was in operation at the time of the fee-to-trust application (May 25, 2005). The gaming operation was temporarily suspended during preparation of the EIS but resumed operation in 2013. The surrounding area consists of agricultural, residential, and recreational uses.

The property is bordered by undeveloped land to the north, NYS Route 90 followed by retail properties to the east; a fire department, high school, and residential properties to the south; and residential properties to the west. Cayuga Lake is located approximately 500 feet west of the parcel. The bulk of this property is the approximately 108-acre tax lot 134.17-1-1.51, which consists of vacant land, 82 acres of which are currently in agricultural production.

The Nation's LakeSide Trading gas station\convenience store businesses are located on two separate tax parcels totaling approximately two acres (134.17-1-1.21 & 134.17-1-1.121). The

construction. The fee-to-trust acquisition does not permit or otherwise grant authority for the Nation to expand its operation. The land is already gaming-eligible and thus authority to game exists regardless of the BIA's acquisition of the land in trust. *See Cayuga Nation v. Tanner*, 448 F.Supp.3d 217, 245 (N.D.N.Y. Mar. 24, 2020), *aff'd*, *Cayuga Nation v. Tanner*, 6 F.4th 361 (2d Cir. July 27, 2021).

immediate area is bordered by undeveloped land to the north, NYS Route 90 followed by residential properties to the east, local retail shops to the south, and vacant agricultural land to the west. There are several other commercial and professional office operations to the south and west of the subject parcels.

The LakeSide Entertainment gaming facility is located at 271 Cayuga Street, on an approximately 1.48-acre parcel (tax lot 141.05-1-3). This parcel is bordered by agricultural land to the north, NYS Route 90 followed by residential properties to the east, Union Springs Fire Department to the south, and vacant agricultural land to the west. The LakeSide Entertainment facility is comprised of a 2,304-square-foot, one-story building.

SPRINGPORT PROPERTY

The Springport Property consists of one tax parcel (150.00-1-29.1) of approximately 3.70 acres. This parcel is rectangular and bordered on the north and south by residential properties, on the east by NYS Route 90, and to the west by a former railroad bed followed by a wooded area.

1.3 PURPOSE AND NEED

The federal Proposed Action consists of the fee-to-trust transfer of the Nation's approximately 115± acres of land, including the parcels of land on which its existing and planned business operations are located (the "Enterprise Properties"). The transfer is pursuant to the authority of the Secretary of the DOI under the Indian Reorganization Act, 25 USC §5108.

To generate revenues to fund tribal programs and services, the Nation acquired several properties on the Nation's ancestral lands in Cayuga County. Included among its acquisitions were the convenience store/gas station business and agricultural land in Union Springs. The Nation operates this business for tribal revenue generation purposes. The Nation has generated additional revenue at its properties through the operation of a Class II gaming facility. These business operations are the sole source of tribal revenues.

In addition to the continuation of the existing gaming operation, the Nation is planning an approximately 4,928 square foot new gaming facility building, 7 handicap parking spaces, and 77-space gravel parking area in Union Springs. The Nation wishes to continue use of the proposed fee-to-trust properties for multiple purposes, involving the continuation of previous and existing uses. Existing and previous uses of the Enterprise Properties include convenience store and gas station operations, gaming facilities, and related activities; the non-enterprise properties are vacant, open land.

The Proposed Action will help facilitate tribal self-sufficiency and self-determination, thus satisfying the Department's land acquisition policy as articulated in the Department's trust land regulations (25 CFR § 151). The need for the Department to act on the Nation's application is established by the Department's regulations at 25 CFR §§ 151.10(h) and 151.12.

2. PROJECT ALTERNATIVES

2.1 ALTERNATIVE 1 – THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

This alternative is the Preferred Alternative. Under this alternative, all of the land located in Cayuga County, and included in the Nation’s fee-to-trust application, would be taken and held in trust by the United States (see **Table 1**). These parcels are located in the Village of Union Springs and the Town of Springport, New York.

The Nation would continue use of its properties for multiple purposes, involving the continuation of previous and existing uses, including convenience store and gas station operations, gaming facilities, and related activities. Since gaming activities resumed at LakeSide Entertainment in Union Springs in July 2013, current use of that property is essentially the same as at the time of the initial fee-to-trust application.

The Nation would continue the existing operations of the Village of Union Springs Property where the existing businesses are located. In addition, the Nation plans to construct a new approximately 4,928 square foot gaming facility building within an existing gravel parking lot located west of the existing gaming facility, 7 handicap parking spaces between the existing and proposed buildings, and a new 77-space gravel parking lot within a portion of the vacant parcel to the north of the existing gaming facility. The Nation plans to continue the agricultural use (field crops) of the 82 tillable acres of the 108-acre vacant parcel in Union Springs. The Nation has owned this parcel since 2005 and has continued its agricultural use for field crop cultivation. The Nation plans to use the field crop as an additional source of revenue.

2.2 ALTERNATIVE 2 – NO ACTION ALTERNATIVE

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 currently in operation, as well as in operation at the time of the original fee-to-trust application (e.g., gas station, convenience store, and gaming). In addition, the planned gaming facility and parking area would be constructed. Under this alternative BIA would assume that the Nation would continue to pay property taxes; however, the Nation will consider all options available to it under the law with respect to payment of real property taxes on these parcels.

2.3 ALTERNATIVE 3 – ENTERPRISE PROPERTIES INTO TRUST

Under this alternative, the four tax lots included in the Nation’s fee-to-trust application in the Village of Union Springs would be taken into trust by the United States. The Nation’s LakeSide Trading commercial enterprises and LakeSide Entertainment Class II gaming facility in Cayuga County would continue to operate, and the proposed new Class II gaming facility would begin operation once constructed. The Nation’s non-Enterprise property in the Town of Springport, in Cayuga County, would not be taken into federal trust.

2.4 COMPARISON OF PROJECT ALTERNATIVES

Alternative 1 meets the Nation’s purpose and need for the Proposed Action. Alternative 2 would not provide the economic or environmental justice benefits that would occur with Alternative 1. Under Alternative 2, the long-term viability of the properties would be less secure, as they would

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not have the benefit of being held in federal trust. Alternative 2 would not help the Nation to establish economic self-sufficiency or to maintain a strong tribal government. Alternative 3 would have similar effects as the Proposed Action since the economic benefits of the Nation's business enterprises are primarily realized through the Union Springs property as opposed to the Springport property. See **Table 2** for a comparison of the alternatives.

Table 2
Summary of Alternatives Analyzed

| Analysis Area | Alternative 1 – The Proposed Action – The Preferred Alternative | Alternative 2 – No Action Alternative | Alternative 3 – Enterprise Properties into Trust |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Resources | No significant impacts to land resources | Same as Proposed Action | Same as Proposed Action |
| Water Resources | No significant impacts to water resources | Same as Proposed Action | Same as Proposed Action |
| Air Quality | No significant adverse air quality impacts | Same as Proposed Action | Same as Proposed Action |
| Biological Resources | No significant impacts to biological resources | Same as Proposed Action | Same as Proposed Action |
| Cultural Resources | No adverse impacts to cultural resources | Same as Proposed Action | Same as Proposed Action |
| Socioeconomic Conditions/ Environmental Justice | Economic benefits to region (jobs, local spending) by ensuring long-term viability of Nation's enterprises. Fiscal benefit to Nation from continuation and security of its commercial enterprises. Minimal reduction in tax revenue (0.05% for Cayuga County, 0.15% for Town of Springport, 3.15% for Village of Union Springs). Remedy past injustices to the Nation. | Long-term viability of Nation's enterprises and the resulting economic benefits to region less secure. No significant adverse fiscal impacts. No remedy to past injustices to the Nation. | Economic benefits to region (jobs, local spending) by ensuring long-term viability of Nation's enterprises. Fiscal benefit to Nation from continuation and security of its commercial enterprises. Minimal reduction in tax revenue (0.05% for Cayuga County, 3.15% for Village of Union Springs). Remedy past injustices to the Nation. |
| Traffic and Transportation | No significant adverse traffic impacts | Same as Proposed Action | Same as Proposed Action |
| Land Use and Agriculture | Land use regulation for both properties conferred on the Nation. No change from existing land use or agriculture. | No change from existing land use or agriculture. | Land use regulation for Union Springs Property conferred on the Nation. No change from existing land use or agriculture. |
| Public Services | No significant impacts to community infrastructure. No adverse impacts to community service providers. Nation would assume full range of jurisdiction over both properties. | No significant impacts to community infrastructure. No adverse impacts to community service providers. | No significant impacts to community infrastructure. No adverse impacts to community service providers. Nation would assume full range of jurisdiction over the Union Springs Property. |
| Noise | No significant adverse noise impacts | Same as Proposed Action | Same as Proposed Action |
| Hazardous Materials | No significant adverse impacts related to hazardous materials | Same as Proposed Action | Same as Proposed Action |
| Visual Resources | No significant impacts to visual resources | Same as Proposed Action | Same as Proposed Action |
| Cumulative Impacts | No significant cumulative fiscal impacts. No significant cumulative jurisdictional impacts. | No effect on cumulative impacts | Same as Proposed Action |
| Indirect and Growth-Inducing Impacts | No significant adverse indirect effects. No significant growth-inducing effects. | Same as Proposed Action | Same as Proposed Action. |

3. AFFECTED ENVIRONMENT AND IMPACTS OF THE ALTERNATIVES CONSIDERED

3.1 LAND RESOURCES

There have been no significant new circumstances or information relevant to concerns related to land resources since the publication of the FEIS. The topography and soils on the Nation's properties are shown in **Figures 4 and 5**. The only proposed change to the properties is the new gaming facility and parking areas. The Proposed Action does not result in farmland being converted to non-agricultural uses. The Nation plans to continue their agricultural use (field crops) of the 82 tillable acres of the 108-acre vacant tax lot in Union Springs.

The topography of the Nation's property in Union Springs slopes to the west toward Cayuga Lake with a depression around the two ponds on the property. The highest point is at the eastern border of the property adjacent to Route 90 with an elevation of approximately 456 feet above sea level. The lowest point is at the western border of the property with an elevation of 400 feet above sea level.

The topography of the Nation's property in Springport slopes gradually to the west toward Cayuga Lake. The highest elevation is between 420 and 424 feet closest to Route 90 and the lowest is between 396 and 400 feet above sea level.

Neither of the Nation's properties is located within the 100-year or 500-year floodplains. Therefore, there would be no foreseeable effects of climate change on any of the alternatives under consideration.

All of the Nation's properties are located within the Cayuga Lake Watershed, an area known to have fertile soils. The abundance of lime in the soils helps to maintain pH neutrality which allows for microorganism activity and the transfer of nutrients within the soil. Another factor that makes the soils fertile is their porosity. All of the soils on the Nation's properties are loams, which have medium porosity allowing space for providing oxygen to plant root cells and storing water for roots to absorb without being waterlogged.

Prime farmland, as defined by the USDA, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent.

The Nation's properties in both Unions Springs and Springport each contain two soils considered by the USDA to be prime farmland soils: Cazenovia silt loam and Schoharie silt loam. These soils are characterized as well drained and moderately well drained, respectively. In addition, Odessa silt loam soils exist on the Union Springs property. Odessa silt loam is characterized as somewhat poorly drained and is only considered prime farmland if draining practices are implemented. Since

Section 3: Affected Environment and Impacts of the Alternatives Considered

drainage practices have not been implemented on the Union Springs property, this Odessa silt loam soil occurrence does not meet prime farmland criteria.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be “farmland of statewide importance” for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate state agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by state law. In some areas that are not identified as having national or statewide importance, land is considered to be “farmland of local importance” for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

The Nation’s properties in Springport and Union Springs contain Lakemont silty clay loam which the USDA classifies as farmland of statewide importance.

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under this alternative, the properties would continue with their present and planned uses and managed under their current maintenance regime. As with the No Action Alternative, the Nation would expand its gaming facility on the 271 Cayuga Street parcel, add handicap parking spaces between the existing and proposed buildings, and install a gravel parking lot at the North Cayuga Street parcel in the Village of Union Springs. Any land management activities, such as mowing, clearing, and agricultural uses, as well as the proposed site modifications, would continue to be subject to all applicable federal environmental regulations. There would be no changes to onsite geology, topography, or soils beyond the proposed new gaming facility and parking areas.

The new parking lot would convert approximately 29,000 square feet of existing vacant (grass and formerly forested) areas to gravel, comprising 77 parking spaces. In addition, 7 handicap parking spaces would be constructed between the existing and proposed buildings. The proposed site work would be conducted pursuant to the requirements of a New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001), which requires development of a Stormwater Pollution Prevention Plan (SWPPP) with an Erosion and Sediment Control Plan. A SWPPP has been prepared for the proposed site work and is included as **Appendix F**. Therefore, there would be no significant impacts to land resources as a result of the Proposed Action.

ALTERNATIVE 2: NO ACTION

This alternative would result in the same changes to land resources as the Proposed Action. As with the Proposed Action, the Nation would expand its gaming facility and parking area. Like the Proposed Action, there would be no significant impacts to land resources as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

This alternative would result in the same changes to land resources as the Proposed Action. As with the Proposed Action, the Nation would expand its gaming facility and parking area. Like the Proposed Action, there would be no significant impacts to land resources as a result of the Enterprise Properties into Trust Alternative.

3.2 WATER RESOURCES

There have been no significant new circumstances or information relevant to concerns related to water resources since the publication of the FEIS. Maps of New York State Department of Environmental Conservation (NYSDEC) and National Wetlands Inventory (NWI) wetlands are provided in **Figures 6** and **7**. As shown in **Figure 6**, there are no NYSDEC-mapped streams, wetlands, or waterbodies on the Nation's properties in Union Springs or Springport.

As shown in **Figure 7**, there are two open water pond features within the Union Springs Property, one on the north side of the property and one on the eastern side of the property. Both are mapped by NWI as PUBHx-palustrine, unconsolidated bottom, permanently flooded, excavated wetlands. The more northerly NWI-mapped wetland pond is located adjacent to an unmapped wooded wetland stream. In addition, the westernmost portions of the Union Springs Property contain areas dominated by facultative wetland trees and shrubs. These two regions exhibiting wetland vegetation are not mapped by NWI but may contain federally regulated wetland pursuant to Section 404 of the Clean Water Act. Nevertheless, the vast majority of the Union Springs Property, including the open field conditions that predominate throughout, consists of upland habitat. The Nation continues to farm the property as it has in the past.

West of the Springport Property, primarily across from the dirt access road marking the site's western boundary, mapped wetlands occur. NWI has mapped these wetlands, only a small portion of which extends to the project site, as Palustrine Forested (PFO1E)/Palustrine Scrub-Shrub (PSS1E) seasonally flooded, saturated wetlands (see **Figure 7**). However, this area is currently cleared of vegetation, has been maintained as lawn for some time, and is separated from the bulk of the wetland to the west by the dirt access roadway defining the property's western boundary. As such, it is unlikely to constitute a federally regulated wetland pursuant to Section 404 of the Clean Water Act. Northwest of the Springport Property, Palustrine Emergent (PEM1E) seasonally flooded, saturated wetlands also occur (see **Figure 7**).

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

In 2008, the U.S. Army Corps of Engineers (ACOE) Buffalo District (Snead, October 29, 2008 and Snead, December 17, 2008) confirmed that no approvals or authorizations would be required at that time pursuant to Clean Water Act Section 404 because no development was planned for the properties subject to the fee-to-trust application.³

Under the Proposed Action the properties would otherwise be left undisturbed or managed under their current maintenance regime, with the exception of the proposed new gaming facility and parking areas. Any land management activities, such as mowing, clearing, and agricultural uses, as well as the proposed site modifications, would continue to be subject to all federal wetland

³ See Appendix C of the DEIS for correspondence with United States Army Corps of Engineers dated October 29, 2008 and December 17, 2008.

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regulations applicable to the properties at present. The proposed site work would be conducted pursuant to the requirements of a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001), which requires development of a SWPPP. A SWPPP is included as **Appendix F**. Stormwater from the proposed new gravel parking lot would be conveyed to a dry swale with a level spreader. Stormwater from the area around the proposed new gaming facility and the handicap parking area would be conveyed to two vegetated swales. Work would not be conducted in the vicinity of the NWI mapped wetland; there would be no indirect or direct discharges to the wetland area. At such time as any further development is contemplated in the future, a formal wetland delineation would be required on each of the affected subject properties to confirm the presence/absence of wetlands and to establish the extent (e.g., the boundaries) of wetlands subject to ACOE jurisdiction. Any future development of the Nation's lands would comply with all applicable federal laws; therefore, there would be no significant impacts to water resources as a result of the Proposed Action.

ALTERNATIVE 2: NO ACTION

This alternative would result in the same changes to water resources as the Proposed Action. As with the Proposed Action, stormwater from the planned gaming facility would be managed in accordance the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001). Therefore, there would be no significant impacts to water resources as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

This alternative would result in the same changes to water resources as the Proposed Action. As with the Proposed Action, stormwater from the planned gaming facility would be managed in accordance the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001). Therefore, there would be no significant impacts to water resources as a result of the Enterprise Properties into Trust Alternative.

3.3 AIR QUALITY

There have been no significant new circumstances or information relevant to concerns related to air quality since the publication of the FEIS. The Air Quality Index (AQI) is a uniform system developed by U.S. EPA to enable the public to determine whether air quality levels in a particular location are good, moderate, unhealthy, or worse. The AQI measures five criteria air pollutants (particulate matter, sulfur dioxide, carbon monoxide, nitrogen dioxide, and ozone), and converts the measured pollutant concentrations in a community's air to a number on a scale of 0 to 500. The intervals on the AQI scale relate to the potential health effects of the daily concentrations of each of these five pollutants. The most important number on this scale is 100, since this number corresponds to the National Ambient Air Quality Standard established under the Clean Air Act. An AQI level in excess of 100 means that a pollutant is in the unhealthy range on a given day; an AQI level at or below 100 means that a pollutant reading is in the satisfactory range.

The AQI reported at the air quality monitoring stations closest to the Nation's properties indicate median annual readings of less than 50, meaning that the air quality is good, and that the general population would be expected to experience no general health effects as a result of air pollutants.⁴

⁴ <https://www.epa.gov/outdoor-air-quality-data/air-quality-index-report> (accessed July 6, 2022)

Changes in traffic volumes and levels of service (LOS) can affect air quality conditions. In order to identify any potential impacts, a screening level analysis was performed at locations where the Proposed Action would have the potential to increase traffic volumes and therefore affect air quality (**Figure 8**). The analysis evaluated key intersections likely to be affected by property-generated trips. The area roadway intersections were reviewed based on the New York State Department of Transportation's (NYSDOT) The Environmental Manual (TEM)⁵ criteria for determining locations that may warrant a carbon monoxide microscale air quality analysis. Based on the Level of Service (LOS) screening, if the LOS of an intersection is A, B, or C, then carbon monoxide microscale air quality analysis would not be warranted. As discussed below under Section 3.7, "Traffic and Transportation," all lane groups and approaches at the study area intersections would continue to operate acceptably at LOS A or B under all alternatives under consideration. Therefore, the air quality screening analysis determined that none of the project-affected intersections in the Village of Union Springs have a LOS that would indicate the need for detailed microscale air quality analyses, and that no affected intersection results in significant adverse air quality impacts to the immediate area.

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under this alternative, the Nation would continue use of its properties for multiple purposes, involving the continuation of previous and existing uses, including convenience store and gas station operations, gaming facilities, and related activities. In addition, the Nation proposes construction of a new approximately 4,928 square foot gaming facility with 150 new gaming machines within an existing gravel parking lot located west of the existing gaming facility.

As further discussed in "Traffic and Transportation," below, the Proposed Action, inclusive of the planned expansion of the gaming facility, would not result in any significant changes to existing traffic conditions in the vicinity of the Nation's properties. Therefore, no significant adverse air quality impacts are anticipated to result from the Proposed Action.

ALTERNATIVE 2: NO ACTION

This alternative would result in the same potential traffic and transportation conditions as the Proposed Action. Therefore, there would be no significant adverse air quality impacts resulting from changes in traffic or transportation conditions as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

This alternative would result in the same potential traffic and transportation conditions as the Proposed Action. Therefore, there would be no significant adverse air quality impacts resulting from changes in traffic or transportation conditions as a result of the Enterprise Properties into Alternative.

3.4 BIOLOGICAL RESOURCES

The following section describes the existing vegetation and wildlife resources on the Nation's properties. This information is based on site inspections and published sources and databases of species occurrence, including the NYS Breeding Bird Atlas Project, the NYSDEC Herp Atlas

⁵ Available at <https://www.dot.ny.gov/divisions/engineering/environmental-analysis/manuals-and-guidance/epm?msclkid=c7f93e8dc19b11eca447a9338cf0ecba>.

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Project, the NYSDEC Environmental Resource Mapper, the NYS Natural Heritage Program database, and the U.S. Fish and Wildlife Service (FWS) IPaC records (see **Appendix A**).

Each of the properties was visited in preparation of the DEIS on June 1, 2006 to inspect general habitat conditions, the presence of water features and wetlands, and to inventory the primary species of vegetation and habitat cover types. At that time it was established that the subject properties have relatively low vegetation and wildlife values due to their current condition as mowed lawn—particularly the Springport Property. The Union Springs Property has a larger parcel of open agricultural land and forested hedgerow habitat that is more botanically diverse. Nevertheless, it is primarily open agricultural land—a vegetative cover type that is very common in the region. In sum, none of the subject properties comprised unique habitats rare in Cayuga County. The properties were visited in 2022 in connection with the preparation of this EA and no substantial changes in land use that would affect biological resources on the Nation’s properties or the character of the habitat were observed. The only physical change is the planned construction of a new gaming facility at the 271 Cayuga Street parcel, 7 handicap parking spaces between the existing and proposed buildings, and a gravel parking lot at the North Cayuga Street parcel in the Village of Union Springs. The new building and handicap parking area would be constructed on an existing gravel lot and the new gravel parking area would be constructed on an approximately 29,000 square foot existing vacant (grass and formerly forested) area.

THREATENED AND ENDANGERED SPECIES

The NHP and the FWS were contacted for information on past records of occurrence of any state- or federally listed plant and animal species in the vicinity of the subject properties. In 2007, FWS indicated that there is potential for the federally and state-listed endangered Indiana bat (*Myotis sodalist*) to occur within the vicinity of the Nation’s properties, which are approximately four to ten miles from known roosts and approximately 33 to 36 miles from known hibernacula in Onondaga County. However, recent review of the FWS’ IPaC report (discussed below) showed no potential occurrence of Indiana bat. Likewise, a response from NHP on June 20, 2022 also did not identify Indiana bat as present within the vicinity of the Nation’s properties (see **Appendix A**).

NYSDEC Environmental Resource Mapper

The NYSDEC Environmental Resource Mapper, which draws from the NHP database, indicates the Union Springs Property is within the vicinity of lake sturgeon, which is listed as threatened.⁶ However, as the site is not adjacent to Cayuga Lake, no impacts are anticipated. The Environmental Resource Mapper did not identify any significant natural communities within the vicinity of the Union Springs Property. Therefore, the proposed site modifications on the Union Springs property are not anticipated to have an effect on lake sturgeon or significant natural communities.

The Environmental Resource Mapper does indicate that the Springport Property is within 1/2 mile of a known significant natural community and within a rare plants and animals check zone. However, this parcel is currently vacant land and no development is contemplated at this time for this parcel.

⁶ <http://www.dec.ny.gov/gis/erm/> (accessed April 2022)

NHP Project Screening

A project screening request was submitted to NHP on May 5, 2022. The response received on June 20, 2022 identified two endangered, threatened, or special concern species within the vicinity of the Nation's properties: lake sturgeon and bald eagle. As noted above, the sites are not adjacent to Cayuga Lake; therefore, no impacts are anticipated to lake sturgeon. The NHP response indicated that bald eagle has been documented nesting at the Union Springs property and at two locations within ¼ mile of the Springport property.

The bald eagle is listed as threatened in New York State and is federally protected under the Bald and Golden Eagle Protection Act. The bald eagle was removed from the U.S. Endangered Species List in 2007 because of a significant recovery from population declines that had occurred throughout the prior century. The bald eagle population in New York State has grown dramatically in recent decades, from approximately 50 breeding pairs in 2000 to more than 400 in 2017.^{7,8} Numbers of wintering eagles in the state have also sharply risen.⁹ As a result, the state status of the bald eagle has been proposed by NYSDEC to be down-listed from threatened to special concern. The recovery of bald eagles throughout their range is in part attributable to decades of generational, increasing habituation to human activity and land-use change.¹⁰ They prefer to nest in forested areas near large bodies of water and can be found in open uplands with access to open water for fishing.¹¹ Given the limited amount of grassy area and formerly forested area disturbance required for the proposed parking area, the construction of the new gaming facility on an existing gravel parking lot, and that the subject property's habitat types are common in the region, the site modifications are not anticipated to have a significant adverse impact on bald eagle.

FWS IPaC

FWS, in correspondence dated November 15, 2007, acknowledges the determination of no effect, and states that no further coordination under the Endangered Species Act is required. This correspondence from FWS is provided in **Appendix E**. As a follow-up to this consultation, the current FWS records were reviewed through the FWS IPaC website (see **Appendix A**).

FWS' IPaC report revealed the northern long-eared bat (*Myotis septentrionalis*) (Threatened), as having the potential to occur on site; however, no critical habitats were listed. The northern long-eared bat's decline is greatly due to the white-nose syndrome. Preferred roosting sites are in caves or in cavities or crevices of both live and dead trees. The northern long-eared bat was listed as threatened under the Endangered Species Act on April 2, 2015. Since no additional disturbance

⁷ New York Natural Heritage Program (NYNHP). 2021. Bald eagle guide. Available from: <https://guides.nynhp.org/bald-eagle/>

⁸ Nye, P.E. 2010. New York State Bald Eagle Report 2010. Albany, NY: New York State Department of Environmental Conservation. Available from: https://www.dec.ny.gov/docs/wildlife_pdf/baea2010.pdf?msclkid=5ae40364c66911ec89959d56825f64c9.

⁹ Ibid.

¹⁰ Guinn, J.E. 2013. Generational habituation and current bald eagle populations. *Human-Wildlife Interactions* 7:69-76.

¹¹ The Cornell Lab of Ornithology. 2019. Bird guide for Bald Eagle. Available from: https://www.allaboutbirds.org/guide/Bald_Eagle/lifehistory

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outside of gravel parking areas or vacant cleared land is proposed, no impacts to northern long eared bat are anticipated.

It is also of note that the current IPaC report showed no potential occurrence of Indiana bat, which had been identified in the FEIS.

The FWS IPaC report also identified the monarch butterfly (*Danaus plexippus*) (Candidate species), as having the potential to occur on both the Union Springs and Springport properties; however, no critical habitats were listed. The preferred habitat includes milkweed species located in livestock pastures, agricultural margins, roadsides, wetland areas, and gardens. They migrate from eastern and central North America to winter in montane forests in Mexico and then return north in spring to breed. The monarch butterfly was listed as a Candidate species under the Endangered Species Act on December 15, 2020. Although some site disturbance is currently proposed within the Union Springs property, the majority of the disturbance would be within an existing gravel parking lot and currently grassy or vacant areas. Monarch butterflies are not intolerant of or displaced by high levels of human activity, and as such, would not be impacted by operation of the project adjacent to areas in which monarch butterflies could occur. Overall, construction and operation of the gaming facility would not be likely to adversely affect monarch butterfly populations. In addition, the Nation will implement a post-construction planting plan including milkweeds for larval development and native wildflowers for foraging.

The FWS IPaC report identified four birds of concern for the two Project Sites: bald eagle (*Haliaeetus leucocephalus*) (NYS Threatened), bobolink (*Dolichonyx oryzivorus*), golden eagle (*Aquila chrysaetos*) (NYS Endangered), and wood thrush (*Hylocichla mustelina*). As noted above, although some site disturbance is currently proposed within the Union Springs property, the majority is to previously disturbed gravel and grassy areas.

As discussed above, the site modifications are not anticipated to have a significant adverse impact on bald eagle.

Bobolink is a Bird of Conservation Concern throughout its range in the continental US. Its habitat includes large fields with a mixture of grasses and broad-leaved plants, hayfields, meadows, and freshwater marshes.¹² Given that the proposed site work on the Union Springs property would not impact the field areas, no significant adverse impacts to bobolinks are anticipated.

Golden eagle is listed as endangered in New York State and is federally protected under the Bald and Golden Eagle Protection Act. Its habitat includes open and semi-open country with native vegetation; they avoid developed areas and uninterrupted forests. Their preferred nesting location is on cliffs and steep escarpments, although they sometimes nest in trees, on the ground, or in human-made structures.¹³ Given the limited amount of grassy/vacant area disturbance required for the proposed parking area, the construction of the new gaming facility on an existing gravel parking lot, and that the subject property's habitat types are common in the region, the site modifications are not anticipated to have a significant adverse impact on golden eagle.

Wood thrush is a Bird of Conservation Concern throughout its range in the continental US. Its habitat includes mature deciduous and mixed forests and forest edges, and ideally in trees over 50

¹² The Cornell Lab of Ornithology. 2019. Bird guide for Bobolink. Available from: <https://www.allaboutbirds.org/guide/Bobolink/lifehistory>

¹³ The Cornell Lab of Ornithology. 2019. Bird guide for Golden Eagle. Available from: https://www.allaboutbirds.org/guide/Golden_Eagle/lifehistory

feet tall with a moderate understory, open floor, and nearby water.¹⁴ Given the construction of the new gaming facility on an existing gravel parking lot and that the subject property's habitat types are common in the region, the site modifications are not anticipated to have a significant adverse impact on wood thrush.

NYSDEC Breeding Bird Atlas

The NYSDEC Breeding Bird Atlas was also consulted (see **Appendix A** for a complete list of species). Eighty-five (85) species were listed as being likely to occur on the Union Springs Property. The Red-headed woodpecker (*Melanerpes erythrocephalus*) (NYS Special Concern), the Grasshopper Sparrow (*Ammodramus savannarum*) (NYS Special Concern), and Northern Harrier (*Circus cyaneus*) (NYS Threatened) all have the potential to occur on the Union Springs site.

Red-headed woodpeckers are species of special concern in New York State. Their habitat includes deciduous oak or beech forests, groves of dead or dying trees, recent clearings, farmland, grasslands with scattered trees, forest edges, and roadsides.¹⁵ The red-headed woodpecker nests in the cavities of dead, barkless trees and limbs and in utility poles 5-80 feet above the ground.^{16,17} The breeding habitat for red-headed woodpeckers is characterized by the presence of dead trees for nest sites, snags for roosting, and open ground for foraging; they prefer to nest near river bottoms, wooded swamps, and open grasslands with scattered trees.¹⁸ Given the construction of the new gaming facility on an existing gravel parking lot and that the subject property's habitat types are common in the region, the site modifications are not anticipated to have a significant adverse impact on red-headed woodpeckers.

Grasshopper sparrow is a species of special concern in New York State. Their habitat includes grasslands, hayfields, and open pastures with little to no scrub cover. They place their nests on the ground within areas of tall grass or sedges.¹⁹ Given the limited amount of grassy area disturbance for the proposed parking area, the construction of the new gaming facility on an existing gravel parking lot, the lack of changes to any existing hayfields, and that the subject property's habitat types are common in the region, the site modifications are not anticipated to have a significant adverse impact on grasshopper sparrow.

The northern harrier is a state-listed threatened species of bird. Northern harriers breed in a variety of marshes, grasslands, meadows, and cultivated fields, and use similar habitats during migration

¹⁴ The Cornell Lab of Ornithology. 2019. Bird guide for Wood Thrush. Available from: https://www.allaboutbirds.org/guide/Wood_Thrush/lifehistory

¹⁵ The Cornell Lab of Ornithology. 2019. Bird guide for Red-headed Woodpecker. Available from: https://www.allaboutbirds.org/guide/Red-headed_Woodpecker/lifehistory

¹⁶ Ibid.

¹⁷ New York State Department of Environmental Conservation (NYSDEC). 2022. Red-headed Woodpecker Fact Sheet. Available from: <http://www.dec.ny.gov/animals/59575.html>. Accessed April 27, 2022.

¹⁸ Ibid.

¹⁹ The Cornell Lab of Ornithology. 2019. Bird guide for Grasshopper Sparrow. Available from: https://www.allaboutbirds.org/guide/Grasshopper_Sparrow/lifehistory

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and wintering periods.^{20,21} They place their nests on the ground in dense cover.²² Given that the proposed site work on the Union Springs property would not impact the field areas, no significant adverse impacts to northern harriers are anticipated.

The NYSDEC Breeding Bird Atlas listed 52 species as being likely to occur on the Springport Property (see **Appendix A**). Cooper's Hawk (NYS Special Concern) and Vesper Sparrow (NYS Special Concern) both have the potential to occur on the Springport property. The open farmland/woodland buffer nature of the property could potentially provide suitable habitat for these species; however, due to the lack of new construction on the Springport property they would be unlikely to be impacted by the Proposed Action.

NYSDEC Herp Atlas

The NYSDEC Herp Atlas was also consulted. NYSDEC listed seventeen (17) amphibians and eight (8) reptiles as having the potential to occur on project sites, but none of these species are listed with special protection (see **Appendix A** for a complete list of species).

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under this alternative, the Nation's properties would otherwise be left undisturbed or managed under their current regime, with the exception of the proposed new gaming facility and parking areas. The only change to onsite vegetation or wildlife resources would be the proposed site alterations that would convert approximately 29,000 square feet of existing vacant (grass and formerly forested) areas to a gravel parking lot at the North Cayuga Street parcel in the Village of Union Springs. The proposed gaming facility would be constructed in an existing gravel parking lot. As discussed above, the proposed site alterations are not anticipated to have a significant adverse impact on any threatened, endangered, special concern, or candidate species. Therefore, there would be no significant impacts to biological resources as a result of the Proposed Action. Furthermore, any future development of the Nation's lands would comply with all applicable federal laws. Therefore, there would be no significant impacts to threatened or endangered species as a result of the Proposed Action.

ALTERNATIVE 2: NO ACTION

This alternative would result in the same changes to biological resources as the Proposed Action. As with the Proposed Action, the Nation would expand its gaming facility and parking area. Like the Proposed Action, there would be no significant impacts to biological resources as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

This alternative would result in the same changes to biological resources as the Proposed Action. As with the Proposed Action, the Nation would expand its gaming facility and parking area. Like

²⁰ MacWhirter, R.B. and K.L. Bildstein. 1996. Northern Harrier (*Circus cyaneus*). Species account #210 in: *The Birds of North America* (A. Poole and F. Gill, Eds.). The Academy of Natural Sciences, Philadelphia, PA, and The American Ornithologists' Union, Washington, D.C.

²¹ New York Natural Heritage Program. 2020. Online Conservation Guide for *Circus cyaneus*. Available from: <http://acris.nynhp.org/guide.php?id=6812>.

²² *Ibid.*

the Proposed Action, there would be no significant impacts to biological resources as a result of the Enterprise Properties into Alternative.

3.5 CULTURAL RESOURCES

Potential impacts to cultural resources in the vicinity of the Nation’s properties were analyzed. Cultural resources include both archaeological and architectural resources. Adverse effects can occur when an action may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the State/National Register of Historic Places. Actions that could potentially affect archaeological resources include those that involve ground disturbance, or below-grade construction and excavation. Actions that could affect historic architectural resources include physical destruction or damage of all or part of an architectural resource; removal of the architectural resource from its historic location; changes to the historic features of the architectural resource or its setting that contribute to its historic significance; and the introduction of visual, atmospheric, or audible elements that diminish the integrity of the architectural resource’s significant historic features. The assessment of potential impacts to archaeological and architectural resources with the Proposed Actions is presented below.

ARCHAEOLOGICAL RESOURCES

In a letter dated September 7, 2021, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) determined that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places would be impacted by this project.²³

ARCHITECTURAL RESOURCES

Known architectural resources are defined as properties listed on or determined eligible for listing on the State and National Registers of Historic Places [S/NR], and National Historic Landmarks [NHL]. There are no known architectural resources on the Nation’s Union Springs Property or the Springport Property. There are three known architectural resources located in the vicinity of the Union Springs Property, and none in the vicinity of the Springport Property (see **Figure 9** for the locations of known architectural resources). The Howland Mill Complex (S/NR-eligible), located approximately ½ mile south of the Union Springs Property, was determined eligible by the New York State Historic Preservation Office in December 2020 as an example of a nineteenth-century mill building and due to its associations with early industry along the shore of Cayuga Lake (See Resource No. 1 on **Figure 9**).²⁴ Located at the southwest corner of Howland and Cayuga Streets, the complex includes the 1836 mill building, the remains of a canal, and a mill pond. Due to the intervening distance, existing vegetation, flat topography, and the curve of Cayuga Street, the Howland Mill Complex does not have visibility to any of the Nation’s properties.

The Union springs Academy Historic District (S/NR-eligible), approximately ½ mile southeast of the Union Springs Property, was determined eligible in May 2021, as an example of a twentieth-century educational institution affiliated with the Seventh Day Adventist religion, and for its collection of mid-twentieth century brick institutional architecture (see Resource No. 2 on **Figure**

²³ OPRHP Project Review number 21PR05074.

²⁴ USN 01148.000172

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9).²⁵ Located at 40 Spring Street, the historic district comprises a group of institutional buildings built 1921 to 1960. Due to the intervening distance and intervening vegetation and buildings, the Union Springs Academy Historic District does not have visibility to any of the Nation's properties.

The Schenck Farm (S/NR-eligible) is located approximately 0.9 miles east of the Union Springs Property (see Resource No. 3 on **Figure 9**).²⁶ The known resource was determined S/NR-eligible in October 2000 for its distinctive Federal style farmhouse and early twentieth century barn. The house was constructed in 1820. Due to the distance, existing vegetation, and topography, the Schenck Farm does not have visibility to any of the Nation's properties.

In a letter dated September 7, 2021, OPRHP determined that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places would be impacted by this project (see **Appendix D**).²⁷

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under the Proposed Action, the Nation would advance its planned new gaming facility at the 271 Cayuga Street parcel, which includes handicap parking spaces between the existing and proposed buildings, and a proposed gravel parking lot at the North Cayuga Street parcel in the Village of Union Springs. The proposed building and handicap parking area would be located in an existing gravel parking lot. The proposed parking lot would convert approximately 29,000 square feet of existing vacant (grass and formerly forested) areas to a gravel parking lot.

As stated above, in a letter dated September 7, 2021, OPRHP determined that the Proposed Action would not adversely impact archaeological and architectural resources (see **Appendix D**). Therefore, no significant impacts to existing historical or cultural resources on or in the vicinity of any of the properties are expected.

ALTERNATIVE 2: NO ACTION

This alternative would have the same potential effect on historic and cultural resources as the Proposed Action. As with the Proposed Action, the Nation would expand its gaming facility and parking area. Like the Proposed Action, there would be no significant impacts to historic and cultural resources as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

This alternative would have the same potential effect on historic and cultural resources as the Proposed Action. As with the Proposed Action, the Nation would expand its gaming facility and parking area. Like the Proposed Action, there would be no significant impacts to historic and cultural resources as a result of the Enterprise Properties into Trust Alternative.

3.6 SOCIOECONOMIC CONDITIONS / ENVIRONMENTAL JUSTICE

The following section describes the socioeconomic and environmental justice conditions in the vicinity of the Nation's properties. As previously discussed, the Nation has resumed operation of

²⁵ USN 01148.000173

²⁶ USN 0228.000029

²⁷ OPRHP Project Review number 21PR05074.

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its LakeSide Entertainment facility in Union Springs and intends to expand the operations by 4,928 square feet through the development of a new gaming facility at 271 Cayuga (tax lot 141.05-1-3). For the reasons identified below, no significant adverse socioeconomic conditions are expected to result from the Proposed Action.

FISCAL CONDITIONS

The Cayuga County Properties are located within the taxing jurisdictions of Cayuga County, the Town of Springport, the Springport Town Fire District, Sewer District 1, Water District 1, and the Union Springs Central School and Library Districts. In addition, the Nation’s Enterprise Property is located within the Village of Union Springs taxing jurisdiction. **Table 3** summarizes the current property taxes based on the 2021 County, Town, and Village assessment rolls.²⁸

In 2021, the Nation’s Springport properties were assessed a total of \$63,984 in property taxes. This total includes \$19,744 to Cayuga County, \$863 to the Town of Springport, \$140 to the College Charge Back, \$2,013 to the Springport Town Fire District, \$311 to Sewer District 1, \$237 to Water District 1, \$31,991 to the Union Springs Central School District, and \$354 to the Union Springs Library District. In addition, the Union Springs Property was assessed \$8,330 in property taxes by the Village of Union Springs.

**Table 3
Existing Property Taxes, 2021**

| Taxing Jurisdiction | Nation’s Union Springs Property 134.17-1- 1.121 | Nation’s Union Springs Property 134.17-1- 1.21 | Nation’s Union Springs Property 134.17-1- 1.51 | Nation’s Union Springs Property 141.05-1-3 | Nation’s Springport Property 150.00-1-29.1 | Total |
|--------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------|-----------------|
| Cayuga County | \$12,490 | \$1,952 | \$3,532 | \$1,561 | \$209 | \$19,744 |
| Town of Springport | \$546 | \$85 | \$154 | \$68 | \$9 | \$863 |
| College Chargeback | \$89 | \$14 | \$25 | \$11 | \$1 | \$140 |
| Springport Town Fire District | \$1,273 | \$199 | \$360 | \$159 | \$21 | \$2,013 |
| Sewer District 1 | | | | | \$311 | \$311 |
| Water District 1 | | | | | \$237 | \$237 |
| Village of Union Springs | \$5,227 | \$859 | \$1,742 | \$502 | | \$8,330 |
| Union Springs School District | \$20,237 | \$3,162 | \$5,723 | \$2,530 | \$339 | \$31,991 |
| Union Springs Library District | \$224 | \$35 | \$63 | \$28 | \$4 | \$354 |
| Total | \$40,086 | \$6,306 | \$11,601 | \$4,860 | \$1,132 | \$63,984 |

Source: <https://www.cayugacounty.us/525/Assessment-Rolls>
<http://www.taxlookup.net/search.aspx?jurisdiction=springport&year=2022>

²⁸ <https://www.cayugacounty.us/525/Assessment-Rolls>

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According to the 2021 Assessment Roll Total Parcel Count, there are 1,378 tax lots in Springport (including the Village of Union Springs) with a total taxable assessed value of \$243,970,496. The total assessed value of the Nation’s Springport and Union Springs Properties is \$2,529,300, which represents 1.04% of the total taxable assessed value of the Town of Springport.

Table 4 summarizes the property taxes as a percentage of each taxing jurisdiction. The total property tax revenue from the Nation’s properties represents approximately 0.05% of the Cayuga County total revenue from property taxes.

**Table 4
The Nation’s Property Tax Payments as Percentage of
Total County/Municipal Property Tax Collections**

| | | Town of Springport Property | Village of Union Springs Property |
|-----------------------------------------------|-----------------------------------------|------------------------------------|------------------------------------------|
| County¹ | Total Property Taxes Collected | \$42,314,897 | \$42,314,897 |
| County¹ | The Nation’s Property Tax | \$209 | \$19,535 |
| County¹ | <i>Nation’s Percent of Total</i> | 0.00% | 0.05% |
| Town/Village^{2,3} | Total Property Taxes Collected | \$585,868 | \$264,413 |
| Town/Village^{2,3} | The Nation’s Property Tax | \$863 | \$8,330 |
| Town/Village^{2,3} | <i>Nation’s Percent of Total</i> | 0.15% | 3.15% |
| School (including library)⁴ | Total Property Taxes Collected | \$7,678,225 | \$7,678,225 |
| School (including library)⁴ | Total Nation Property Tax | \$343 | \$32,003 |
| School (including library)⁴ | <i>Nation’s Percent of Total</i> | 0.01% | 0.41% |

Notes: The property taxes and budgets are from Fiscal Year 2021. The proposed 4,928 sf gaming facility is not included in the Nation’s existing property tax estimates.

Sources:

1. <https://www.cayugacounty.us/ArchiveCenter/ViewFile/Item/1119>
2. <http://orps1.orpts.ny.gov/cfapps/MuniPro/ossc/Muni/TaxRateandLevy.cfm>
3. https://unionspringsny.com/wp/wp-content/uploads/pdf/Adopted_Budget_20-2021.pdf
4. <https://www.unionspringscsd.org/tfiles/folder423/2022%20Budget%20Newsletter%204-22-22.pdf>

Alternative 1: The Proposed Action – The Preferred Alternative

The Proposed Action would place five tax lot parcels in Cayuga County into trust. As a result, these tax lots would not be subject to state or local taxation. The Proposed Action would result in a net loss of \$19,744 in property tax revenue for Cayuga County, or approximately 0.05% of the Cayuga County total revenue from property taxes.

The tax revenue generated by the Nation’s properties is minimal when considered in the context of the total tax base of the Village of Union Springs, the Town of Springport, and Cayuga County. The proposed additional gaming facility space would not significantly change the tax revenue generated by the Nation as a share of the local county and municipal totals. Therefore, the Proposed Action would not have a significant adverse impact on local taxing jurisdictions.

This alternative would result in positive fiscal benefits to the Nation as a result of continuation and security of its commercial enterprises. These revenues would enable the Nation to further its goals of cultural preservation, expression and identity, self-determination, self-sufficiency and economic independence as a federally recognized Tribe.

Alternative 2: No Action

Under this alternative, the Nation will consider all options available to it under the law with respect to payment of real property taxes on these parcels. Therefore, no significant adverse fiscal conditions are anticipated.

Alternative 3: Enterprise Properties into Trust

Under this alternative, only the Nation's Enterprise Property would be taken into trust. The vacant property in the Town of Springport would remain under the taxing jurisdiction of the relevant authorities and the Nation will consider all options available to it under the law with respect to payment of real property taxes on this parcel. The overall effect of removing the Enterprise Property from local real property taxation would be the same as those for the affected properties as enumerated above, under the Preferred Alternative.

As with the Proposed Action, this alternative would result in positive fiscal benefits to the Nation as a result of continuation and security of its commercial enterprises. These revenues would enable the Nation to further its goals of cultural preservation, expression and identity, self-determination, self-sufficiency and economic independence as a federally recognized Tribe.

ECONOMIC EFFECTS

The Nation's LakeSide Trading and LakeSide Entertainment operations at its Union Springs Property generates economic activities that benefit the Town of Springport, the Village of Union Springs, Cayuga County, and New York State as a whole. The Nation has created jobs that employ local workers, and its business ventures generate operating expenditures that provide wide-ranging effects. This section discusses the estimated economic effects that result from the Nation's current business operations at its Union Springs location, as well as incremental future benefits associated with the proposed new gaming facility within the Village of Union Springs. The analysis considers benefits to Cayuga County and to the wider New York State economy.

The principal model used to analyze the estimated economic effects of the existing operations was IMPLAN (Impact analysis for PLANning), an input-output modeling system. IMPLAN was originally developed by the U.S. Department of Agriculture Forest Service in 1979 and was subsequently privatized by the Minnesota IMPLAN Group (MIG). The model uses the most recent economic data from sources such as the U.S. Bureau of Economic Analysis, the U.S. Bureau of Labor, and the U.S. Census Bureau to predict estimated effects on the local economy from direct changes in employment or spending. The model contains data on more than 500 economic sectors, showing how each sector affects every other sector as a result of a change in the quantity of its product or service.

Economic benefits were projected based on actual wages and employment provided by the Nation at its business locations in operation in Fiscal Year 2021.^{29, 30} Using IMPLAN terminology, estimated economic effects are broken into three components: direct, indirect, and induced. These terms are described below.

²⁹ The economic analysis does not include wages or employment related to the former car wash which ceased operation in 2019.

³⁰ Pursuant to Exemption 4, 383 DM 15, § 5.6; 5 U.S.C. §552(b), further information related to the business plan of the Cayuga Nation is withheld as confidential business information.

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Direct effects represent the benefits to the economy of the Nation's actual spending on employment, goods, or services.

Indirect effects represent the benefits that are generated by the Nation or its employees making purchases or spending money that benefit other businesses or industries as a result of their spending. This would include, for example, indirect employment. Indirect employment is the creation or support of jobs in other (e.g., non-Nation) businesses that result from the Nation's expenditures. These would, for instance, include jobs in businesses or industries that provide goods and services to the Nation. These non-Nation businesses in turn purchase goods and services from other businesses, causing a ripple effect through the economy. The ripple effect continues until leakages from the region (caused, for example, by imported goods) stop the cycle. The sum of these iterative inter-industry purchases is called the *indirect effect*.

Induced effects represent the impacts caused by increased income in a region. In this analysis, the Nation's employment or workers result in both direct and indirect effects that generate more worker income by increasing employment and/or salaries throughout the region in certain industries. Households of the Nation's employees and households of workers whose jobs are supported by the indirect effects of the Nation's employment and business spending in turn spend some of their additional income on local goods and services, such as food and drink, recreation, and medical services. Again, these expenditures cause a ripple effect through the entire economy. Benefits generated by these household expenditures are quantified as *induced effects*.

Existing Investment in the Cayuga County Economy

The Nation's Union Springs Property is the location of a LakeSide Trading operation, which consists of a convenience store and gas station. In addition, the Nation's LakeSide Entertainment 1 gaming facility is located in a nearby 2,304-square-foot one-story building which houses a gaming room, which includes 86 electronic bingo machines and a cashier's booth. The Proposed Action includes the continued operation of the existing gaming facility, as well as development of a new, approximately 5,000-square-foot gaming facility. An incremental analysis of the impact on the Cayuga County and New York State economies was conducted for the new proposed facility. The Springport site is currently vacant; therefore, no economic analysis was done for this property.

The Nation currently maintains a workforce consisting of 22 employees in Cayuga County at the existing facilities. This includes eight administrative employees, as well as eight retail associates at the Nation's convenience store and six employees working the floor of the gaming operations. These jobs and the wages and salaries paid to these employees also represent a direct investment in the local economy by the Nation.

In addition to paying wages and salaries to employees, the Nation's Union Springs gas station and convenience store make expenditures in the order of \$173,729 in Cayuga County per year to purchase goods and services, therefore supporting local businesses. The major categories of recurring purchases made on an annual basis to support the Nation's Union Springs operations are shown in **Table 5**.

In addition to the payment of wages and salaries and the expenditures made to purchase goods and services, the Nation's other annual operating expenses for its Union Springs operations include utility fees that total \$61,656 per year. These include water and sewer fees of approximately \$8,418 per year, gas and electric fees of approximately \$44,586 per year, and trash removal fees of approximately \$8,652 per year.

Modeling Assumptions for Cayuga County

The economic effect of the annual operations of the Nation’s Lakeside Enterprise in Union Springs has been estimated for Cayuga County and New York State using the IMPLAN model and operating data provided by the Cayuga Nation in 2021. Two IMPLAN sectors were used in the model: Sector 402-Gasoline station with convenience store, and Sector 495-Bingo Parlor. Administrative payroll expenses were divided between the two sectors based on the Nation’s employment ratios by employee class.

Table 5
LakeSide Enterprise Purchases in Cayuga County

| Category of Expenditure | Annual Amount Spent |
|--------------------------------------|---------------------|
| Non-cigarette/Gas Items for Resale | \$88,822 |
| Print Advertising | \$13,201 |
| Office Supplies | \$2,190 |
| Other Professional Services | \$1,380 |
| Repair & Maintenance | \$6,480 |
| Other Operating Expenses (Utilities) | \$61,656 |
| Total | \$173,729 |

Notes: This table reflects amounts expended for normal business operations based upon an analysis of actual expenditures during Fiscal Year 2021.

Sources: Expenditures provided to AKRF by Cayuga Nation.

Direct, Indirect, and Induced Economic Impacts

Employment. The Nation’s existing operations in Cayuga County directly provide 22 permanent full- and part-time jobs. Total employment includes these direct jobs, as well as jobs in business establishments providing goods and services to the Nation’s employees (indirect jobs), and jobs resulting from new household spending (induced jobs). Based on the IMPLAN model’s economic multipliers for Cayuga County, the total number of direct, indirect, and induced jobs from the annual operation of the Nation, including its Union Springs LakeSide Trading operations, is 27 jobs (see **Table 6**).

In the larger New York State economy, the IMPLAN model estimates that the Nation’s business operations generate two jobs each of indirect and induced employment, bringing the total number of direct, indirect, and induced jobs in New York State to 26. For both Cayuga County and the State, the direct, indirect, and induced employment estimates represent jobs that would either be new to or retained in Cayuga County and New York State.

Employee Compensation. The Nation’s direct employee compensation in Cayuga County is approximately \$718,207 (**Table 6**). Total direct, indirect, and induced employee compensation resulting in Cayuga County from the Nation’s annual operations is estimated at \$961,997. In the broader New York State economy, total employee compensation from annual operation is estimated at \$1,466,740.

Total Annual Effect on the Local Economy. The direct effect on the local economy from the Nation’s activities in Cayuga County, measured as economic output or demand, is estimated at approximately \$3,421,326 annually. Based on the IMPLAN models for Cayuga County and New York State, the total annual economic activity that results from the Nation’s existing operations is

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estimated at \$5.64 million in New York State. Of that, \$4.25 million would occur in Cayuga County (**Table 6**).

Table 6
Existing Economic Benefits from Operation of the Nation’s
Cayuga County LakeSide Enterprise

| | Employment Under the Proposed Action¹ | Cayuga County | New York State |
|-----------------------------------------|---------------------------------------------------------|----------------------|-----------------------|
| Employment (Permanent Jobs) | Direct (on-site) | 22 | 22 |
| Employment (Permanent Jobs) | Indirect (jobs in support industries) | 3 | 2 |
| Employment (Permanent Jobs) | Induced (jobs from household spending) | 2 | 2 |
| Employment (Permanent Jobs) | Total | 27 | 26 |
| Employee Compensation (in 2022 dollars) | Direct (on-site) | \$718,207 | \$718,207 |
| Employee Compensation (in 2022 dollars) | Indirect (earnings in support industries) | \$159,227 | \$486,333 |
| Employee Compensation (in 2022 dollars) | Induced (earnings from household spending) | \$84,563 | \$262,200 |
| Employee Compensation (in 2022 dollars) | Total | \$961,997 | \$1,466,740 |
| Output (in 2022 dollars) ² | Direct (on-site) | \$3,421,326 | \$3,421,326 |
| Output (in 2022 dollars) ² | Indirect (output in support industries) | \$536,382 | \$1,433,390 |
| Output (in 2022 dollars) ² | Induced (output from household spending) | \$297,267 | \$781,791 |
| Output (in 2022 dollars) ² | Total | \$4,254,975 | \$5,636,507 |

Notes:

- ¹ Data reflects the existing condition in 2022 dollars with the gaming in operation.
- ² The total economic output (or demand) is the effect on the local economy, including the sum of the cost of goods and services used to produce a product and the associated payments to workers, taxes, and profits.

Sources: 2019 IMPLAN model, AKRF, Inc.; Employment and wages provided to AKRF by Cayuga Nation.

Incremental Analysis of Proposed Action

In addition to the resumed operation of the LakeSide Entertainment facility in Union Springs, the Nation intends to expand the operations by approximately 4,928 square feet. An analysis of the economic impact of the existing conditions with the new proposed facility on Cayuga County and New York State is presented in **Table 7**.

Employment. With the added gaming facility, the Nation’s operations in Cayuga County would directly provide 37 permanent full- and part-time jobs (**Table 7**). The proposed new facility would increase the direct employment by 15 workers, with 7 new employees in the gasoline station and convenience store, and eight new employees in the gaming facility. The proposed operations would support 13 indirect jobs in New York State, with 7 being in Cayuga County. Overall, the Proposed Action would support 57 permanent jobs in New York State. Of the 57 permanent jobs, 47 would be supported within the Cayuga County economy.

Table 7
**Incremental Economic Benefits from Operation of the Nation’s
 Cayuga County LakeSide Enterprise**

| | Employment Under the Proposed Action¹ | With the Proposed Gaming Facility — Cayuga County | With the Proposed Gaming Facility — New York State | Increment — Cayuga County | Increment — New York State |
|--------------------------------------|---------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------|----------------------------------|-----------------------------------|
| Employment (Permanent Jobs) | Direct (on-site) | 37 | 37 | 15 | 15 |
| Employment (Permanent Jobs) | Indirect (jobs in support industries) | 7 | 13 | 4 | 11 |
| Employment (Permanent Jobs) | Induced (jobs from household spending) | 3 | 7 | 2 | 6 |
| Employment (Permanent Jobs) | Total | 47 | 57 | 20 | 31 |
| Employee Compensation (2022 dollars) | Direct (on-site) | \$1,141,041 | \$1,141,041 | \$422,834 | \$422,834 |
| Employee Compensation (2022 dollars) | Indirect (earnings in support industries) | \$254,112 | \$775,998 | \$94,885 | \$289,665 |
| Employee Compensation (2022 dollars) | Induced (earnings from household spending) | \$134,496 | \$417,946 | \$49,933 | \$155,746 |
| Employee Compensation (2022 dollars) | Total | \$1,529,649 | \$2,334,986 | \$567,652 | \$868,246 |
| Output (2022 dollars) ² | Direct (on-site) | \$5,472,273 | \$5,472,273 | \$2,050,947 | \$2,050,947 |
| Output (2022 dollars) ² | Indirect (output in support industries) | \$853,578 | \$2,280,509 | \$317,196 | \$847,119 |
| Output (2022 dollars) ² | Induced (output from household spending) | \$472,801 | \$1,245,926 | \$175,534 | \$464,135 |
| Output (2022 dollars) ² | Total | \$6,798,652 | \$8,998,708 | \$2,543,677 | \$3,362,202 |

Notes:

- ¹ Data reflects the existing condition in 2022 dollars with the gaming in operation.
- ² The total economic output (or demand) is the effect on the local economy, including the sum of the cost of goods and services used to produce a product and the associated payments to workers, taxes, and profits.

Sources: 2019 IMPLAN model, AKRF, Inc.; Employment and wages provided to AKRF by Cayuga Nations.

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Employee Compensation. The Nation's direct employee compensation in Cayuga County as a result of the Proposed Action is approximately \$1,141,041 (**Table 7**). Total direct, indirect, and induced employee compensation resulting in Cayuga County from the Nation's annual operations is estimated at \$1,529,649. In the broader New York State economy, total employee compensation from annual operation under the Proposed Action is estimated at \$2,334,986. The incremental growth in total employee compensation when including the newly proposed gaming facility totals \$567,652 in Cayuga County, and \$868,246 in the broader New York State economy.

Total Annual Effect on the Local Economy. The direct effect on the local economy from the Nation's proposed activities in Cayuga County, measured as economic output or demand, is estimated at approximately \$5.5 million annually. The new proposed gaming facility adds approximately \$2.1 million in direct economic output in Cayuga County. Based on the IMPLAN models for Cayuga County and New York State, the total annual economic activity that results from the Nation's proposed operations is estimated at \$9.0 million in New York State. Of that, \$6.8 million would occur in Cayuga County (**Table 7**).

Alternative 1: The Proposed Action – The Preferred Alternative

Under the Proposed Action, the Nation's LakeSide Enterprises at its Union Springs Property would continue with the current gas station and convenience store. The Nation would also continue its gaming operation on the Union Springs Property. In addition, the Nation proposes construction of a new approximately 4,928 square foot gaming facility building within an existing gravel parking lot located west of the existing gaming facility, 7 handicap parking spaces between the existing and proposed buildings, and a new 77-space gravel parking lot within a portion of the vacant parcel to the north of the existing gaming facility. Although the Nation's gaming facilities are significantly smaller in scale than the other Upstate gaming operations, there is considerable research showing that Native American casinos in rural and poorer markets have a net positive economic impact on the surrounding non-native American communities.³¹ In fact, research indicates that gross incomes rise, public assistance payments and unemployment rates decline, and certain crime rates fall when Native American casinos are introduced near non-native American communities.³²

As discussed above, the operation of the Nation's business enterprises generates positive economic benefits in the form of jobs and local spending. The Proposed Action would ensure the long-term viability of the Nation's enterprises, and positive economic benefits to the region.

In addition, the Nation's lifestyle and cultural values receive critical financial support from its gaming revenues. The revenues from its LakeSide Enterprises are critical to the Nation's plan to establish economic self-sufficiency, as well as its desire to maintain a strong tribal government.

³¹ Numerous studies and analyses are evaluated and presented in Taylor, Jonathan B., Matthew B. Krepps, and Patrick Wang, *The National Evidence on the Socioeconomic Impacts of American Indian Gaming on Non-Indian Communities*, Harvard Project on American Indian Economic Development, John F. Kennedy School of Government, Harvard University, April 2000.

³² See National Opinion Research Center at the University of Chicago, Report to the National Gambling Impact Study Commission – Chapter 5: Impacts of casino proximity on social and economic outcomes: 1980-1997, April 1999; and National Research Council, *Pathological Gambling: A Critical Review*, April 1999.

The continuance of gaming facilities as a revenue source is critical to the Nation's fiscal and cultural well-being.

Alternative 2: No Action

Under this alternative, the Nation would continue to operate its current businesses and would consider all options available to it under the law with respect to payment of real property taxes on these parcels. While the Nation's business enterprises would continue to benefit the local and regional economy, the long-term viability of the properties would be less secure, as they would not have the benefit of being held in federal trust.

Alternative 3: Enterprise Properties into Trust

Under this alternative, only the Nation's enterprise properties would be taken into trust. Since the economic benefits of the Nation's business enterprises are primarily realized through the Union Springs Property, this Alternative would have the same effect as the Proposed Action.

ENVIRONMENTAL JUSTICE

The Nation's properties are not located within or in the vicinity of a potential environmental justice area; the nearest potential environmental justice area is over six miles away.³³ Nonetheless, the EPA's Environmental Justice Screening and Mapping Tool was used for each of the properties within a half-mile buffer around each property. The resulting percentiles for the Environmental Justice Indexes for the properties ranged from 10 to 42 within the State and 6 to 52 within the U.S., the highest of which was the EJ Index for Superfund Proximity (see **Appendix G**). However, none of the alternatives under consideration would have any impact on the proximity to or potential impacts from Superfund sites. Furthermore, EPA generally suggests screening starting at the 80th percentile; all values for the properties fall under this threshold.

The BIA Eastern Regional Office considers the Cayuga Nation to be an environmental justice community. The BIA considers the Nation a historically disadvantaged minority with limited income potential due to general biases of the greater population within the region and State.

Alternative 1: The Proposed Action – The Preferred Alternative

As discussed above under "Economic Effects," the Proposed Action would result in positive fiscal benefits to the Nation as a result of continuation and security of its commercial enterprises. These revenues would enable the Nation to further its goals of cultural preservation, expression and identity, self-determination, self-sufficiency, and economic independence as a federally recognized Tribe. The Proposed Action would remedy past injustices to the Nation. There would not be any adverse impacts; therefore, there would not be any disproportionately high and adverse effects on environmental justice populations.

Alternative 2: No Action

Under this alternative, the Nation would continue to operate its current businesses. While the Nation's business enterprises would continue to benefit the local and regional economy, the long-term viability of the properties would be less secure, as they would not have the benefit of being held in federal trust. Therefore, this alternative would not help to remedy past injustices to the

³³ <https://gis.ny.gov/gisdata/inventories/details.cfm?DSID=1273> (accessed July 5, 2022)

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Nation. As with the Proposed Action, there would not be any disproportionate impacts on environmental justice populations.

Alternative 3: Enterprise Properties into Trust

As with the Proposed Action, this alternative would result in positive fiscal benefits to the Nation as a result of continuation and security of its commercial enterprises. These revenues would enable the Nation to further its goals of cultural preservation, expression and identity, self-determination, self-sufficiency, and economic independence as a federally recognized Tribe and would help to remedy past injustices to the Nation. As with the Proposed Action, there would not be any disproportionate impacts on environmental justice populations.

3.7 TRAFFIC AND TRANSPORTATION

This section describes the existing traffic conditions in the immediate and affected vicinity of the Nation's properties subject to the Proposed Action. An updated Traffic Impact Study was done in Cayuga County (2022), including updated traffic counts and accident data (see **Appendix C**). The study accounted for the operation of the Nation's existing gaming facility on the Union Springs Property.

The existing conditions of traffic on the roadways in the vicinity of the Nation's Union Springs and Springport Properties were assessed. Roadway and intersection characteristics were analyzed. No high accident intersection locations were identified within the study areas and there were no fatalities at any of the study area intersections. Overall, no significant accident patterns were identified at any of the study area intersections during this time period.

No major development projects were identified in the immediate vicinity of the properties. As such, under the No Build conditions it is projected that there would be no notable changes in level of service (LOS) for any of the lane groups/approaches at the study area intersections.

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under this alternative, the Nation's land in the Village of Union Springs and the Town of Springport in Cayuga County would be taken into and held in trust by the United States. The Nation would continue use of its properties for multiple purposes, involving the continuation of previous and existing uses, including convenience store and gas station operations, gaming facilities, and related activities. All of the uses were in operation on the Union Springs Property at the time of the 2022 traffic counts.

In addition, the Nation proposes construction of a new approximately 4,928 square foot gaming facility with 150 new gaming machines within an existing gravel parking lot located west of the existing gaming facility. The LakeSide Entertainment facility is consistent with federal regulations for a Class II gaming facility. As detailed in the Traffic Impact Study (see **Appendix C**), it is estimated that the 150 gaming machines would generate approximately 104 trips (54 entering, 50 exiting) during the Friday PM peak hour and 117 trips (63 entering, 54 exiting) during the Saturday PM peak hour. The Proposed Action, inclusive of the planned expansion of the gaming facility, would not result in any notable changes in level of service (LOS) for any of the lane groups or approaches at the study area intersections. All lane groups and approaches at the study area intersections would continue to operate acceptably at LOS A or B.

Therefore, the Proposed Action is not anticipated to result in any significant adverse traffic impacts.

ALTERNATIVE 2: NO ACTION

Under this alternative, the Nation’s properties would not be taken into federal trust, and 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, convenience stores, and gaming facilities). Since the same uses would be in operation under all of the Alternatives, the traffic and transportation conditions would be consistent with those described under Alternative 1: Proposed Action.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

Under Alternative 3 the Nation’s enterprise properties in Union Springs would be placed into trust. Potential traffic impacts would be the same as those discussed under Alternative 1 above. Under this alternative, the Nation’s vacant parcel in Springport would remain in its current undeveloped condition, therefore there would be no new traffic generating uses that would affect the roadway system.

3.8 LAND USE AND AGRICULTURE

The following section describes the land use patterns in the vicinity of the Nation’s properties. The current zoning of each property is presented in **Table 8** below. Land use patterns in the vicinity of the Nation’s properties are shown in **Figure 10**. For the reasons discussed below, no significant adverse impacts to land use patterns are anticipated to result from the Proposed Action.

**Table 8
Existing Land Use and Zoning**

| Property | Tax Number | Lot Acreage | Building Dimensions square footage (sf) | Land Use | Zoning |
|-----------------------------------|----------------|-------------|---------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------------------------------|
| Village of Union Springs Property | 134.17-1-1.51 | 108 | N/A | Vacant/ Open Land/Agriculture | Highway Commercial (HC) and Agricultural/ Residential |
| Village of Union Springs Property | 134.17-1-1.121 | 1.98 | store = 2,480 sf. canopy & pumps = 3,336 sf. storage shed = 168 sf. former car wash = 1,800 sf | Gas station / convenience store / former car wash | Highway Commercial (HC) |
| Village of Union Springs Property | 141.05-1-3 | 1.48 | 2,304 sf. | LakeSide Entertainment (gaming facility) | Highway Commercial (HC) |
| Town of Springport Property | 150.00-1-29.1 | 3.70 | N/A | Vacant/ Open Land | R1-Residential |

Sources: Village of Union Springs Tax Collector, Town of Springport Tax Collector

ZONING

Union Springs Property

As of the Village of Union Springs zoning law and map adopted on November 19, 2013, the Nation’s Union Springs parcels were zoned as Commercial (C) for the 0.98-acre, 1-acre and 1.48-acre parcels. The 108-acre parcel was split-zoned, with the portion of the property abutting Route 90 zoned Commercial (C), and the western portion of the property zoned Agricultural/Residential (AR). The Village of Union Springs voted in March 2022 to establish a new Highway Commercial (HC) Zoning District. This new Highway Commercial (HC) District is described as “Lots that the

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primary use is for activities involving the sale of goods and services carried out for profit which are typically found along highway corridors and that are generally a higher intensity of use than allowed in the Commercial District.” The 0.98-acre, 1-acre and 1.48-acre parcels were thus rezoned as Highway Commercial (HC). The portion of the 108-acre parcel abutting Route 90 was also rezoned Highway Commercial (HC). With the exception of the gaming facility, the uses of the Union Springs Property existed prior to the Nation’s acquisition of the Property, and all of the current uses existed prior to the amendments of the zoning ordinance. However, the current uses are consistent with the permitted uses of the amended zoning ordinance.³⁴

Springport Property

The zoning for the Town of Springport includes five different zones: Agricultural (AG), Residential (R1), Waterfront Residential (R2), Commercial (C), and Industrial (I). The three-acre Springport Property is located within the R1 district, and is surrounded by R2 to the west, AG to the east, and R1 to the north and south.³⁵ **Figure 11** shows the zoning in the vicinity of this property.³⁶ Permitted uses within the R1 Zoning District include single-family residences, farm operations, and temporary buildings. The subject property is currently a vacant lot and is therefore consistent with the R1 zoning district.

PUBLIC POLICY

Village of Union Springs Local Waterfront Revitalization Program

The Village of Union Springs Local Waterfront Revitalization Program (LWRP) was adopted by the Village on September 16, 2020, and approved by the Secretary of State on June 9, 2021. The Waterfront Revitalization Area includes all land within the Village of Union Springs west of the centerline of Cayuga Street (NYS Route 90). The LWRP is “a locally designed, comprehensive land and water use plan which seeks to coordinate environmental, recreational, and economic prospects and concerns into a cohesive framework...” The goals of the LWRP include encouraging younger families to move to the area, expanding local tourism, and revitalizing downtown and public areas.

Town of Springport Vision Plan

The Town of Springport prepared the Town of Springport Vision Plan, which was adopted on December 12, 2011. The Vision Plan provided a foundation for the Town to develop a new Comprehensive Plan for the future of the community that would reflect the community’s values and hopes for what the Town will be in twenty years. The plan also included the implementation of a new Local Waterfront Revitalization Plan.

³⁴ Village of Union Springs zoning code available at <http://unionspringsny.com/government/zoning-law/>

³⁵ Town of Springport zoning code available at the Town Office, 859 State Route 326, Cayuga, NY 13034 and <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbmNxbzcHJpbmdwb3J0bn18Z3g6MTAyYmEwNDBjZWY1OGJkOA> (accessed 7/3/22).

³⁶ <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbmNxbzcHJpbmdwb3J0bn18Z3g6NWQ2YzQ3NDhiZjZkMWZlMw> (accessed 7/3/22)

The Vision envisions its future as “continuing to be a rural community, focusing on...Cayuga Lake, a strong agricultural community, a rural village center, an abundance of open space, and valuable natural resources.” To do so, the plan sets five different goals: preserve the rural character of the Town; develop the waterfront with compatible uses consistent with the rural character of the Town; support the current economy and promote the establishment of new enterprises; ensure the viability of farming and agricultural lands; and preserve and enhance open space and the environment.

Town of Springport Draft Comprehensive Plan

In May 2013, the Town of Springport prepared the Town of Springport Draft Comprehensive Plan. The purpose of the new Comprehensive Plan was to provide a framework for leaders and residents of the Town to guide the future growth and development of their community to the year 2033 and beyond; and was based on the Town of Springport Vision Plan adopted in 2011. The vision for the future of the Town set by the Comprehensive Plan is relatively similar to the 2011 Vision Plan: “The Town of Springport envisions itself in the future as a rural community that utilizes the aspects which make it unique: Cayuga Lake, a strong agricultural sector, a rural village center, an abundance of open space and valuable natural, cultural and educational resources.” The Town values itself as a “forward-thinking community, strengthened by local governance, responsible for land use control, and community programs balances with respect for individual property rights.” According to the Draft Comprehensive Plan, the Town should focus on the following resources: waterfront revitalization, agriculture, economic development, housing, environmental resources, outdoor recreation, community resources, infrastructure, and governance.

AGRICULTURE

The subject properties are located in an area that is largely characterized by low-density residential and agricultural land uses. None of the Nation’s properties are located within Cayuga County agricultural districts.³⁷

Union Springs Property

The subject property in Union Springs is comprised of four contiguous tax parcels which are substantially developed or commercial properties supporting the Nation’s gas station, convenience store, and gaming operations. In addition, the Nation farms the 82 tillable acres of its 108-acre vacant tax lot for field crop cultivation. The farming activity consists of an annual cycle of preparing soil and planting, mid-summer spraying, fall harvesting, and planting of a winter cover crop. Adjacent properties include a mix of residential, agricultural, and retail land uses. Based upon field investigations (see Appendix L of the DEIS) and historic aerial photography, the subject property appears to have once been in agricultural use. As discussed above in Section 3.1, “Land Resources,” the subject property contains soils considered by the USDA to be prime farmland soils.

Springport Property

The subject property in Springport is approximately 3 acres and is currently vacant residential land. Adjacent properties consist mainly of residences, and several farm fields in the vicinity. Historic aerial photographs dating to 1938 indicate that this property has historically been vacant.

³⁷ <https://www.cayugacounty.us/DocumentCenter/View/17038/Cayuga-County-Ag-District-Map-PDF?bidId=> (accessed July 3, 2022)

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As discussed above in Section 3.1, “Land Resources,” the property contains soils considered by the USDA to be prime farmland soils.

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under the Proposed Action, the Nation would gain jurisdiction over the land and land use regulation would be conferred on the Nation. The Nation’s properties would be subject to the Cayuga Nation Land Use Ordinance and Ordinance No. CN-2003-01, adopted in 2003 (see **Appendix B**). This ordinance provides for the regulation of the type and scale of development that occurs on the Nation’s lands, including trust lands. This ordinance mandates that no existing land uses can be substantially changed or altered unless a Land Use Permit is obtained. Although the Nation proposes to construct a new gaming facility on the 271 Cayuga Street parcel, an existing gaming facility already operates on this parcel; therefore, this would not constitute a change in land use. The Proposed Action does not result in farmland being converted to non-agricultural uses. The Nation plans to continue their agricultural use (field crops) of the 82 tillable acres of the 108-acre vacant tax lot in Union Springs. No change in land use would occur; agriculture in Cayuga County would not be impacted.

The provisions of the Nation’s ordinance further require that the Nation consider compatibility of use, location of the proposed use, its congruity with the area, and the environmental effect of the use. These requirements provide a measure of protection to adjacent land uses and serve to protect the public health and safety of residents, and neighborhood character in a manner similar to the type of protection provided by local zoning, land use, and other regulations. The application of this ordinance is expected to ensure the health, safety, and welfare of the Nation and the surrounding communities.

For each affected municipality, Nation lands proposed for conveyance into trust under the Proposed Action and other alternatives comprise only a small percentage of the entire area of the community, minimizing the geographic extent of the effect. In addition, the Nation’s lands are currently consistent with existing zoning and land use regulations in the communities in which they are located.

Irrespective of whether land is placed in trust or not, the land would continue to be regulated by federal laws, including environmental laws. EPA would continue to have primacy for environmental regulations and oversight. Through its policies, the Nation has indicated its commitment to standards of environmental protection, conservation, and public health and safety. The combination of Federal and Nation regulatory oversight and the ongoing practice of consultation and coordination between the Nation and Federal, New York State, and local agencies could serve as a mechanism to mitigate effects stemming from the placement of lands in trust status. Therefore, there would be no significant impacts to the land use patterns as a result of the Proposed Action and the Nation’s land use policies would be applicable to its trust lands.

ALTERNATIVE 2: NO ACTION

As noted above, the Village of Union Springs and the Towns of Springport have recently updated their local zoning ordinances and maps. However, the Nation’s existing land uses are consistent with the existing and proposed ordinances. In addition, the planned gaming facility was subject to state and local permitting. Therefore, there would be no impacts to land use patterns.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

This alternative would have the same potential effect on land use patterns as the Proposed Action. As with the Proposed Action, the Nation would expand its gaming facility and parking area. As described in Alternative 1, above, the local land use and zoning requirements that currently apply to the Nation's lands would no longer apply to the subject Enterprise Property if the land is placed into trust. Environmental baseline conditions would continue to exist on the non-Enterprise property in the Town of Springport, as discussed under Alternative 2. No change in land use would occur; agriculture in Cayuga County would not be impacted. Therefore, there would be no significant impacts to land use patterns as a result of the Enterprise Properties into Trust Alternative.

3.9 PUBLIC SERVICES

There have been no significant new circumstances or information relevant to concerns related to public services since the publication of the FEIS. Public services are shown on **Figures 12a** through **12d** and are discussed in the sections below.

WATER SUPPLY

Union Springs

The water supply for the Village of Union Springs is located along NYS Route 90. There are two drilled wells and two well houses that supply potable water. The Village of Union Springs has approximately 445 metered water customers, including the Nation. These customers, and customers from the Town of Springport, are served by seven pressure-reducing pits, two water storage tanks, and approximately eight miles of water mains.³⁸

Springport

The Nation's property in Springport is currently vacant and does not have onsite water supply infrastructure.

WASTEWATER SERVICE

Union Springs

The Village of Union Springs provides sewer, wastewater treatment, and other sewer services to all properties, including the Nation's, located within the village and all properties in the Town of Springport as defined in the Municipal Cooperation Agreement for Sewage, Wastewater, and Sewer Service. This agreement limits the sources of sewage and wastewater and requires that village, county and state standards be met for sewage and wastewater.

Springport

The Village of Union Springs provides sewer, wastewater treatment, and other sewer services to all properties located in the Town of Springport in accordance with the Municipal Cooperation Agreement for Sewage, Wastewater, and Sewer Service. This agreement limits the sources of

³⁸ <https://unionspringsny.com/wp/wp-content/uploads/pdf/waterqualityreport.pdf>

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sewage and wastewater and requires that village, county and state standards be met for sewage and wastewater. However, the Nation's property in Springport is currently undeveloped.

SOLID WASTE

Union Springs

Casella Resource Solutions provides solid waste services to the Nation's property in Union Springs.

Springport

The Nation's property in Springport is currently undeveloped and does not generate waste.

ENERGY

Union Springs

NYSEG provides electric and gas service to the Union Springs property.

NYSEG has several easements over the property owned by the Nation to provide electric and gas service. There are NYSEG transmission lines that cross the subject property that are a link in the infrastructure that provides electric and gas service throughout Cayuga County.

The subject property also contains a natural gas well to which Devonian Energy has access rights. These rights were transferred to the Union Springs Central School District in 1981 and a gas well was drilled. This well has been used as a source for fuel for heating the high school and district offices. The property would be taken into trust subject to the existing access rights.

Springport

NYSEG provides electric and gas service to all of Springport.

LAW ENFORCEMENT

Cayuga County Sheriff's Office

The Cayuga County Sheriff's Office jurisdiction comprises 700 square miles and approximately 80,000 people. The Sheriff's Office has several divisions and employs approximately 175 people.³⁹

Union Springs

The New York State Police ("NYSP") and Cayuga County Sheriff's Office provide police services to the Village of Union Springs. The NYSP is divided into ten Troops based on geographic area. Troop E, known as the "Finger Lakes Troop," provides coverage for ten counties including: Cayuga, Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, and Yates, and therefore covers the Village of Union Springs. Troop E operates from 23 stations, and patrols 6,042 square miles, including 18,457 miles of rural and interstate roadways daily. Troop E personnel provide the full spectrum of State Police services to residents, commuters, and travelers in and around the region's 7 cities, 160 towns and 79 villages.

³⁹ <https://www.cayugacounty.us/155/Sheriffs-Office> (accessed July 4, 2022)

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The Troop E Auburn station provides police services and coverage for the Village of Union Springs.

The Village of Union Springs allocated \$27,500.00 in its 2022-2023 Fiscal Budget General Fund for public safety which was adopted April 19, 2022. This includes \$12,500 in contractual fees for police and \$15,000 in contractual fees for public safety-sidewalks.⁴⁰

Springport

The NYSP Troop E and Cayuga County Sheriff's Office provide police services to the Town of Springport.

FIRE PROTECTION

Union Springs

The Village of Union Springs is located within the Union Springs Fire District. The Union Springs Fire Department is made up of 30 volunteer members.⁴¹ The Fire Department works with the Union Engine and Hose Company to provide all fire and ambulance services to the Village of Union Springs.

Springport

The Town of Springport is located within the Union Springs Fire District. As discussed above, the Union Springs Fire Department is made up of 30 volunteer members. The Fire Department works with the Union Engine and Hose Company to provide all fire and ambulance services to the Town of Springport.

EMERGENCY MEDICAL SERVICES

Cayuga County Emergency Management Office

The mission of the Cayuga County Emergency Management Office is to provide for life safety, property and environment protection from all natural and manmade hazards that may occur within Cayuga County through a comprehensive and integrated emergency management planning and execution system approach.⁴² It provides Emergency Medical, CPR, and Fire training for all county first responders. The office also coordinates preparedness, mitigation, response, and recovery of all agencies and personnel for any potential or actual disaster that threatens life, property, and/or the environment in Cayuga County. It assists individuals, municipalities, and businesses during the emergency and through the recovery operation process. These disasters include flood, drought, hurricane, tornado, winter storm, ice storm, hazardous material or radiological release, airplane crash, train derailment, dam failure, long term power failure, mass casualty incidents, or act of domestic terrorism.

The Office of Emergency Services provides resource information and interacts with Fire, Emergency Medical, Law Enforcement, the American Red Cross, the New York State Health

⁴⁰ <https://unionspringsny.com/wp/wp-content/uploads/pdf/2022-2023%20Adopted%20budget.pdf> (accessed July 4, 2022)

⁴¹ <http://unionspringsfiredepartment.com/> (accessed July 4, 2022)

⁴² <https://www.cayugacounty.us/371/Emergency-Management> (accessed July 4, 2022)

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Department, the County Health Department, the Planning Department, and the New York State Weapons of Mass Destruction Taskforce. It also coordinates between the local and state/federal government in matters related to Federal grant or loan monies.

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

Central New York Emergency Medical Services Program

The Central New York EMS Program (CNYEMS) serves Cayuga, Cortland, Onondaga, Oswego and Tompkins Counties, and is one of 19 EMS Program Agencies in New York State.⁴³ As defined in Section 3003-a of Article 30 of the NYS Public Health Law, the role of CNYEMS is to assist the Regional EMS Council and the New York State Department of Health (NYSDOH) in the support and development of regional EMS Systems by providing professional and clerical staff to implement and support the activities of the Regional EMS Council and the Regional Medical Advisory Committee (REMAC).

Union Springs

The nearest ambulance service to the Village of Union Springs is North Seneca Ambulance, Inc (NSA). NSA operates out of Waterloo, New York (1645 North Road). The ambulance barn, training facility, office space, and living quarters are all located at this base. Crews are on duty in six-hour shifts and there is a crew always on duty.

Springport

The nearest ambulance service to the Town of Springport is North Seneca Ambulance, Inc.

SCHOOLS AND LIBRARIES

The Town of Springport and the Village of Union Springs are located in the Union Springs Central School District. The Union Springs Central School District is comprised of three schools located in three buildings. Union Springs High School, grades 9-12, and Union Springs Middle School, grades 6-8, are located in the secondary building at 239 North Cayuga Street. A.J. Smith Elementary, grades pre-K-5, is located at 26 Homer Street. There are 742 students in the Union Springs Central School District as of the 2020-2021 school year with 328 students enrolled at A.J. Smith Elementary (K-5), and 414 students enrolled at both Union Springs Middle and High Schools.⁴⁴

The Union Springs Central School District's adopted budget for the 2021-2022 school year is \$19,393,804. Of this amount, \$10,499,346 is provided through State Aid and \$7,678,225 is met through the property tax levy.⁴⁵

⁴³ <https://cnyems.org/> (accessed July 4, 2022)

⁴⁴ <https://data.nysed.gov/enrollment.php?year=2021&instid=800000054503> (accessed July 4, 2022)

⁴⁵ <https://www.unionspringscsd.org/tfiles/folder423/2022%20Budget%20Newsletter%204-22-22.pdf> (accessed July 4, 2022)

The Springport Free Library, located at 171 Cayuga Street, is the main library for the Town of Springport and the Village of Union Springs. It is part of the Finger Lakes Library System.

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

The proposed approximately 4,928 square foot gaming facility at the 271 Cayuga Street parcel in the Village of Union Springs would require connection to the existing water and sewer service and electrical service. The proposed gaming facility would use the solid waste services already in place for the existing gaming facility. There would be no other changes to onsite or area water supply, wastewater, energy, or solid waste from the environmental baseline condition which included the operation of the gaming facilities. Under this alternative, the Nation will continue to pay for all utility services or negotiate agreements to provide them as necessary. The Nation will pay its appropriate share of expenses for any community infrastructure services and utilities they use, and use levels are expected to marginally increase from the environmental baseline conditions at the time of the fee-to-trust application to account for the 4,928 square foot expansion. However, sufficient infrastructure exists to accommodate this limited expansion and there would be no significant impacts to community infrastructure as a result of the Proposed Action.

The Proposed Action is not anticipated to result in any adverse impacts to community service providers in the affected communities. As discussed in Section 3.6, “Socioeconomic Conditions/Environmental Justice,” as trust land, the Nation’s property would not be subject to local or county taxation and would therefore not contribute to the funding of these services through the property taxation system. As discussed in Section 3.6, the Nation’s current minimal property tax contribution to local revenue budgets is not expected to affect local service providers. The Nation, however, would assume the full range of jurisdiction over the subject properties. Further, the Nation will continue to pay for necessary community services it uses, and the Nation will explore cooperative agreements in regard to community service providers, including emergency services, to ensure that the Nation’s properties and patrons of its businesses are adequately protected.

ALTERNATIVE 2: NO ACTION

Like the Proposed Action, the Nation would advance its planned gaming facility under the No Action Alternative. Therefore, as with the Proposed Action, no significant adverse impacts to community infrastructure on or in the vicinity of the Nation’s properties are expected. Under this alternative BIA would assume that the Nation would continue to pay property taxes; however, the Nation will consider all options available to it under the law with respect to payment of real property taxes on these parcels. The Nation would continue to pay its appropriate share of expenses for any community infrastructure services and utilities they use, and the Nation’s properties would continue to be serviced by existing community services, including all Town and Village emergency service providers. Community infrastructure services and utilities use levels would be expected to marginally increase as compared to current conditions. Therefore, as with the Proposed Action, there would be no significant adverse impacts to community infrastructure or community service providers as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

The Enterprise Properties into Trust Alternative would have the same effect on community services within the Village of Union Springs as the Proposed Action. The proposed approximately 4,928 square foot gaming facility at the 271 Cayuga Street parcel in the Village of Union Springs

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would require connection to the existing water and sewer service and electrical service. The proposed gaming facility would use the solid waste services already in place for the existing gaming facility. There would be no other changes to onsite or area water supply, wastewater, energy or solid waste from the environmental baseline condition, which included the operation of the gaming facilities. The Nation will continue to pay for all utilities or negotiate agreements to provide them as necessary. The Nation will pay its appropriate share of expenses for any community infrastructure services and utilities they use.

Under this alternative BIA would assume that the Nation would continue to pay property taxes to the Town of Springport; however, the Nation will consider all options available to it under the law with respect to payment of real property taxes on this parcel. The Nation will continue to pay for necessary community services it uses, and the Nation will explore cooperative agreements with regards to community service providers, including emergency services, to ensure that the Nation's properties and patrons of its businesses are adequately protected.

Therefore, there would be no significant impacts to community infrastructure as a result of the Enterprise Properties into Trust Alternative.

3.10 NOISE

There have been no significant new circumstances or information relevant to concerns related to noise since the publication of the FEIS. Noise is typically measured in units called decibels (dB), which are ten times the logarithm of the ratio of the sound pressure squared to a standard reference pressure squared. Because loudness is important in the assessment of the effects of noise on people, the dependence of loudness on frequency must be taken into account in the noise scale used in environmental assessments. Frequency is the rate at which sound pressures fluctuate in a cycle over a given quantity of time, and is measured in Hertz (Hz), where 1 Hz equals 1 cycle per second. Frequency defines sound in terms of pitch components. In the measurement system, one of the simplified scales that accounts for the dependence of perceived loudness on frequency is the use of a weighting network—known as A-weighting—that simulates the response of the human ear. Generally, changes in noise levels less than 3 dBA are barely perceptible to most listeners, whereas 10 dBA changes are normally perceived as doublings (or halvings) of noise levels.

Because the sound pressure level unit, dBA, describes a noise level at just one moment, and very few noises are constant, other ways of describing noise over extended periods have been developed. One way of describing fluctuating sound is to describe the fluctuating noise heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the “equivalent sound level,” L_{eq} , can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted as $L_{eq(24)}$), conveys the same sound-energy as the actual time-varying sound. L_{eq} is used in the prediction of future noise levels, by adding the contributions from new sources of noise (i.e., increases in traffic volumes) to the existing levels and in relating annoyance to increases in noise levels.

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.

Traffic on adjacent roadways is the main source of ambient noise; changes to traffic patterns or volumes could lead to changes in the ambient noise level. As further discussed in “Traffic and Transportation” above, an updated Traffic Impact Study was conducted for the Proposed Action. Inclusive of the planned expansion of the gaming facility, the Proposed Action would not result in any significant changes to existing traffic conditions in the vicinity of the Nation’s properties. Therefore, the Proposed Action is not anticipated to noticeably increase noise levels above existing conditions, and no significant adverse noise impacts are anticipated to result from the Proposed Action.

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under this alternative, the Nation’s properties would otherwise be left undisturbed or managed under their current regime, with the exception of the proposed new gaming facility and parking areas. The proposed gaming facility and handicap parking area would be constructed on an existing gravel lot, just west of the existing gaming facility. The proposed parking lot would be constructed just north of the existing gaming facility.

As further discussed in “Traffic and Transportation,” above, the Proposed Action, inclusive of the planned expansion of the gaming facility, would not result in any significant changes to existing traffic conditions in the vicinity of the Nation’s properties. Therefore, no significant adverse noise impacts are anticipated to result from the Proposed Action.

ALTERNATIVE 2: NO ACTION

This alternative would result in the same potential traffic and transportation conditions as the Proposed Action. Therefore, there would be no significant adverse noise impacts resulting from changes in traffic or transportation conditions as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

This alternative would result in the same potential traffic and transportation conditions as the Proposed Action. Therefore, there would be no significant adverse noise impacts resulting from changes in traffic or transportation conditions as a result of the Enterprise Properties into Alternative.

3.11 HAZARDOUS MATERIALS

Environmental site assessments (ESA) were prepared for each of the Nation’s properties in 2009 and again in 2016, 2018, and 2022. Site conditions observed during each inspection were consistent with the observations documented during the 2009 ESAs. No solid waste, debris or evidence of illegal dumping activity were noted at any of the properties. No evidence of material releases, such as stained surfaces, oil sheen, odors, or stressed vegetation were noted at the property and no other significant observations were made. The Phase I ESAs, which included a review of database listings for on- and off-site properties, identified the Cayuga Groundwater Contamination Site as a USEPA National Priorities List (NPL) site. The USEPA NPL site was identified as the responsible party for a groundwater plume that extends 7 miles from the city of Auburn to Union Springs, and the Nation’s Cayuga Street properties are located on the western border of the mapped plume area. Extensive sampling identified that 120 homes are within the plume, 51 drinking water wells are contaminated with chlorinated volatile organic compounds (CVOCs), and 24 wells contain vinyl chloride and/or cis-1,2-dichloroethylene (DCE) above the EPA’s removal action levels (RALs). Remedies were applied to identified contamination source

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areas and affected residents. The Site Investigation Report provided by USEPA indicated that the plume was mainly located within the bedrock aquifer, the plume was not detected in drinking water wells near the Nation's properties, VOCs were not detected in nearby residential drinking water wells, and the closest wells that contained the target compounds were greater than a half mile from the Nation's properties.

Using the findings of the Phase I ESAs, a Phase II investigation was conducted at Parcel 134.17-1-1.21. The Phase II investigation was intended to determine whether current or former on- or off-site activities had adversely affected environmental conditions at the site. Overall, the investigation data did not identify any areas that had been adversely affected by current or former on-site operations. Parcel 134.17-1-1.21 also includes the operation of multiple underground storage tanks (USTs). UST registration records for NYSDEC Petroleum Bulk Storage (PBS), including the corresponding inspection and testing requirements, were available from 1986 through 2007, at which time operation was changed to non-regulated use as the property was identified by NYSDEC as a sovereign nation. A December 2010 letter from the USEPA confirmed that the US operation was under Federal jurisdiction, irrespective if the parcel was placed into trust, including the inspection and testing requirements. Records were available for UST inspections and testing completed in May 2010, and on multiple events from August 2019 through October 2021. The results indicated that the petroleum tanks on the Property passed all inspections, with the exception of secondary containment equipment that was routinely repaired in 2019 and 2021. Follow-up testing indicated that all UST passed inspection. Inspection and testing was scheduled to continue, and parcel access is available for USEPA inspections. Field screening and laboratory analysis of soil samples collected in March 2009, September 2016, and May 2018 during limited subsurface (Phase II) investigations did not indicate a release of petroleum.

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under this alternative, which involves placing the Nation's properties into trust, no changes to the use of the property are proposed. The Nation would advance its planned expansion of the gaming facility at the 271 Cayuga Street parcel, handicap parking spaces between the existing and proposed buildings, and gravel parking lot at the North Cayuga Street parcel in the Village of Union Springs. Due to the historic and continual use of the property as a gas station, prior to any site development, an investigation and/or soil characterization should be completed to ensure proper handling of soil and/or groundwater during any future subsurface disturbance. Construction measures are available to mitigate the potential for impacts during any future development. UST inspections at Parcel 134.17-1-1.21, consistent with NYSDEC PBS requirements, would continue as scheduled, and the parcel would continue to be available for USEPA inspections. The Proposed Action in no way diminishes, nor restricts, EPA's statutory and regulatory authority to protect public health and the environment by regulating Underground Storage Tank compliance. Therefore, with the appropriate actions completed, no significant adverse impacts related to hazardous materials would result from the placement of the Nation's parcels into trust.

ALTERNATIVE 2: NO ACTION

As with the Proposed Action, under this alternative, the properties would continue to be used as they are now, and the planned expansion of the gaming facility would be advanced. The potential impacts related to hazardous materials are the same as those related to the Proposed Action.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

As with the Proposed Action, under this alternative, the properties would continue to be used as they are now, and the planned expansion of the gaming facility would be advanced. The potential impacts related to hazardous materials are the same as those related to the Proposed Action.

3.12 VISUAL RESOURCES

This section describes the visual characteristics of the Nation’s properties subject to the fee-to-trust application, and the immediate surrounding area. The visual quality of an area is a composite of different elements from the type, size, and use of buildings, to street patterns and road characteristics, the presence or absence of natural resources; and visual resources such as view corridors, vistas, and views of prominent natural resource features.

While a proposed action may be visible from many public and private vantages, mere visibility does not constitute a significant adverse impact. The significance of the visibility is dependent on several factors, including: presence of any designated historic or scenic resources within the viewshed of the proposed action, distance, general characteristics of the surrounding landscape, and the extent to which the visibility of the proposed action interferes with the public’s enjoyment or appreciation of these resources. A significant adverse visual impact would only occur when the effects of design, distance, and intervening topography, and vegetation, and context do not minimize the visibility of an object, and the visibility significantly detracts from the public’s enjoyment of a resource.

As discussed above in Section 3.5, “Cultural Resources,” the Howland Mill Complex (S/NR-eligible) is located approximately ½ mile south of the Union Springs Property (see Resource No. 1 on **Figure 9**). Located at the southwest corner of Howland and Cayuga Streets, the complex includes the 1836 mill building, the remains of a canal, and a mill pond. Due to the intervening distance, existing vegetation, flat topography, and the curve of Cayuga Street, the Howland Mill Complex does not have visibility to any of the Nation’s properties.

The Union Springs Academy Historic District (S/NR-eligible) is approximately ½ mile southeast of the Union Springs Property (see Resource No. 2 on **Figure 9**). Located at 40 Spring Street, the historic district comprises a group of institutional buildings built 1921 to 1960. Due to the intervening distance and intervening vegetation and buildings, the Union Springs Academy Historic District does not have visibility to any of the Nation’s properties.

The Schenck Farm (S/NR-eligible) is located approximately 0.9 miles east of the Union Springs Property (see Resource No. 3 on **Figure 9**). Due to the distance, existing vegetation, and topography, the Schenck Farm does not have visibility to any of the Nation’s properties.

The Peter Yawger House is approximately 2.5 miles north of the Nation’s Union Springs property. The William Richardson House is approximately 1.75 miles north of the Union Springs property. Due to distance, existing vegetation, and topography, these historic homes are not visible from the Nation’s Union Springs property.

The Almeron Durkee House is located approximately one mile north of the Nation’s vacant Springport Property. Due to distance, existing vegetation, and topography this historic home is not visible from the Springport property.

As discussed in Section 3.5 above, in a letter dated September 7, 2021, OPRHP determined that no properties listed in or eligible for the New York State and National Registers of Historic Places would be impacted by this project.

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There are no State Parks in the vicinity of the Nation's Union Springs or Springport properties.

The 8,090-acre Northern Montezuma Wildlife Management Area is part of the 50,000-acre Montezuma Wetlands Complex, which includes the federally-owned Montezuma National Wildlife Refuge, the former Howlands Island WMA, land owned by conservation groups, and private property.⁴⁶ Although this wildlife management area is located within the larger study area of the Proposed Action, the Northern Montezuma Wildlife Management Area is not visible from any of the Nation's properties.

The Cayuga Lake Scenic Byway, designated by the New York State Scenic Byways Program, is located within the overall study area.⁴⁷ The Cayuga Lake Scenic Byway within the vicinity of the Proposed Action follows NYS Routes 90, 34B, and 34 around the east side of Cayuga Lake. The Nation's Unions Springs and Springport properties are located on and part of the existing landscape of the Cayuga Lake Scenic Byway.

The Nation's Union Springs property is located on the west side of NYS Route 90, and therefore is between the Cayuga Lake Scenic Byway and Cayuga Lake. At the Nation's Union Springs property, the Cayuga Lake Scenic Byway is approximately 3,600 feet from Cayuga Lake. The LakeSide Trading gas station, convenience store, and former car wash located on the property is in an architectural style typical to the region for that type of use. The Nation's LakeSide Entertainment gaming operation is located in a former NAPA auto parts store, although the building is painted in a bright color, the architectural style of the building is similar to the neighboring Union Springs Fire Station, and is not atypical to the region or other buildings along the Cayuga Lake Scenic Byway. The remainder of the parcel is undeveloped and uncultivated farmland, also typical to the region and the byway.

The Springport property is located between the Cayuga Lake Scenic Byway and Cayuga Lake. The Nation's Springport property is comprised of undeveloped, vacant land and contributes to the natural beauty of the area.

Scenic NYS Route 90, designated by the New York State Scenic Byways Program,⁴⁸ is located within the study area. Scenic NYS Route 90 runs from Homer, New York to Montezuma, New York. It traverses west from Homer to Cayuga Lake, where it turns north and travels along the east side of Cayuga Lake. Scenic NYS Route 90 overlaps the Cayuga Lake Scenic Byway from where it turns north and travels along Cayuga Lake until its termination in Montezuma. Therefore, the Nation's Unions Springs and Springport properties are located on Scenic NYS Route 90 and the relationship between these properties and Scenic NYS Route 90 are the same as they are to the Cayuga Lake Scenic Byway.

The following resources and resource categories are recognized by NYSDEC as areas where visual impacts could potentially occur. However, none of these resources or resource categories are located within the vicinity of the Nation's properties.

- State Forest Preserve
- Scenic Areas of Statewide Significance

⁴⁶ https://www.dec.ny.gov/docs/wildlife_pdf/yfinmontezumahmp.pdf (accessed July 5, 2022)

⁴⁷ <https://www.dot.ny.gov/display/programs/scenic-byways/cayuga-lake-scenic-byway> (accessed July 5, 2022)

⁴⁸ <https://www.dot.ny.gov/display/programs/scenic-byways/route-90> (accessed July 5, 2022)

- Rivers Designated as National or State Wild, Scenic or Recreational
- State or Federally designated trail
- Adirondack Park Scenic Vistas
- State Nature and Historic Preserve Areas
- Palisades Park
- Bond Act Properties purchased under the Exceptional Scenic Beauty or Open Space category

ALTERNATIVE 1: THE PROPOSED ACTION – THE PREFERRED ALTERNATIVE

Under this alternative, the Nation’s properties would otherwise be left undisturbed or managed under their current regime, with the exception of the proposed new gaming facility and parking areas. The proposed gaming facility and handicap parking area would be constructed on an existing gravel lot, just west of the existing gaming facility. The proposed parking lot would be constructed just north of the existing gaming facility. As such, there would not be a substantial change to the visual character of the site. Overall, there would be no significant changes that would negatively impact any of the visual resources in the vicinity of the properties. Therefore, there would be no significant impacts to visual resources as a result of the Proposed Action.

ALTERNATIVE 2: NO ACTION

Like the Proposed Action, the Nation would advance its planned gaming facility under the No Action Alternative. Therefore, as with the Proposed Action, there would be no significant impacts to visual resources as a result of the No Action Alternative.

ALTERNATIVE 3: ENTERPRISE PROPERTIES INTO TRUST

Under this alternative, the properties would otherwise be left undisturbed or managed under their current regime, with the exception of the proposed new gaming facility and parking areas as discussed above under Alternative 1. There would be no significant changes that would negatively impact any of the visual resources in the vicinity of the properties. Therefore, there would be no significant impacts to visual resources as a result of the Enterprise Properties into Trust Alternative.

3.13 CUMULATIVE IMPACTS

Potential cumulative impacts for each environmental issue area under Alternatives 1 through 3 are discussed below. Cumulative impacts are defined in 40 CFR § 1508.7 as the impacts:

... on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

No major development projects were identified in the immediate vicinity of the properties.

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LAND RESOURCES

No cumulative impacts on land resources are anticipated for the proposed action under any of the analyzed alternatives. With no impacts on land resources resulting from the Proposed Action, no cumulative impacts are anticipated.

WATER RESOURCES

No cumulative impacts on water resources are anticipated for the proposed action under any of the analyzed alternatives. With no impacts on water resources resulting from the proposal, no cumulative impacts are anticipated.

AIR QUALITY

No cumulative impacts on air quality are anticipated for the proposed action under any of the analyzed alternatives. With no impacts on air quality resulting from the proposal, no cumulative impacts are anticipated.

BIOLOGICAL RESOURCES

No cumulative impacts on biological resources are anticipated for the Proposed Action under any of the analyzed alternatives. With no impacts on biological resources resulting from the proposal, no cumulative impacts are anticipated.

CULTURAL RESOURCES

No cumulative impacts on cultural resources are anticipated for the proposed action under any of the analyzed alternatives. With no impacts on cultural resources resulting from the proposal, no cumulative impacts are anticipated.

SOCIOECONOMIC CONDITIONS / ENVIRONMENTAL JUSTICE

No cumulative fiscal impacts are anticipated to result from the Proposed Action, or any of the analyzed alternatives. The Nation's properties represent a small fraction of the total taxable land base within Cayuga County, the Town of Springport, and the Village of Union Springs. Even when considered with other non-taxable entities (e.g., religious institutions and not-for-profit organizations), the cumulative fiscal impacts are not considered to be significant.

TRAFFIC AND TRANSPORTATION

No cumulative traffic impacts are anticipated for the Proposed Action under any of the analyzed alternatives. As discussed above, implementation of the Nation's Proposed Action is not expected to result in any significant impacts to traffic in the affected areas. Therefore, with no traffic impacts resulting from the Proposed Action, and no other proposals impacting traffic, no cumulative impacts are anticipated.

LAND USE AND AGRICULTURE

At this time, the Nation is not proposing any future fee-to-trust applications. Should future fee-to-trust applications occur and if those lands were brought into trust, the local governments would no longer have jurisdiction over land use plans and zoning for the applicable Cayuga Nation properties. The Congressional support for providing tribes a suitable land base is documented

within the 25 USC 5108 provisions which necessitate jurisdictional changes to comply with the law. Jurisdictional impacts for fee-to-trust applications are subject to review under the 25 CFR 151 process implementing 25 USC 5108 for such applications. Should future fee-to-trust applications occur, jurisdictional impacts will be considered according to these procedures. Jurisdictional impacts of each proposed action are considered in the review process required by this regulation. Therefore, cumulative jurisdictional impacts under the Nation's proposed alternative and the Enterprise Properties into Trust Alternative are not considered significant. No cumulative jurisdictional impacts are anticipated from the No Action Alternative.

PUBLIC SERVICES

No cumulative impacts on community infrastructure are anticipated for the Proposed Action under any of the analyzed alternatives. No other currently active proposals are similar to the proposal in the county. Implementation of the Nation's proposal would continue the baseline environmental condition of the properties with regards to utility and infrastructure use until the proposed gaming facility is constructed and operating, at which time there would be an increased use level due to the new 4,928 square foot building.

No impacts to the schools due to increases in traffic are anticipated. As discussed above under Section 3.7 "Traffic and Transportation," and in Appendix C, "Traffic Impact Study," the Proposed Action, inclusive of the planned expansion of the gaming facility, would not result in any notable changes in level of service (LOS) for any of the lane groups or approaches at the study area intersections. This evaluation included the intersection of NYS Route 90 with the High School driveway.

The Nation will continue to pay for necessary community services it uses, and the Nation will explore cooperative agreements in regard to community service providers, including emergency services, to ensure that the Nation's properties and patrons of its businesses are adequately protected.

With no significant impacts on community infrastructure resulting from the proposal, no cumulative impacts are anticipated.

Although the Nation has acquired additional land, this additional land is not part of the current fee-to-trust application subject to this NEPA analysis. Should the Nation desire to place additional land into trust, additional applications would need to be submitted, and their consideration would be subject to review. At this time, the Nation has no plans to place any additional parcels of land into trust. Therefore, any consideration of these concerns would be hypothetical, and analysis is not required at this time.

NOISE

No cumulative impacts on noise are anticipated for the proposed action under any of the analyzed alternatives. With no impacts on noise resulting from the proposal, no cumulative impacts are anticipated.

HAZARDOUS MATERIALS

No cumulative impacts on hazardous materials are anticipated for the proposed action under any of the analyzed alternatives. With no impacts on hazardous materials resulting from the proposal, and no other proposals impacting the same resources, no cumulative impacts are anticipated.

VISUAL RESOURCES

No cumulative impacts on visual resources are anticipated for the proposed action under any of the analyzed alternatives. With no impacts on visual resources resulting from the proposal, and no other proposals impacting the same resources, no cumulative impacts are anticipated.

3.14 INDIRECT AND GROWTH-INDUCING EFFECTS

Under NEPA, indirect and growth-inducing effects of a proposed project must be analyzed [40 CFR § 1508.8(b)]. The Council on Environmental Quality (CEQ) regulations define indirect effects as effects that are caused by the action and are later in time or further removed in distance but are still reasonably foreseeable. Growth-Inducing effects are defined as effects that foster economic or population growth, either directly or indirectly.

Growth inducement may constitute an adverse impact if the increased growth is not consistent with or accommodated by the land use and growth management plans and policies for the area affected. As discussed above under Section 3.8, “Land Use and Agriculture,” goals of local land use plans include supporting the current economy and promoting the establishment of new enterprises, encouraging younger families to move to the area, and expanding local tourism.

The adequacy of local resources, including infrastructure, public services, and road networks, are analyzed in Section 3 above. Utility infrastructure does not need to be improved or expanded to provide the necessary services required for any of the Alternatives. No indirect off-site expansion of utilities would be required for any of the Alternatives. No roadway improvements would be required. Other indirect effects are analyzed in previous sections by issue area.

As discussed above in Section 3.6, “Socioeconomic Conditions/Environmental Justice,” the operation of the Nation’s business enterprises generates positive economic benefits in the form of jobs and local spending. The Nation’s operations in Cayuga County would directly provide 37 permanent full- and part-time jobs, 15 of which would be associated with the proposed gaming expansion. However, it is not anticipated that members of the Cayuga Nation would relocate to the Project Area in sufficient numbers to significantly alter the demographic composition or employment base of Cayuga County. It is not expected that the Proposed Action would increase or decrease the seasonal population of the area. There would be no change in on-site or off-site land use and no change in population density in the vicinity of the Project Site. No new housing, schools or other facilities would be constructed as a result of any of the Alternatives.

No significant adverse indirect effects, including growth-inducing effects, relevant to any environmental issue area would occur under any of the Alternatives.

4. MITIGATION MEASURES

Mitigation is described under 40 CFR § 1508.20 as:

avoiding the impact altogether by not taking a certain action or parts of an action; minimizing impacts by limiting the degree or magnitude of the action and its implementation, rectifying the impact by repairing, rehabilitating or restoring the affected environment, reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, compensating for the impact by replacing or providing substitute resources or environments.

The analyses presented in Sections 3.1 through 3.14 examined the potential for impacts resulting from the Proposed Action and its alternatives. This section, Section 4, “Mitigation Measures,” 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, with the exception of the proposed new gaming facility and parking areas. Similarly, the Proposed Action and its alternatives do not result in physical changes to surrounding properties. In addition, no significant adverse impacts were projected to occur in any impact analysis area as a result of the Proposed Action or its alternatives. Therefore, there are no known adverse impacts and no mitigation is required or proposed.

4.1 LAND RESOURCES

Impacts to land resources would be less than significant; therefore, mitigation is not warranted.

4.2 WATER RESOURCES

Impacts to water resources would be less than significant; therefore, mitigation is not warranted.

4.3 AIR QUALITY

Impacts to air quality would be less than significant; therefore, mitigation is not warranted.

4.4 BIOLOGICAL RESOURCES

Impacts to biological would be less than significant; therefore, mitigation is not warranted. However, although construction and operation of the Proposed Action and its alternatives would not be likely to adversely affect monarch butterfly populations, the Nation will implement a post-construction planting plan including milkweeds for larval development and native wildflowers for foraging.

4.5 CULTURAL RESOURCES

Impacts to cultural resources would be less than significant; therefore, mitigation is not warranted.

4.6 SOCIOECONOMIC CONDITIONS/ ENVIRONMENTAL JUSTICE

The Nation does not anticipate negative socioeconomic or fiscal effects of any sort. In fact, as discussed in Section 3.6, 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.

The Proposed Action and, to a lesser extent, Alternative 3 would mitigate past injustices to the Nation.

4.7 TRAFFIC AND TRANSPORTATION

Impacts to traffic would be less than significant; therefore, mitigation is not warranted.

4.8 LAND USE AND AGRICULTURE

Impacts to land use and agriculture would be less than significant; therefore, mitigation is not warranted.

4.9 PUBLIC SERVICES

Impacts to public services would be less than significant, cumulative impacts to public services, including schools and libraries, are not anticipated; therefore, mitigation is not warranted. The Nation will continue to pay for necessary community services it uses, and the Nation will explore cooperative agreements in regard to community service providers, including emergency services, to ensure that the Nation's properties and patrons of its businesses are adequately protected.

4.10 NOISE

Impacts to noise would be less than significant; therefore, mitigation is not warranted.

4.11 HAZARDOUS MATERIALS

As discussed above in Section 3.11, prior to any site development, an investigation and/or soil characterization should be completed to ensure proper handling of soil and/or groundwater during any future subsurface disturbance. Construction measures are available to mitigate the potential for impacts during any future development. Therefore, with the appropriate actions completed, no significant adverse impacts related to hazardous materials would result from the placement of the Nation's parcels into trust.

4.12 VISUAL RESOURCES

Impacts to visual resources would be less than significant; therefore, mitigation is not warranted.

5. CONSULTATION, COORDINATION, AND LIST OF PREPARERS

Where indicated, the consultation was initiated as part of the FEIS.

5.1 FEDERAL AGENCIES

LEAD AGENCY

U.S. Department of the Interior, Bureau of Indian Affairs
Mr. Leonard D. Rawlings, P.G., Regional Hydrologist
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

Regional Director
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN 37214

U.S. Department of the Interior (**FEIS**)
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

U.S. Fish and Wildlife Service (**FEIS**)
3817 Luker Road
Cortland, New York 13045

U.S. Fish and Wildlife Service – Information for Planning and Consulting

U.S. Environmental Protection Agency (**FEIS**)
Region 2
290 Broadway
New York, New York 10007-1866

U.S. Army Corps of Engineers (**FEIS**)
Buffalo District
1776 Niagara Street
Buffalo, New York 14207

5.2 STATE AND LOCAL AGENCIES

STATE

New York State Department of Environmental Conservation (**FEIS**)
625 Broadway
Albany, New York 12233

New York State Office of Parks, Recreation and Historic Preservation (**FEIS**)
State Historic Preservation Office (SHPO)
Agency Building #1, Empire State Plaza
Albany, New York 12238

New York State Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
Peebles Island
PO Box 189
Waterford, New York 12188-0189

New York Natural Heritage Program – Project Screening Request

Department of Environmental Conservation (**FEIS**)
Region 7 Office
615 Erie St. West
Avon, New York 14414-9519

New York State Department of Transportation (**FEIS**)
Records Access Office
1220 Washington Avenue, Room B-1
Albany, New York 12232

LOCAL

Cayuga County (**FEIS**)
Cayuga County Office Building
160 Genesee Street, 5th Floor
Auburn, New York 13021

Town of Springport (**FEIS**)
859 State Route 326
Cayuga, New York 13034

Village of Union Springs (**FEIS**)
P.O. Box 99
Union Springs, New York 13160

5.3 PREPARERS OF ENVIRONMENTAL ASSESSMENT

AKRF, Inc.

Project Principal: Ashley Ley, AICP

Project Manager: Gwen Sivorichi

Technical Staff: Alex Auld

Claudia Cooney

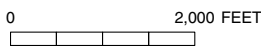
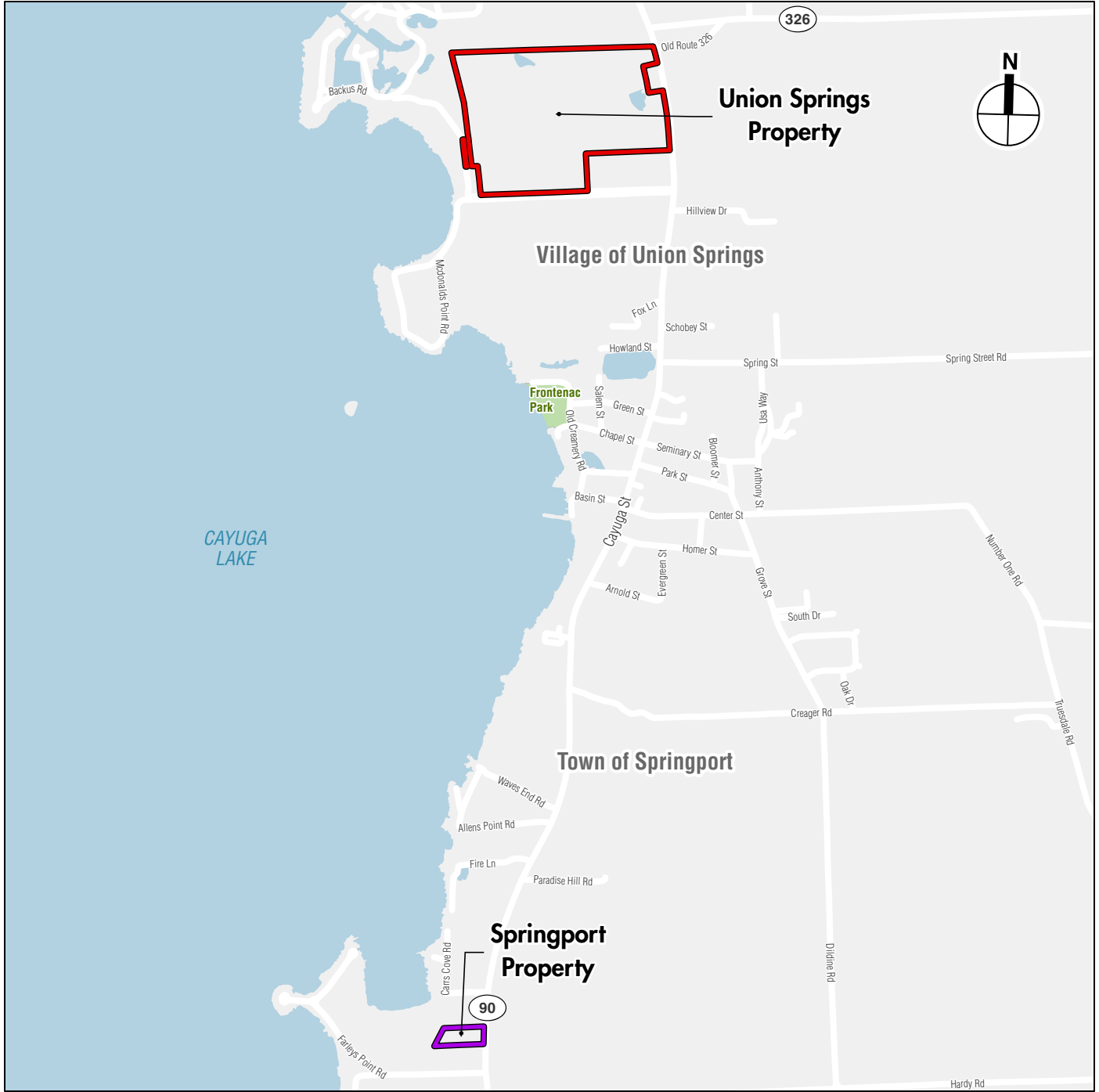
Lorianne DeFalco, AICP, LEED Green Associate

Jessica Hanlon

Madeleine Helmer, AICP

Bryan Zieroff, CPG, LEP

Figures



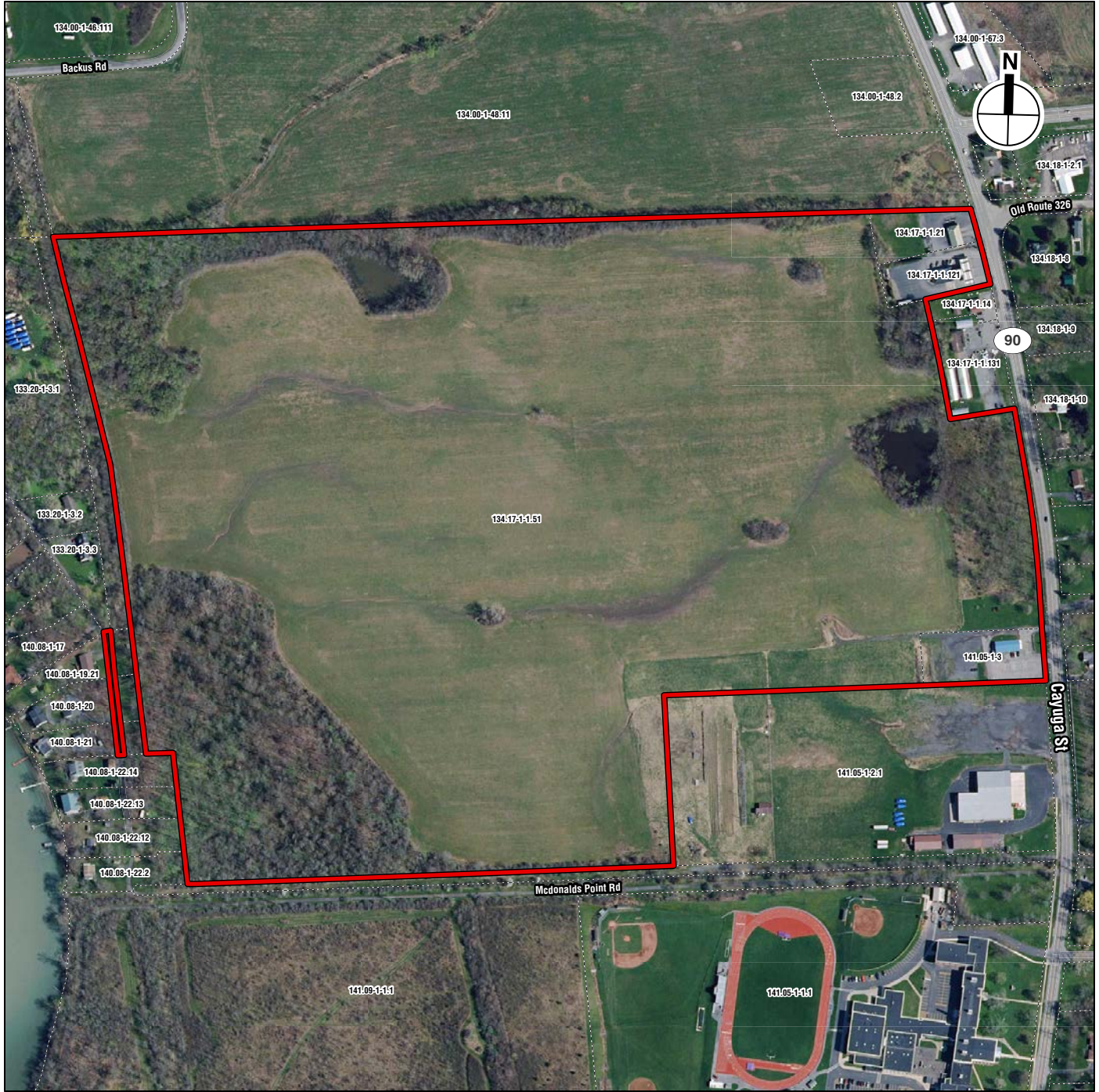
Project Site

-  Union Springs Property
-  Springport Property



5.20.22

Data sources: Cayuga County Real Property; Orthoimagery via NYS

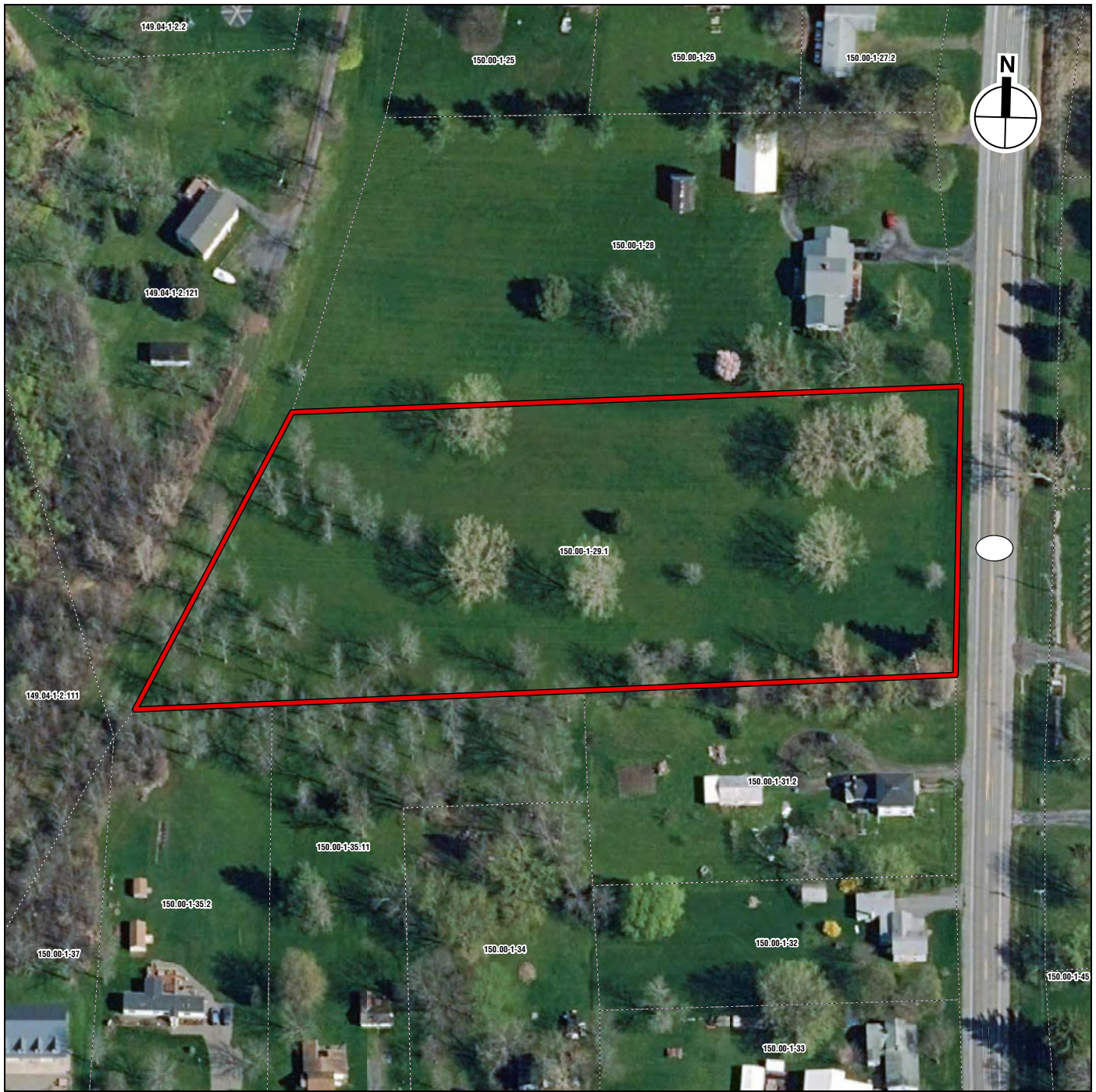


- Project Site
- Parcel Boundary

0 200 FEET

5.20.22

Data sources: Cayuga County Real Property; Orthoimagery via NYS



- Project Site
- Parcel Boundary

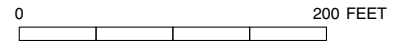




TABLE 1: SWALES

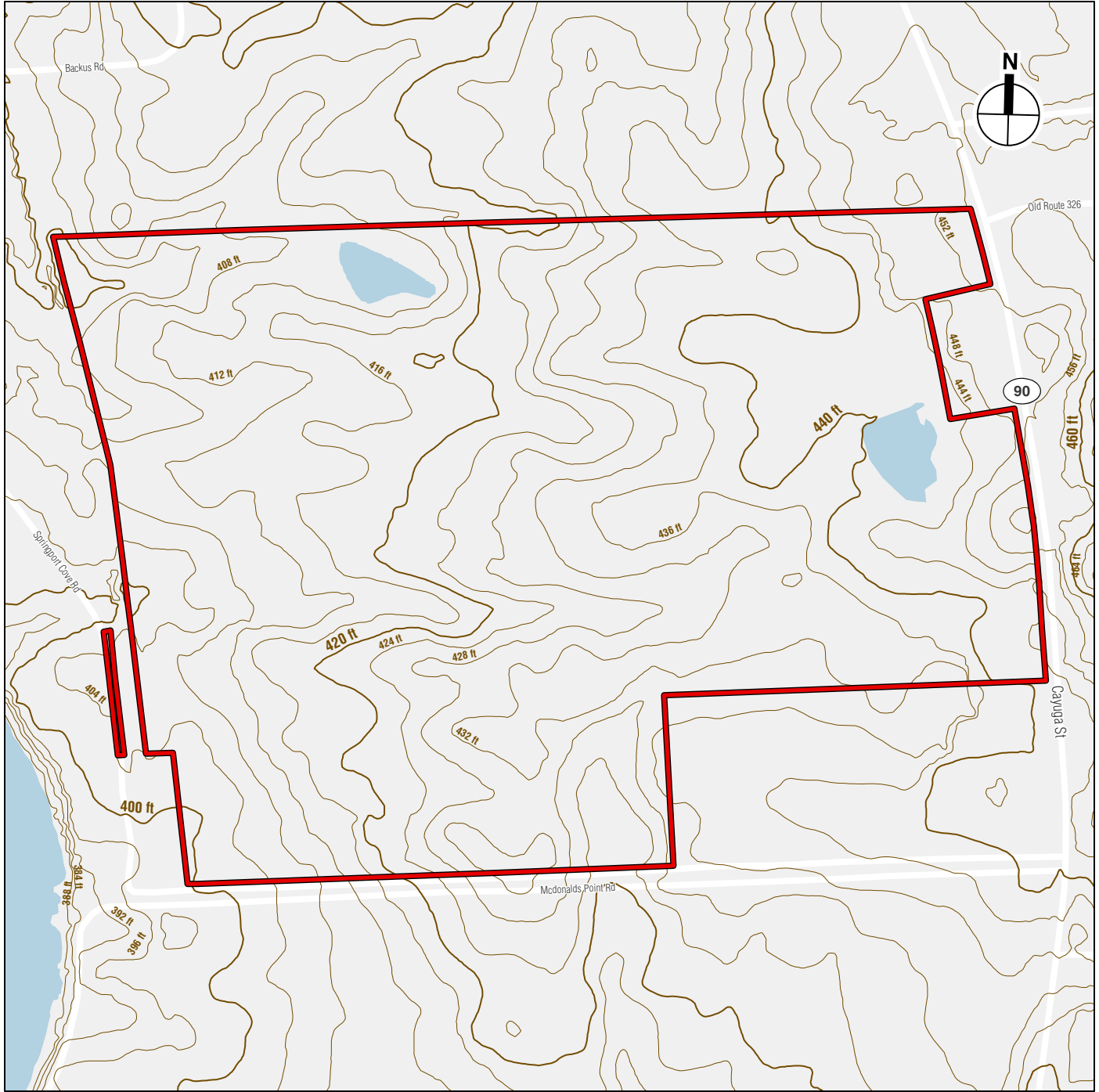
| SWALE NAME | LENGTH | BOTTOM WIDTH | DEPTH | SIDE SLOPE |
|-------------------|---------|--------------|-------|------------|
| DRY SWALE A | 145'-0" | 4'-0" | 1'-6" | 4:1 |
| VEGETATED SWALE B | 95'-0" | 2'-0" | 1'-6" | 3:1 |
| VEGETATED SWALE C | 100'-0" | 2'-0" | 1'-6" | 3:1 |

NOTE: REFER TO DETAIL C1/C-501 FOR THE CONSTRUCTION OF THE DRY SWALE



Proposed Gaming Facility and Parking Area
Figure 3

Data source: Cayuga County Real Property, <https://ocgis.cayugacounty.us/webapp/tma/>




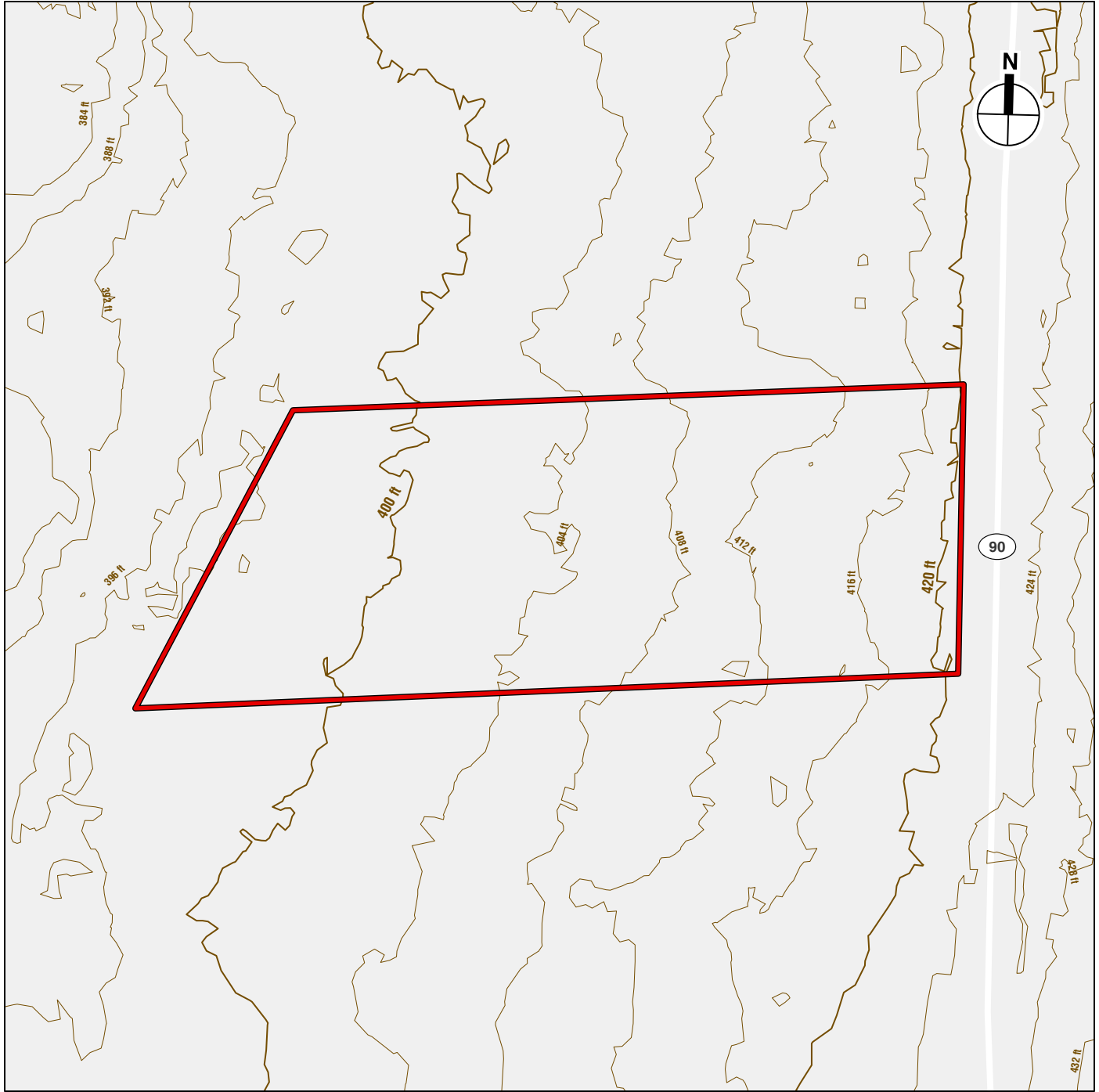
 Project Site

Elevation Contour

 20 feet

 4 feet

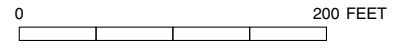
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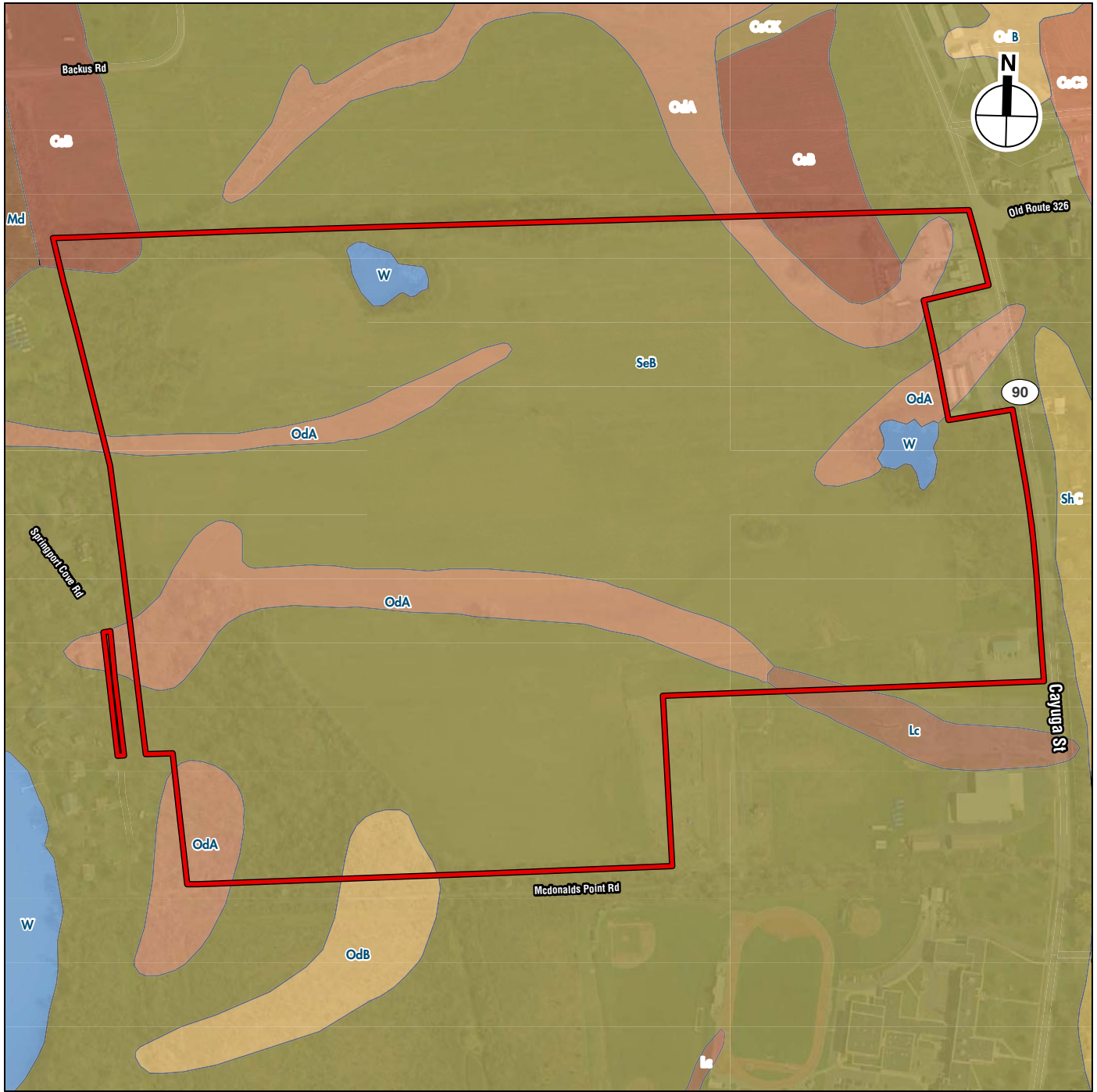
 Project Site

Elevation Contour

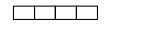
-  20 feet
-  4 feet








5.20.22
 Data sources: Cayuga County Real Property, U.S. Department of Agriculture, Natural Resources Conservation Service, October 2021 SSURGO








 Project Site

0 200 FEET


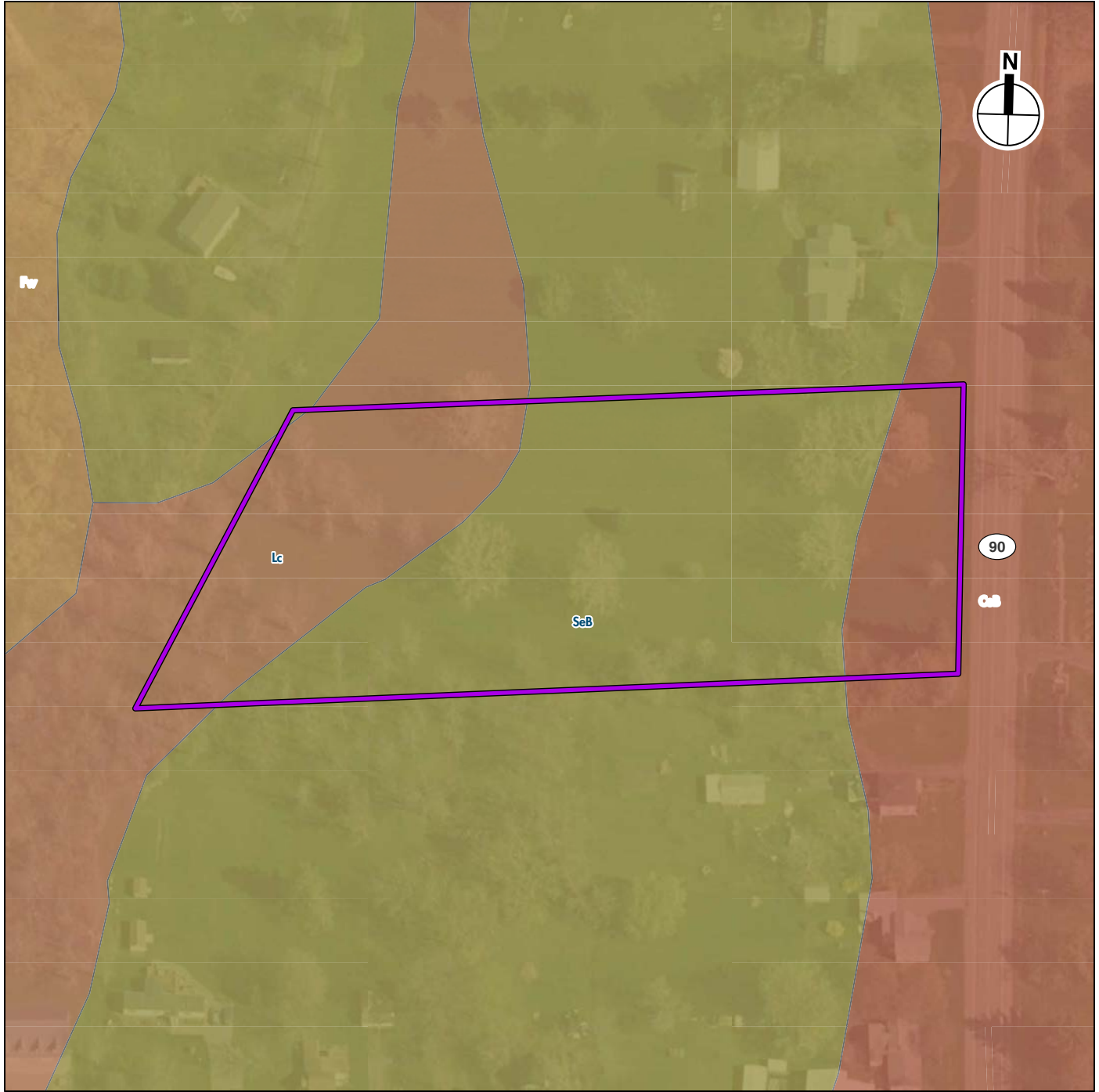
Soil Type

-  CeB (Cazenovia silt loam, 2 to 8 percent slopes)
-  CeC3 (Cazenovia silt loam, 5 to 14 percent slopes, eroded)
-  CeCK (Cazenovia silt loam, rolling)
-  Lc (Lakemont silty clay loam, 0 to 3 percent slopes)
-  Md (Made land, tillable)

-  OdA (Odessa silt loam, 0 to 3 percent slopes)
-  OdB (Odessa silt loam, 3 to 8 percent slopes)
-  SeB (Schoharie silt loam, 2 to 6 percent slopes)
-  ShC (Schoharie silty clay loam, 6 to 12 percent slopes)
-  W (Water)

CAYUGA NATION



Soils
 Union Springs Property
Figure 5a





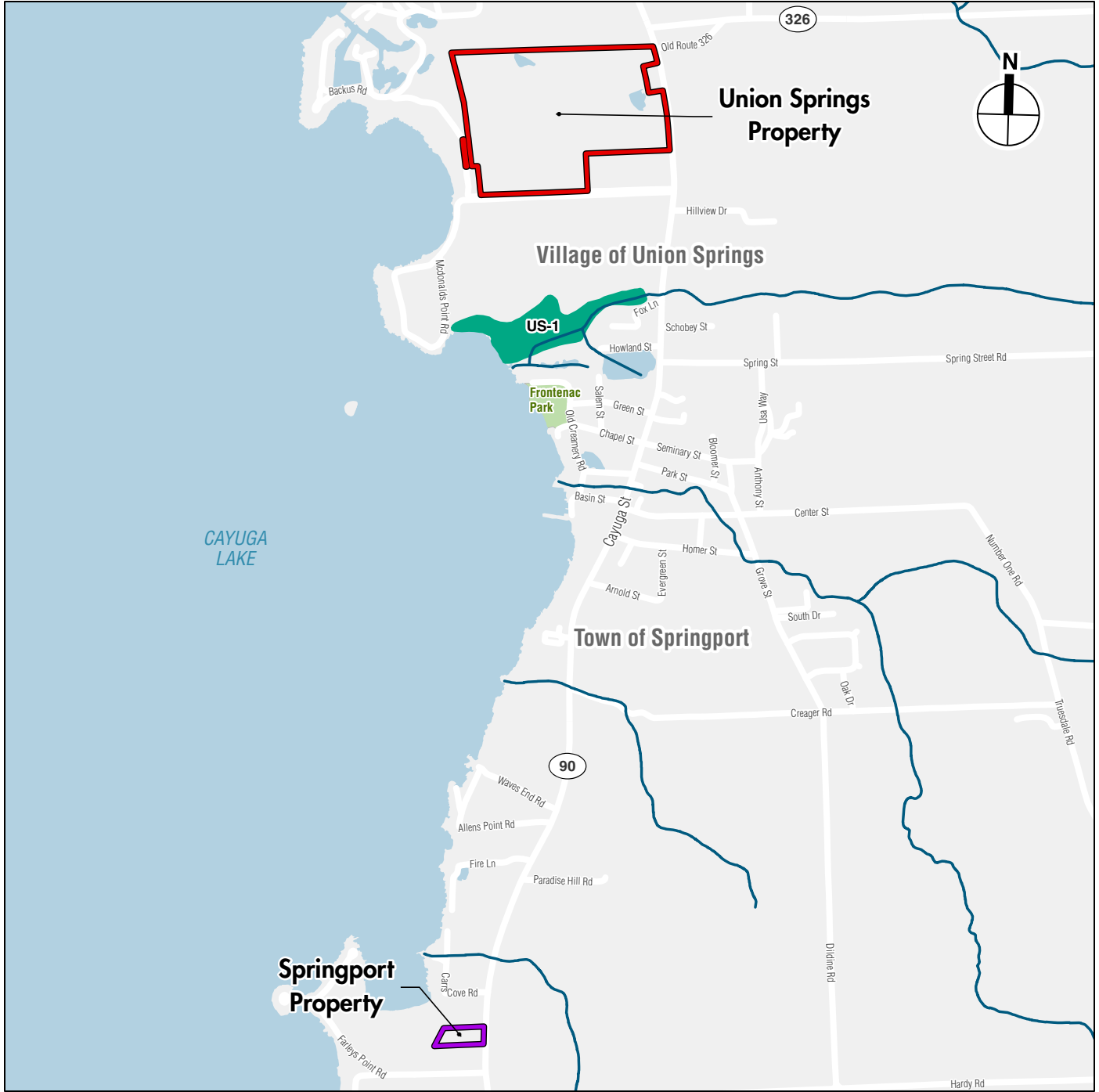
 Project Site

0 200 FEET

Soil Type

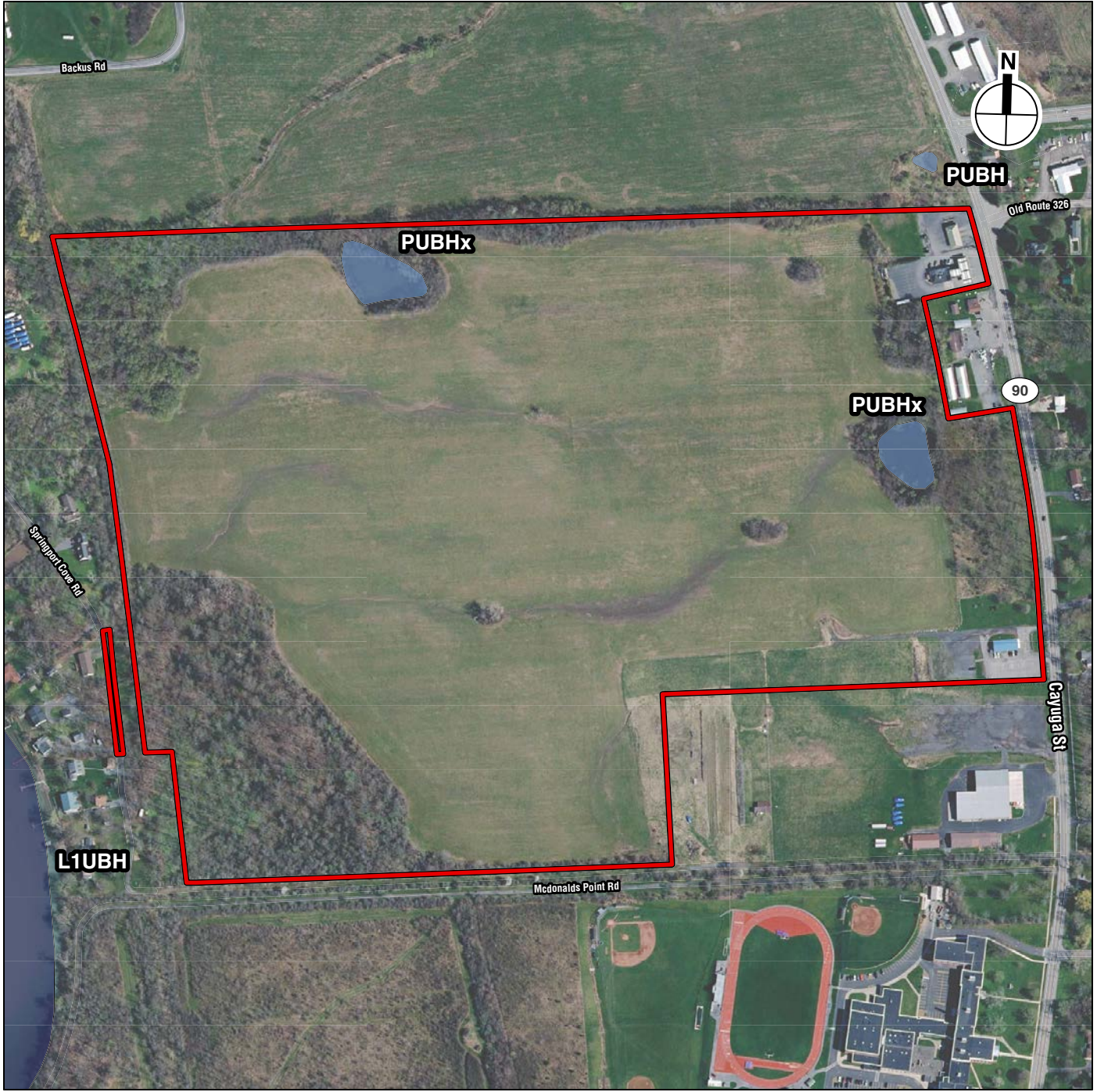
 CeB (Cazenovia silt loam, 2 to 8 percent slopes)
 Fw (Fresh water marsh)

 Lc (Lakemont silty clay loam, 0 to 3 percent slopes)
 SeB (Schoharie silt loam, 2 to 6 percent slopes)



-  Union Springs Property
-  Springport Property
-  Freshwater Wetland
-  NYSDEC Rivers and Streams (Minor Tribs to Cayuga Lake)

NYSDEC Water Resources
Figure 6

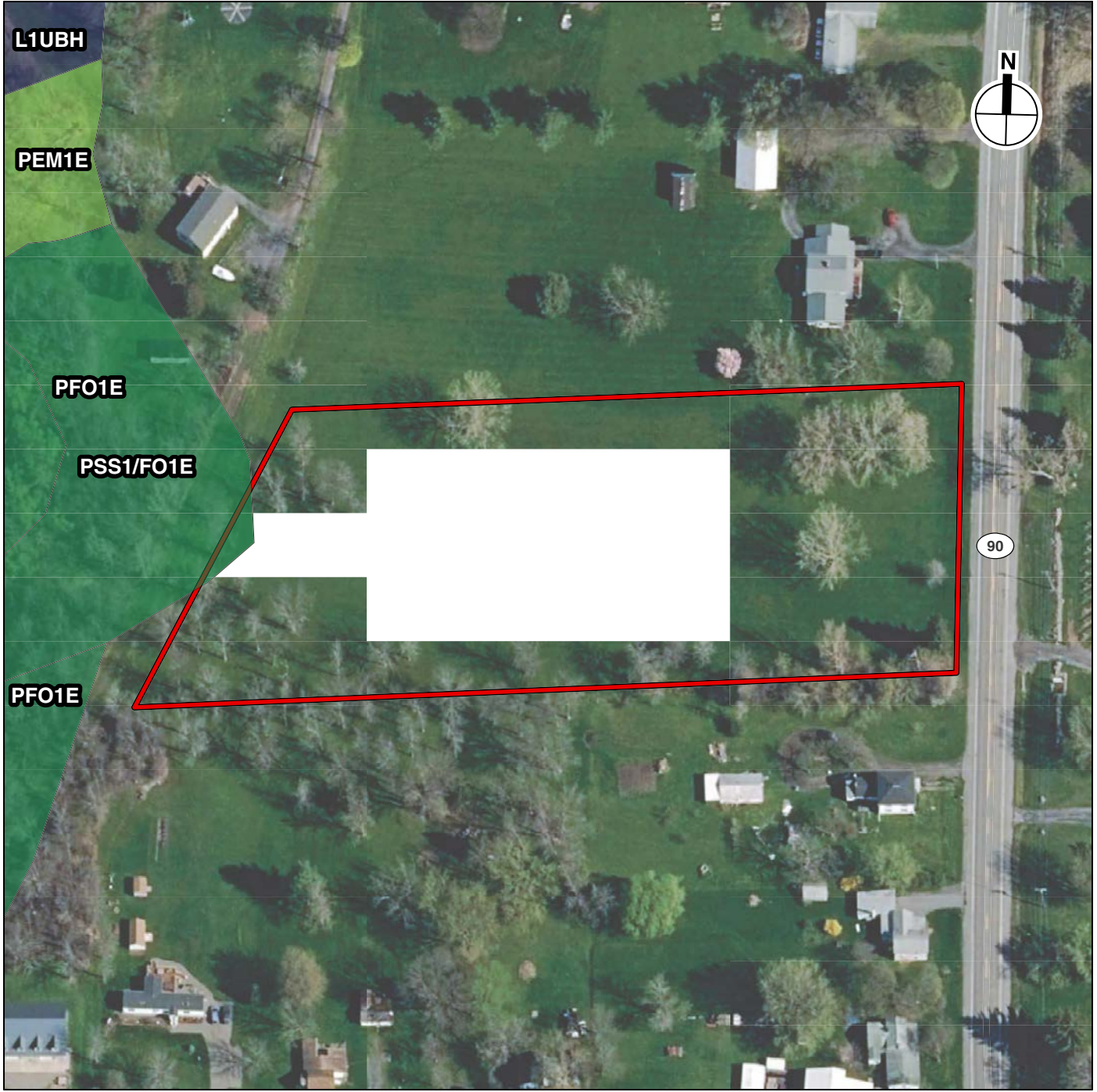






- Project Site
- Freshwater Pond (PUB, PAB)
- Lake (L)

0 200 FEET

5.20.22

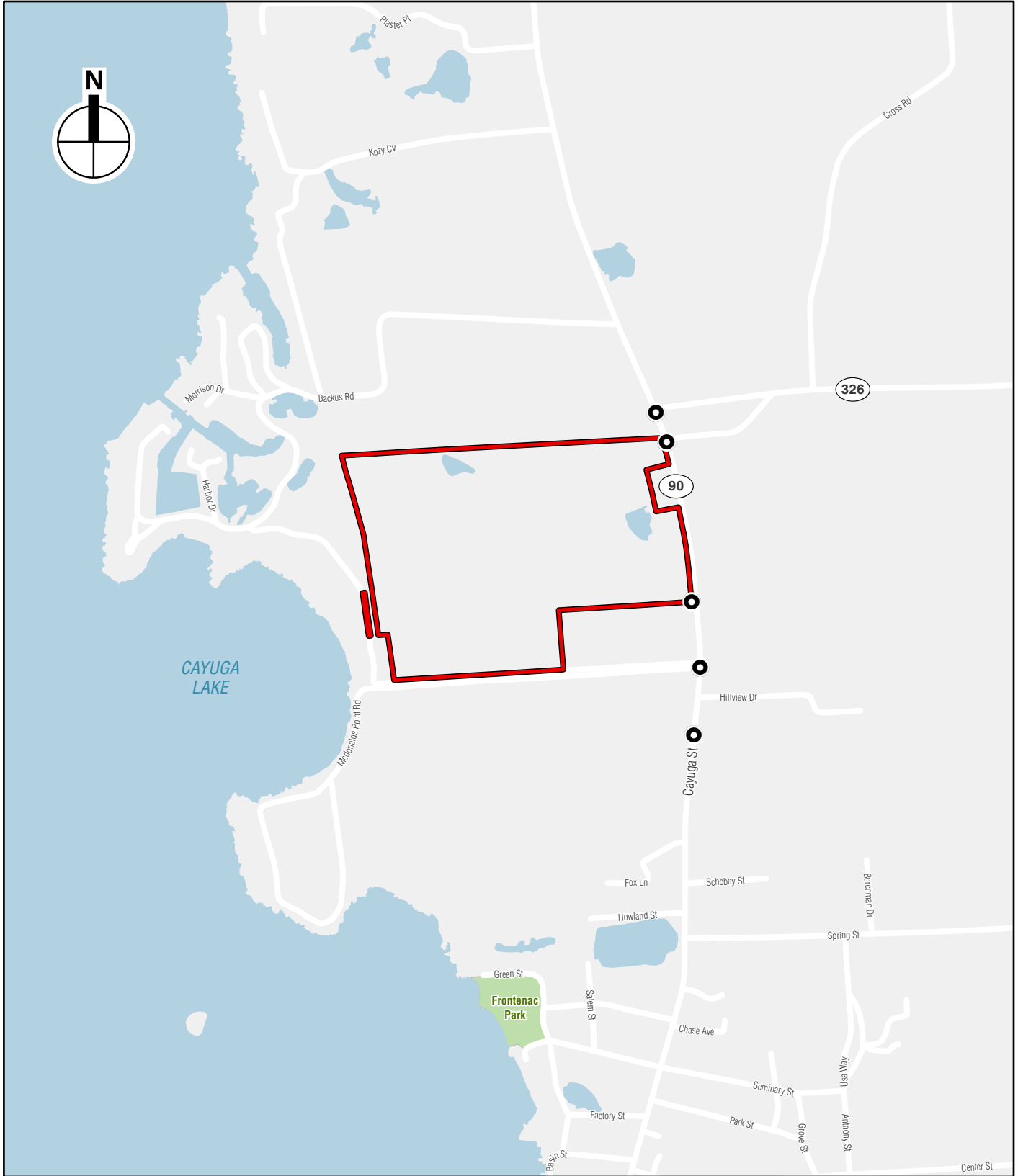
Data sources: U.S. Fish and Wildlife Services, December 2021; Orthoimagery via NYS



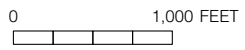
-  Project Site
-  Freshwater Emergent Wetland (PEM)
-  Freshwater Forested/Shrub Wetland (PFO, PSS)
-  Lake (L)

0 200 FEET

10.26.22

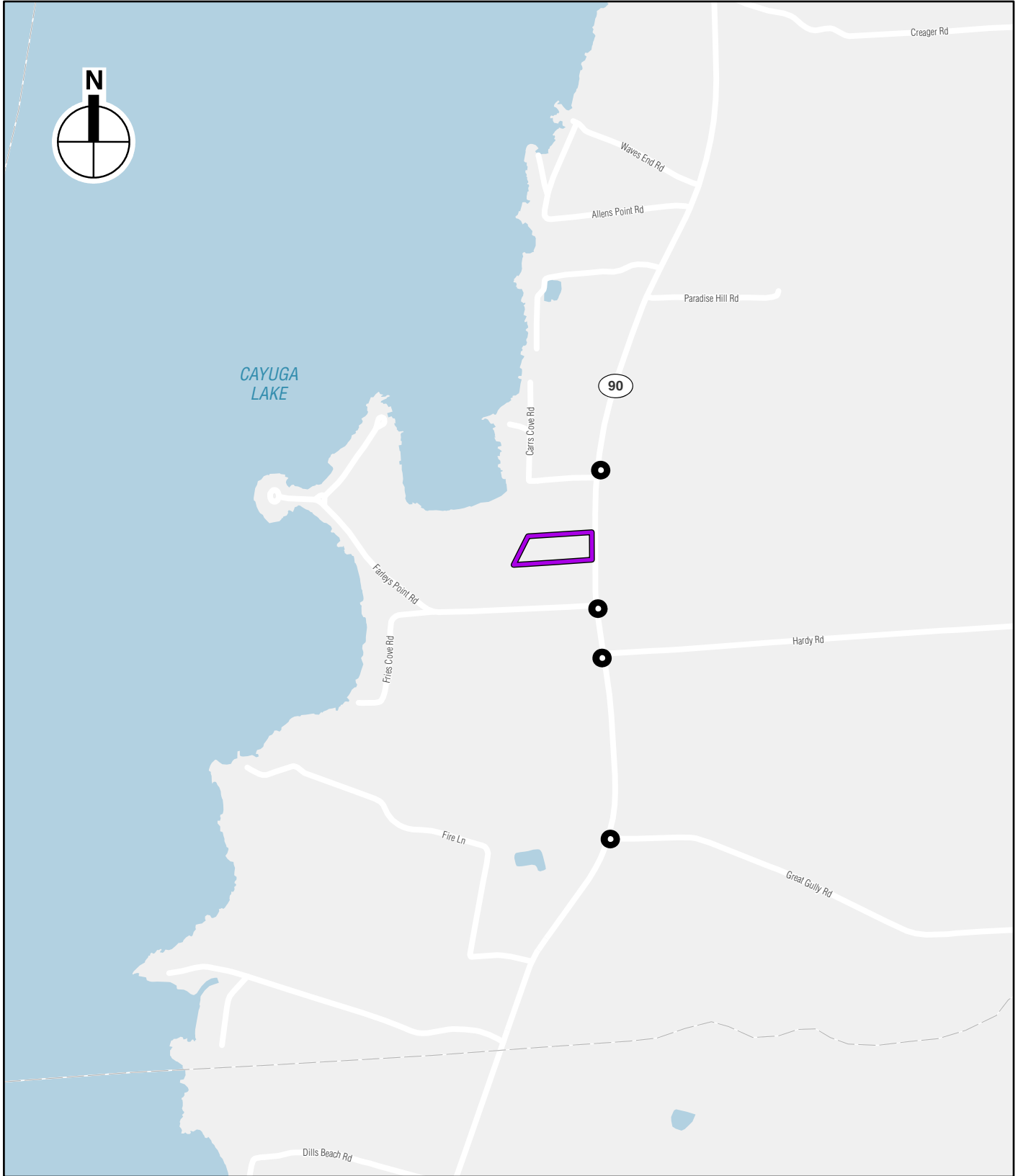


- Union Springs Property
- Intersection for screening/analysis



Union Springs Air Quality Screening and Analysis Locations
Figure 8a

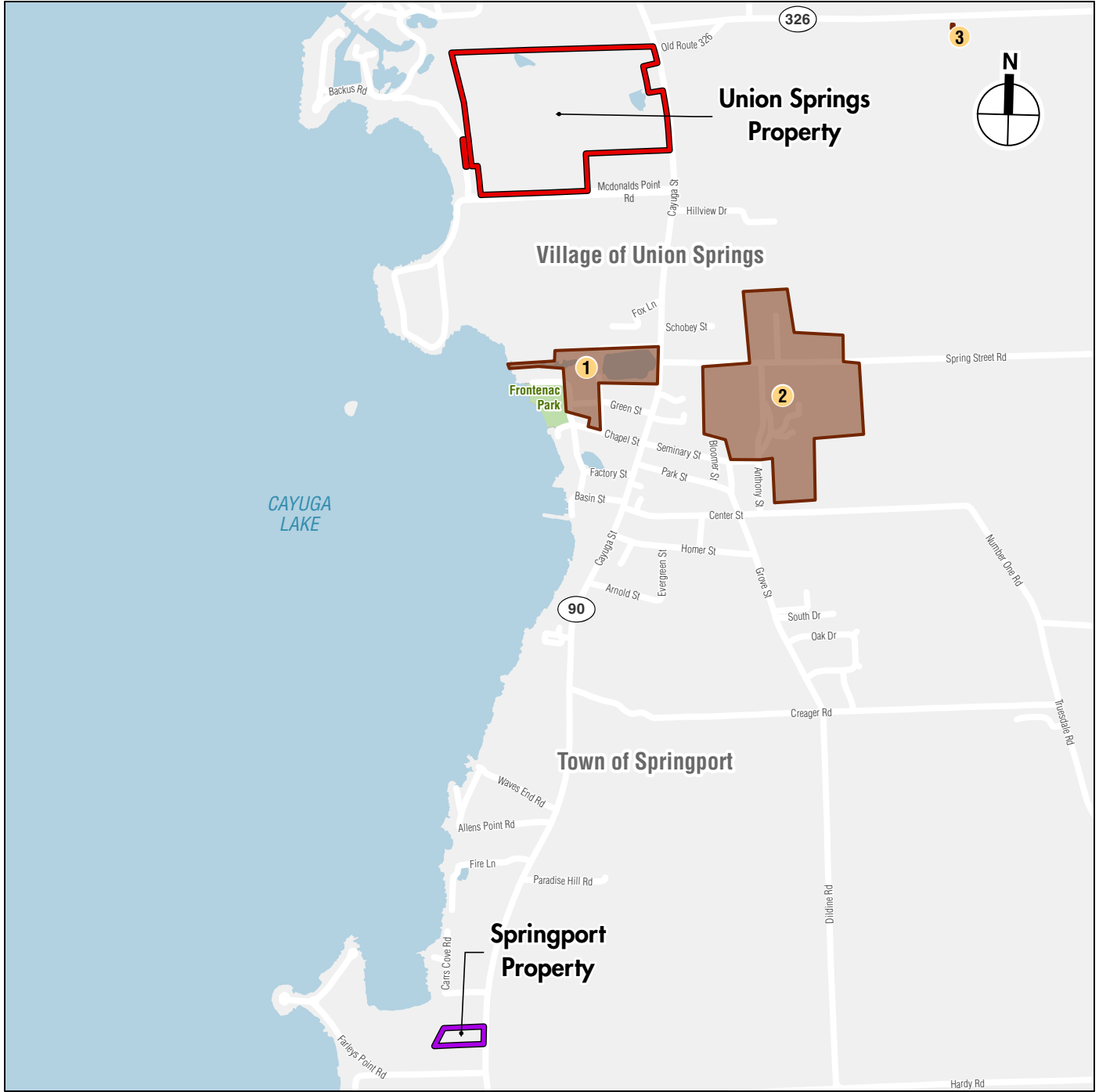
10.26.22



-  Springport Property
-  Intersection for screening/analysis

0 1,000 FEET

Springport Air Quality Screening and Analysis Locations
Figure 8b



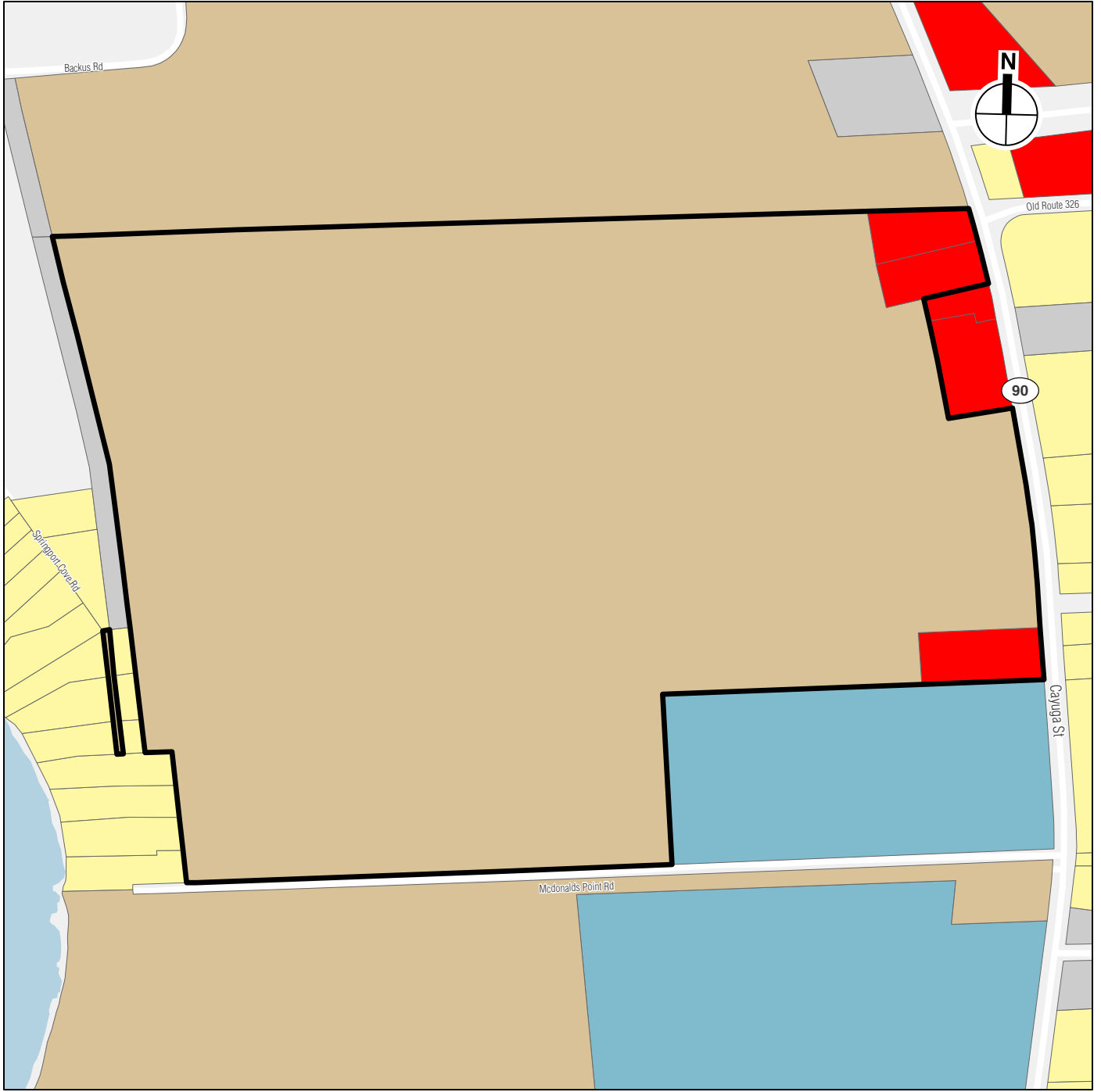
- Union Springs Property
- Springport Property
- 1 Architectural Resource

| MAP ID | NAME |
|--------|---------------------------------------------------------|
| 1 | Howland Mill Complex (S/NR-eligible) |
| 2 | Union Springs Academy Historic District (S/NR-eligible) |
| 3 | Schenk Farm (S/NR-eligible) |

Architectural Resources
Figure 9

5.20.22

Data source: Cayuga County Tax Parcels, 2022, <https://www.cayugacounty.us/1268/Tax-Maps>



Project Site

Land Use



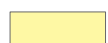
Agricultural



Commercial



Community Services



Residential

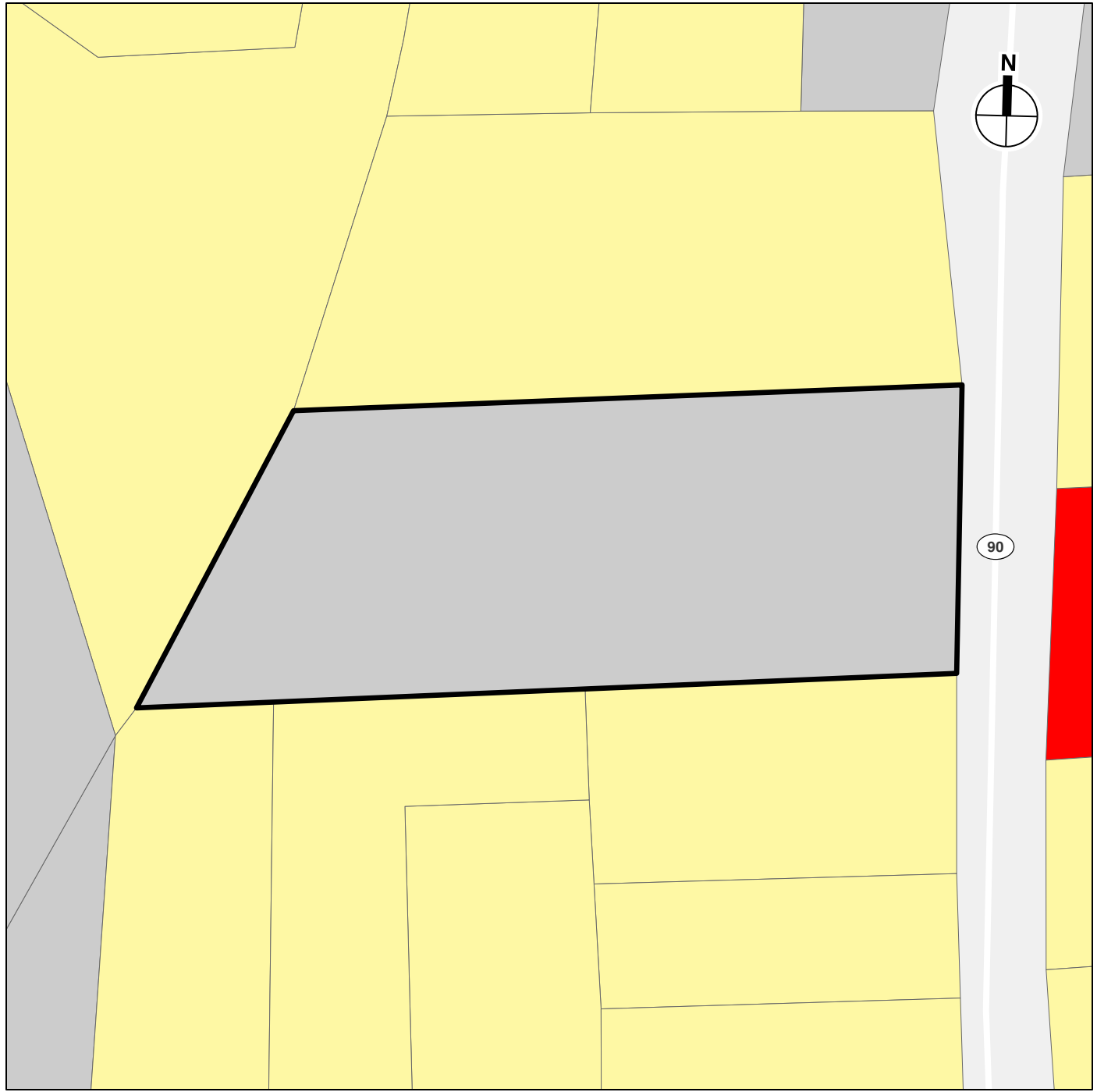


Vacant Land

0 200 FEET

5.20.22

Data source: Cayuga County Tax Parcels, 2022, <https://www.cayugacounty.us/1268/Tax-Maps>



Project Site

Land Use

 *Commercial*

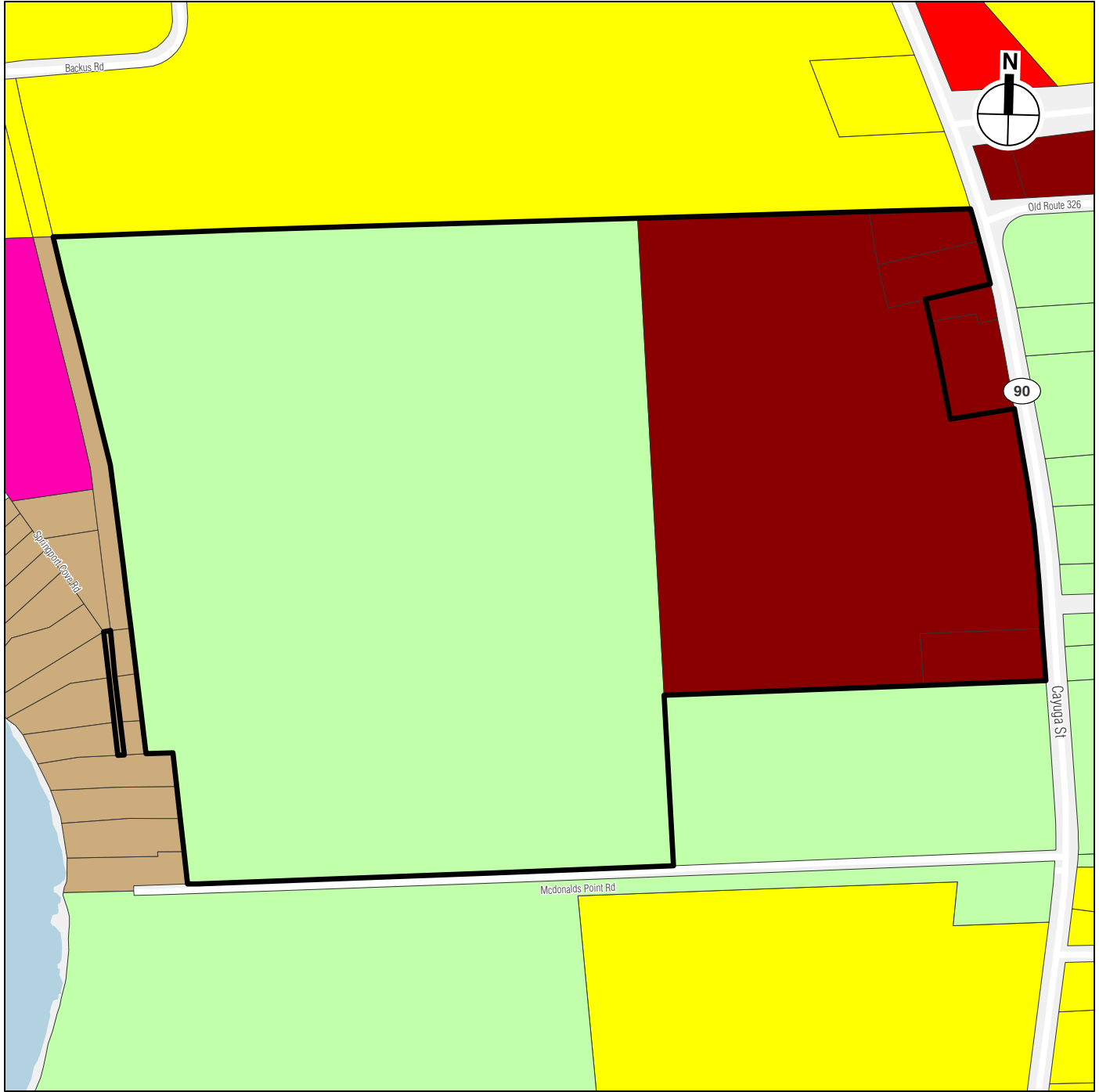
 *Residential*

 *Vacant Land*

0 200 FEET



Data sources: Cayuga County Real Property; Town of Springport; Village of Union Springs



Project Site

Zoning - Village of Union Springs

- Agricultural/Residential District
- Highway Commercial District
- Lakeside Residential District
- Residential District
- Waterfront Commercial District

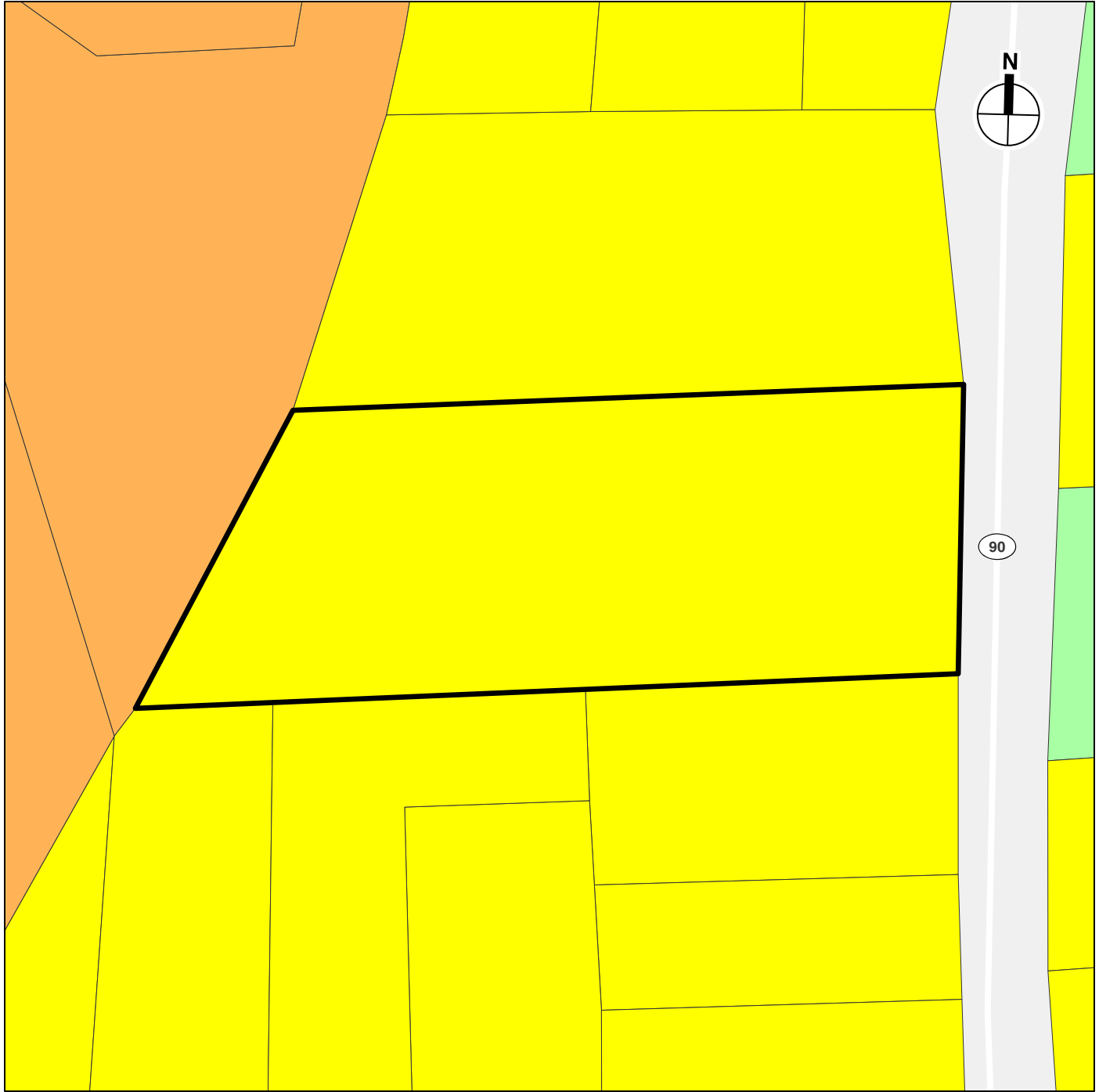
Zoning - Town of Springport

- Commercial District (C)
- Residential District (R1)

0 200 FEET

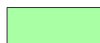
5.20.22

Data sources: Cayuga County Real Property; Town of Springport; Village of Union Springs



Project Site

Zoning - Town of Springport



Agricultural District (AG)



Residential District (R1)



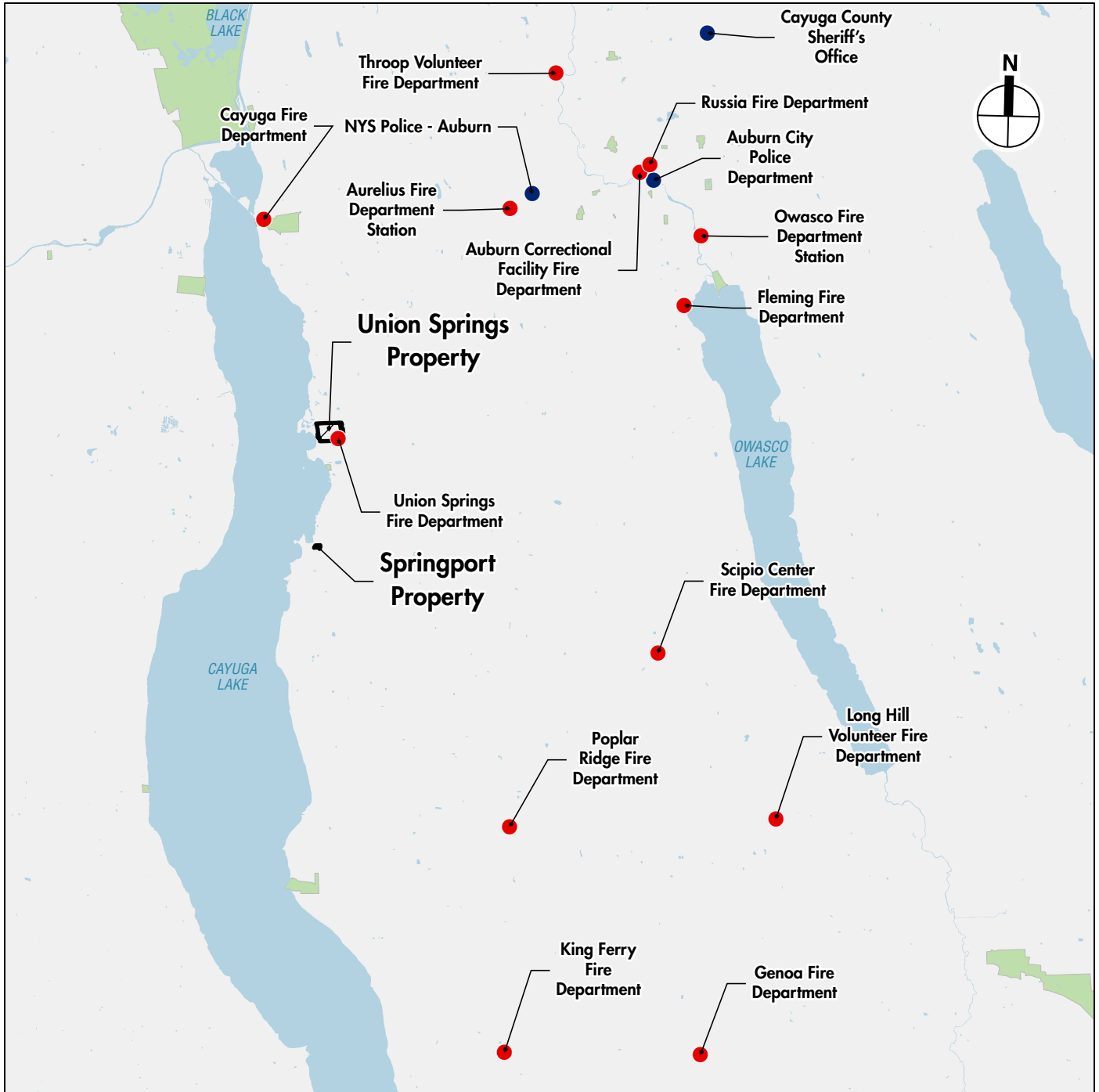
Waterfront Residential District (R2)




0 200 FEET




10.27.22

Data source: Cayuga County

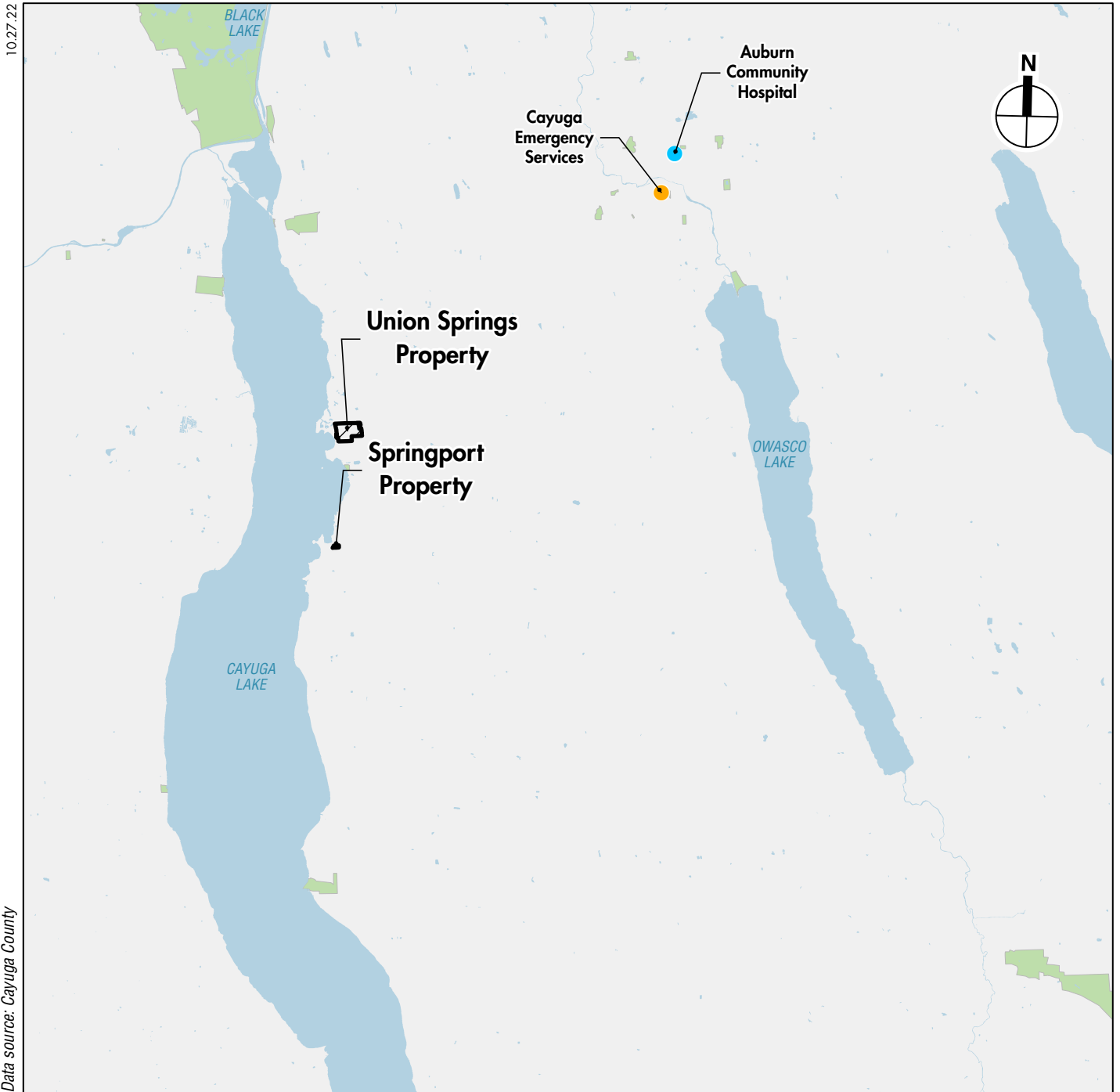


-  Project Site
-  Fire
-  Police

0 5 MILES



Community Facilities
Fire and Police
Figure 12a



-  Project Site
-  Emergency Services
-  Hospital

0 5 MILES



Community Facilities
Hospital and Emergency Services
Figure 12b

