

4.8 Resource Use Patterns

Section 3.8 Resource Use Patterns describes the use of resources in the Study Area in detail. This section addresses potential direct, indirect and cumulative effects to resource use patterns including hunting, fishing, and gathering; agriculture; mining; recreation; transportation; and land use plans and zoning. Section 4.1 Introduction established the context for defining criteria to determine the potential for a significant effect within any resource category. Specific significance criteria are presented below for each resource use category. Section 2.0 Alternatives and Section 4.1 Introduction establish and define the range of possible taxation and jurisdictional scenarios that could apply to lands not conveyed into trust.

4.8.1 Hunting, Fishing and Gathering

4.8.1.1 Significance Criteria

Several criteria were considering in determining whether the action or any of the alternatives could have a potentially significant effect to the Nation's use of hunting, fishing and gathering resources. Potentially significant adverse effects may occur if the action is likely to directly, indirectly or cumulatively:

- Affect the ability of the Nation to pursue and preserve cultural hunting, fishing and gathering practices and traditions for current and future generations on lands considered to be within their reservation and aboriginal homeland.

4.8.1.2 Overview

Oneida Nation

Hunting, fishing and gathering is a traditional Native American and Oneida practice. The Nation has been active in reconstituting these practices on its lands as they are representative of their culture, traditions and Haudenosaunee life ways. Preserving Oneida heritage and traditions for future generations of Nation members is an important part of the Nation's long range goals.

The Nation's Hunting Regulations govern "all activities arising out of or reasonably related to the hunting of any wild game...by members of the Oneida Nation". Enacted on November 4, 2002, the regulations require hunters to obtain from the Nation's Office of Public Safety a:

- Hunting License
- Field Registration Card

- Carcass Transportation Tag (for big game)
- Hunter's Vehicle Tag

The regulations also forbid hunting with certain weapons, such as crossbows, automatic weapons and pistols, and prohibit selling game and wasting animal meat. Using firearms with a silencer, hunting by artificial light, use of night scopes, dogs or snowmobiles for example are also prohibited. The Nation does not have the equivalency of regulations for fishing or gathering. As of November 4, 2005 the Nation did not have enforceable statutes posting specific bag limits and seasons for hunting and fishing on its lands although they are believed to generally regulate such activities by Nation members in accordance with State regulations. The Nation Office of Public Safety, Fish and Wildlife Conservation Unit monitors all hunting and fishing on Nation lands.

The Nation has designated (December 5, 2003) specific lands in Groups 2 and 3 (the "hunting and fishing sites") to be set aside primarily for hunting and fishing activities. Mostly, these sites surround active agricultural areas or around Nation member homes and in some cases, serve as conservation buffer and wildlife corridors. They include parcels in and around Irish Ridge and Germany Roads, Route 31, Peterboro Road, Route 46, Rich Road for hunting, and lands traversed by Oneida and Cowaselon Creeks for fishing. There are no lands supporting hunting, fishing or gathering in Group 1. The "sites" designated as hunting and fishing includes 2,235 acres in Group 2 and 1,993 acres in Group 3 for a total of 4,228 acres. Fishing "sites" on Nation lands associated with Cowaselon Creek would involve portions of Group 2 Parcels 288, 311 and 98 (Madison County). Those associated with Oneida Creek would include portions of Group 2 Parcels 138, 140 and 150 (Oneida County); portions of Group 3 Parcels 167, 168 and 315 (Madison *County*).

New York State

The New York State Department of Environmental Conservation (NYSDEC) also has regulations for hunting, fishing and trapping. Hunting is regulated under 6 NYCRR, Chapter I, Subchapter A, Parts 1-4 while trapping is regulated under Subchapter B, Parts 5 and 6. Other components of hunting and trapping (i.e. species propagation, items for sale, dog training etc.) as well as consideration unique to specially designated wildlife areas can be found in Subchapters G, H, I and J of 6 NYCRR Chapter I. Recreational fishing is regulated under 6 NYCRR, Chapter I, Subchapters C and D and commercial inland fisheries are regulated under Subchapter E. To legally fish recreationally in Oneida and Madison Counties, NYSDEC requires all state residents to possess a license for all inland water bodies. For licensed recreational fishermen, NYSDEC regulations determine which species can be legally caught as well as a variety of other species dependent factors that include seasonal, size and daily limit requirements. There are general statewide angling regulations and special fishing regulations for both Oneida and Madison Counties.

4.8.1.3 Direct Effects

Hunting, fishing and gathering activities are described in detail in Section 3.8.1. These activities, on lands considered part of its reservation and aboriginal homeland, are integral to the Oneida heritage. The proposed federal action does not involve construction or physical alteration to hunting, fishing and gathering lands. Potential direct effects to Oneida hunting, fishing and gathering activities differ among the alternatives depending upon which lands are conveyed into trust and whether the lands support such activities.

Alternative A. All 17,370 acres of land in Groups 1, 2 and 3 would be conveyed into trust and would secure a land base within the Oneida reservation and aboriginal homeland. Alternative A would accommodate all of the Nation's lands designated as hunting and fishing sites (totaling 4,228 acres). This includes 2,235 acres in Group 2 and 1,994 acres in Group 3. Of the Group 3 lands, approximately 685 acres are located in Madison County within the Stockbridge-Munsee claim area. Alternative A would have a direct beneficial effect to the Nation in that lands used for hunting and fishing would be secure from future foreclosure or alienation, preserving the ability of Nation members to participate in these activities.

Alternative B. An additional 17,630 acres of land could be conveyed into trust over time resulting in a total trust land area of 35,000 acres. Alternative B would involve the same parcels supporting Nation hunting and fishing activities as Alternative A. Alternative B would potentially have a greater beneficial effect to the Nation than Alternative A as they would have a larger land base within their reservation to practice hunting, fishing, and gathering activities.

Alternative C. Parcels located in Group 3 that support hunting, fishing, and gathering activities would not be conveyed into trust. Group 3 represents 1,993 acres or 47 percent of all hunting and fishing lands. Excluding Group 3 lands from being conveyed into trust would have a direct adverse effect to the Nation as their use and enjoyment of the lands for hunting, fishing, and gathering activities would not occur on lands that were subject to the Nation's control.

Alternative D. There are no hunting, fishing, and gathering activities supported on Group 1 lands. Excluding Group 2 and 3 lands from being conveyed into trust would have a direct adverse effect to the Nation as their use and enjoyment of the lands for hunting, fishing, and gathering activities would not occur on lands that were subject to the Nation's control.

Alternative E. The effects are the same as described for Alternative D.

Alternative F. Lands comprising all of Group 1 and the majority of Group 2 would be conveyed into trust along with some Group 3 lands. Although excluding these Group 3 parcels from being transferred into trust would have an affect on the Nation, the majority

of designated hunting, fishing, and gathering lands (3,294 acres or 78 percent of the total) would be accommodated by this alternative. Nevertheless, the loss of the remaining hunting, fishing and gathering lands not covered by this alternative would affect the restoration and preservation of Oneida culture and traditions.

Alternative G. None of the lands supporting hunting, fishing and gathering activities would be conveyed into trust. This would have a direct adverse effect to the Nation since they would not have control over any lands that support these activities. Absent of a secure land base within their reservation and aboriginal homeland, the connection that the Oneida have to the land would be broken. The Nation specifically purchased these lands because they were within their homeland where they wish to build and preserve their traditional culture. A tribe's aboriginal territory has cultural significance, which includes places for hunting, fishing, and gathering which transcends the physical nature and use of the property.

4.8.1.4 Indirect Effects

Hunting, fishing and gathering activities are described in detail in Section 3.8.1. The Proposed Action and the trust alternatives (B, C, D, E, and F) are described in Section 2.0 Alternatives. There are no on-going or planned development projects or facility expansions contingent on the Proposed Action or alternatives. In addition, the loss of the hunting and fishing lands would have an indirect effect to the Nation's ability to preserve its culture, restore and maintain its traditions. Conveyance of lands into trust would not indirectly affect fish and wildlife resources as the Nation's regulations govern the use and exploitation of fish and game species similar to the State.

Indirect effects may also result from excluding lands from being conveyed into trust depending on the taxation and jurisdiction scenario that is applied to that land. These taxation/jurisdictional scenarios are described in detail in section 4.1.3. Under the **Property Taxes Paid Scenario**, the Nation would retain title to lands not conveyed into trust but would not have sovereign control over those lands. The Nation would submit to the State hunting and fishing regulations on these lands. This could have an adverse affect on the Nation's ability to fully experience the cultural importance associated with hunting, fishing and gathering activities on those lands. Under the **Property Taxes Not Paid and Foreclosure** scenario, the Nation's lands would be foreclosed and would not be available to support any of the Nation's hunting, fishing and gathering activities. Nation members could hunt on non-Nation public lands designated for hunting but would have to follow applicable State regulations and licensing. Under the **Property Taxes Not Paid and Dispute Continues** scenario, the Nation would retain the lands and assert sovereign control over them. The Nation would continue to utilize its lands to support hunting, fishing and gathering activities as they have in the past. State and local enforcement of regulatory laws would remain in dispute. Under the **No Action Casino Closes and All**

Enterprises Close scenario, the Nation would lose its most significant source of revenue which would have a significant effect to its ability to assert sovereign control and manage lands containing and supporting hunting and fishing lands.

4.8.1.5 Cumulative Effects

Conveying some or all of the 4,228 acres of hunting and fishing lands into trust secures control over the designated sites and prevents restriction from future alienation. Past actions by others have adversely affected the Oneida's lifestyle and culture in New York State and can be traced back generations. Alienation of its lands resulted in generations of Oneida suffering socially, culturally, educationally and economically.

The lands proposed for conveyance into trust support the various needs of the Nation which includes hunting and fishing as both a recreational activity and a traditional Oneida practice. Absent of a secure land base to practice traditional life ways, which includes hunting and fishing, these past actions have affected their culture and still have residual present day effects within their community. Such effects affect not only the present generations but future generations as well. These effects have the potential for occurring again absent of a secure land base to preserve them from future alienation. The Nation's on-going and future projects would continue to support their ability to protect these resources and to use them to celebrate the Oneida's cultural heritage. Foreseeable actions proposed by others are documented in Section 4.1.6. Implementation of these projects would not interfere with the Nation's use of their lands for hunting, fishing and gathering activities and would not result in a cumulative impact to these resources.

4.8.2 Agriculture

4.8.2.1 Significance Criteria

Several criteria are considered in determining whether the Proposed Action or any of the alternatives, including the No Action Alternative, could result in a potentially significant adverse effect to the use of agricultural resources. Potentially significant adverse effects may occur if the action is likely to directly, indirectly, or cumulatively:

- Result in a permanent change in land use that would affect the current or future use of lands that are currently used for agricultural purposes or are identified as being within an Agricultural District or contain soils that have been identified as important agricultural resources.

4.8.2.2 Direct Effects

Implementation of the Proposed Action or any of the alternatives, including the No Action Alternative, would not result in any alteration to the use of agricultural lands on non-Nation lands. Alternatives which do not convey the Nation's agricultural lands into trust

would have a direct adverse effect to the Nation. The 17,370 acres proposed for conveyance into trust contain approximately 6,291 acres of land that is classified as prime farmland, 5,385 acres classified as prime farmland – if drained, and 3,121 acres classified as farmland of statewide importance, as shown in Tables 3.5.5.A-1 and 3.5.5.A-2. The Nation uses these lands for livestock grazing and boarding (Heifer Hotel, Parcel 210, Group 3), growth of traditional crops (white corn, beans, squash, pumpkin, tobacco; Parcels 133 & 211, Group 3) used in ceremonial activities, and cultivation of non-traditional crops (barley, yellow corn, wheat, oats, hay) by the Nation or through lease arrangement to other farmers in the region. The Nation's livestock operations are operated and managed to supply high quality Black Angus beef to the Nation's restaurants at the Turning Stone Resort & Casino. Some Black Angus beef product is also sold into the local marketplace.

Not having sovereign control over the agricultural lands included in Groups 1, 2, and 3 would result in a direct adverse effect to the Nation associated with inability to cultivate traditional crops, using traditional methods, on lands under the Nation's sovereign control and within the Nation's aboriginal homeland. The Nation uses these crops as part of an established children's and elder's cultural program in which traditional recipes and ceremonial uses for white corn and other crops are taught to Nation members, especially children.

Alternative A. All 11,451 acres of agricultural lands currently utilized by the Nation, and located in Groups 1, 2 and 3 would be conveyed into trust. Accordingly, the Nation would be able to continue all aspects of its extensive agricultural operations including livestock production, growth of traditional crops used in ceremonial activities, and cultivation of non-traditional crops by the Nation or through lease arrangement. Continuation of these activities on lands within their aboriginal homeland would represent a direct beneficial effect to the Nation for both cultural and financial reasons.

Alternative B. An additional 17,630 acres of land could be conveyed into trust over time resulting in a total area of Nation lands equal to 35,000 acres. Alternative B would involve the same agricultural enterprises as those described in Alternative A, as well as agricultural resources potentially located on the additional lands. The large amount of lands within this additional area would likely be utilized for crop and/or livestock production. These properties, all within the Oneida reservation and aboriginal homeland, would be acquired into trust at some point in the future. The effects to regional agricultural resources would be similar to those described in Alternative A but greater given the area of land involved.

Alternative C. Groups 1 and 2 encompass 5,490 acres of lands used by the Nation for crop and livestock production (1,549 acres of Group 1 lands and 3,941 acres of Group 2 lands). Approximately 6,042 acres located in Group 3 would not be conveyed into trust.

Group 3 contains many of the Nation's most important agricultural lands including the Nation Garden, plots for growing white corn, the Heifer Hotel, and pasture for the Nation's Black Angus beef herd. This would have an adverse effect to the Nation.

Alternative D. Group 1 contains only 1,549 acres of the Nation's agricultural lands and none of its lands that are utilized for livestock production. These limited agricultural lands are utilized primarily to provide a buffer of open space surrounding the Turning Stone Resort & Casino but are also used for agriculture, primarily through crop leasing agreements. Under this alternative, the majority (approximately 9,902 acres) of the Nation's lands would not be conveyed into trust. This would have an adverse effect to the Nation.

Alternative E. Under this alternative, none of the Nation's agricultural lands would be conveyed into trust. This would have a significant adverse effect to the Nation as they would not have control over any of the lands used to support important cultural activities.

Alternative F. Group 1 lands, the majority of Group 2 lands, and some of the Group 3 lands would be conveyed into trust. Under this alternative, approximately 7,168 acres of the Nation's agricultural lands would be conveyed into trust; however, a large part of the Group 3 lands of the Nation's agricultural lands and some of those in Group 2 accounting would not be conveyed into trust. This would have an affect on the Nation but the effect would be less than significant.

Alternative G. None of the lands containing agricultural resources would be conveyed into trust. Under the No Action Alternative, none of the Nation's agricultural lands would be transferred into trust. This would have a significant adverse effect to the Nation since they would not have control over lands utilized for cultivation of traditional ceremonial crops.

4.8.2.3 Indirect Effects

The Proposed Action and the trust alternatives (B, C, D, E, and F) are described in Section 2.0 Alternatives. There are no on-going or planned development projects or facility expansions contingent on the Proposed Action or alternatives. Indirect effects would result from excluding lands from being conveyed into trust depending on the taxation and jurisdiction scenario that is applied to that land. These taxation/jurisdictional scenarios are described in detail in section 4.1.3.

Under the **Property Taxes Paid Scenario**, the Nation would retain title to lands not conveyed into trust but would not have sovereign control over those lands. The Nation would submit to the State and county agricultural regulations on its lands. The effects to Nation would be less than significant as they would still have the use of the lands to use for agricultural purposes. However, the effects to the Nation from an economic

standpoint would be significant if the agricultural enterprises were to be rendered economically infeasible.

Under the **Property Taxes Not Paid and Foreclosure and the No Action Casino Closes and All Enterprises Close** scenarios, the Nation's lands would be foreclosed and would not be available to support any of the Nation's agricultural activities. The loss of the Nation's agricultural resources would have an indirect effect to the Nation associated with the potential loss of a revenue source to the Nation and the inability to recuperate its capital investments in the development of its agricultural enterprises. The Nation's agricultural operations are well integrated into the agricultural industry of the surrounding region and, as a result, the Nation's loss of the use of its lands may have indirect effects to the surrounding agricultural and livestock producers. For example, the Nation owns the second largest herd of Black Angus cattle in New York. Disruption of the supply of Angus beef from the Nation's herd and the loss of the livestock boarding capacity at the Nation's Heifer Hotel may have indirect effects to the livestock industry of Madison and Oneida Counties. In addition, the Nation sells its excess crops, particularly corn, to local farmers for feed in cattle operations and its leases some of its agricultural lands to other local farmers for crop production. These indirect effects of the cessation of the Nation's agricultural operations to the agricultural industry of Madison and Oneida Counties could be significant.

In addition, lands that become fallow could be reduced in productivity. Structures such as barns and silos once not in use would fall into disrepair unless another entity was to resume agricultural activities on these lands.

Under the **Property Taxes Not Paid and Dispute Continues** scenario, the Nation would retain the lands and assert sovereign control over them. The Nation would continue to utilize its lands to support agricultural activities as they have in the past. State and local enforcement of regulatory laws would remain in dispute.

4.8.2.4 Cumulative Effects

Past actions by the Nation that are related to agricultural resource use include, as described previously, the raising of livestock, grazing and boarding of livestock, growth of traditional crops used in ceremonial activities, and cultivation of non-traditional crops by the Nation or through lease arrangement. The Nation's ongoing and reasonably foreseeable activities include the continuation of agricultural activities already described. It is likely that the Nation's livestock production may grow over this time as the Nation may seek to increase the size of its Black Angus herd given the success of this operation to date. Similarly, the Nation may also seek to increase the production of traditional and non-traditional crops on its lands. The Nation has no plans to convert its agricultural lands to other uses.

The Proposed Action (Alternative A), each of the other alternatives (Alternatives B through F) including No Action would not result in any significant cumulative effects to regional agricultural resources or State and local governments' ability to protect these resources.

4.8.3 Mining

4.8.3.1 Significance Criteria

Several criteria are considered in determining whether an Action or any of its alternatives, including the No Action Alternative, result in a potentially significant adverse effect to the use of mining resources. Potentially significant adverse effects may occur if the action is likely to directly, indirectly, or cumulatively:

- Increase the use or intensity of lands set aside for mining operations;
- Contravene mining regulations that are protective of human health and the environment;
- Restrict future extraction of known mineral resources; or
- Initiate new mining operations on or adjacent to Nation lands.

4.8.3.2 Direct Effects

Implementation of the Proposed Action or any of the alternatives, including the No Action Alternative described in Section 2.0, would not result in any direct alteration to mining resources on Nation lands, on adjacent non-Nation lands or on any lands within the Towns or Counties in the Study Area. The only lands used for mineral extraction on Nation property is the operation known as the Pratt Sand and Gravel Quarry located on Parcel 94 (Group 2). Two inactive sand and gravel quarries are located on Group 3 lands (Parcels 218 and 294). No new mining operations would be created on or off Nation lands as a result of the Proposed Action.

4.8.3.3 Indirect Effects

Implementation of Alternatives A, B, and C would not result in any activity that would indirectly result in modification of the current use of the quarry or activities on adjacent non-Nation lands. Implementation of these alternatives would not result in an adverse indirect effect to the use of mineral resources in the region. Under Alternatives A, B, and C, the Nation would continue operations of the quarry (Parcel 94, Group 2), at its current low level. Although the Nation operates the quarry as one of its enterprises and sells sand and gravel locally, the majority of materials excavated have been used for Nation activities.

Alternatives D through G exclude the quarry from conveyance into trust and could have an effect to this enterprise. Alternatives that do not convey Parcel 94 into trust would fall into three potential taxation/jurisdictional scenarios -- **Property Taxes Paid, Property Taxes Not Paid – Foreclosure, and Property Taxes Not Paid - Dispute Continues** -- as described in Section 4.1.

Under the **Property Taxes Paid** scenario, the Nation would retain ownership of the quarry, and State and local jurisdiction would apply to its operation. State mining regulations pursuant to Article 23 of the NYS ECL would apply. Under the **Property Taxes Not Paid – Foreclosure** and **No Action Casino Closes and All Enterprises Close** scenario, the Nation would not pay property taxes on the quarry and, as a result, the land could be foreclosed on by the Counties or Towns, or they could be alienated. The Nation would not retain ownership and would have no property rights on the quarry. State and local jurisdiction would apply. Under this scenario, it is likely that the quarry would discontinue operation and demand for sand and gravel would be met by other suppliers in the region. Under the **Property Taxes Not Paid - Dispute Continues** scenario, the Nation would retain control over the quarry. The Nation and State’s ability to enforce mining and environmental regulatory laws and policies would remain in dispute. The Nation would continue to operate the quarry at its current low level and would support the Nation’s future projects and activities.

4.8.3.4 Cumulative Effects

Past actions by the Nation that related to mineral resource use include the operation of the sand and gravel quarry, primarily to supply materials for the construction of the Turning Stone Resort & Casino with a small amount sold into the local and regional marketplace. Mining of sand and gravel from this quarry is ongoing with a low level of sand and gravel extraction. The Nation’s ongoing and reasonably foreseeable plans would likely maintain this low level of sand and gravel extraction.

4.8.4 Recreation

4.8.4.1.1 Significance Criteria

Two criteria are considered in determining if an action or any alternatives would result in a potentially significant effect to recreation. Potentially significant adverse effects may occur if the action is likely to directly, indirectly, or cumulatively:

- Result in a likely increase in the demand for recreation opportunities like local or regional parks or other recreational facilities such that a burden is placed on these resources to such extent that the facility is deteriorated or availability of the resource is compromised; or

- Result in an effect to the use and enjoyment of Nation owned recreational facilities or lands by Nation and non-Nation members alike.

4.8.4.2 Direct Effects

Implementation of the Proposed Action and any of the alternatives would not result in any alteration to the physical nature or use of recreational areas on Nation lands, on adjacent non-Nation lands or on any lands within the Towns or Counties in the Study Area.

Therefore, implementation of the Proposed Action or any of the Alternatives, including the No Action Alternative, would not have a direct effect to the condition, demand for, or use of recreational areas in the region.

4.8.4.3 Indirect Effects

Implementation of the Proposed Action or any of the Alternatives could have an indirect effect to the Nation and non-Nation members that utilize recreational resources owned and operated by the Nation. These indirect effects depend on the associated taxation and jurisdiction scenario that are applied to lands not conveyed into trust.

Under the **Property Taxes Paid** scenario, the Nation would retain ownership of the lands although they would not be under sovereign control. The Nation could continue to use the lands for recreational activities. No indirect effect to the resource would result.

Under the **Property Taxes Not Paid and Foreclosure** scenario, the Nation would no longer have access to recreational lands set aside specifically for Nation members. This would have an effect to Nation members even though they could pursue recreational opportunities on non-Nation lands. Certain recreational resources owned by the Nation, such as the Nation's public access marina facilities are available for use by non-Nation members. Foreclosure of these properties could have an adverse effect as similar marina facilities are limited in the Sylvan Beach area. Under the **No Action Casino Closes and All Enterprises Close** scenario, the Turning Stone Resort & Casino would close. This facility is a unique gaming and resort facility that is available to non-Nation members. Closing this facility would have a significant adverse effect to patrons of the casino and resort as similar recreational amenities are unavailable in Central New York State.

Property Taxes Not Paid and Dispute Continues (PTNP-DC): The Nation would retain title to the lands and assert sovereign control over them. The Nation would continue to assert its regulations and manage lands as it has in the past. The Nation, State and County/local governments would assert jurisdiction over the lands would remain in dispute. Recreational lands would continue to be used as they are currently being used and no effect to recreational use patterns would occur.

4.8.4.4 Cumulative Effects

Past actions by the Nation that may have affected the use of recreation resources include the building of the Turning Stone Resort & Casino and the upgrading of the Marion Manor Marina and Snug Harbor Marina. The Nation continues to maintain the use of these recreational facilities, which are open to both Nation members and the public.

The Nation's ongoing and reasonably foreseeable plans, described in Section 2.0, do include some limited development projects, some of which may be associated with the use of recreational resources. Over the next five years these additional facilities would include an indoor/outdoor swimming pool, a new poker room reconfigured on the existing gaming floor, and completion of an approximately 15,000 square foot spa, currently underway. These facilities will add recreational opportunities and may have an effect to the use of current facilities.

4.8.5 Transportation

This section provides a description of the direct, indirect and cumulative effects to the transportation system that would be expected as a result of the alternatives described in Section 2.0. The Proposed Action and alternatives are considered to have a significant effect to transportation operations if they:

- Cause a substantial increase in traffic relative to existing volumes.
- Exceed acceptable levels of service (LOS) established by NYSDOT.

4.8.5.1 Direct Effects

The Proposed Action (Alternative A) and the five trust alternatives (Alternatives B, C, D, E and F) will not have a direct effect to transportation. The land trust transfer, in itself, will not affect land use and the associated trip generation or transportation operations.

Therefore, the analysis of direct effects focuses on the No Action alternative.

Under the No Action Alternative (Alternative G), the Turning Stone Resort and Casino, SavOn gas stations and convenience stores and the Nation marinas will cease operations. For traffic analysis purposes under the No Action Alternative, it is assumed that all traffic associated with the existing Nation enterprises would be removed from the surrounding transportation system.

Transportation Analysis Zones

The reduction in trip generation associated with the closure of Nation facilities under the No Action Alternative is summarized in Table 4.8-1. It is assumed that the Turning Stone Resort & Casino, all SavOn gas stations and convenience stores, and the marinas would cease operations under the No Action alternative. Nation member housing and facilities serving Nation members (Ray Elm Children and Elders Center, Shako:wi Cultural Center, and a member gymnasium) would continue to operate.

With the exception of TAZ 10, traffic associated with Nation lands would be negligible. TAZ 10, which includes the Village of the White Pines, Ray Elms Children and Elders Center, Shako:wi Cultural Center and the member gymnasium, is the only location that has a noticeable volume of traffic. Although Nation related traffic is approximately 31% of the total traffic on NYS Route 46, this route is currently operating below capacity (refer to Section 3.8.5).

**Table 4.8-1
Future Volume Comparison by TAZ under the No Action Alternative**

TAZ ID	Volumes Generated by Nation Lands ¹	Major Roadway Associated With TAZ	Peak Hour Volumes on Major Roadway	% of Major Roadway Volumes Associated with Nation Lands
1	0	NYS RT 365	1665 ²	0
2	1	NYS RT 31	536	0
3	2	NYS RT 31	536	0
4	1	Not Available	Not Available	0
5	2	NYS RT 31	536	0
6	1	NYS RT 13	668	0
7	5	NYS RT 31	552	1
8	3	NYS RT 5	856	0
9	4	NYS RT 5	1186	0
10	175	NYS RT 46	558	31
11	3	NYS RT 46	548	0%

Notes: ¹Refer to Trip Generation Appendix

²Refer to Trip Generation Appendix

Source: C&S Engineers, Inc.

Turning Stone Resort & Casino Area

Since the Turning Stone Resort & Casino generates a significant amount of traffic in a centralized location, compared to the majority of lands owned by the Nation, a more detailed traffic analysis was performed for the roadways and intersections adjacent to the Turning Stone Resort & Casino.

Under the No Action Alternative (Alternative G), the Turning Stone Resort & Casino and two SavOn gas stations and convenience stores located in TAZ 1 will cease operations. It is assumed that the Verona Greens project (described in Section 4.1) would still be developed; however, the closure of the Turning Stone Resort & Casino may impact implementation of these plans. The resulting No Action Alternative (Alternative G) peak hour volumes are summarized in Figure 4.8-1. The future (2011) intersection operations under the No Action Alternative (Alternative G) are shown in Table 4.8-2 and Figure 4.8-2. Detailed capacity analysis and associated reports are provided in Appendix F: Synchro Reports – Capacity/LOS Analysis.

Under the No Action Alternative (Alternative G), the intersection of NYS Route 365 and the main resort entrance would be reduced to through movements on Route 365 with no conflicting traffic. A traffic signal would no longer be warranted at this location. The loss of traffic traveling to and from the Turning Stone Resort & Casino and SavOn gas stations and convenience stores would result in an improved LOS for the intersections of NYS Route 365 with Patrick Road, I-90 Exit 33 and Route 31.

**Table 4.8-2
Direct Effects LOS & Queue Summary**

		DIRECT EFFECTS (ALT. G)	
		LOS (DELAY)	QUEUE LENGTH (FT)
BEACON LIGHT RD/SARENSKI & ROUTE 31			
EASTBOUND BEACON LIGHT RD	LT/THRU/RT	C (16.0)	45
WESTBOUND SARENSKI RD	LT/THRU/RT	C (15.8)	12
NORTHBOUND ROUTE 31	LT/THRU/RT	A (2.2)	4
SOUTHBOUND ROUTE 31	LT/THRU/RT	A (0.0)	0
ROUTE 365 & ROUTE 31			
EASTBOUND ROUTE 365	LT	C (33.4)	112
	THRU	B (11.7)	107
	RT	B (10.0)	21
WESTBOUND ROUTE 365	LT	C (27.8)	78
	THRU	B (13.6)	144
	RT	B (11.3)	22
NORTHBOUND ROUTE 31	LT	C (24.2)	47
	THRU	C (29.4)	92
	RT	C (23.9)	33
SOUTHBOUND ROUTE 31	LT	C (23.0)	35
	THRU	C (33.1)	96
	RT	C (23.8)	26
INTERSECTION AVERAGE LOS (DELAY)		B (19.3)	
ROUTE 365 & THRUWAY EXIT 33			
EASTBOUND ROUTE 365	LT	C (24.2)	53
	THRU	C (25.7)	91
WESTBOUND ROUTE 365	LT	C (30.4)	#187
	THRU	B (19.5)	80
	RT	A (9.9)	28
NORTHBOUND EXIT 33	LT	C (30.2)	#145
	THRU	C (26.5)	116
SOUTHBOUND VERONA GREENS	LT	C (22.3)	#140
	THRU	C (21.4)	109
	RT	B (13.4)	16
INTERSECTION AVERAGE LOS (DELAY)		C (23.3)	
ROUTE 365 & CASINO ENTRANCE			
EASTBOUND ROUTE 365	THRU		
	RT		
WESTBOUND ROUTE 365	LT		
	THRU		
NORTHBOUND CASINO ENTRANCE	LT		
	RT		
INTERSECTION AVERAGE LOS (DELAY)			
ROUTE 365 & PATRICK RD/WILLOW PL			
EASTBOUND ROUTE 365	LT	C (27.7)	15
	THRU/RT	A (5.0)	79
WESTBOUND ROUTE 365	LT	C (25.5)	19
	THRU/RT	A (3.9)	69
NORTHBOUND PATRICK RD	LT/THRU	C (25.6)	22
	RT	C (20.6)	8
SOUTHBOUND WILLOW PL	LT/THRU/RT	C (25.4)	10
INTERSECTION AVERAGE LOS (DELAY)		A (7.2)	

- 95TH PERCENTILE VOLUME EXCEEDS CAPACITY, QUEUE MAY BE LONGER. QUEUE SHOWN IS MAXIMUM AFTER 2 CYCLES

m - VOLUME FOR 95TH PERCENTILE QUEUE IS METERED BY UPSTREAM SIGNAL

Source: C&S Engineers

4.8.5.2 Indirect Effects

An indirect effect of the Proposed Action and Alternatives B through F would be the continued growth in visitors and employees at the Turning Stone Resort & Casino. The existing facility is not being fully utilized and can accommodate visitor growth without increasing the facility size.

Trip generation equations presented in the May 2002 Institute of Transportation Engineers (ITE) Journal article, “Recalibration of Trip Generation Model for Las Vegas Hotels/Casinos” were used to calculate vehicle trips associated with full utilization of the hotel and casino. Trip generation for the golf courses and dome were based on rates in the ITE Trip Generation Manual. Trip generation for the event center was calculated based on a sold-out show. Refer to the Trip Generation appendix for detailed documentation.

Driveway counts at the existing facility, conducted in August 2006, indicate an average pm peak hour volume of 1,455 vehicle trips. Full utilization of the facility would increase evening average peak hour trips to approximately 2,115, an increase of 45%. It should be noted that this trip generation estimate is conservative, considering the Nation’s projected increase in visitation over the same period is 25%. The resulting peak hour volumes are summarized in Figure 4.8-3. The future (2011) intersection operations are shown in Table 4.8-3 and Figure 4.8-4. To accommodate future traffic demands associated with Verona Greens and growth at the Turning Stone Resort & Casino, a second left turn lane is required exiting I-90 Exit 33 to NYS Route 365. With this modification and optimal signal timing, all Study Area intersections will operate at acceptable levels of service. Detailed capacity analysis and associated reports are provided in Appendix F: Synchro Reports – Capacity/LOS Analysis.

**Table 4.8-3
Indirect Effects LOS & Queue Summary**

		INDIRECT EFFECTS		INDIRECT EFFECTS W/ MITIGATION*	
		LOS (DELAY)	QUEUE LENGTH (FT)	LOS (DELAY)	QUEUE LENGTH (FT)
BEACON LIGHT RD/SARENSKI & ROUTE 31					
EASTBOUND BEACON LIGHT RD	LT/THRU/RT	C (17.7)	52	C (17.7)	52
WESTBOUND SARENSKI RD	LT/THRU/RT	C (17.1)	13	C (17.1)	13
NORTHBOUND ROUTE 31	LT/THRU/RT	A (2.3)	5	A (2.3)	5
SOUTHBOUND ROUTE 31	LT/THRU/RT	A (0.0)	0	A (0.0)	0
ROUTE 365 & ROUTE 31					
EASTBOUND ROUTE 365	LT	D (53.5)	#213	D (53.5)	#213
	THRU	B (15.1)	173	B (15.1)	173
	RT	B (11.3)	26	B (11.3)	26
WESTBOUND ROUTE 365	LT	C (28.3)	81	C (28.3)	81
	THRU	C (30.3)	#313	C (30.3)	#313
	RT	B (13.8)	21	B (13.8)	21
NORTHBOUND ROUTE 31	LT	C (29.1)	#94	C (29.1)	#94
	THRU	C (24.6)	#105	C (24.6)	#105
	RT	C (21.4)	34	C (21.4)	34
SOUTHBOUND ROUTE 31	LT	C (21.0)	36	C (21.0)	36
	THRU	C (28.7)	#115	C (28.7)	#115
	RT	C (22.2)	32	C (22.2)	32
INTERSECTION AVERAGE LOS (DELAY)		C (26.0)		C (26.0)	
ROUTE 365 & THRUWAY EXIT 33					
EASTBOUND ROUTE 365	LT	D (54.9)	#180	D (41.8)	#154
	THRU	E (78.9)	#344	D (35.4)	251
WESTBOUND ROUTE 365	LT	D (47.6)	#263	D (47.7)	#253
	THRU	C (32.1)	306	C (25.0)	262
	RT	B (12.9)	29	B (11.1)	27
NORTHBOUND EXIT 33	LT	F (124.9)	#555	D (41.1)	#212
	THRU	C (29.7)	162	C (29.9)	151
SOUTHBOUND VERONA GREENS	LT	D (38.9)	160	D (41.6)	#176
	THRU	D (47.7)	#192	D (36.4)	#163
	RT	C (27.7)	94	C (22.8)	88
INTERSECTION AVERAGE LOS (DELAY)		E (59.5)		C (33.1)	
ROUTE 365 & CASINO ENTRANCE					
EASTBOUND ROUTE 365	THRU	C (29.0)	294	C (29.0)	294
	RT	C (21.3)	m4	C (21.3)	m4
WESTBOUND ROUTE 365	LT	C (23.5)	#399	C (23.5)	#399
	THRU	A (2.4)	100	A (2.4)	100
NORTHBOUND CASINO ENTRANCE	LT	C (33.6)	61	C (33.6)	61
	RT	B (13.1)	153	B (13.1)	153
INTERSECTION AVERAGE LOS (DELAY)		B (16.7)		B (16.7)	
ROUTE 365 & PATRICK RD/WILLOW PL					
EASTBOUND ROUTE 365	LT	D (35.9)	24	D (35.9)	24
	THRU/RT	C (26.2)	191	C (26.2)	191
WESTBOUND ROUTE 365	LT	D (47.7)	#436	D (47.7)	#436
	THRU/RT	A (9.7)	150	A (9.7)	150
NORTHBOUND PATRICK RD	LT/THRU	C (33.0)	131	C (33.0)	131
	RT	B (10.4)	122	B (10.4)	122
SOUTHBOUND WILLOW PL	LT/THRU/RT	C (24.9)	15	C (24.9)	15
INTERSECTION AVERAGE LOS (DELAY)		C (24.8)		C (24.8)	

- 95TH PERCENTILE VOLUME EXCEEDS CAPACITY, QUEUE MAY BE LONGER. QUEUE SHOWN IS MAXIMUM AFTER 2 CYCLES

m - VOLUME FOR 95TH PERCENTILE QUEUE IS METERED BY UPSTREAM SIGNAL

* - MITIGATION INCLUDES ADDITIONAL LEFT TURN LANE FOR NORTHBOUND TRAFFIC & SIGNAL TIMING CHANGES AT EXIT 33 I-90

Source: C&S Engineers



Toll Booth Plaza

As noted in Table 3.8-15 Booth Capacity Summary, the exiting ticket booths are starting to approach capacity under existing operations in the evening peak period. As a result, peak exiting queues of approximately 20 to 35 vehicles were observed.

In addition to general background traffic growth at the I-90 Exit 33 toll plaza, the Verona Greens development is anticipated to generate 160 trips entering and 173 trips exiting the plaza during the evening peak hour. Future visitor and employment growth at the Turning Stone Resort & Casino is anticipated to generate 50 trips entering and 130 trips exiting the plaza during the evening peak hour. The resulting projected peak hour volumes are summarized in Table 4.8-4.

**Table 4.8-4
Future Toll Booth Capacity Summary**

Booth Number	2	3	4	5	6
Booth Type	EZ-Pass	Ticket	Ticket	Ticket	EZ-Pass
Booth Direction	Entering	Entering	Exiting	Exiting	Exiting
Peak Hour Volume (Passenger Car Equivalents)	225	3400	325	325	370
Booth Capacity	1000	375-450	275-350	275-350	1000
Over (+) / Under (-) Capacity	-775	-50 to +25	-25 to +50	-25 to +50	-630

During the evening peak hour, future traffic volumes are expected to begin to exceed the capacity of the ticketed booths. Improvements may be required to meet anticipated peak traffic demand. The projected demand is not solely attributed to the Turning Stone Resort & Casino. General background traffic growth and the Verona Greens development significantly contribute to toll booth demand. The most appropriate means of achieving acceptable operation would be determined by the Thruway Authority.

Safety Analysis

In the future, the increase in traffic volume may contribute to an increase in the number of accidents; however, without changes in road variables the accident rate will remain constant. Therefore, the accident review presented in Section 3.8.5 is applicable to future years.

There are several factors affecting accident rates, including:

- Roadway design features,
- Driver ability,
- Psychology or attentiveness of driver, and
- Compliance with the rules of the road.

The accident review in Section 3.8.5 considered accident patterns to determine if there was an identifiable cause that could be corrected. As noted in the original analysis, the

majority of accidents were caused by driver error including failure to yield right of way, disregard of traffic control devices, driving at unsafe speeds or following too closely. Since the majority of accidents are due to driver error, they cannot be attributed to the existing roadway design or any specific development traffic. On NYS Route 5 and NYS Route 13, the combination of frequent driveways and high activity levels lends itself to rear-end and right angle collisions.

Within the vicinity of the Turning Stone Resort & Casino, the intersection of NYS Route 365 with Patrick Road/Willow Place was identified as having a high accident rate. As this area developed, the volume of both commuter and tourism traffic has increased and new intersections and driveways have been added, but the posted speed has remained at 55 MPH.

To address this condition, the posted speed on NYS Route 365, in the vicinity of the Turning Stone Resort & Casino, could be reduced. A reduced speed would provide drivers with additional reaction time which would likely contribute to a reduction in accidents. A reduced posted speed is consistent with a developed area that serves a combination of both commuter and tourist activity.

4.8.5.3 Cumulative Effects

This section evaluates the effects to transportation due to past, present, and reasonably foreseeable actions of the Nation and others. Past actions by the Nation that has had an effect to transportation include the development of the Turning Stone Resort & Casino. Numerous traffic impact studies have been conducted to quantify trip generation associated with the Turning Stone Resort & Casino development and recommend improvements to mitigate any traffic impacts. The following is a brief summary of how the transportation system has evolved with the development.

Prior to the development of the original casino in 1993, Route 365 carried approximately 9,800 vehicles per day and 925 vehicles in the peak hour. The minor stop-controlled approaches of Patrick Road and I-90 at Route 365 operated at unacceptable levels of service.

The original casino (Bingo Facility) was accessed from Patrick Road, 300-feet east of its intersection with Route 365. The proposed facility was anticipated to generate approximately 790 peak hour vehicle trips. To address both existing roadway deficiencies and accommodate the proposed development, the following mitigation measures were recommended and subsequently implemented:

- Install traffic signal at the intersection of Route 365 with I-90.
- Install traffic signal at the intersection of Route 365 with Patrick Road.

- Modify the intersection of Route 365 with Patrick Road to provide a westbound left turn lane and an eastbound right turn lane, from Route 365 to Patrick Road.
- Modify Patrick Road to provide two lanes in each direction from Route 365 to the proposed site driveway

In 1997, the number of gaming positions was expanded and a low-rise hotel was developed. This development was anticipated to increase the site’s weekday peak hour trips to approximately 1,500 vehicles. Traffic analyses conducted prior to construction, recommended the following mitigation measures that were subsequently implemented:

- Construct Turning Stone Boulevard, a new site driveway intersecting Route 365 north of Patrick Road. The intersection of Route 365 with Turning Stone Boulevard includes the following lane geometry:
 - Route 365 westbound – two through lanes and one left turn lane
 - Route 365 eastbound – two through lanes and one right turn lane
 - Turning Stone Boulevard – one left and one right turn lane to Route 365
- Install traffic signal at the intersection of Route 365 with Turning Stone Boulevard.
- Modify the intersection of Route 365 with I-90 to provide a westbound left turn lane

The following improvements were identified for consideration but were not implemented:

- Construction of a second left turn lane from I-90 Exit 33 to Route 365
- Construction of a free right turn lane from Turning Stone Boulevard to Route 365 and construction of a third eastbound lane on Route 365 between Turning Stone Boulevard and I-90.

In 2003, a traffic impact analysis was conducted to assess the traffic generated by a planned expansion program. The following table summarizes the 2003 program and the planned expansion analyzed:

**Table 4.8-5
Casino Resort and Planned Expansion**

	Existing 2003	Planned Expansion	Total
Gaming (seats)	1,700	1,200	2,900
Event Center (sf)	20,000	60,000	80,000 (5,000 seats)
Hotel (rooms)	280	400	680
Showroom (seats)	800	0	800
Golf (holes)	36	36	72
Clubhouse (seats)	400	0	400
Retail (sf)		1,200	1,200

The traffic analysis estimated that the future combined trip generation would be approximately 3,865 trips during the weekday evening peak hour. To address existing deficiencies and mitigate the effects of the anticipated trip generation, the following improvements were recommended:

- Route 365/I-90 Exit 33 – provide dual left turn lanes from I-90
- Route 365/Turning Stone Boulevard
 - Provide dual westbound left turn lanes from Route 365 into site
 - Provide dual right turn lanes exiting site
- Route 365 between Turning Stone Boulevard and I-90 – provide an additional eastbound and westbound lane
- Route 365/Route 31
 - Provide a northbound left turn lane on Route 31
 - Provide a southbound left turn lane on Route 31
- Thruway Exit 33 Toll Facility – provide 1-2 additional toll booths

Although the planned expansion of the Turning Stone Resort & Casino has occurred, the proposed mitigation measures identified in the 2003 traffic analysis have not been implemented. The NYSDOT is currently in the final design phase for the NYS Route 365/NYS Route 31 Intersection Improvements Project (PIN 2038.29). This project will include the left turn lane improvements recommended in the 2003 traffic analysis for Route 31. In 2005, NYSDOT issued a Final Design Report for Route 365 at I-90 Intersection (PIN 2038.28). This report assessed the traffic demand associated with the proposed casino resort expansion and Verona Greens, a private development opposite the Thruway Exit 33 proposed by Edgewater Development Company. The report documented necessary improvements including the mitigation measures previously recommended and identified above. The improvement project is indefinitely on hold.

The planned expansion of the Turning Stone Resort & Casino, as outlined in the 2003 traffic analysis, has been completed and is reflected in the existing conditions analysis presented in this DEIS. Even without the implementation of mitigation measures proposed for the 2003 expansion, all of the intersections analyzed in the Resort Study Area operate at a LOS C or better. Furthermore, each movement at the intersections studied operates at a LOS D or better. The reason that the Turning Stone Resort & Casino area traffic operations are acceptable without the proposed mitigation is that the original traffic estimate, presented in previous reports, was conservative and overestimated the potential impacts on the adjacent roadway system. As documented in August 2006 driveway counts, the average evening peak hour trip generation for the Turning Stone Resort & Casino is 1,455 trips. The transportation system adequately accommodates the existing traffic volume.

Transportation Analysis Zones

Construction of new Nation member housing (66 residences) is anticipated as a future action by the Nation. There are presently a total of 15 properties that the Nation has identified for future residences. The majority, 10 properties, are located in TAZ 10.

Nation members on the waiting list would be accommodated over the next five years at these 15 sites, lots at the Village of the White Pines or at other unidentified locations.

According to the ITE Trip Generation manual, a single-family home, as compared to a town home, generates the highest number of trips during the evening peak hour with an average trip rate of 1.01 per unit. As summarized in Table 4.8-6, the additional 10 peak hour trips generated by member housing in TAZ 10 would increase the percentage of Major Roadway Volumes associated with Nation Lands from 33 percent to 34 percent. This increase is not significant, considering NYS Route 46 is currently operating at less than 20 percent of its capacity (as documented in Section 3.8.5.2).

**Table 4.8-6
Future Volume Comparison by TAZ**

TAZ ID	Volumes Generated by Nation Lands ¹	Major Roadway Associated With TAZ	Peak Hour Volumes on Major Roadway	% of Major Roadway Volumes Associated with Nation Lands
1	1455	NYS RT 365	1665 ²	85
2	1	NYS RT 31	536	0
3	104	NYS RT 31	536	19
4	1	Not Available	Not Available	0
5	2	NYS RT 31	536	0
6	255	NYS RT 13	668	38
7	5	NYS RT 31	552	1
8	189	NYS RT 5	856	22
9	324	NYS RT 5	1186	27
10	190	NYS RT 46	558	34
11	3	NYS RT 46	548	0

Even if a conservative assumption was made that all 66 members on the waiting list were to obtain new residences within a single TAZ, the new 67 trips generated during the evening peak hour would not have a noticeable impact on the surrounding transportation system. On average, the new trips would equate to an additional 1.1 trips per minute during the peak hour. This level of activity, on roads that are currently operating below capacity, is negligible.

Turning Stone Resort & Casino Area

In the Turning Stone Resort & Casino area, time periods were analyzed for existing conditions: Typical Weekday PM Peak; Special Event Weekday PM Peak and Special Event Weekend PM Peak. The Study Area traffic volumes and resulting capacity analysis reveals that there is little variation in the three time periods. This is primarily due to a spreading of the arrival of special event traffic as attendees arrive over several hours and patrons arrive at the other facilities within the resort. In addition, the implementation of

special event traffic timing, by NYSDOT standards, maintains acceptable operations at Study Area intersections, consistent with the Typical Weekday PM Peak. Since there is little variation in the three periods, only the Typical Weekday PM Peak is presented for the analysis of future conditions.

Background Traffic Growth - 2011

Background traffic conditions are independent of the Proposed Action and include all existing traffic, as well as any new traffic resulting from general background growth and any identified development projects in the area. Based on information from NYSDOT, a 1.5 percent annual growth rate was applied to the existing traffic volumes in the area of the Resort to account for any new, unknown development that may occur. The background condition also takes into consideration the Edgewater – Verona Greens development that is expected to be constructed opposite the I-90 Exit 33 along NYS Route 365. The Verona Greens development is expected to be constructed in phases and include a total of 640 hotel rooms, restaurants (850 seats) and over 150,000 square feet of retail space.

The background condition also includes any geometric changes to the roadway system that are expected to occur within the next five years. Based on preliminary information from the NYSDOT regarding the NYS Route 365/Route 31 Intersection Improvements project, a dedicated left turn lane was added for the northbound and southbound traffic on NYS Route 31. The Verona Greens development would also include geometric changes to the intersection of NYS Route 365 with the I-90 Exit 33, as well as signal timing and phasing updates. Based on trip generation provided by the development, the following geometry was assumed:

- Eastbound Route 365: 1 left turn lane, 2 through lanes
- Westbound Route 365: 1 left turn lane, 2 through lanes, 1 right turn lane
- Northbound I-90 Exit 33: 1 left turn lane, 1 through lane
- Southbound Verona Greens: 1 left turn lane, 1 through lane, 1 right turn lane

Figure 4.8-5 shows the background condition peak hour volumes for the intersections adjacent to the Turning Stone Resort & Casino area. The background 2011 intersection operations are shown in Table 4.8-7 and Figure 4.8-6. Detailed capacity analysis and - associated reports are provided in Appendix F: SYNCHRO Reports – Capacity/LOS Analysis.

**Table 4.8-7
Background LOS & Queue Summary**

		BACKGROUND CONDITION	
		LOS (DELAY)	QUEUE LENGTH (FT)
BEACON LIGHT RD/SARENSKI & ROUTE 31			
EASTBOUND BEACON LIGHT RD	LT/THRU/RT	C (17.3)	50
WESTBOUND SARENSKI RD	LT/THRU/RT	C (16.9)	13
NORTHBOUND ROUTE 31	LT/THRU/RT	A (2.3)	5
SOUTHBOUND ROUTE 31	LT/THRU/RT	A (0.0)	0
ROUTE 365 & ROUTE 31			
EASTBOUND ROUTE 365	LT	D (38.4)	#186
	THRU	B (12.8)	154
	RT	B (10.1)	25
WESTBOUND ROUTE 365	LT	C (28.1)	81
	THRU	B (18.4)	#215
	RT	B (12.6)	21
NORTHBOUND ROUTE 31	LT	C (29.1)	70
	THRU	C (28.9)	#105
	RT	C (22.4)	34
SOUTHBOUND ROUTE 31	LT	C (22.3)	36
	THRU	D (39.0)	#115
	RT	C (23.1)	30
INTERSECTION AVERAGE LOS (DELAY)		C (21.3)	
ROUTE 365 & THRUWAY EXIT 33			
EASTBOUND ROUTE 365	LT	D (44.0)	#145
	THRU	D (45.3)	#270
WESTBOUND ROUTE 365	LT	D (45.5)	#263
	THRU	C (25.5)	211
	RT	B (12.3)	29
NORTHBOUND EXIT 33	LT	D (48.3)	#362
	THRU	C (29.6)	162
SOUTHBOUND VERONA GREENS	LT	D (37.5)	160
	THRU	D (44.2)	#192
	RT	C (25.4)	37
INTERSECTION AVERAGE LOS (DELAY)		D (37.1)	
ROUTE 365 & CASINO ENTRANCE			
EASTBOUND ROUTE 365	THRU	B (17.6)	268
	RT	B (12.9)	m4
WESTBOUND ROUTE 365	LT	C (29.6)	179
	THRU	A (2.1)	70
NORTHBOUND CASINO ENTRANCE	LT	C (33.3)	49
	RT	C (20.1)	103
INTERSECTION AVERAGE LOS (DELAY)		B (14.3)	
ROUTE 365 & PATRICK RD/WILLOW PL			
EASTBOUND ROUTE 365	LT	D (35.9)	24
	THRU/RT	B (15.8)	173
WESTBOUND ROUTE 365	LT	C (31.9)	201
	THRU/RT	A (8.4)	145
NORTHBOUND PATRICK RD	LT/THRU	C (34.3)	104
	RT	B (15.4)	83
SOUTHBOUND WILLOW PL	LT/THRU/RT	C (27.2)	15
INTERSECTION AVERAGE LOS (DELAY)		B (17.8)	

- 95TH PERCENTILE VOLUME EXCEEDS CAPACITY, QUEUE MAY BE LONGER. QUEUE SHOWN IS MAXIMUM AFTER 2 CYCLES

m - VOLUME FOR 95TH PERCENTILE QUEUE IS METERED BY UPSTREAM SIGNAL

Source: C&S Engineers, Inc.

With the addition of the background growth and the proposed Verona Greens traffic, the LOS of the intersections of NYS Route 365 with NYS Route 31 and I-90 Exit 33 decreased from LOS B to LOS C and LOS B to LOS D, respectively.

Programmed Developments

Within the Turning Stone Resort & Casino area, the future planned development that will generate additional traffic includes a new spa (under construction), a sweat lodge, and a planned nightclub. The spa is anticipated to serve 14,228 visitors per year or approximately 40 per day. Approximately 50% of the visitors are anticipated to be patrons of the hotel and casino. Of the visitors that are exclusive to the spa, it is conservatively assumed that half would arrive or depart during the evening peak period, equating to 20 new vehicle trips.

The 15,000 square-foot nightclub will generate 85 vehicle trips in the evening peak hour. Similar to the spa, approximately 50% of nightclub patrons are anticipated to be patrons of either the hotel or casino.

Planned future development in the resort area will generate a total of 105 new vehicle trips in the evening peak hour (refer to Trip Generation Appendix). These trips were distributed to the background traffic network, resulting in the Programmed Development peak hour volumes summarized in Figure 4.8-7. The resulting intersection operations are shown in Table 4.8-6 and Figure 4.8-8. Detailed capacity analysis and associated reports are provided in Appendix F: SYNCHRO Reports – Capacity/LOS Analysis.

**Table 4.8-8
Programmed Development LOS & Queue Summary**

		Programmed Development	
		LOS (DELAY)	QUEUE LENGTH (FT)
BEACON LIGHT RD/SARENSKI & ROUTE 31			
EASTBOUND BEACON LIGHT RD	LT/THRU/RT	C (17.3)	50
WESTBOUND SARENSKI RD	LT/THRU/RT	C (16.9)	13
NORTHBOUND ROUTE 31	LT/THRU/RT	A (2.3)	5
SOUTHBOUND ROUTE 31	LT/THRU/RT	A (0.0)	0
ROUTE 365 & ROUTE 31			
EASTBOUND ROUTE 365	LT	D (39.1)	#192
	THRU	B (12.9)	158
	RT	B (10.1)	25
WESTBOUND ROUTE 365	LT	C (28.2)	81
	THRU	B (19.2)	#243
	RT	B (12.7)	21
NORTHBOUND ROUTE 31	LT	C (30.7)	73
	THRU	C (28.7)	#105
	RT	C (22.3)	34
SOUTHBOUND ROUTE 31	LT	C (22.2)	36
	THRU	D (38.6)	#115
	RT	C (23.0)	31
INTERSECTION AVERAGE LOS (DELAY)		C (21.6)	
ROUTE 365 & THRUWAY EXIT 33			
EASTBOUND ROUTE 365	LT	D (46.6)	#154
	THRU	D (48.6)	#284
WESTBOUND ROUTE 365	LT	D (46.8)	#263
	THRU	C (26.2)	223
	RT	B (12.5)	29
NORTHBOUND EXIT 33	LT	D (53.7)	#392
	THRU	C (29.8)	162
SOUTHBOUND VERONA GREENS	LT	D (38.1)	160
	THRU	D (46.1)	#192
	RT	C (26.1)	43
INTERSECTION AVERAGE LOS (DELAY)		D (39.3)	
ROUTE 365 & CASINO ENTRANCE			
EASTBOUND ROUTE 365	THRU	B (18.5)	271
	RT	B (13.4)	m3
WESTBOUND ROUTE 365	LT	C (30.1)	205
	THRU	A (2.1)	74
NORTHBOUND CASINO ENTRANCE	LT	C (33.4)	54
	RT	B (19.3)	113
INTERSECTION AVERAGE LOS (DELAY)		B (14.9)	
ROUTE 365 & PATRICK RD/WILLOW PL			
EASTBOUND ROUTE 365	LT	D (35.9)	24
	THRU/RT	B (16.8)	174
WESTBOUND ROUTE 365	LT	C (31.5)	216
	THRU/RT	A (8.4)	146
NORTHBOUND PATRICK RD	LT/THRU	D (35.2)	108
	RT	B (14.7)	87
SOUTHBOUND WILLOW PL	LT/THRU/RT	C (27.1)	15
INTERSECTION AVERAGE LOS (DELAY)		B (18.2)	

- 95TH PERCENTILE VOLUME EXCEEDS CAPACITY, QUEUE MAY BE LONGER. QUEUE SHOWN IS MAXIMUM AFTER 2 CYCLES
m - VOLUME FOR 95TH PERCENTILE QUEUE IS METERED BY UPSTREAM SIGNAL
Source: C&S Engineers, Inc.

With adjustments to signal timing and phasing to reflect the increased background growth, all Study Area intersection movements will continue to operate at acceptable levels of service.

Over the next five years, the Nation anticipates some growth in visitors and employees. An analysis of traffic associated with this anticipated growth is detailed in Section 4.8.5.2 Indirect Effects. As previously documented the traffic projections for this scenario are conservative based on ITE methodology.

Table 4.8-9 provides a summary of individual movement and overall intersection LOS for the existing and various future scenarios.

Under future conditions whereby the Turning Stone Resort & Casino would experience growth in visitors and employees (Indirect Effects), the only intersection experiencing any drop in LOS is the intersection of NYS Route 365 with I-90 Exit 33. As a result of the Verona Greens development and the increased growth at the Turning Stone Resort & Casino, the northbound left from I-90 Exit 33 to NYS Route 365 drops to a LOS E. A second left turn lane exiting the Thruway is required to maintain acceptable operations.

In addition to the additional left turn lane exiting I-90, additional toll booth capacity is required to accommodate future traffic volumes from both the Verona Greens development and visitor growth at the Turning Stone Resort & Casino. The Thruway Authority needs to determine the most appropriate method to achieve the additional capacity.

The analysis indicates that the posted speed on NYS Route 365, in the vicinity of the Turning Stone Resort & Casino, be reduced. A reduced speed will provide drivers with additional reaction time which will likely contribute to a reduction in accidents. A reduced posted speed is consistent with a developed area that serves a combination of both commuter and tourist activity.

**Table 4.8-9
Cumulative Effects LOS & Queue Summary**

		2005	2011			
		EXISTING	BACKGROUND	PROGRAMMED DEVELOPMENT	INDIRECT EFFECTS	INDIRECT EFFECTS W/ MITIGATION
BEACON LIGHT RD/SARENSKI & ROUTE 31						
EASTBOUND BEACON LIGHT RD	LT/THRU/RT	B (14.5)	C (17.3)	C (17.3)	C (17.7)	C (17.7)
WESTBOUND SARENSKI RD	LT/THRU/RT	C (15.2)	C (16.9)	C (16.9)	C (17.1)	C (17.1)
NORTHBOUND ROUTE 31	LT/THRU/RT	A (2.3)	A (2.3)	A (2.3)	A (2.3)	A (2.3)
SOUTHBOUND ROUTE 31	LT/THRU/RT	A (0.0)	A (0.0)	A (0.0)	A (0.0)	A (0.0)
ROUTE 365 & ROUTE 31						
EASTBOUND ROUTE 365	LT	C (27.2)	D (38.4)	D (39.1)	D (53.5)	D (53.5)
	THRU	B (15.1)	B (12.8)	B (12.9)	B (15.1)	B (15.1)
	RT	B (12.6)	B (10.1)	B (10.1)	B (11.3)	B (11.3)
WESTBOUND ROUTE 365	LT	C (27.1)	C (28.1)	C (28.2)	C (28.3)	C (28.3)
	THRU	B (19.0)	B (18.4)	B (19.2)	C (30.3)	C (30.3)
	RT	B (15.0)	B (12.6)	B (12.7)	B (13.8)	B (13.8)
NORTHBOUND ROUTE 31	LT	N/A	C (29.1)	C (30.7)	C (29.1)	C (29.1)
	THRU	C (28.3)	C (28.9)	C (28.7)	C (24.6)	C (24.6)
	RT	B (17.9)	C (22.4)	C (22.3)	C (21.4)	C (21.4)
SOUTHBOUND ROUTE 31	LT	N/A	C (22.3)	C (22.2)	C (21.0)	C (21.0)
	THRU	C (22.2)	D (39.0)	D (38.6)	C (28.7)	C (28.7)
	RT	B (17.8)	C (23.1)	C (23.0)	C (22.2)	C (22.2)
INTERSECTION AVERAGE LOS (DELAY)		B (19.8)	C (21.3)	C (21.6)	C (26.0)	C (26.0)
ROUTE 365 & THRUWAY EXIT 33						
EASTBOUND ROUTE 365	LT	N/A	D (44.0)	D (46.6)	D (54.9)	D (41.8)
	THRU	B (18.3)	D (45.3)	D (48.6)	E (78.9)	D (35.4)
WESTBOUND ROUTE 365	LT	C (31.9)	D (45.5)	D (46.8)	D (47.6)	D (47.7)
	THRU	A (6.8)	C (25.5)	C (26.2)	C (32.1)	C (25.0)
	RT	N/A	B (12.3)	B (12.5)	B (12.9)	B (11.1)
NORTHBOUND EXIT 33	LT	C (22.4)	D (48.3)	D (53.7)	F (124.9)	D (41.1)
	THRU	N/A	C (29.6)	C (29.8)	C (29.7)	C (29.9)
SOUTHBOUND VERONA GREENS	LT	N/A	D (37.5)	D (38.1)	D (38.9)	D (41.6)
	THRU	N/A	D (44.2)	D (46.1)	D (47.7)	D (36.4)
	RT	N/A	C (25.4)	C (26.1)	C (27.7)	C (22.8)
INTERSECTION AVERAGE LOS (DELAY)		B (17.3)	D (37.1)	D (39.3)	E (59.5)	C (33.1)
ROUTE 365 & CASINO ENTRANCE						
EASTBOUND ROUTE 365	THRU	B (16.8)	B (17.6)	B (18.5)	C (29.0)	C (29.0)
	RT	B (14.2)	B (12.9)	B (13.4)	C (21.3)	C (21.3)
WESTBOUND ROUTE 365	LT	C (29.5)	C (29.6)	C (30.1)	C (23.5)	C (23.5)
	THRU	A (1.9)	A (2.1)	A (2.1)	A (2.4)	A (2.4)
NORTHBOUND CASINO ENTRANCE	LT	C (33.2)	C (33.3)	C (33.4)	C (33.6)	C (33.6)
	RT	B (19.8)	C (20.1)	B (19.3)	B (13.1)	B (13.1)
INTERSECTION AVERAGE LOS (DELAY)		B (14.6)	B (14.3)	B (14.9)	B (16.7)	B (16.7)
ROUTE 365 & PATRICK RD/WILLOW PL						
EASTBOUND ROUTE 365	LT	D (35.3)	D (35.9)	D (35.9)	D (35.9)	D (35.9)
	THRU/RT	B (13.8)	B (15.8)	B (16.8)	C (26.2)	C (26.2)
WESTBOUND ROUTE 365	LT	C (31.6)	C (31.9)	C (31.5)	D (47.7)	D (47.7)
	THRU/RT	A (7.6)	A (8.4)	A (8.4)	A (9.7)	A (9.7)
NORTHBOUND PATRICK RD	LT/THRU	C (34.2)	C (34.3)	D (35.2)	C (33.0)	C (33.0)
	RT	B (15.3)	B (15.4)	B (14.7)	B (10.4)	B (10.4)
SOUTHBOUND WILLOW PL	LT/THRU/RT	C (26.8)	C (27.2)	C (27.1)	C (24.9)	C (24.9)
INTERSECTION AVERAGE LOS (DELAY)		B (17.3)	B (17.8)	B (18.2)	C (24.8)	C (24.8)

INCLUDES REMOVAL OF SIGNAL AT TURNING STONE BOULEVARD AND SIGNAL TIMING AND PHASING CHANGES AT THE REMAINING SIGNALS

Source: C&S Engineers, Inc.



4.8.6 Land Use Plans and Zoning

This section provides the following: a description of the criteria used to analyze the environmental consequences on land use plans and zoning; a summary of effects resulting from implementation of the Proposed Action, other trust action alternatives, and the No Action Alternative; a detailed discussion of the direct effects of each alternative on each community where the Nation owns land that would be conveyed into trust; a general discussion of the indirect and cumulative affects of each alternative on the Nation and the communities; and, a summary of land use and zoning effects.

Significance Criteria

The following criteria are considered in determining whether an Action or its alternatives, including the No Action Alternative, would have a potentially significant adverse effect to land use plans:

- The action would conflict with public plans, as embodied in community comprehensive or master plans, for the site or surrounding area.
- The action could result in a conflict with the character of the land in the surrounding communities.
- The action could conflict with the expectations of the public for development of lands in accordance with plans ensuring predictability.
- The action creates a “patchwork” wherein plans could be rendered less effectual.
- The action would weaken the effectiveness of the local governments to institute comprehensive planning along the landscape.

In identifying whether the Proposed Action or the alternatives, including the No Action alternative, would have a potentially significant adverse effect to zoning, the following criteria were considered:

- The action would result in land uses or structures that substantially do not conform to or comply with underlying zoning.
- The action would result in significant material changes to existing regulations or policy.
- The action would affect the ability of each of the affected communities to regulate zoning and land use within their jurisdictions.
- The action would conflict with zoning regulations, as embodied in community zoning codes, for the site or the surrounding area.
- The action would weaken the effectiveness of the local governments to institute zoning regulations along the landscape.

Effects with regard to land use plans and zoning can be direct, indirect or cumulative. An analysis of the Proposed Action or any of the alternatives requires an assessment of existing and current public policies and zoning regulations, and the direct, indirect or cumulative effects of these alternatives related to land use plans, zoning and land use on Nation property as well as on non-Nation lands. There is a direct effect to the affected communities under the trust actions, since they would not have the ability to regulate zoning within their boundaries. The inability to exercise regulatory control over zoning could have indirect cumulative effects if the Nation develops its property in the future. Section 3.8.6 provides a general description of public policies and plans for land use and zoning regulations for those communities within which the Nation owns land, as well as communities that are located within the Study Area (1,000-foot radius from Nation properties). This section will analyze direct, indirect and cumulative effects related to land use plans and zoning for each of the alternatives for the conveyance of lands into trust. Table 4.8-10 identifies the communities that could be affected by implementation of the Proposed Action or any of the alternatives identified in Section 2.0, and Table 4.8-11 provides a summary of the amount of properties and land area that would be excluded or conveyed into trust in each community under each alternative.

**Table 4.8-10
Communities Affected**

Communities	Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F	Alternative G
Town of Verona	√	√	√	√	√	√	
Town of Vienna	√	√	√			√	
Town of Vernon	√	√	√	√		√	
City of Sherrill	√	√	√			√	
Town of Augusta	√	√	√				
City of Oneida	√	√	√			√	
Town of Lenox	√	√	√			√	
Village of Canastota	√	√	√			√	
Town of Stockbridge	√	√	√				
Town of Cazenovia	√	√	√				
Town of Lincoln	√	√	√			√	
Town of Sullivan	√	√	√				
Town of Smithfield	√	√				√	
Town of Fenner	√	√				√	

New York State enabling statutes give towns the power and responsibility to prepare and adopt a comprehensive plan for their community. In order to outline the physical, economic, geographic, and demographic growth of a community, comprehensive plans, as set forth in the New York State Town Law Section 272-a, may be and are encouraged to be adopted. Comprehensive plans are also referred to as land use plans, master plans, or development plans and set forth a consensus about future and anticipated changes. A comprehensive plan is a public policy that typically covers the entire community and addresses those elements, trends, and resources that will determine future growth. It reflects the goals, objectives, policies, and guidelines that a municipality has established for itself. A comprehensive plan commonly includes written materials, graphic features, standards, policies, and recommendations. Although state legislation encourages it, New York State regulations require that land use, development, and zoning regulations be consistent with a community's comprehensive plan. A Comprehensive Plan sets forth those goals and objectives that the municipality wants to accomplish. Zoning regulations establish the requirements and guidelines the community will use to achieve its goals. Local commissions and boards are responsible for making decisions that are consistent with the zoning regulations and the objectives of the comprehensive plan.

**Table 4.8-11
Nation Lands Summary Table Lands In Trust/Not in Trust by Alternative**

	Alternatives A&B				Alternative C				Alternative D				Alternative E				Alternative F				Alternative G							
	Nation Parcels	Tax Lots	Acres	%	Nation Parcels	Tax Lots	Acres	%	Nation Parcels	Tax Lots	Acres	%	Nation Parcels	Tax Lots	Acres	%	Nation Parcels	Tax Lots	Acres	%	Nation Parcels	Tax Lots	Acres	%				
Oneida County																												
Augusta																												
In Trust	3	6	259.4	1.5%	2	4	1.6	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	1	2	257.9	1.5%	3	6	259.4	1.5%	3	6	259.4	1.5%	3	6	259.4	1.5%	3	6	259.4	1.5%	3	6	259.4	1.5%
Sherrill																												
In Trust	8	11	4.1	0.3%	6	9	3.5	0.3%	0	0	0.0	0.0%	0	0	0.0	0.0%	8	11	4.1	0.3%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	2	2	0.6	0.0%	8	11	4.1	0.3%	8	11	4.1	0.3%	0	0	0.0	0.0%	8	11	4.1	0.3%	8	11	4.1	0.3%
Sylvan Beach																												
In Trust	1	7	6.6	1.4%	1	7	6.6	1.4%	0	0	0.0	0.0%	0	0	0.0	0.0%	1	7	6.6	1.4%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	0	0	0.0	0.0%	1	7	6.6	1.4%	1	7	6.6	1.4%	0	0	0.0	0.0%	1	7	6.6	1.4%	1	7	6.6	1.4%
Vernon																												
In Trust	29	37	1,911.4	7.8%	25	32	1,479.2	6.1%	15	19	1,231.8	5.0%	0	0	0.0	0.0%	29	37	1,911.4	7.8%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	4	5	432.2	1.8%	14	18	679.6	2.8%	29	37	1,911.4	7.8%	0	0	0.0	0.0%	29	37	1,911.4	7.8%	29	37	1,911.4	7.8%
Verona																												
In Trust	173	220	8,593.9	19.3%	155	198	6,494.9	14.6%	70	80	2,196.4	4.9%	2	1	225.0	0.5%	169	214	7,912.3	17.7%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	18	22	2,099.1	4.7%	103	140	6,397.5	14.3%	171	219	8,368.9	19.3%	4	6	681.6	1.5%	173	220	8,593.9	19.3%	173	220	8,593.9	19.3%
Oneida County																												
In Trust	214	281	10,775.5	1.3%	189	250	7,985.7	1.0%	85	99	3,428.3	0.4%	2	1	225.0	0.0%	207	269	9,834.4	1.2%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	25	31	2,789.8	0.3%	129	182	7,347.2	0.9%	212	280	10,550.5	1.3%	7	12	941.1	0.1%	214	281	10,775.5	1.3%	214	281	10,775.5	1.3%
Totals	214	281	10,775.5	1.3%	214	281	10,775.5	1.3%	214	281	10,775.5	1.3%	214	281	10,775.5	1.3%	214	281	10,775.5	1.3%	214	281	10,775.5	1.3%	214	281	10,775.5	1.3%
Madison County																												
Canastota-V																												
In Trust	13	13	226.5	10.7%	13	13	226.5	10.7%	0	0	0.0	0.0%	0	0	0.0	0.0%	13	13	226.5	10.7%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	0	0	0.0	0.0%	13	13	226.5	10.7%	13	13	226.5	10.7%	0	0	0.0	0.0%	13	13	226.5	10.7%	13	13	226.5	10.7%
Cazenovia																												
In Trust	1	2	9.3	0.0%	1	2	9.3	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	0	0	0.0	0.0%	1	2	9.3	0.0%	1	2	9.3	0.0%	1	2	9.3	0.0%	1	2	9.3	0.0%	1	2	9.3	0.0%
Fenner																												
In Trust	1	1	27.9	0.1%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	1	1	27.9	0.1%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	1	1	27.9	0.1%	1	1	27.9	0.1%	1	1	27.9	0.1%	0	0	0.0	0.0%	1	1	27.9	0.1%	1	1	27.9	0.1%
Lenox																												
In Trust	22	34	826.4	3.5%	18	25	637.8	2.7%	0	0	0.0	0.0%	0	0	0.0	0.0%	21	32	615.7	2.6%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	4	9	188.7	0.8%	22	34	826.4	4.0%	22	34	826.4	4.0%	1	2	210.7	0.9%	22	34	826.4	4.0%	22	34	826.4	4.0%
Lincoln																												
In Trust	5	8	367.4	2.3%	2	3	22.4	0.1%	0	0	0.0	0.0%	0	0	0.0	0.0%	4	6	155.7	1.0%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	3	5	345.0	2.2%	5	8	367.4	2.3%	5	8	367.4	2.3%	1	2	211.7	1.3%	5	8	367.4	2.3%	5	8	367.4	2.3%
Oneida																												
In Trust	39	45	1,039.1	7.4%	35	40	789.2	5.6%	0	0	0.0	0.0%	0	0	0.0	0.0%	39	45	1,039.1	7.4%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	4	5	154.9	1.1%	39	45	1,039.1	6.7%	39	45	1,039.1	6.7%	0	0	0.0	0.0%	39	45	1,039.1	6.7%	39	45	1,039.1	6.7%

	Alternatives A&B				Alternative C				Alternative D				Alternative E				Alternative F				Alternative G			
	Nation	Tax	Acres	%	Nation	Tax	Acres	%	Nation	Tax	Acres	%	Nation	Tax	Acres	%	Nation	Tax	Acres	%	Nation	Tax	Acres	%
	Parcels	Lots			Parcels	Lots			Parcels	Lots			Parcels	Lots			Parcels	Lots			Parcels	Lots		
Smithfield																								
In Trust	3	4	296.4	1.9%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	1	2	87.1	0.6%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	3	4	296.4	1.9%	3	4	296.4	1.9%	3	4	296.4	1.9%	2	2	209.3	1.3%	3	4	296.4	1.9%
Stockbridge																								
In Trust	28	48	3,620.9	17.9%	1	1	121.1	0.6%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	27	47	3,499.8	17.3%	28	48	3,620.9	17.9%	28	48	3,620.9	17.9%	28	48	3,620.9	17.9%	28	48	3,620.9	17.9%
Sullivan																								
In Trust	4	4	180.6	0.4%	2	2	111.1	0.2%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	2	2	69.5	0.1%	4	4	180.6	0.4%	4	4	180.6	0.4%	4	4	180.6	0.4%	4	4	180.6	0.4%
Madison County																								
In Trust	116	159	6,594.5	1.5%	72	86	1,917.3	0.4%	0	0	0.0	0.0%	0	0	0.0	0.0%	79	99	2,152.0	0.5%	0	0	0.0	0.0%
Not in Trust	0	0	0.0	0.0%	44	73	4,582.1	1.1%	116	159	6,594.5	1.5%	116	159	6,594.5	1.5%	37	60	4,442.5	1.0%	116	159	6,594.5	1.5%
Totals	116	159	6,594.5	1.5%	116	159	6,499.4	1.5%	116	159	6,594.5	1.5%	116	159	6,594.5	1.5%	116	159	6,594.5	1.5%	116	159	6,594.5	1.5%
Total In Trust	330	440	17,370.0	1.4%	261	336	9,903.1	0.8%	85	99	3,428.3	0.3%	2	1	225.0	0.0%	286	368	11,986.5	1.0%	0	0	0.0	0.0%
Total Not in Trust	0	0	0.0	0.0%	69	104	7,371.9	0.6%	245	341	13,941.7	1.1%	328	439	17,145.0	1.4%	44	72	5,383.5	0.4%	330	440	17,370.0	1.4%
Grand Totals	330	440	17,370.0	1.4%	330	440	17,275.0	1.4%	330	440	17,370.0	1.4%	330	440	17,370.0	1.4%	330	440	17,370.0	1.4%	330	440	17,370.0	1.4%

> 5% of Community Area (In Trust)
>10% of Community Area (In Trust)

The purpose of zoning in any municipality is for protection of the health, safety, comfort, and general welfare of its citizens. Zoning regulations are used to define the municipality by organizing the types of land uses and development that can occur within designated areas and to encourage the most appropriate land uses within the municipality. Zoning districts are described by their general character or purpose and the permitted land uses allowed within them. Zoning regulations are not mandatory under New York State law, but they are a useful tool for regulating the patterns of land use within each municipality.

The analysis of effects takes into consideration the fact that Nation lands conveyed into trust will not be subject to State or local public policy initiatives or future municipal land use plans and zoning regulations. However, the Nation administers and regulates zoning on its own lands through its Zoning Ordinance. The Oneida Nation Zoning Ordinance established the Nation's right to designate districts for, "*specific portions of the lands under the territorial jurisdiction of the Oneida Nation for the application of area specific regulations.*" (Oneida Indian Nation, 1998). The Nation's Land Use Ordinance provides regulations for the issuance of Land Use Permits and Special Use Permits and the administration of regulations. Additionally, the Oneida Nation's Zoning Ordinance (Ordinance No. O-94-05) established building, bulk, and density regulations for development on Nation lands. This ordinance is discussed in more detail in Affected Environment Section 3.8.6 Land Use Plans and Zoning.

The State and local governments have asserted that the Proposed Action, as well as the other trust alternatives, would have an adverse effect to their ability to cohesively plan and to uniformly enforce their zoning, land use or environmental regulations. The extent of this potential effect would partially depend on the different amounts of land entering trust in the various alternatives and in which municipalities. In most areas, there is general consistency in uses of Nation and non-Nation lands, and trust lands would be regulated under the Oneida Indian Nation Land Use Ordinance that requires development to be compatible with adjoining uses and under Nation policies to protect environmental resources. However, the State and local governments would not have regulatory control over all lands in the region.

It should be noted that development of the 17,370 acres of Nation land has proceeded, at least up through the year 2005, under the premise that lands owned by the Nation were not subject to local land use plans and zoning or other regulations. The Nation believes that it has demonstrated over the past fifteen years that its management of these lands has been beneficial and consistent and would continue to be beneficial should the lands be conveyed into trust. The Nation has developed its lands with sensitivity to the surrounding areas and the land use on them and is primarily not in conflict with existing land use patterns or community plans. Finally, the Nation does not agree that its lands and associated land uses can be characterized as "objectionable."

It should also be noted that the Nation is not planning any major new developments, with the possible exception of additional member housing and some modest additions to the Turning Stone Resort & Casino. Thus, the current condition of the Nation's lands is largely expected to remain the same in the future. Additionally, there is nothing preventing local jurisdictions from engaging in cooperative planning discussions with the Nation.

4.8.6.1 Direct Effects

Implementation of Alternative A (the Proposed Action) or Alternative B would not have an adverse direct effect to Nation lands, as all Nation lands would be conveyed into trust, as well as an additional 17,630 acres of lands as part of Alternative B. The Nation would be able to develop and regulate its properties in accordance with its own adopted policies, development plans and land use and zoning ordinances which would allow for the protection of the unique culture and identity of the Nation. The remaining trust alternatives (Alternatives C through F), would have similar direct beneficial effects to the Nation, though in varying degrees depending on the amount of land conveyed into trust under each alternative.

The No Action Alternative (Alternative G) would result in significant adverse direct effects to the Nation, as none of the Nation's lands would be conveyed into trust. These lands could be lost under foreclosure or alienation. The Nation would, therefore, not be able to effectively plan and regulate the use of its lands and would not have the ability to guide any future use of these properties.

Alternatives A through F. These alternatives could result in adverse direct effects to the various communities in which the Nation owns land. The State of New York has asserted that the result of conveyance of lands into trust would be a *“patchwork of cross-cutting jurisdictions and potential lack of regulatory coordination and supervision created by the ‘land in trust’ which would place an undue hardship on State and local government’s ability to protect and preserve the safety and welfare of its citizenry and the environment in which they work and reside.”* (O’Brien & Gere, 2006). While Nation lands that would be conveyed into trust would not be subject to local land use plans, zoning and other local regulations, the Nation has adopted and implemented a Land Use Ordinance and other ordinances to protect and preserve public safety and welfare and the environment. In areas where the Nation has established a Planned Unit Development (PUD) District, for example, the Nation's Land Use Ordinance requires that the developments within this district *“enhance the quality of life of residents, create an inviting visual character, and are harmonious and compatible with adjoining land uses.”* (Oneida Nation, 1998). Similar provisions are included in the Nation's Land Use Ordinance to regulate home occupations in Unassigned Residential Districts and in Community and Governmental Districts. The Nation's past actions related to policy and regulatory practices on lands mapped in a

specific district or in an Unassigned Residential District (R-U) indicate that it would continue to follow its self-established guidelines for the development of Nation lands in the future. Indeed, the Nation's willingness to enter into government-to-government service agreements with respect to water, sewer, public safety, and fire protection has served as an effective "jurisdictional bridge." In fact, the Nation's ability to coexist and work cooperatively with surrounding municipalities is similar to the relationship that exists among neighboring towns, villages, school districts and counties that share common borders and overlapping jurisdiction.

Excluding lands from conveyance into trust would have an effect to both the Nation and the affected communities. The magnitude of this effect would vary depending on the amount of land in each community that would not be conveyed into trust and the taxation/jurisdiction scenario that would be applied to those lands. The effect of the taxation/jurisdiction scenarios are described below.

Under the **Property Taxes Paid scenario**, the Nation would pay property taxes and would comply with local land use plans and land use and zoning regulations related to these parcels. This scenario could have a beneficial effect to the communities, as they would have regulatory control over land use on these parcels. This would have an adverse effect to the Nation, as it would not have control over those lands and would not be able to implement its own land use plans and its land use and zoning ordinances.

Under the **Property Taxes Not Paid – Foreclosure scenario**, the Nation would not pay property taxes and, as a result, properties not conveyed into trust would be foreclosed or alienated and Nation uses would cease on those parcels. This scenario could have a benefit to the communities as they would have regulatory control over land use decisions on parcels not conveyed into trust. This would have an adverse effect to the Nation, as it would not have control over those lands and would not be able to implement its land use plans, nor enforce its land use and zoning ordinances.

Under the **Property Taxes Not Paid - Dispute Continues scenario**, the Nation would continue to exercise active jurisdiction on lands not conveyed into trust. This scenario would have a benefit to the Nation, as it could implement its land use plans and enforce its land use and zoning ordinances. State and local land use plans and policies and enforcement of tax and regulatory laws would remain in dispute.

Under the **Casino Closes scenario**, all Nation enterprises are discontinued.

Alternative A

Alternative A involves the conveyance of 17,370 acres which the Nation currently owns to the United States in trust status. The 17,370 acres constitutes the entirety of Groups 1, 2 and 3 lands and involves 330 parcels of land comprising 440 tax lots. The land is distributed between Oneida and Madison Counties and makes up 6,594 acres of land or

1.5 percent of the land area in Madison County (432,152 total acres) and 10,776 acres of land or 1.3 percent of the land in Oneida County (814,934 total acres). The total Nation holdings of 17,370 acres account for 1.4 percent of the entire land area (1,247,086 acres) within the combined areas of Madison and Oneida Counties.

Implementation of Alternative A would have direct beneficial effects and no adverse direct effects to the Nation, as all of the Nation's lands would be conveyed into trust. The Nation would have the ability to govern all of its lands free from the threat of foreclosure or alienation. Conveyance of lands into trust would have a range of direct effects to the communities in which the Nation owns property. Those communities that have a greater proportion of Nation lands would experience more significant effects to their ability to uniformly enforce zoning regulations as well as to undertake and implement cohesive and consistent community planning, even though a number of communities do not have documented land use plans (it should be noted that in communities that have adopted formal land use plans, the Nation's lands are consistent with local planning and use). Those communities that support few Nation properties would likely experience less than significant effects associated with implementation of Alternative A.

The Nation's past actions related to policy and regulatory practices on its lands indicate that it would continue to follow self-established guidelines and regulations for future development. Indeed, the Nation's willingness to enter into government-to-government service agreements with respect to water, sewer, public safety, and fire protection has served as an effective "jurisdictional bridge." In fact, the Nation's ability to coexist and work cooperatively with surrounding municipalities is similar to the relationship that exists among neighboring towns, village, school districts and counties that share common borders and overlapping jurisdiction. This cooperative approach to land use planning and regulation of land use would likely lessen the magnitude of potential effects to the communities where Nation lands are located and conveyed into trust.

Alternative B

Alternative B involves the conveyance of 17,370 acres which the Nation now owns to the United States in trust status as well as an additional 17,630 acres of land, for a total of 35,000 acres in Madison and Oneida Counties. The 17,370 acres of current Nation properties constitutes the entirety of Groups 1, 2 and 3 lands and involves 330 parcels of land comprising 440 tax lots.

Direct effects associated with Alternative B would be similar to those under Alternative A. The degree of effect would depend upon where the Nation purchased those lands and the use of those lands.

Alternative C

Alternative C involves the conveyance of all of the Nation's Group 1 and 2 lands. This would involve conveying approximately 9,903 acres which the Nation now owns to the United States in trust. The 9,903 acres constitutes the entirety of Groups 1 and 2 and involves 265 parcels of land comprising 336 tax lots. The total Nation holdings of 9,903 acres accounts for 0.79 percent of the entire land area (1,247,086 acres) within the combined areas of Madison and Oneida Counties. The land is distributed between Oneida and Madison Counties and makes up 1,917 acres, or 0.4 percent of the land area, in Madison County (432,152 total acres) and 7,986 acres, or 1.0 percent of the land area, in Oneida County (814,934 total acres). There are no Group 1 lands located within Madison County.

None of the Nation's lands in the Town of Smithfield and the Town of Fenner would be conveyed into trust under Alternative C. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described at the beginning of this section (section 4.8.6, Land Use Plans and Zoning).

Alternative D

Alternative D involves the conveyance of all of the Nation's Group 1 lands. This would involve the conveyance of approximately 3,428 acres which the Nation now owns to the United States in trust. The 3,428 acres constitutes the entirety of Group 1 and involves 85 parcels of land comprising 99 tax lots, all located within the Towns of Verona and Vernon in Oneida County.

None of the Nation's lands within the Cities of Oneida and Sherrill or the Towns of Vienna, Augusta, Lenox, Canastota, Stockbridge, Cazenovia, Lincoln, Sullivan, Smithfield, or Fenner would be conveyed into trust under Alternative D.

Alternative E

Alternative E involves the conveyance of lands within Group 1 that are associated with the Turning Stone Casino only. This would involve approximately 225 acres, which the Nation now owns, being conveyed to the United States to be held in trust. The 225 acres involves two parcels (Parcels 10 and 109) comprising one tax lot located within the Town of Verona in Oneida County. The land makes up approximately 0.03 percent of the land in Oneida County (814,934 total acres).

None of the Nation's lands within the Cities of Oneida and Sherrill or the Towns of Vienna, Vernon, Augusta, Lenox, Canastota, Stockbridge, Cazenovia, Lincoln, Sullivan, Smithfield, or Fenner would be conveyed into trust under Alternative D.

Alternative F

Alternative F involves the conveyance of a combination of lands within Groups 1, 2 and 3. This would involve conveying approximately 11,986 acres which the Nation now owns to the United States in trust. The 11,986 acres constitutes a portion of land within each of the three groups and involves 289 parcels of land comprising 373 tax lots. The land is distributed between Oneida and Madison Counties and makes up 2,152 acres of land or 0.5 percent of the land area in Madison County (432,152 total acres) and 9,834 acres of land or 1.2 percent of the land in Oneida County (814,934 total acres).

None of the Nation's lands within the Towns of Augusta, Stockbridge, Cazenovia, or Sullivan would be conveyed into trust under Alternative F.

Implementation of Alternative C would have direct beneficial effects to the Nation as 9,903 acres of land would be conveyed into trust. Implementation of Alternative D would result in 3,428 acres of land being conveyed into trust. Implementation of Alternative E would result in 225 acres of land being conveyed into trust. Implementation of Alternative F would result in 11,986 acres of land being conveyed into trust. The Nation would have the ability to self-govern these lands free from the threat of foreclosure or alienation. Adverse direct effects to the Nation would also occur as the balance of the Nation's lands would not be conveyed into trust. Under the **Property Taxes Paid** and **Property Taxes Not Paid – Foreclosure** scenarios the Nation would not be able to self-govern and regulate activities on lands not conveyed into trust.

Implementation of Alternatives C through F would result in direct effects to the affected communities, as they would not have the ability to plan for the use of or have regulatory control over approximately 9,903 acres of land under Alternative C, approximately 3,428 acres of land under Alternative D, approximately 225 acres of land under Alternative E, and approximately 11,986 acres of land under Alternative F (it should be noted that the configuration of lands under Alternative F is more compact and contiguous than under Alternatives A, B or C and, therefore, could be seen as less disruptive to local land use planning and zoning). Under the **Property Taxes Paid** and **Property Taxes Not Paid – Foreclosure** scenarios the affected communities would experience a beneficial effect as they would have the ability to plan for the use of and regulate activities on lands not conveyed into trust, although foreclosure could have adverse indirect effects to the communities, such as the potential deterioration of once productive agricultural lands that could lie fallow unless another entity were to resurrect agricultural activities once the Nation were to lose title.

Alternative G

Under the No-Action Alternative (Alternative G), the United States would not acquire any lands from the Nation to be held in trust thereby resulting in adverse direct effects to the Nation as previously noted for lands not conveyed into trust under Alternatives C through F. Under the **Property Taxes Paid** and **Property Taxes Not Paid – Foreclosure** scenarios,

the Nation would not be able to self-govern and regulate activities on lands not conveyed into trust.

An additional taxation/jurisdiction scenario exists under the No Action Alternative. The scenario is referred to as the **No Action – Casino Closes**. Under the **Casino Closes** scenario, all of the 17,370 acres of Nation owned lands would be subject to possible alienation due to potential foreclosure and thus to affect or development by others. All 17,370 acres would be regulated under the jurisdiction of State and local governments. This includes all applicable environmental standards and permits, as well as land use policies and plans and zoning rules and land use regulations. Virtually all Nation enterprises would cease operations, taxes could not be paid and eventually all Nation lands would be alienated. Conveying none of the Nation's lands would not afford the Oneida the ability to self-govern and control lands considered their ancestral homeland and within their reservation.

Under the **Property Taxes Paid** and **Property Taxes Not Paid – Foreclosure** scenarios the affected communities would experience a beneficial effect, as they would have the ability to regulate activities on 17,370 acres of land, although foreclosure could have adverse effects to the communities as discussed previously.

The following text presents the results of the analysis of environmental consequences of the Proposed Action and other alternatives on the individual communities where the Nation owns land that would be conveyed into trust.

Oneida County

Town of Verona

The Nation owns 173 parcels comprised of 220 tax lots within the Town of Verona, or approximately 8,594 acres of land. Nation lands make up approximately 19.3 percent of the total area of the Town of Verona.

The predominant land uses on Nation holdings in the Town of Verona are commercial gaming-related and resort uses that support or are directly related to the Turning Stone Resort & Casino located on Patrick Road south of NYS Route 365 including the Shenendoah Golf Course, the Pleasant Knolls Golf Course, the Kaluhyat Golf Course and the Sandstone Hollow Golf Course. Additional related commercial gaming land uses in the Town of Verona include accommodations as described below, parking garages, employee housing, storage facilities, support services, office space, and operations. Accommodations at the Turning Stone Resort & Casino include the Lodge at Turning Stone a 98-suite luxury boutique hotel adjacent to the casino, the Tower at Turning Stone a 19-story hotel with 287 rooms and suites, the Inn at Turning Stone featuring 62 rooms, the Villages at Turning Stone RV Park with 175 paved sites, and the Hotel at Turning Stone a three-story hotel with 258 rooms. Most of these accommodations are located at the intersection of

Patrick Road and NYS Route 365; the Villages at Turning Stone RV Park are located along the north side of NYS Route 365, to the west of the Sandstone Hollow Golf Course. The Inn at Turning Stone is located on NYS Route 365 north of I-90.

A variety of other land uses exist on Nation holdings in the Town of Verona including active and vacant residential structures, commercial retail uses, and agriculture. Commercial-related land uses such as the golf courses, operations, support facilities, and SavOn gas stations and convenience stores are generally located along the south side of NYS Route 365 and Patrick, Vernon, Beacon Light, and Snyder Roads in the vicinity of the Turning Stone Resort & Casino. The Pleasant Knolls Golf Course and a large agricultural property located east of Verona Road are south of the Turning Stone Resort & Casino and along the Verona Town line and Stoney Brook Road. Wetlands and undeveloped areas are located on Nation lands along NYS Route 31 and Germany Road, to the north and west of the Turning Stone Resort & Casino. Other wetland and vacant properties are located along Germany, Carpenter, and Irish Ridge Roads. The abandoned Kamp Airport located along Irish Ridge Road in the western part of the Town of Verona is on Nation lands.

Land uses on Nation holdings in the western part of the Town of Verona consist of single-family residential structures and vacant land. Wild and forested land is located on three parcels along the Erie Canal. In the southwestern part of the Town of Verona, Nation lands that are located along Hill Road contain warehouses, old field succession, wetlands, member housing, vacant residential dwellings, and woodlands. Just north of this area, part of the right-of-way for the New York Central Railroad is located on Nation land. In the southern part of the Town of Verona near the Vernon Town line, some Nation lands are used for other agricultural purposes while others remain wooded and undeveloped (New York State Office of Real Property Services 2004; Malcolm Pirnie, Inc., 2005).

Section 3.8.6 provides a detailed description of the Comprehensive Land Use Plan which the Town of Verona adopted in December 1996.

The Town of Verona Board enacted and adopted the Town of Verona Zoning Ordinance in Local Law No. 1 of 2003 (Town of Verona, 2003). The Zoning Map was adopted in October 2004 (Town of Verona, 2004). Within the Town of Verona, many of the Nation's Group 1 lands appear to be located within the Rural Development (RD) zoning district. The RD district is intended to foster and maintain the economic viability of agricultural uses and to minimize effects upon sensitive environmental and natural resources in major rural portions of the Town. The Turning Stone Resort & Casino itself is located in the Planned Unit Development (PUD) zoning district that allows for a variety of land uses and a flexible arrangement of lots, structures, and land uses in a well-planned and coordinated design.

Other Group 1 lands are located in either the Planned Commercial (PC) zoning district, which is intended to promote a variety of medium to large scale commercial uses developed in planned and well-designed arrangements of lots, buildings, and site improvements, or the Hamlet Commercial and Residential (HCR) zoning district that is intended to encourage and maintain the development and growth of primarily existing commercial centers within the Town by allowing a mixture of residential, non-residential, and commercial land uses in a physical setting that promotes pedestrian movement.

The Nation's Group 2 lands appear to be located in the following zoning districts: the RD zoning district; the Rural Residential (RR) zoning district in which single-family residential dwellings are permitted uses by right; the Planned Commercial (PC) zoning district which is intended to promote a variety of medium to large scale commercial uses developed in planned and well-designed arrangements of lots, buildings, and site improvements; the Heavy Commercial and Industrial (HCI) CI zoning district; and the PUD district.

Properties in the hamlets of Verona Beach and Durhamville are located within the HCR zoning district. Verona Beach and Durhamville do not have separate zoning regulations and are under the jurisdiction of the Town of Verona. The HCR district is, *“intended to encourage and maintain the development and growth of primarily existing commercial centers within the Town by allowing a mixture of residential, non-residential, and commercial land uses in a physical setting that promotes pedestrian movement.”*

The Nation's Group 3 lands are located entirely within Rural zoning districts with the exception of two tax lots located within the Village of Durhamville which are located in the HCR zoning district.

While the Turning Stone Resort & Casino is located in an area in which its use is not congruous with surrounding land uses, it is located within a PUD zoning district in which its use is consistent with the local zoning for that area. At the time of the purchase of the land which the Turning Stone Resort & Casino occupies, the property was vacant farmland. However, the Nation converted this vacant area into a casino and resort facility on land that is zoned PUD. All development within this PUD district requires review and approval by both the Town Board and the Planning Board of the Town of Verona. It was established that this district, *“is also intended to accommodate land uses or scales of developments that may be unique or require fuller consideration by the Town.”* (Town of Verona, 2004). A project of the magnitude of the Turning Stone Resort & Casino, as well as its unrivaled use would constitute a project that would certainly be considered “unique” in comparison to the uses of the surrounding properties. However, the facility may not be in compliance with certain bulk regulations associated with the PUD zone. Therefore, the properties under Nation ownership are primarily consistent with the zoning regulations in which they are located. The Nation has consistently worked with the Town on planning issues, however, including funding a Town land use plan and study.

Under **Alternative A**, all of the Nation's lands within the Town would be conveyed into trust. This would have a direct effect to the Town, as they would not have regulatory/zoning control over these 173 parcels. Lands in trust within the Town of Verona would be regulated according to the Nation's development plans and land use and zoning ordinances. This would have a beneficial effect to the Nation's ability to govern its lands, which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the Town would experience a direct effect as 8,600 acres of Nation land within the Town of Verona would not be regulated by the Town of Verona land use plans and zoning regulations. This would prevent the Town of Verona from uniformly establishing and implementing land use policy recommendations and zoning controls for these lands. However, a comparison of Nation land uses and local zoning in Appendix G indicates that these Nation parcels are primarily consistent with both the Town's Comprehensive Land Use Plan and Zoning Ordinance. The conveyance of these Nation parcels into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the 173 parcels that the Nation owns in the Town of Verona, 155 parcels, comprised of 6,495 acres of land, would be conveyed into trust. These lands make up approximately 14.6 percent of the total area of the Town. Conveyance of lands into trust would result in a direct effect to the Town, as they would not have planning or regulatory/zoning control over 6,495 acres of Nation lands. The State of New York and the counties have asserted that this could have a significant adverse effect to the Town's ability to implement comprehensive planning in the Town and to uniformly enforce its zoning ordinance within a number of zoning districts in the Town. Lands in trust would not be affected by current or future public policy, land use plans, or zoning regulations of the Town of Verona. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans.

The Nation has 18 parcels of Group 3 lands, totaling 2,100 acres, in the Town of Verona that would be excluded from conveyance into trust under Alternative C. This amounts to 4.7 percent of the total land area of the Town. Different potential effects would result depending on the taxation/jurisdiction scenario that would be applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection.

Under **Alternative D**, of the Nation's 173 parcels, 70, comprising approximately 2,196 acres of land, would be conveyed into trust. These lands make up approximately 4.9

percent of the total area of the Town. Alternative D would involve the conveyance into trust of all of the Nation's Group 1 lands within the Town. Conveyance of these lands into trust would not be expected to have a significant effect to the Town's ability to apply land use plans and public policy or zoning regulations due to the relatively small percentage of land and number of parcels that would be conveyed into trust under this alternative, as well as the consistency of Nation lands with local zoning. Lands in trust would not be affected by the Town's current or future public policy, land use plans or zoning regulations. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans.

The Nation has 85 Group 2 parcels and 18 Group 3 parcels totaling 6,397 acres of land, or 14.3 percent of the land within the Town, that would be excluded from conveyance into trust under Alternative D. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative D that is provided at the beginning of this subsection.

Under **Alternative E**, of the Nation's 173 parcels, two, comprising approximately 225 acres of land, would be conveyed into trust. Conveyance of these two parcels into trust would not be expected to have a significant effect to the Town's ability to apply land use plans and public policy or zoning regulations due to the size and number of parcels that would be conveyed into trust under this alternative. These two parcels would not be affected by current or future public policy, land use plans or zoning regulations. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate these two parcels subject to their plans.

The Nation has 68 Group 1 parcels, 85 Group 2 parcels and 18 Group 3 parcels totaling 8,369 acres, or 18.8 percent of the land within the Town of Verona, that would be excluded from conveyance into trust under Alternative E. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection.

Under **Alternative F**, of the 173 parcels that the Nation owns in the Town of Verona, 169 parcels, comprised of 7,912 acres of land, would be conveyed into trust. These lands make up approximately 17.7 percent of the total area of the Town. Conveyance of these lands into trust would result in a direct effect to the Town, as they would not have the ability to conduct comprehensive planning or have regulatory/zoning control over 6,495 acres of Nation lands. Lands in trust would not be affected by current or future public policy and land use plans or zoning regulations of the Town of Verona. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans and ordinances.

The Nation has 4 parcels totaling 682 acres, or 1.5 percent of the Town area, in the Town of Verona that would be excluded from conveyance into trust under Alternative F. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative F that is provided at the beginning of this subsection.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the Nation lands within the Town of Verona. Excluding lands from conveyance into trust would have an effect to both the Nation and the Town. Under this alternative, the various taxation/jurisdiction scenarios would be applied to those lands. Under the **Casino Closes** scenario, all of the Nation's properties within the Town of Verona would be subject to possible alienation due to potential foreclosure and thus to potential adverse effects or development by others. All Nation lands would be regulated under the jurisdiction of State and local governments. This includes all applicable environmental standards and permits, as well as land use policies and plans and zoning rules and land use regulations. Virtually all Nation enterprises would cease operations, taxes could not be paid and eventually all Nation lands would be alienated. Conveying none of the Nation's lands within the Town of Verona into trust would not afford the Oneida the ability to self-govern and control lands considered their ancestral homeland and within their reservation.

Village of Sylvan Beach

The Nation owns one parcel of land made up of seven tax lots comprising 6.6 acres, consisting entirely of Group 2 lands (located in the Village of Sylvan Beach within the Town of Vienna.) This parcel consists of a marina, which was also being used as a marina before the Nation purchased the land. The Nation further developed the land which involved improvements to the existing marina. This parcel comprises 0.01 percent of the total area of the Town of Vienna. Section 3.8.6 provides a detailed description of the Comprehensive Plan of the Village of Sylvan Beach which was adopted in November 2001.

The Village of Sylvan Beach adopted its Zoning Ordinance, which was most recently updated in November 2005 by the Village Board of Trustees (Village of Sylvan Beach, 2005). The Nation's property located within the Village of Sylvan Beach is the Mariner's Landing Marina and is also used for seasonal and year-round rental housing. The use as a marina pre-dated the Nation's acquisition of the parcel. It is located within the Business (B-3) zoning district that permits a number of residential, commercial, community facility, and recreational uses as-of-right, including marinas.

Under **Alternative A**, the one Nation parcel in the Village of Sylvan Beach would be conveyed into trust. This parcel would be regulated according to the Nation's plans and policies and zoning ordinances. This would have a beneficial effect to the Nation's ability to govern this parcel which is one of the goals of the Nation's Proposed Action. If this parcel were conveyed into trust, the Village would experience a direct effect, as the

Village's land use plans and zoning policy would not be applicable to the approximately seven (7) acres of Nation land in the Village of Sylvan Beach. This would prevent the Village of Sylvan Beach from uniformly incorporating this parcel into its plans for land use. However, this Nation parcel is comprised of a marina which was in existence before the Nation acquired this property. Furthermore, a comparison of land uses and zoning in Appendix G indicates that this Nation parcel is consistent with both the Village's Beach Restoration Area Plan and its Zoning Ordinance. The conveyance of this property into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, the effects would be the same as those identified under Alternative A as the one Nation parcel in the Village of Sylvan Beach conveyed into trust under Alternative A would be conveyed into trust under Alternative C.

Under **Alternatives D and E**, none of the Nation's lands in the Village of Sylvan Beach would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under **Alternative F**, the effects would be the same as those identified under Alternative A, as the one Nation parcel in the Village of Sylvan Beach conveyed into trust under Alternative A would be conveyed into trust under Alternative F.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Village of Sylvan Beach. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Vernon

There are 37 tax lots comprised of 29 parcels of Nation lands located within the Town of Vernon, encompassing a total of approximately 1,911 acres of land. Nation lands make up approximately 7.8 percent of the total area of the Town of Vernon.

Nation lands located in the Town of Vernon generally are utilized for agriculture (pastures), wetlands, single-family residential structures, office space, warehouses, golf courses and associated operations, and SavOn gas stations and convenience stores.

In the northern portion of the Town of Vernon located north of NYS Route 5, land uses on Nation holdings consist of single-family and vacant dwellings, agriculture, warehouses,

wooded areas, wetlands, and vacant land. The Atunyote Golf Course and properties for support operations are located on the north side of Cooper Street, east of Verona Street. Along NYS Route 5 in the Town of Vernon, Nation lands contain a warehouse and vacant lands. Nation lands located in the western part of the Town of Vernon along Peterboro Road near the town line are used for agriculture and member housing.

The Nation owns four parcels located within the Village of Vernon that are comprised of five tax lots encompassing 10 acres of land. These Nation lands, which are located along NYS Routes 5 and 31, are utilized for a telecommunications office, a commercial warehouse, an abandoned motel structure, agricultural land, and residential uses.

Section 3.8.6 provides a detailed description of the Town of Vernon Comprehensive Plan Report, which was adopted by the Town Board of Vernon in October 2005.

The Town of Vernon Zoning Law, which was adopted in April 1981 and was last updated in April 2005, governs development in the Town (Town of Vernon, 2005). The Nation's Group 1 lands are located within one of the four following zoning districts: the Agricultural (A) zoning district that comprises more than half of the land area in the Town; the Rural Hamlet (RH) zoning district that provides for clusters of moderate-density housing development while maintaining the generally rural character of the Town; the Residential (R-1) zoning district that comprises approximately five percent of the land area within the Town; and the Commercial/Manufacturing (C-M) zoning district that provides for the industrial expansion within the Town and to allow this to occur with compatible large-scale commercial operations.

The Nation's Group 2 lands are located in the A zoning district and include such uses as member housing, agriculture, vacant office space, inactive wooded areas, and cultural resources.

The Nation's Group 3 lands are located in the A zoning district and include such uses as agriculture, inactive wooded areas, and pastures.

Under Alternative A, all of the Nation's lands within the Town would be conveyed into trust. Nation properties in the Town of Vernon would not be incorporated into local public policies, plans, and land use recommendations and would not be subject to the Town's zoning regulations. Once in trust, Nation properties would be developed according to the Nation's plans and policies and zoning and land use ordinances. This would result in a beneficial effect for the Nation in that it would allow for the ability to control its own lands, which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the Town would experience a direct effect as 1,911 acres of Nation land within the Town of Vernon would not be subject to the public policies and land use recommendations established by the Town. This would preclude the Town of Vernon from uniformly incorporating these lands into its plans and recommendations for future development and from uniformly enforcing its zoning

regulations within a number of zoning districts in the Town. However, a comparison of land uses and zoning in Appendix G indicates that these Nation parcels are primarily consistent with both the Town's Comprehensive Plan and Zoning Law. The conveyance of these Nation parcels into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the 29 parcels that the Nation owns in the Town of Vernon, 25 parcels, comprised of approximately 1,479 acres of land, would be conveyed into trust. This accounts for 6.1 percent of the land within the Town. Conveyance of these lands into trust would affect the Town's ability to apply land use plans and public policy and uniformly enforce its zoning ordinance within a number of zoning districts in the Town. Lands in trust would not be affected by current or future public policy, land use plans or zoning regulations and plans of the Town of Vernon. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans and ordinances.

The Nation has four Group 3 parcels totaling 432 acres in the Town of Vernon that would be excluded from conveyance into trust under Alternative C. This amounts to 1.8 percent of the total land area of the Town. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection

Under **Alternative D**, of the 29 parcels that the Nation owns in the Town of Vernon, 15 parcels comprised of approximately 1,232 acres of land would be conveyed into trust. Nation lands make up approximately 5.1 percent of the total area of the Town of Vernon. Alternative D would involve all of the Nation's Group 1 lands within the Town being conveyed into trust. Conveyance of these lands into trust would not be expected to have a significant effect to the Town's ability to apply land use plans and public policy or zoning regulations due to the relatively small percentage of land and number of parcels that would be conveyed into trust under this alternative, as well as the consistency of Nation lands with local zoning. Lands in trust would not be affected by current or future public policy and plans of the Town of Vernon. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans.

The Nation has 10 Group 2 parcels and four Group 3 parcels totaling 680 acres, or 2.8 percent of the total area within the Town, that would be excluded from conveyance into trust under Alternative D. Different potential effects could result depending on the

taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative D that is provided at the beginning of this subsection.

Under **Alternative E**, none of the Nation's lands in the Town of Vernon would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this section.

Under **Alternative F**, the effects would be the same as those identified under Alternative A as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative F.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Vernon. The effects would be the same as those identified previously at the beginning of this subsection.

City of Sherrill

The Nation owns eight parcels of land made up of 11 tax lots comprising approximately 4.1 acres in the City of Sherrill. Nation lands make up approximately 0.3 percent of the total land area within the City of Sherrill.

Nation land uses are utilized for Standing Stone retail commercial businesses, residential structures, agricultural uses, and a SavOn gas station and convenience store.

Public policy for land use, zoning, and development for the City of Sherrill is addressed in the Town of Vernon Comprehensive Plan. The City of Sherrill does not have an adopted Master Plan (Holmes, telephone conversation March 2006; Holmes, written correspondence April 7, 2006). Therefore, there is little basis for analyzing compatibility between Nation plans and policies and the City of Sherrill's public policy and development recommendations, as there is no municipal master plan to enable a comparison.

The City of Sherrill Zoning Law and City of Sherrill Zoning Map govern development in the City. The Nation's Group 2 lands all are located to the north and south of NYS Route 5, within a Commercial (C-2) zoning district that permits residential uses as well as retail and commercial office uses including banks, retail stores, restaurants, laundromats, and business signs as well as community facilities such as firehouses as-of-right (same as in a Commercial (C-1) zoning district).

The Nation's Group 3 lands are located both to the north and south of NYS Route 5 within a C-2 zoning district.

In October 2005, the Nation entered into an agreement with the City of Sherrill under which the Nation agreed to meet or exceed City of Sherrill health, safety, zoning and

signage standards and regulations generally applicable to properties in the City (see Appendix G). In addition, for five years from the date of execution of the agreement, all non-compliant properties are considered conforming uses. This agreement can be renewed for successive five year terms. If the eight parcels were to be conveyed into trust, the existing agreement would terminate with respect to parcels conveyed into trust and Nation properties would not be subject to local zoning regulations within the City of Sherrill.

Alternative A involves all of the Nation's lands within the City being conveyed into trust. Nation properties within the City of Sherrill would be developed according to the Nation's plans, land use and zoning ordinances. This would result in a beneficial effect to the Nation's ability to govern its lands which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the direct effect to the City would be that four (4) acres of Nation land within the City of Sherrill would not be subject to City of Sherrill land use policies and local zoning regulations. This would preclude the City of Sherrill from uniformly incorporating recommendations and guidelines for all properties within the City into public policy and planning efforts, and from uniformly enforcing its zoning ordinance within two zoning district in the City. However, the Nation's use of the land primarily for commercial uses (SavOn gas station and convenience stores) is consistent with the City's plans as embodied in its zoning for commercial uses of the area containing Nation lands (see Appendix G). Moreover, the City of Sherrill has acknowledged that the Nation "operates businesses in conformance with local zoning regulations (Sacks, Personal Communication, January 27 and February 27, 2006). Also, it is worth noting that the Nation is not planning to change the existing uses of its Sherrill lands, which have been grandfathered under the agreement between the Nation and the City. The conveyance of these eight parcels into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the eight Nation parcels located in the City of Sherrill, six parcels of land comprising approximately 3.5 acres would be conveyed into trust under. This accounts for 0.27 percent of the land within the City. Based on the information previously presented in the discussion of effects under Alternatives A and B, conveyance of these lands into trust would be expected to have a minimal effect to the City's ability to apply land use and public policy or control land use through its zoning regulations (due to the limited size and number of parcels conveyed into trust under this alternative). These six parcels would not be affected by current or future public policy and land use policies or zoning regulations of the City of Sherrill. This would have a direct beneficial effect to the

Nation and their culture, as they would be able to regulate the lands subject to its plans and ordinances.

Within the City of Sherrill, the Nation has two Group 3 parcels totaling 0.6 acres, or 0.05 percent of the land area within the City, that would be excluded from conveyance into trust under Alternative C. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection. It is uncertain whether or not the existing agreement between the City of Sherrill and the Nation would continue to remain in effect for those properties that are not conveyed into trust under Alternative C. If the agreement were to apply to those Nation parcels excluded from conveyance into trust, then there would be no apparent adverse effect to the City's land use policies and zoning regulations under any of the taxing/jurisdiction scenarios. This would, however, adversely affect the Nation's ability to plan for and regulate the use of lands in the City that would not be conveyed into trust under this alternative.

Under **Alternatives D and E**, none of the Nation's lands in the City of Sherrill would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied and the application of the existing agreement (discussed above) to these lands which are excluded from conveyance into trust, as described at the beginning of this section.

Under **Alternative F**, the effects would be the same as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative F.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the City of Sherrill. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Augusta

The Nation owns three parcels of land located on six tax lots, comprising a total land area of approximately 260 acres. Nation lands make up approximately 1.5 percent of the total area of the Town of Augusta.

Nation lands are utilized for active and vacant residential uses, farmland, and commercial areas.

Section 3.8.6 provides a detailed description of the General Plan of the Town of Augusta and the Village of Oriskany Falls which were adopted by the Town of Augusta and the Village of Oriskany Falls in Augusta, 1972. The proposals and forecasts made within it were officially aimed at the year 1990.

The Town of Augusta Zoning Map was adopted as part of the Town of Augusta Zoning Ordinance in May 5, 1973. Group 2 lands are located in a Commercial (C-1) zoning district that permits retail and commercial office establishments, as well as other commercial uses as-of-right. The uses characterizing these Group 2 Nation lands are consistent with the municipal zoning regulations covering this area.

The Nation's Group 3 lands are located in an A-1 district which permits agricultural uses as well as single family dwellings, public parks, individual mobile homes, and mobile home parks as-of-right.

Under **Alternative A**, all three Nation parcels would be conveyed into trust. These three Nation parcels would be developed according to the land use plans and policies and land use and zoning ordinances of the Nation. This would result in a beneficial effect to the Nation's ability to govern its lands which, is one of the goals of the Nation's Proposed Action. If the three parcels were conveyed into trust, the Town would experience a direct effect, as 259 acres of Nation land within the Town of Augusta would not be subject to Town of Augusta public policy, land use plans, developmental guidelines and zoning regulations. This would preclude the Town of Augusta from uniformly establishing land use policy and development recommendations and uniformly enforcing its zoning regulations within two zoning districts in the Town. Although two of the three Nation parcels within the Town, containing four tax lots, are not consistent with the Town's Zoning Ordinance, due to the relatively small amount of land involved, the conveyance of these three parcels into trust is anticipated to have a less than significant effect. Furthermore, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the three parcels that the Nation owns in the Town of Augusta, two parcels of land comprising a total land area of approximately 1.6 acres would be conveyed into trust. This accounts for 0.01 percent of the land within the Town. Conveyance of these two parcels into trust would be expected to have a minimal effect to the City's ability to apply land use plans and public policy or uniformly enforce its zoning ordinance due to the limited size and number of parcels conveyed into trust under this alternative. These two parcels would not be affected by current or future public policy and plans of the Town of Augusta. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate these two parcels subject to their plans and ordinances.

Within the Town of Augusta, the Nation has one Group 3 parcel totaling 258 acres, or less than 1.5 percent of the Town's area, that would be excluded from conveyance into

trust under Alternative C. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection.

Under **Alternatives D, E and F**, none of the Nation's lands in the Town of Augusta would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this section.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Augusta. The effects would be the same as those identified previously at the beginning of this subsection.

City of Rome

Although no Nation properties are located within the City of Rome, areas within the City of Rome are located within the 1,000-foot Study Area radius from Nation land. Therefore, analysis of potential effects is provided. Section 3.8.6 provides a detailed description of the City of Rome Comprehensive Master Plan, which was adopted in 2004 by the City Common Council.

Nation lands within a 1000-foot radius of the City of Rome boundaries are located in Groups 2 and 3 and existing uses on Nation lands in the northern part of the Town of Verona are similar in rural character and level of activity as those nearby areas located within the southern and western parts of the City of Rome's outer district. Therefore, they are within the character and scale of the existing municipal zoning conditions in those areas.

As there are no Nation lands within the City of Rome, none of the alternatives would have a direct effect to the City of Rome's land use plans or zoning regulations.

Town of Westmoreland

Areas in the northwest part of the Town of Westmoreland are located within the Study Area as they are located within the 1,000-foot Study Area from Nation land. Therefore, an analysis of potential effects for those areas within the Study Area is provided. Section 3.8.6 provides a detailed description of the Town of Westmoreland Comprehensive Plan which is dated October 1995.

The Nation land located in Group 3 near the Town of Westmoreland is identified as inactive agricultural land and is similar in nature and typical of many properties in this area of Oneida County. In addition, it does not significantly conflict with the existing

municipal zoning in the Town. Therefore, it is within the character and scale of the existing municipal zoning conditions in those areas.

As there are no Nation lands within the Town, none of the alternatives would have an effect to the Town of Westmoreland land use plans or zoning regulations.

Madison County

City of Oneida

The Nation owns 39 parcels comprised of 45 tax lots encompassing a total of approximately 1,039 acres located within both the inner and outer portions of the City of Oneida. Nation lands make up approximately 7.4 percent of the total area within the City of Oneida.

Nation lands located near the downtown area of the City of Oneida are utilized for SavOn gas stations and convenience stores, a wholesale distribution center, vacant and active warehouses, Nation Government Services and Affairs offices, member housing, active and vacant residential uses, and the Nation's communications/media relations office. In the outer rural areas of the City of Oneida, Nation lands located along NYS Route 46 and Glenwood Avenue are utilized for Nation Services and Affairs offices, Nation community facilities, a gymnasium, the cultural and education center, farming, a 99-acre inoperative sand and gravel pit, member housing and residential uses, including the Village of the White Pines member housing complex, a graveyard, a SavOn gas station and convenience store, and vacant properties.

Section 3.8.6 provides a detailed description of the City of Oneida Comprehensive Plan which was adopted in September 2005. The City of Oneida also adopted a Downtown Strategic Plan which provides a framework for urban revitalization efforts, design guidelines, and land use recommendations for the downtown area.

The City Zoning Code is part of the City Code and was adopted by the Common Council of the City of Oneida on May 22, 1979 and is in accord with the findings and objectives of the City Comprehensive Plan (City of Oneida, 1979). It should be noted that the City has recently adopted a new zoning map and zoning code; however, as of the date of publication of this EIS, the revised zoning map and zoning code was not yet provided by the City.

The Nation's Group 2 lands, including the Village of the White Pines member housing complex, are located within the Residential (R1) zoning district which permits single-family residential dwellings. Properties located to the west of Glenwood Avenue are located within the Agricultural (A) zoning district, which comprises approximately one half of the land area in the City of Oneida. In addition, multiple parcels located in the central portion of the Town near Lenox Avenue, multiple parcels located just north of Seneca Avenue/Genesee Street, and two parcels located in the northeastern portion of the

City on both sides of NYS Route 365a right-of-way are located in the Manufacturing-Industrial (M-I) zoning district in which all uses are conditional and require a special use permit from the Planning Commission, including commercial and industrial uses. There is also one parcel located in the northeastern portion of the City that appears to be located in a Residential (R-3) zoning district that permits one, two, three, and four-family dwellings as-of-right.

The Nation's Group 3 lands are located just to the west of Glenwood Avenue and are located within the A and R1 zoning districts.

In March 2006, the Nation entered into an agreement with the City of Oneida under which on those parcels owned or acquired by the Nation within the City, the Nation agreed to meet or exceed City of Oneida land use, zoning, and comprehensive plan standards and other rules generally set forth in the City Code. The agreement, which is included in Appendix G, states that, *"The Nation will enact ordinances and/or standards that provide for future development of its parcels in the City to be pursued in a manner consistent with the City's comprehensive plan as it exists on the date of this Agreement, until the parcel(s) are conveyed into trust by the United States for the benefit of the Nation or set aside by the United States for the Nation in the future by or pursuant to federal statute, whichever is earlier."*

As stated above, the Village of the White Pines member housing complex is located in an R1 zone. While this zone permits residential uses as-of-right, it permits only single-family residential uses. Because some of the complex's structures house two families in semi-attached style buildings, the parcels containing this housing development would be presently considered partially inconsistent with the zoning rules and regulations governing the area in which it is located. However, under the agreement between the Nation and the City, the complex, as well as any other non-conforming use in the City, is permitted under a "grandfather" provision. This agreement expires in 2011 or when the lands are conveyed into trust.

Within the City of Oneida, the Nation has established various zoning districts through its Land Use Ordinance. If Alternative A is implemented, the development would not be subject to City zoning rules and regulations but would be subject to the Nation's zoning rules and regulations which designate the housing complex as a Planned Unit Development (PUD) zoning district. The Nation's Land Use Ordinance stipulates that the PUD *"shall be only developed by Special Use Permits and are granted for well-designed developments which are primarily residential in use and contain provisions for open space, landscaping, recreation, and accessory uses which enhance the quality of life of residents. Residential uses may include single-family detached dwelling units, single-family attached dwelling units, multi-family dwelling units and/or Home Occupations. Additionally, accessory uses may include certain commercial, community, or governmental buildings or facilities."* This

would apply to all Nation properties located in one of the zoning districts designated by the Nation's Zoning Ordinance.

Under **Alternative A**, all of the Nation lands in the City of Oneida would be conveyed into trust. Nation lands within the City of Oneida include the Village of the White Pines member housing complex. Nation properties would not be subject to the land use recommendations and development guidelines established and adopted by the City of Oneida in its public policies. This would result in a beneficial effect to the ability of the Nation to govern its lands which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the City would experience a direct effect, as 1,039 acres of Nation land within the City of Oneida would not be incorporated into, or addressed by City of Oneida land use, zoning and comprehensive plan standards. This would preclude the City of Oneida from uniformly incorporating recommendations and land use plans for Nation lands into its plans as well as prevent it from uniformly enforcing its zoning regulations. A comparison of land uses and zoning in Appendix G indicates that these Nation parcels are primarily consistent with both the City's Comprehensive Plan and Zoning Code. Additionally, under the agreement between the Nation and City of Oneida, non-conforming properties identified in Appendix G are considered conforming. The conveyance of these Nation parcels into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the 39 parcels that the Nation owns in the City of Oneida, 35 parcels comprised of approximately 789 acres located within both the inner and outer portions of the City of Oneida, would be conveyed into trust, including the Nation's Village of the White Pines member housing complex. This accounts for 5.6 percent of the land within the City. Conveyance of these lands into trust would affect the City's ability to apply land use plans and public policy and its ability to uniformly enforce its zoning ordinance within a number of zoning districts in the City. This effect would not be expected to be significant given the relatively small percentage of lands and number of parcels that would be conveyed into trust under this alternative. Lands in trust would not be affected by current or future public policy and land use plans or zoning regulations of the City of Oneida. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans and ordinances.

Within the City of Oneida, the Nation has four Group 3 parcels totaling 250 acres, or 1.8 percent of the City area, that would be excluded from conveyance into trust under Alternative C. Different potential effects could result depending on the

taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection. It is uncertain whether or not the existing agreement between the City of Oneida and the Nation would continue to remain in effect for those properties that are not conveyed into trust under Alternative C. If the agreement were to apply to those Nation parcels excluded from conveyance into trust, then there would be no apparent adverse effect to the City's land use plans, policies and zoning regulations under any of the taxing/jurisdiction scenarios. This would, however, adversely affect the Nation's ability to plan for and regulate the use of lands in the City that would not be conveyed into trust under this alternative.

Under **Alternatives D and E**, none of the Nation's lands in the City of Oneida would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this section.

Under **Alternative F**, the effects would be the same as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative F.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the City of Oneida. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Lenox

The Nation owns 22 parcels comprised of 34 tax lots encompassing a total of approximately 826 acres located within the Town of Lenox. Nation lands make up approximately 3.6 percent of the total area of Lenox. This does not include those Nation properties located in the Village of Canastota.

Nation lands located in the northern portion of the Town of Lenox are utilized for member housing, single and vacant residential structures, the Marion Manor Marina, member boating facilities, and a SavOn gas station and convenience store while wetlands, wooded parcels, and vacant lands are located in other sections of the town. Nation lands located in and near the Hamlet of South Bay on Oneida Lake are utilized for the Marion Manor Marina that is comprised of five tax lots, a member boating and recreational facility, a SavOn gas station and convenience store, vacant residential structures, and vacant lands. In the western part of the Town of Lenox on the Town of Sullivan border, Nation lands are utilized for member housing, wooded areas, and wetlands. In the center of the Town of Lenox, Nation lands are generally located in two areas, along I-90 and in and around the Village of Canastota. Along I-90, Nation lands are utilized for member housing, wooded parcels, wetlands, and other vacant properties.

The Town of Lenox does not have an adopted Master or Comprehensive Plan; however, the Town of Lenox and the Villages of Canastota and Wampsville prepared planning studies in the 1950s and 1960s which include surveys, design guidelines, development recommendations, and assessments of these communities (Gazda, 2006; Town of Lenox, July 1959; Town of Lenox, September 1960).

The Town Code for Lenox was adopted by the Town Board on December 10, 1984 as Local Law 5-1984. Amendments are noted in the Town Code. (Town of Lenox, 1994; Town of Lenox, 1999). The Nation's Group 2 lands are located within the following zoning districts: the Agricultural (AG) zoning district; the Agricultural/Residential (AR) zoning district that permits single-family dwellings, farms, and related agricultural activities; the Business/Commercial General (BG) zoning district that permits a number of commercial and other moderate intensity land uses; the Business/Commercial Recreational (BR) zoning district that permits boat sale and rental facilities, beaches or swimming pools, restaurants, social facilities, and motels/hotels; and the Conservation/Outdoor Recreation (CR) zoning district that permits farms, orchards, non-intensive outdoor recreation, and golf courses.

The Nation's Group 3 lands are located within the BR zoning district and consist of inactive wooded areas and wetlands, while one of the parcels is located in an AG zoning district.

Under **Alternative A**, all of the Nation's lands in the Town would be conveyed into trust. Nation properties in Lenox would be developed according to the Nation's own plans, land use and zoning ordinances. This would result in a beneficial effect to the ability of the Nation to govern its lands which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the Town would experience a direct effect as 826 acres of Nation land within the Town of Lenox would not be subject to land use, zoning or development recommendations of the Town of Lenox. This would preclude the Town of Lenox from the ability to uniformly incorporate development recommendations for Nation lands into local public policy. However, since the Town does not have an adopted comprehensive or master plan, the effect is not considered to be adverse. Additionally, Nation land within the Town of Lenox would not be subject to local zoning regulations. This would prevent the Town of Lenox from uniformly enforcing its zoning ordinance within certain zoning districts in the Town. A comparison of land uses and zoning in Appendix G indicates that very few of these Nation parcels are inconsistent with the Town's Code. Due to the relatively small percentage of land involved and general consistency of Nation land use with local zoning, however, this is anticipated to have a minimal effect. The conveyance of these Nation parcels into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the 22 parcels that the Nation owns in the Town of Lenox, 18 parcels comprising approximately 638 acres would be conveyed into trust. This accounts for 2.7 percent of the land within the Town. Conveyance of these lands into trust would not be expected to have a significant effect to the Town's ability to apply land use plans and public policy or enforce zoning regulations in the Town due to the relatively small percentage of land within the Town that would be conveyed into trust under this alternative and the general consistency of Nation land use with local zoning. Lands in trust would not be affected by current or future public policy and land use guidelines or zoning regulations of the Town of Lenox. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans and ordinances.

Within the Town of Lenox, the Nation has 4 Group 3 parcels totaling 189 acres, or 0.8 percent of the Town area, that would be excluded from conveyance into trust under Alternative C. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection.

Under **Alternatives D and E**, none of the Nation's lands in the Town of Lenox would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this section.

Under **Alternative F**, of the 22 parcels that the Nation owns in the Town of Lenox, 21 parcels comprised of approximately 616 acres would be conveyed into trust under Alternative F. This accounts for 2.6 percent of the land within the Town. Conveyance of these lands into trust would not be expected to have a significant effect to the Town's ability to apply land use plans and public policy or enforce zoning regulations in the Town due to the small amount of land within the Town that would be conveyed into trust under this alternative and the general consistency of Nation land use with local zoning. Lands in trust would not be impacted by current or future public policy and land use policies or zoning regulations of the Town of Lenox. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans and ordinances.

Within the Town of Lenox, the Nation has 1 Group 3 parcel, totaling 211 acres, or 0.9 percent of the Town area that would be excluded from conveyance into trust under

Alternative F. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative F that is provided at the beginning of this subsection.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Lenox. The effects would be the same as those identified previously at the beginning of this subsection.

Village of Canastota

The Nation owns 13 parcels on 13 tax lots encompassing a total of approximately 226 acres within the Village of Canastota. Nation properties make up approximately 10.7 percent of the total area of the Village.

Within the Village of Canastota, Nation lands are utilized for a SavOn gas station and convenience store located adjacent to I-90, vacant recreational parcels, a cultural area (a Nation festival site), Indian Country Today's Newspaper publishing headquarters, Nation Police headquarters located on Diamond Street, active and abandoned agricultural uses, and active and abandoned residential structures.

The Villages of Canastota and Wampsville in the Town of Lenox do not have adopted comprehensive plans (Gazda, 2006). However, studies were conducted in the late 1950s and early 1960s which assessed existing conditions within the Villages of Canastota and Wampsville, and the Town of Lenox. These studies were not adopted by the Village. A Master Plan Report for Canal Town, U.S.A. was prepared for the Village of Canastota in 1968 (Glavin, 1968); however, there is no record of it being adopted by the Village.

The Village of Canastota, which is located physically within the Town of Lenox, is governed by the General Code of the Village of Canastota which was updated on October 15, 2005 (Village of Canastota, 2005). The Nation's lands are located within the following zoning districts: the Agricultural (AG) zoning district that permits agricultural uses, single-family and two-family dwellings, schools, religious institutions, community centers, and other uses that require large areas of land; the Industrial (IN) zoning district that permits enclosed manufacturing industries, enclosed warehouses or wholesale, public utilities, enclosed service and repair uses, and other high intensity land uses; the General Commercial (CM) zoning district that permits a variety of commercial uses including retail stores, retail services, personal services, business offices, restaurants and bars, hotels, motels, and other commercial, accessory, and public uses; and the Residential (R2) zoning district that permits one- and two-family residential uses farms, orchards, non-intensive outdoor recreation, and golf courses.

Under **Alternative A**, all of the Nation's lands within the Village would be conveyed into trust. Nation properties in the Village would be developed according to the Nation's own

plans, land use and zoning ordinances. This would result in a beneficial effect to the ability of the Nation to govern its lands, which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the Village would experience a direct effect, as 226 acres of Nation land within the Village would not be subject to land use or development recommendations. This alternative would preclude the Village of Canastota from the ability to implement development recommendations for Nation lands into local land planning. In addition, as Nation lands conveyed into trust would not be subject to local zoning regulations, this would prevent the Village of Canastota from uniformly enforcing its zoning ordinance within a number of zoning districts in the Village. However, a comparison of Nation land uses and local zoning in Appendix G indicates that these Nation parcels are primarily consistent with the Village's General Code. The conveyance of these Nation parcels into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, effects to the Village of Canastota would be the same as those identified under Alternative A, as the same lands to be conveyed into trust under Alternative A would be conveyed into trust under Alternative C.

Under **Alternatives D and E**, none of the Nation's lands in the Village of Canastota would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under **Alternative F**, the effects to the Village of Canastota would be same as those identified under Alternative A, as the same lands proposed to be conveyed into trust under Alternative A would be conveyed into trust under Alternative F.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Village of Canastota. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Stockbridge

The Nation owns 28 parcels comprised of 48 tax lots encompassing approximately 3,621 acres of land. Nation lands make up approximately 17.9 percent of the total area within Stockbridge.

Many Nation lands in the Town of Stockbridge are utilized for farming activities, pastures, and crop fields. Properties located in the northern part of the Town of

Stockbridge and along NYS Route 46 are utilized for pastures, farming, crops, member housing, livestock raising, outdoor activities, residential uses, a Nation cattle facility (the Heifer Hotel), wetlands, wooded areas, and vacant parcels. Nation lands utilized for the Pratts Sand and Gravel Pit are located in the southern part of the Town of Stockbridge along Pratts Road. Located in the eastern portion of the Town of Stockbridge are Nation lands used for crops and farming activities, pastures, and outdoor activities. Some of the Nation lands located on the east side of the Town of Stockbridge have wetlands and wooded areas or are vacant.

The Town of Stockbridge does not have an adopted Comprehensive Plan (Jones verbal communication, 2006).

The Land Use Law for the Town of Stockbridge in Madison County was enacted in October 1989 and was most recently amended in May 2003 (Town of Stockbridge, 2003). Nation lands are located in an Agricultural/Residential/Commercial (ARC) zoning district that permits single-family dwellings including mobile or modular homes, two-family dwellings, farms and farm buildings already present and/or related to agricultural activities, orchards, tree nurseries, and reforestation areas as-of-right.

Under **Alternative A**, all of the Nation's lands within the Town would be conveyed into trust. Nation properties in the Town of Stockbridge would be developed according to the Nation's plans, land use and zoning ordinances. This would have a beneficial effect to the ability of the Nation to govern its lands, which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the Town of Stockbridge would experience a direct effect as 3,621 acres of Nation land within the Town of Stockbridge would not be subject to Town of Stockbridge land use policy and development recommendations. This would preclude the Town of Stockbridge from the ability to uniformly incorporate potential future development recommendations for Nation lands into local public policy. In addition, the Town would not have regulatory control over Nation land conveyed into trust within the Town of Stockbridge. This would prevent the Town of Stockbridge from uniformly enforcing its zoning ordinance within certain zoning districts in the Town. However, a comparison of Nation land uses and local zoning in Appendix G indicates that these Nation parcels are consistent with the Town's Land Use Law. The conveyance of these Nation parcels into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the 28 parcels that the Nation owns in the Town of Stockbridge, one parcel comprised of approximately 121 acres of land would be conveyed into trust. This accounts for 0.6 percent of the land within the Town. Conveyance of this parcel into trust would not be expected to affect the Town's ability to apply land use plans policy or zoning regulations due to the size and number of parcels that would be conveyed into trust under this alternative. This parcel would not be affected by current or future public policy and zoning regulations of the Town of Stockbridge. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate this parcel subject to their plans and ordinances.

Within the Town of Stockbridge, the Nation has 27 parcels of Group 3 lands totaling 3,500 acres, or 17.3 percent of the Town's area, that would be excluded from conveyance into trust under Alternative C. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection.

Under **Alternatives D, E and F**, none of the Nation's lands in the Town of Stockbridge would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Stockbridge. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Cazenovia

The Nation owns one parcel comprised of two tax lots encompassing approximately 9.3 acres in the Town of Cazenovia. Nation lands make up 0.03 percent of the total area of the Town.

The one Nation parcel is located in the northwestern portion of the Town of Cazenovia, just west of Lake Cazenovia, and contains an historic Oneida burial ground as well as wooded areas.

Section 3.8.6 provides a detailed description of the Land Use Guide for the Town of Cazenovia which was copyrighted in 1984.

The Zoning Code and the Zoning Map for the Town of Cazenovia was amended by the Town Board in 1991 (Town of Cazenovia, 1991). Nation land is located in the Lake Watershed Residential Use (LW) zoning district that allows single-family residential dwellings and accessory uses, and other low intensity land uses as-of-right.

Under **Alternative A**, one Nation parcel of land would be conveyed into trust. This one Nation property would not be subject to local public policy and plans. This would have a beneficial effect to the ability of the Nation to govern this parcel, which is one of the goals of the Nation's Proposed Action. If the one Nation parcel were conveyed into trust, the Town would experience a direct effect, as nine acres of Nation land within the Town of Cazenovia would not be subject to Town of Cazenovia land use plans and zoning regulations. This would preclude the Town of Cazenovia from uniformly implementing development guidelines and policy recommendations for future development throughout the Town. Additionally, as Nation land within the Town of Cazenovia would not be subject to local zoning regulations, this would prevent the Town of Cazenovia from uniformly enforcing its zoning regulations within the LW zoning district.

However, as this one Nation parcel contains burial grounds and is tax exempt, it is unlikely that this property would be developed and Federal law may prevent its development in any case. Since this property would be preserved and undeveloped if conveyed into trust, it would be consistent with the town-designated Lake Watershed character zone, which recommends preservation of lake views. In view of this, no adverse effect to the Town is anticipated. Moreover, the Town of Cazenovia has acknowledged that Nation lands conform to the Town's zoning regulations (Cook, Personal Communication, July 5, 2006). Furthermore, a comparison of Nation land uses and local zoning in Appendix G indicates that this one Nation parcel is consistent with the Town's Land Use Guide and Zoning Code. The conveyance of this one Nation parcel into trust, therefore, is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, effects to the Town of Cazenovia would be the same as those identified under Alternative A, as the same property proposed to be conveyed into trust under Alternative A would be conveyed into trust under Alternative C.

Under **Alternatives D, E and F**, none of the Nation's lands in the Town of Cazenovia would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Cazenovia. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Lincoln

The Nation owns five parcels comprised of eight tax lots encompassing approximately 367 acres in the Town of Lincoln. Nation lands make up approximately 2.3 percent of the total area of the Town.

Nation lands in the Town of Lincoln are located primarily in the east central portion of the town, near the borders with the City of Oneida and Town of Stockbridge. Nation lands are also located in the south central portion of the Town of Lincoln, near the border with the Town of Fenner. One of these properties is located on both sides of the Lincoln Town line, near Oxbow Road. Most of the Nation lands located in the Town of Lincoln are classified as having agricultural uses such as crops. Other Nation lands are either vacant lands or mature wooded areas. Two parcels of Nation lands are used for member housing, one is located near Nichols Pond Road and the other is located near Vedder Road.

The Town of Lincoln does not have an adopted master or comprehensive plan for land use and development recommendations (Warner verbal communication, 2006).

The Zoning map was adopted as part of the Town of Lincoln Land Management Law, which was adopted in February, 1998 (Town of Lincoln, 1998). Nation lands are located in an Agricultural Residential Zone 2 (AR-2) zoning district which is located throughout and in most areas of the Town. Approximately 80 percent of the land area in the Town of Lincoln is zoned AR-2. Farms and farm buildings for related agricultural activities on five acre lots, certain residential uses with restrictions, home occupations, mobile dwellings, accessory buildings, hobby farm uses, wild refuges, and private stables are permitted as-of-right.

Under **Alternative A**, all of the Nation's lands within the Town would be conveyed into trust. Nation properties would not be subject to Town of Lincoln plans or zoning regulations. This would result in a beneficial effect to the ability of the Nation to govern its lands which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the Town would experience a direct effect, as 367 acres of Nation land within the Town would not be subject to land use, policies, development recommendations or existing zoning regulations. Additionally, as Nation land within the Town of Lincoln would not be subject to local zoning regulations. This would prevent the Town of Lincoln from uniformly enforcing its zoning ordinance within the AR-2 zoning district. However, a comparison of Nation land uses and local zoning in Appendix G indicates that these five Nation parcels are consistent with the Town's Land Management Law. For this reason, as well as the fact that only a small amount of Nation land exists within the Town, the conveyance of these Nation parcels into trust is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the five parcels that the Nation owns in the Town of Lincoln, two parcels comprised of approximately 22.4 acres would be conveyed into trust. This accounts for 0.14 percent of the land within the Town. Conveyance of these lands into trust would not be expected to have an effect to the Town's ability to apply land use policy or zoning regulations due to the size and number of parcels that would be conveyed into trust under this alternative. Lands in trust would not be affected by current or future public policy and land use plans or zoning regulations of the Town of Lincoln. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans and ordinances.

Within the Town of Lincoln, the Nation has three Group 3 parcels totaling 345 acres, or 2.2 percent of the Town's area, that would be excluded from conveyance into trust under Alternative C. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection.

Under **Alternatives D and E**, none of the Nation's lands in the Town of Lincoln would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under **Alternative F**, of the five parcels that the Nation owns in the Town of Lincoln, four parcels comprised of approximately 156 acres would be conveyed into trust. This accounts for 1.0 percent of the land within the Town. Conveyance of these lands into trust would not be expected to have a significant effect to the Town's ability to apply land use plans, public policy and zoning regulations due to the small percentage and number of parcels that would be conveyed into trust under this alternative and consistency of Nation land use with local zoning. Lands in trust would not be affected by current or future public policy and land use policies or zoning regulations of the Town of Lincoln. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans.

Within the Town of Lincoln, the Nation has one Group 3 parcels totaling 212 acres, or 1.3 percent of the area in the Town, that would be excluded from conveyance into trust under Alternative F. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust,

as described in the general description of Alternative F that is provided at the beginning of this subsection.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Lincoln. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Sullivan

The Nation owns four parcels on four tax lots in the Town of Sullivan with a total acreage of approximately 181 acres. Nation lands make up approximately 0.4 percent of the total area of the Sullivan.

Nation lands located in the Town of Sullivan are concentrated in its northeastern portion, near the border with the Town of Lenox and consist of wooded areas and member housing.

Section 3.8.6 provides a detailed description of the Town of Sullivan Comprehensive Plan which was adopted in February 2006 by the Town Board of the Town of Sullivan.

The Town of Sullivan Zoning Map was adopted as part of the Town of Sullivan Zoning Law, which was adopted on July 30, 1979 and was most recently amended on February 26, 1990 (Town of Sullivan, 1990). Nation lands are located in the Agricultural Development (A) zoning district of which approximately 80 percent of the land area in the Town of Sullivan is zoned. Agricultural uses as well as single- and two-family dwellings are permitted as-of-right.

Under **Alternative A**, all of the Nation's lands within the Town would be conveyed into trust. Nation lands would not be subject to local plans or zoning regulations within the Town of Sullivan. This would result in a beneficial effect to the ability of the Nation to govern its lands, which is one of the goals of the Nation's Proposed Action. If the Nation's lands were conveyed into trust, the Town would experience a direct effect, as 181 acres of Nation land within the Town would not be included in Town of Sullivan land use plans, nor would it be subject to the Town's zoning regulations. This would prevent the Town of Sullivan from including these lands into its land use plans and would prevent the Town of Sullivan from uniformly enforcing its zoning ordinance within a number of zoning districts in the Town. However, a comparison of Nation land uses and local zoning in Appendix G indicates that these four Nation parcels are consistent with the Town's Comprehensive Plan and Zoning Law. For this reason, as well as the fact that only a small percentage of Nation land exists within the Town, the conveyance of these Nation parcels into trust is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternative C**, of the four parcels that the Nation owns in the Town of Sullivan, two parcels comprised of approximately 111 acres would be conveyed into trust. This accounts for 0.24 percent of the land within the Town. Conveyance of these lands into trust would not be expected to have an effect the Town's ability to apply land use plans and public policy due to the size and number of parcels that would be conveyed into trust under this alternative. Lands in trust would not be affected by current or future public policy and land use plans or zoning regulations of the Town of Sullivan. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to their plans and ordinances.

Within the Town of Sullivan, the Nation has two Group 3 parcels totaling 69 acres, or 0.1 percent of the Town's area, that would be excluded from conveyance into trust under Alternative C. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of Alternative C that is provided at the beginning of this subsection.

Under **Alternatives D, E and F**, none of the Nation's lands in the Town of Sullivan would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Sullivan. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Smithfield

The Nation owns three parcels comprised of four tax lots in the Town of Smithfield with a total area of approximately 296 acres. Nation lands make up approximately 1.9 percent of the total area of the Town.

Nation lands within the Town of Smithfield include a parcel which contains wetlands and is used for outdoor activities. In the north-central portion of the Town of Smithfield near the border with the Town of Lincoln and not far from Northrup Road is a large parcel of vacant or undeveloped land containing historical and/or archaeological resources. There is a large wooded parcel located in the northeastern portion of the Town of Smithfield near Peterboro Road and not far from the border with the Town of Stockbridge.

Section 3.8.6 provides a detailed description of the Town of Smithfield Comprehensive Plan which was adopted in March 2003.

The Town of Smithfield Zoning Map was adopted as part of the revised Town of Smithfield Building and Development Control Local Law, dated October 7, 2004 and amended December 2, 2005 (Town of Smithfield, 2005). There are no zoning designations within the Town of Smithfield. However, single-family dwellings, outbuildings, orchards, tree and plant nurseries and forestry operations, in-home occupations, municipal buildings, parks, libraries, and other public and private institutions are permitted as-of-right.

Nation lands located within the Town are located adjacent to either forested or agricultural areas, while one is located near an area that has single-family residential uses as well.

Under **Alternative A**, all three parcels would be conveyed into trust. Lands in trust would be developed and regulated according to the Nation's plans, land use and zoning ordinances. This would have a beneficial effect to the ability of the Nation to govern its lands, which is one of the intended goals of the Nation's purpose and need for the Proposed Action. If the Nation's lands were conveyed into trust, the Town would experience a direct effect, as 296 acres of Nation land within the Town would not be subject to the Town of Smithfield land use plan, nor its building and development controls. This would prevent the Town of Smithfield from uniformly incorporating these lands into its plans for future land use. However, a comparison of Nation land uses and local zoning in Appendix G indicates that these three Nation parcels are consistent with the Town's Comprehensive Plan and Building and Development Control Local Law. Moreover, the Town of Smithfield has acknowledged that Nation lands conform to the Town's land use plans and zoning regulations (Benedict, Personal Communication, August 7, 2006). For these reasons, as well as the fact that only a small percentage of Nation land exists within the Town, the conveyance of these Nation parcels into trust is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternatives C, D and E**, none of these three parcels would be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under **Alternative F**, of the three parcels that the Nation owns in the Town of Smithfield, one Group 3 parcel comprised of approximately 87 acres in the Town of Smithfield would be conveyed into trust. This accounts for 0.6 percent of the land within the Town. Conveyance of this parcel would not be expected to have a significant effect to the Town's ability apply land use plans and public policy or enforce zoning regulation in the Town due to the size and number of parcels that would be conveyed into trust under this alternative. This parcel would not be affected by current or future public policy and land use plans or zoning regulations of the Town of Smithfield. This would have a direct beneficial effect to the Nation and their culture, as they would be able to regulate the lands subject to its plans and ordinances.

Within the Town of Smithfield, the Nation has two Group 3 parcels totaling 209 acres, or 1.3 percent of the Town area, that would be excluded from conveyance into trust under **Alternative F**. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to lands excluded from conveyance into trust, as described in the general description of **Alternative F** that is provided at the beginning of this subsection.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Smithfield. The effects would be the same as those identified previously at the beginning of this subsection.

Town of Fenner

The Nation owns one parcel on one tax lot in the Town of Fenner with a total area of approximately 28 acres. This property makes up approximately 0.1 percent of the total area of the Town.

This Nation property contains mature wooded areas and is located in the northeastern corner of the Town of Fenner near Oxbow Road and the border with the Town of Lincoln.

The Town of Fenner does not have an adopted master or comprehensive plan for land use and development recommendations (Verbal communication, 2006).

The zoning map was adopted as part of the Revised Town of Fenner Land Use Regulations on August 12, 1997 (Town of Fenner, 1997). The Nation's property is located in a District B zoning district that allows for single- and two-family residential units, modular dwellings, farms and farm buildings for related agricultural activities located on five acre lots, and mobile dwellings on one acre lots. It is also located adjacent to a District A zoning district which allows for, among other things, single-family residential dwellings, farms located on five-acre lots, and accessory uses including private garages.

Under **Alternative A**, the one Nation parcel would be conveyed into trust. This parcel would be regulated according to the Nation's plans. This would have a beneficial effect to the ability of the Nation to govern this parcel, which is one of the intended goals of the Nation's purpose and need for the Proposed Action. If this parcel were conveyed into trust, the Town would experience a direct effect as 28 acres of Nation land within the Town would not be regulated by local zoning regulations. Implementation of this alternative would preclude the Town from uniformly enforcing its zoning regulations. However, a comparison of Nation land uses and local zoning in Appendix G indicates that this one Nation parcel is consistent with the Town's Land Management Law. Moreover, the Town of Fenner has acknowledged that this Nation property conforms to the Town's zoning regulations (Buyea, Personal Communication, July 12, 2006). For these reasons, as well as that fact that only a small amount of Nation land exists within the Town, the conveyance of this Nation parcel into trust is not anticipated to have a significant adverse effect. In addition, no development inconsistent with local zoning is planned.

Alternative B would have similar effects as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative B (as well as an additional 17,630 acres in Oneida and Madison Counties).

Under **Alternatives C, D and E**, the one Nation parcel would not be conveyed into trust. Different potential effects could result depending on the taxation/jurisdiction scenario that is applied to these lands which are excluded from conveyance into trust, as described at the beginning of this subsection.

Under **Alternative F**, the effects would be the same as those identified under Alternative A, as the same land to be conveyed into trust under Alternative A would be conveyed into trust under Alternative F.

Under the No-Action Alternative (**Alternative G**), the United States would not acquire any of the lands within the Town of Fenner. The effects would be the same as those identified previously at the beginning of this subsection.

4.8.6.2 Indirect Effects

Indirect effects could result from possible development on Nation lands that may be inconsistent with local land use plans and zoning regulations. These indirect effects are described below for each alternative.

Alternative A

Nation – Implementation of Alternative A could have beneficial indirect effects and no adverse indirect effects to the Nation, as all of the Nation's lands would be conveyed into trust. The Nation would have the ability to use and govern all of its lands free from the threat of foreclosure or alienation.

Communities – Implementation of Alternative A would result in the communities experiencing indirect effects associated with 17,370 acres of land not being subject to local land use plan and policies and zoning regulations, potentially resulting in land uses that, in some cases, would not conform to the community’s plans, policies and zoning regulations or be incompatible or incongruous with adjacent non-Nation land uses. A lack of contiguity or compactness within many of the affected communities could affect, to some degree, each of the communities’ ability to provide cohesive and consistent areas of land use. However, in view of the Nation’s past actions, current management of its lands, and land use policies, which seek compatibility with adjacent land uses, this effect is not likely nor would it be expected to be significant.

Alternative B

Nation - Implementation of Alternative B could have beneficial indirect effects and no adverse indirect effects to the Nation, as all of the Nation’s lands, as well as 17,630 additional acres, would be conveyed into trust. The Nation would have the ability to use and govern all of its lands free from the threat of foreclosure or alienation.

Communities – Implementation of Alternative B would result in the communities experiencing indirect effects associated with 35,000 acres of land not being subject to local zoning regulations, potentially resulting in land uses that would not conform to the community’s zoning regulations or be incompatible with adjacent non-Nation land uses. A lack of contiguity or compactness within many of the affected communities could affect, to some degree, each of the communities’ ability to provide cohesive and consistent development of areas of land use. The geographic extent of this effect would be greater than under Alternative A by virtue of the additional 17,630 acres of land conveyed into trust and would vary from one community to another, depending on the amount and location of additional property conveyed into trust.

Alternatives C - F

Nation - Implementation of Alternatives C through F could result in beneficial indirect effects to the Nation, as varying amounts of land would be conveyed into trust. The Nation would have the ability to use and govern these lands free from the threat of foreclosure or alienation. Under the **Property Taxes Not Paid – Dispute Continues** scenario, the Nation’s existing use of land not conveyed into trust would continue, and the Nation would be able to develop future uses of those lands to meet its needs. Under the **Property Taxes Paid** scenario, the Nation’s loss of the ability to regulate activities on lands not conveyed into trust may adversely affect existing uses of Nation lands that have been developed by the Nation since they were reacquired, as well as future uses of those lands and other lands that have not yet been developed by the Nation. Under the **Property Taxes Not Paid – Foreclosure** scenario, the Nation’s use of all lands not conveyed into trust would end.

Communities – Implementation of Alternatives C through F could result in indirect effects to many of the affected communities, as the inability to plan for the use of or have regulatory control over Nation land conveyed into trust would permit the continued use of those Nation lands that may not conform to local land use plans, policies or zoning regulations, as well as permit development by the Nation of future uses that may not conform to local land use plans, policies or regulations. This may have an adverse indirect effect to the use of non-Nation lands that are adjacent to Nation lands. Under the **Property Taxes Not Paid – Disputed Status** scenario, whereby the Nation continues to regulate its lands, adjacent land uses could be adversely affected from existing or future uses of Nation lands that may not be compatible. However, in view of the Nation’s past actions, current management of its lands, and land use policies, which seek compatibility with adjacent land uses, this effect is not likely nor would it be expected to be significant. Under the **Property Taxes Paid** and **Property Taxes Not Paid – Foreclosure** scenarios, the affected communities would experience a beneficial indirect effect, as the ability to plan for the use of or regulate activities on lands not conveyed into trust would likely result in land uses on Nation lands that would be more congruous with adjacent non-Nation land uses. In this scenario, the local communities would have the ability to establish more comprehensive planning efforts. However, foreclosure could have adverse effects to the communities as discussed previously at the beginning of this section.

Alternative G

Nation – Implementation of Alternative G would not have a beneficial indirect effect to the Nation, as none of their lands would be conveyed into trust. The Nation would not have the ability to manage its lands free from the threat of foreclosure or alienation. Adverse direct effects to the Nation would occur as all of its lands would not be conveyed into trust, and the continued use of these lands by the Nation could cease. Under the **Property Taxes Not Paid – Dispute Continues** scenario, the Nation’s existing use of land not conveyed into trust would continue, and the Nation would be able to develop future uses of those lands to meet its needs. Under the **Property Taxes Paid** scenario, the Nation’s loss of the ability to regulate activities on lands not conveyed into trust may adversely affect existing uses of Nation lands that have been developed by the Nation since they were reacquired, as well as future uses of those lands and other lands that have not yet been developed by the Nation. Under the **Property Taxes Not Paid – Foreclosure or Casino Closes** scenarios, the Nation’s use of all lands not conveyed into trust would cease.

Communities - Under the **Property Taxes Paid, Property Taxes Not Paid – Foreclosure** and **Casino Closes** scenarios, the affected communities would experience a beneficial indirect effect, as the ability to regulate activities on all Nation lands not conveyed into trust would likely result in land uses on Nation lands that would be compatible with adjacent non-Nation land uses. However, foreclosure could have adverse effects to the communities as discussed previously at the beginning of this section. Under the **Property**

Taxes Not Paid – Disputed Status scenario, whereby the Nation continues to regulate its lands, adjacent land uses could be adversely affected from the development of incongruous uses or of development which is inconsistent with adopted public policy. However, in view of the Nation’s past actions, current management of its lands, and land use policies, which seek compatibility with adjacent land uses, this effect is not likely nor would it be expected to be significant.

4.8.6.3 Cumulative Effects

Beginning in 1987 the Nation began to reacquire possession of previously alienated land and today it has reacquired more than 17,000 acres. With the exception of the Turning Stone Resort & Casino and the Village of the White Pines housing complex and surrounding area, most of the uses of the Nation properties have not significantly changed since purchase by the Nation. Since the Nation is not proposing any major new developments, with the exception of some additional member housing and modest additions to the Turning Stone Resort & Casino, the present condition is largely representative of conditions in the reasonably foreseeable future. Those Nation lands that were developed by the Nation proceeded, at least up until 2005, under the premise that the Nation’s property was not subject to local land use policies, plans and zoning regulations. Nevertheless, as reported in Section 3.8.6, most Nation land uses are in conformity with local land use plans and zoning regulations. Moreover, information presented in Section 3 indicates that the Nation has managed its lands such that there have been no significant adverse direct or indirect cumulative effects to resources.

With respect to Alternatives A and B, there would be no adverse cumulative effects to the Nation’s ability to govern its lands, as all of the Nation’s properties would be conveyed into trust. While the Nation has suffered historically from the alienation of its properties, in the future, there would be no adverse direct or indirect effects as the Nation would have control and ownership of its properties, thereby resulting in the protection of its properties.

Alternatives C through G would have a much more significant cumulative effect to the Nation, as each of these alternatives would exclude differing amounts of Nation lands from being conveyed into trust. The Nation has experienced a long history of losing ownership of its lands. Those alternatives that exclude Nation lands from being conveyed into trust could result in a similar scenario which could affect the Nation’s lands, its culture and their unique identity.

Implementation of the Proposed Action or any of the alternatives could result in direct and indirect adverse effects to the communities within which the Nation’s lands are located. However, with the exception of Alternative B, these effects are not anticipated to result in a potentially significant cumulative effect to land use plans, public policies and zoning of those communities due to the following circumstances: There is not a significant amount

of Nation land in most of the affected communities; the affected communities would have regulatory control over some lands that they do not have regulatory control over at the present time under Alternatives C through G; there are no other actions proposed either by the Nation or by others that would result in lands not being subject to local planning or in land uses that would be inconsistent with local land use plans or zoning.

Alternative A

Under Alternative A, there would be minimal cumulative effects to the Nation, as all 17,370 acres of Nation lands would be conveyed into trust. Should this action be implemented, there would be no future action to Nation lands from outside sources detrimental to their preservation as unique Nation properties. Effects related to Nation lands would be limited to past actions that included alienation and loss of the Nation's lands. The Nation would have control over its lands. The Nation would continue to implement its plans, land use and zoning ordinances and work with local communities to meet the intent of local land use plans, zoning and public policy.

Implementation of the Proposed Action could result in direct and indirect adverse effects to the communities within which the Nation's lands are located. However, for the reasons stated previously at the beginning of this section, these effects would not contribute to a potential cumulative effect to land use planning and zoning in those communities.

Alternative B

Under Alternative B, there would be beneficial cumulative effects to the Nation, as all 17,370 acres of Nation lands, as well as an additional 17,630 acres of land which the Nation would purchase, would be conveyed into trust. Should this action be implemented, there would be no future action to Nation lands from outside sources detrimental to their preservation as unique Nation properties. Effects related to Nation lands would be limited to past actions. The Nation would have control over its lands. The Nation would continue to implement its plans, land use and zoning ordinances and work with local communities to meet the intent of local land use plans and zoning.

Implementation of Alternative B could result in direct and indirect adverse cumulative effects to the communities within which the Nation's lands are located. Acquisition of additional lands that would be conveyed into trust at a later date may result in a cumulative effect to the communities where such lands would be located.

Alternatives C - F

For the reasons stated previously in this section, under Alternatives C through F, there would be minimal cumulative effects to the Study Area related to the 9,903 acres of Nation lands conveyed into trust under Alternative C, the 3,428 acres of Nation lands conveyed into trust under Alternative D, the 225 acres of Nation lands conveyed into trust under Alternative E, and the 11,986 acres of Nation lands conveyed into trust under Alternative F.

Should any one of these actions be implemented, there would be no future action to these Nation lands conveyed into trust from outside sources detrimental to their preservation as unique Nation properties. Effects related to Nation lands would be limited to past actions. The Nation would have regulatory control over lands conveyed into trust. The Nation would continue to implement its plans, land use and zoning ordinances, and work with local communities to meet the intent of local land use plans and zoning.

Excluding lands from being conveyed into trust would result in a significant adverse cumulative effect to the Nation. The Nation has experienced a long history of losing control and ownership of its lands. Implementation of Alternatives C through F would exclude 7,467 acres of land from conveyance into trust under Alternative C, 13,942 acres of land from conveyance into trust under Alternative D, 17,145 acres of land from conveyance into trust under Alternative E, and 5,384 acres of land from conveyance into trust under Alternative F. These lands could be exposed to a scenario in which the Nation was susceptible to losing ownership of Nation lands. This could affect the Nation's ability to manage its land according to its own policies, similar to actions that have occurred in the past.

Implementation of Alternatives C through F could result in direct and indirect adverse effects to the communities within which the Nation's lands are located. However, for the reasons stated previously, these effects would not contribute to a potential cumulative effect to land use planning and zoning in those communities

Alternative G

Excluding lands from being conveyed into trust would represent a significant adverse cumulative effect to the Nation. The Nation has experienced a long history of losing control and ownership of its lands. Implementation of Alternative G would exclude 17,370 acres of land from conveyance into trust. These lands could be exposed to a scenario in which the Nation was susceptible to losing ownership of Nation lands. This could affect the Nation's ability to manage its lands according to Nation policy, similar to actions that have occurred in the past.

Implementation of Alternative G could result in direct and indirect adverse effects to the communities within which the Nation's lands are located. However, these effects would not contribute to a potential cumulative effect to land use planning and zoning in those communities.

4.8.6.4 Summary of Effects on Land Use Plans and Zoning

The State of New York and local Counties assert that there is presently a patchwork or lack of compactness within each community where the Nation owns land. As a result, the State and Counties have expressed that there are areas in each community that the Nation

owns land where the local government is unable to effectively implement comprehensive planning efforts. Additionally, they asserted that the goals and objectives for the area or the community as set forth in its comprehensive or master plan and implemented through its zoning, land use and other regulations cannot be enforced. The exceptions to this are in the City of Oneida and City of Sherrill, which have agreements with the Nation whereby the Nation agreed to comply with the communities' plans and zoning and other regulations with regard to its lands that are located in those communities, and the Cities have agreed that existing uses by the nation are consistent with their regulations. Impacts on the Counties and local governments' ability to plan for, develop and regulate land through zoning and other regulations could occur under Alternatives A and B and all other trust action alternatives. To a lesser extent, except for the No Action alternative, the effects to the communities would not be significant. For many communities, the Nation's 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, most of the Nation's properties are consistent with existing zoning regulations in the communities in which they are located. In communities where the ability to plan for and regulate land use through zoning and other regulations would be affected, the Nation's Land Use Ordinance contains provisions to regulate the type and scale of development that occurs on its lands. This ordinance mandates that no existing land uses can be substantially changed or altered unless a Land Use Permit is obtained. 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, therefore, provide a measure of protection to adjacent land uses; public health and safety of residents, neighborhood character and comprehensive planning that are similar to the type of protection provided by local zoning, land use and other regulations.