

APPENDIX J

NATION CORRESPONDENCE

TRIBAL CORRESPONDENCE

FEDERAL CORRESPONDENCE

NEW YORK STATE CORRESPONDENCE

CORRESPONDENCE WITH MADISON AND ONEIDA COUNTIES

LOCAL CORRESPONDENCE

SCHOOL DISTRICT CORRESPONDENCE

MISCELLANEOUS CORRESPONDENCE

MEMORANDUM OF UNDERSTANDING



# ONEIDA NATION CORRESPONDENCE



FILE COPY

**MALCOLM  
PIRNIE**

**MALCOLM PIRNIE, INC.**  
INDEPENDENT ENVIRONMENTAL ENGINEERS, SCIENTISTS & CONSULTANTS

March 21, 2006

Honorable Ray Halbritter  
Nation Representative, Oneida Nation of New York  
5218 Patrick Road  
Verona, New York 13478

Re: Oneida Nation of New York Proposed Trust Land Application  
Environmental Impact Statement

Dear Representative Halbritter:

As the third-party contractor to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA) for the preparation of an Environmental Impact Statement (EIS) for the Oneida Nation (the Nation) trust land application, Malcolm Pirnie, Inc. is requesting that the Nation provide information that is needed to prepare the EIS. As part of our data gathering effort, we have collected a considerable amount of information on the Nation's lands, as well as government programs and services and enterprise operations associated with those lands.

On behalf of the BIA, we are requesting that the Nation provide us with detailed information or documents on the Nation's plans to develop and/or use the Group 1, 2 and 3 lands in the reasonably foreseeable future. This would include capital plans and budgets for expansion of existing facilities, construction of new facilities, demolition of existing facilities (abandoned and deteriorating commercial, agricultural, residential or other structures), as well as operational plans and budgets related to the Nation's government programs and services (e.g., housing program, health programs, family services, recreation and cultural enrichment, public safety, etc.) and Nation enterprises (Turning Stone Resort & Casino, lodging facilities, SavOn chain of gas stations and convenience stores, marinas, agriculture, and other enterprises).

In the information that you provide to us on the Nation's plans, please identify the nature, location and implementation schedule associated with those plans. For example, if the Nation plans to construct additional facilities, please provide us with information or documents on the location of the facility (tax block and lot), planned use of the facility, the size of the facility (square feet for non-residential or type/number of units of housing), the year when the Nation anticipates that the facility will be operating or occupied, and anticipated operating expenditures (employment, vendor purchases, utilities, etc.) and initial capital expenditures (e.g., cost of construction).



**MALCOLM  
PIRNIE**

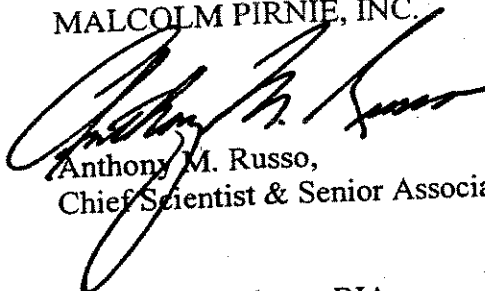
Honorable Ray Halbritter

March 21, 2006

Please contact me at 914-641-2679 with any questions regarding this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: Tom Blaser, BIA  
Kurt Chandler, BIA  
Thomas Mason, Zuckerman Spaeder, LLP

5477001



# ONEIDA INDIAN NATION



PETER D. CARMEN, ESQ.  
GENERAL COUNSEL

DIRECT DIAL: (315) 361-8687  
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## ONEIDA NATION HOMELANDS

June 22, 2006

*Via Federal Express*

Mr. Anthony M. Russo  
Chief Scientist and Senior Associate  
Malcolm Pirnie  
104 Corporate Park Drive  
White Plains, NY 10602-0751

Re: *Oneida Nation of New York Trust Land Application  
Environmental Impact Statement*

Dear Mr. Russo:

I am responding on behalf of the Nation to your March 21, 2006 letter. This response provides current information and documents regarding the Nation's planned use and development, in the reasonably foreseeable future, of the lands that are the subject of the Nation's pending trust land application.

The principal point in response to your request is that current uses of Nation lands will continue. From your study of Nation lands, you know what those uses are. If you need further documents or information along that line, please let me know.

Several of the lands reacquired by the Nation in recent years came burdened by deteriorated structures. The Nation intends to raze a majority of those buildings. I understand that we already have provided you with a list of such lands/structures, and a description of the demolition program, including its timetable. If you need additional information, please let me know.

Ongoing construction and development is described in the most recent project status report compiled by the Nation (copy enclosed). The most significant construction on Nation lands is expected, now and for the foreseeable future, to be on the lands associated with the Turning Stone Resort & Casino.

Some years ago, the Nation prepared a master plan, which we previously gave you. That plan envisioned the build-out of the current resort with substantial public financing (reflected in documents we have provided you). The Nation has completed the development envisioned in the master plan. The burden of that financing, as well as post-Sherrill demands by local governments for millions of dollars in payments from the Nation and to regulate development and use of Nation lands, limit future planning. Most of the Nation's development plans for the foreseeable future relate to improvements of, or logical extensions to, the existing projects on the lands associated with the Turning Stone Resort & Casino.



Over the past fifteen years, the Nation has invested several hundred million dollars in the resort, which includes four hotels and an RV park, several golf courses, golf clubhouses, a convention center, numerous meeting and function rooms, an entertainment showroom, an auditorium-sized event center, a bingo hall and a large casino gaming floor which includes a recently-built poker room. Most recently, we completed an elevated passageway to connect the Lodge hotel to the gaming facility, a food court, a storage area, indoor swimming pool adjacent to the Lodge, a spa building located between the Lodge and one of the golf clubhouses, and an indoor promenade adjacent to the new poker room. Not long before, we completed a cogeneration facility, a new golf course, an expansion of the area of the casino building that provides services for employees, the Lodge Hotel, the large Tower Hotel that is a part of the main building housing the casino gaming floor, and the bingo hall and a parking garage.

The Nation is evaluating the construction of a nightclub within or adjacent to the casino, but no final determination has been made as to whether to proceed with that project, and it is not possible to predict whether the nightclub will be built. Based upon recent evaluations (which are subject to change), the rough concept would be for an addition to the casino of approximately 8,000-15,000 square feet, located adjacent to the existing Forrest Grill and Peach Blossom restaurants; the cost is undetermined and depends upon variables relating to the final project specifications. There are also plans to re-theme or redecorate various aspects of the interior of the casino.

To enhance the resort's recreational attributes, the Nation has completed one comfort station on the Atunyote golf course and has sited a second. The comfort stations are to be located between the 14th and 16th holes of the golf course. Both stations will be connected to a well and a septic system. The second comfort station will be constructed in late fall 2006 or early spring 2007. The Nation also plans to build three new competition-size outdoor tennis courts – two tru-hit courts and a grass court – adjacent to the golf dome. The tennis courts, which will have lighting, will be constructed later this summer or in early spring 2007.

The Nation also plans to build a helicopter pad to be located next to the Turning Stone Resort and Casino Team Member Parking Lot on the west side of Patrick Road. The pad site will have three basic components: (i) a 60 x 60 ft. grass target area, (ii) three pod areas (where landed helicopters will be anchored or tied-down), and (iii) a 32 ft. wide asphalt taxiway that connects the grass target area with the pods. The helicopter pad will have lighting, which can only be activated by the helicopter pilot upon take-off and landing. We will not have a fueling station (or fueling capability) at the helicopter pad site. The project is expected to be completed by fall 2006.

The Nation is going to install three or four underground grease interceptor tanks designed to reduce Biochemical Oxygen Demand ("BOD") levels of the wastewater sent to the municipal wastewater system. The tanks will be strategically located on the campus in areas that have the highest BOD levels. The Nation expects the tanks to be installed as early as July 2006. Once installed, the tanks may reduce the Nation's BOD loading by as much as 75%.

Beyond the resort, the Nation expects to add some housing at the Village of the White Pines; about fifteen locations having been identified for the more than sixty members on the waiting list for housing. The Nation also plans to remodel the interior of the SavOn convenience store located on Patrick Road, and it is anticipated that remodeling of the interiors of other Sav-On locations will occur, although as of the date of this letter there are no specific construction plans, dates, budgets or actual determinations to do so.



Mr. Anthony M. Russo  
June 22, 2006  
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Finally, there are some projects that are quite small with negligible or no impacts. These include work on an attendant's booth at one SavOn, roof repair at the Oneida Textile Design building, renovation of a member house, parking lot paving at the legal offices on Union Street, and installation of a gazebo at the Children and Elders Center. Items such as these are listed on the project status report that is enclosed with this letter.

Let me know if you require any additional information regarding the projects I have referenced in this letter.

Very truly yours,

ONEIDA INDIAN NATION

  
Peter D. Carmen  
PDC/sb

cc: Hugh C. Lordon  
David R. Berz  
Thomas B. Mason





**ZUCKERMAN SPAEDER LLP**

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Thomas B. Mason  
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August 4, 2006

*Via Federal Express*

Anthony M. Russo  
Malcolm Pirnie, Inc.  
Environmental Assessment & Planning  
104 Corporate Park Drive  
Box 751  
White Plains, New York 10602-0751

Dear Tony:

I enclose documents relating to the soon-to-be-completed Turning Stone Resort & Casino Master Plan expansion.

Sincerely,

Thomas B. Mason

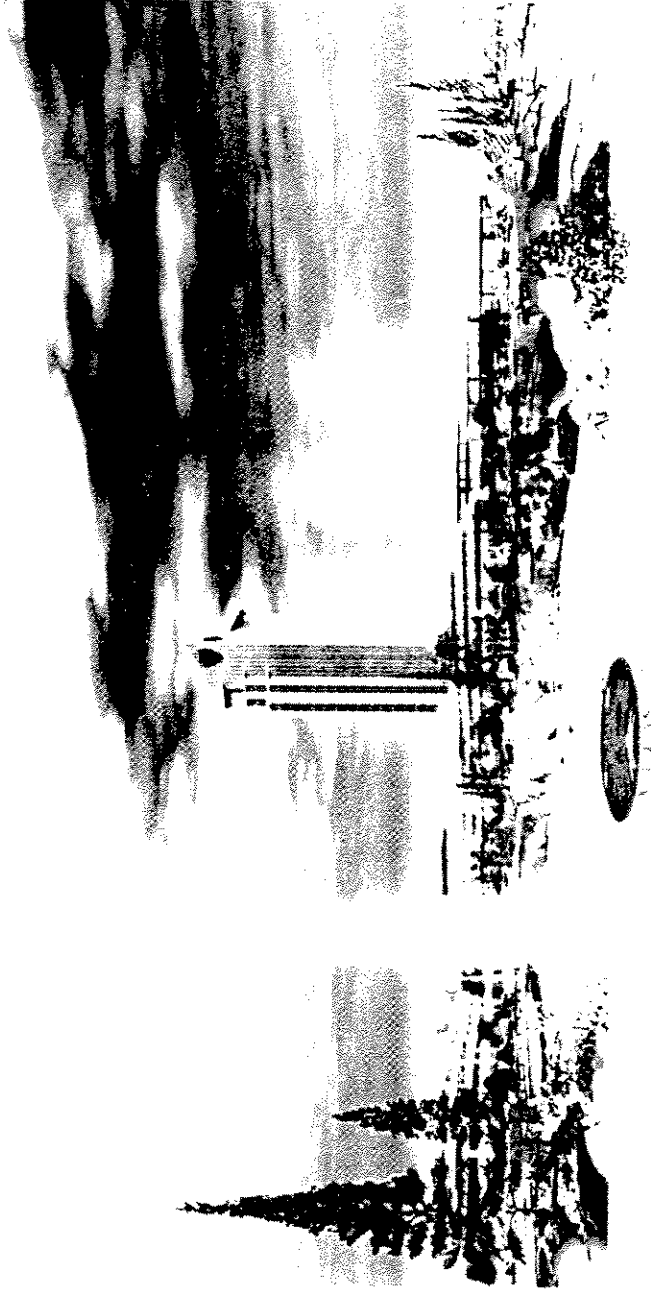
TBM:gbh  
Enclosures

cc: Michael R. Smith, Esq. (w/encl.)  
Jason Acton, Esq. (w/encl.)  
Peter D. Carmen, Esq. (w/encl.) (via e-mail)



# Turning Stone Expansion

CONCEPT PERSPECTIVE



*Turning Stone Casino Resort*  
THE ONEIDA NATION

BBC

TURNING STONE  
*Casino*  
RESORT  
AN AFFILIATE OF THE ONEIDA NATION



# Turning Stone Expansion

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EVENT CENTER East Corner Perspective



SUITE HOTEL Hotel Garden Perspective





## Turning Stone Expansion

- Turning Stone Casino Resort Expansion will feature:
  - ♦ 31,000 additional sq. ft. of gaming space including 568 additional multi-game machines
  - ♦ 692 new bingo seats
  - ♦ 387 additional hotel rooms
    - A 20-story hotel with 288 luxury hotel rooms and a top floor restaurant
    - Suite hotel with 99 rooms
  - ♦ 2 championship golf courses (Fazio and Trent Jones) and a new clubhouse
  - ♦ New events center with up to 5,100 seats
  - ♦ Approximately 11,000 sq. ft. of additional meeting space
  - ♦ Approximately 25,000 sq. ft. full-service luxury spa
  - ♦ New and expanded dining establishments and other amenities
  - ♦ 2,400-car parking garage
- Completed in various phases - approximately two and half year timeframe



## Design and Construction

- Brennan Beer Gorman - responsible for overall design of the expansion project

- Bertino & Associates - responsible for contract procurement, daily construction oversight and adherence to the project schedule and budget



- Expansion Project is estimated to cost \$308.0 million

- ♦ As of September 29, 2002, \$24.7 million has been spent
- ♦ Contingency of \$24.4 million

- The Expansion Project has been designed to minimize impact on casino operations, allowing for continuous play throughout construction

- ♦ Temporary reduction in the number of multi-game machines by approximately 300



## Significant Construction Completion Dates

Projects (\$ in millions)	Projected Opening Dates	Approximate Costs
Gaming Area Expansion	Oct-02	\$32.5
Renovation to Existing Casino	Mar-03	\$12.3
Trent Jones Golf Course	Jul-03	\$12.0
Suite Hotel	Sep-03	\$23.4
2,400-Car Parking Garage	Sep-03	\$26.2
Special Events Center	Jul-04	\$33.3
Fazio Golf Course and Clubhouse	Aug-04	\$18.0
Tower Hotel	Aug-04	\$66.6



## Construction Budget

(\$ in millions)		
Project	Cost	Projected Opening
Gaming Expansion	\$ 32.5	Oct '02
Team Member Parking Lot	2.8	Dec '02
Renovations to Existing Casino - Phase II	12.3	Mar '03
Off Site Bus Parking	0.4	May '03
Trent Jones Golf Course	12.0	Jul '03
2,400-Car Parking Garage	26.2	Sep '03
Power Generation Plant	11.0	Sep '03
Site Work	7.8	Sep '03
Suite Hotel - 99 Rooms	23.4	Sep '03
Executive Office Expansion	3.0	Oct '03
Full Service Luxury Spa	6.1	Dec '03
Central Laundry Facility	1.2	Apr '04
Special Events Center	33.3	Jul '04
Fazio Clubhouse	5.0	Aug '04
Fazio Golf Course	13.0	Aug '04
Tower Hotel	66.6	Aug '04
Central Warehouse & Distribution Center	2.0	Feb '05
Design, Engineering, Consultant & Other Fees	13.2	Feb '05
Renovations to Existing Casino - Phase III	8.0	Feb '05
Team Member Center	3.8	Feb '05
Project contingency	24.4	
<b>Total Expansion Project</b>	<b>\$ 308.0</b>	



## The Destination Resort Expansion

We aim to accommodate growing demand and to leverage our position as the premier destination resort with a casino in New York State by significantly expanding our portfolio of gaming, leisure and entertainment offerings and amenities. The major components of the expansion are expected to include the following:

- 31,000-sq.-ft. of additional gaming space and a renovation of the existing gaming area;
- 602 additional multi-game machines;
- 692 new bingo seats;
- 387 additional hotel rooms, consisting of:
  - 288 additional luxury hotel rooms in a 20-story full-service hotel tower, including 22 suites and a top floor club-restaurant; and
  - 99 fully appointed suites in an all-suite hotel with a large atrium and a pool;
- 2 additional 18-hole championship golf courses (designed by Tom Fazio and Robert Trent Jones, Jr.), a new 18,000-sq.-ft. clubhouse and a PGA-quality practice facility;
- a premier multi-use events center (up to 5,100 seats);
- 11,000-sq.-ft. of additional conference and pre-function space;
- a new 25,000-sq.-ft. full-service luxury spa;
- new and expanded dining establishments with 750 additional seats and other amenities;
- a 2,400-car parking garage; and
- various common area, support facility and site infrastructure improvements.

*The Casino Expansion.* The expansion, which commenced in February 2002, is expected to be completed in various phases over a two and a half year timeframe. We have designed the expansion project to minimize disruption to the operation of the casino, which will remain open during all phases of construction. The gaming floor expansion was completed on October 1, 2002, by adding a net total of 23,000 square feet, bringing total gaming space to 113,000 square feet. In connection with the renovation of our existing gaming floor, we anticipate temporarily reducing the number of multi-game machines and table games by approximately 350 and 35, respectively, for a period expected to end with the completion of the gaming floor renovation in the first calendar quarter of 2003. The gaming floor expansion will ultimately result in the addition of approximately 602 multi-game machines (bringing the total number to approximately 2,400 machines) and a VIP lounge. We expect to have 121,000 total square feet of gaming space at the completion of the expansion project. We will also expand our bingo operation to 1,700 seats.

The new floor plan will improve patron flow through the resort by expanding the gaming floor and grouping food concessions in one part of the casino so that a patron will have to traverse the gaming floor to reach the restaurants. The renovation will significantly improve air quality and smoke removal systems. The physical features of the new gaming space, including floor-to-ceiling columns, new patron service stations and a raised floor with plush carpeting, will combine to form a bright and appealing gaming space.

*The Hotel Tower.* The 20-story hotel tower will consist of a 287,500-square-foot complex containing a total of 288 luxury hotel rooms, including 22 suites, a concierge level and a 50-seat top floor club-restaurant. We believe that the hotel tower will offer capacity and quality unparalleled in the region and will markedly enhance Turning Stone's ability to host high-profile events and conventions. The hotel tower will be visible to travelers on the New York State Thruway and will provide guests with sweeping panoramic views. The hotel tower is expected to be completed by late summer 2004.

In conjunction with the casino expansion and the events center, the hotel tower will serve as a venue for entertainment as well as business travel, conferences, special events and social functions. The Enterprise believes



the combined facilities will be attractive to gaming and non-gaming patrons alike. Moreover, the Enterprise believes that no resort in New York State will be capable of providing a similar range of services and facilities.

*Suite Hotel.* The 99-room all-suite hotel, with its large atrium and pool and fully appointed accommodations, will compliment the style of the recently opened Shenendoah Clubhouse. In support of our plan for three signature courses, this hotel is expected to become a prime destination for golf players desiring first-rate accommodations in a relaxed atmosphere. The suite hotel is scheduled to open in conjunction with the Trent Jones course in summer 2003.

*The Golf Courses.* The Enterprise has begun construction of two 18-hole, PGA-quality golf courses, which are being designed by Robert Trent Jones, Jr. and Tom Fazio, internationally renowned golf course architects. The Trent Jones course will be situated adjacent to the existing Shenendoah course and will share its clubhouse. The Fazio course will be situated approximately two miles from the Shenendoah course and will be self-contained, featuring a new clubhouse expected to be 18,000-square-feet and private dining. The PGA-quality practice facility is scheduled to open in spring 2003. The Trent Jones course is expected to open in summer 2003. The Fazio course and the 18,000-square-foot clubhouse are expected to open in summer 2004.

*The Events Center.* The Enterprise plans to construct a multi-use events center with seating for up to 5,100, suitable for high profile entertainment and sporting events, conferences, banquets and special promotions. The approximately 139,000-square-foot events center will be able to accommodate a variety of activities, greatly expanding Turning Stone's capacity to host conventions, headline acts, boxing and other sporting events. Current plans for the events center include a professional-scale, fully equipped stage and support area, an auditorium seating/exhibition area and a guest services and queuing space. A portion of the seating will be movable to increase the floor space available for trade shows and exhibitions. The events center is designed to complement the 792-seat showroom and is expected to open by summer 2004.

*Meeting Space.* The Enterprise plans to leverage its suite of enhanced accommodations and recreational and entertainment products to attract convention and group meeting business on a scale without parallel in our region. To that end, the Enterprise plans to construct an additional 11,000-square-feet of conference and pre-function space, bringing our total post-expansion convention, meeting and pre-function space to approximately 105,000-square-feet. It is expected that increased convention and group meeting business will constitute a significant source of our future visitor growth. The multi-purpose space is expected to open in conjunction with the events center.

*Full-Service Luxury Spa.* A 25,000-square-foot full service luxury spa will be directly connected to the suite hotel. The luxury spa will host massage, treatment and hydro rooms as well as saunas, a swimming pool, an exercise room and a salon. The luxury spa is expected to open in winter 2003.

*Dining and Other Amenities.* By converting our existing buffet in to a 300-seat food court and building a new 200-seat theme restaurant and a new 450-seat buffet, seats for dining will be increased from approximately 1,000 to 1,750. These improvements are expected to be completed in fall 2004.

*Parking.* Parking to support the expansion will be provided in a 2,400-car garage, with valet parking on the lowest level. By relocating bus parking and by creating employee parking off site, additional space will be rededicated to revenue generating and other more critical operational spaces. Surface parking will continue to accommodate approximately 3,200 vehicles. Also planned are improvements to allow for controlled overflow parking in selected unpaved areas. The parking garage is expected to open in fall 2003.

*Common Areas, Support Facilities and Infrastructure.* An atrium featuring a year-round garden will serve as a focal point for our expanded facility and allow for arrival at a large porte cochere with conveniently located valet parking. We expect that the infrastructure improvements accompanying the expansion will result in improved operating efficiency. The expanded casino structure will house a new, integrated facility for Turning Stone's sales professionals that is expected to result in improved cross-selling of Turning Stone's entertainment



and recreational product offerings. We will also build a state of the art information technology hosting and training space and a new nerve center for the casino's staff of security professionals. Casino security will shortly transition into fully digital surveillance. To facilitate operations and improve public/back-of-house separations, a remodeling of the existing back-of-house is planned for the final phase. On the lower level of the events center will be a loading dock, a new main kitchen and event support spaces, all of which will be tied into the existing back-of-house. Infrastructure improvements also include a new central laundry, a central warehouse, an employee team member center and a reserve power facility. These improvements will be completed between summer 2004 and spring 2005. We further expect Turning Stone to benefit from improved water supply and wastewater treatment infrastructure, the costs of which are not expected to exceed \$15.0 million and will be borne as necessary by the Nation.

*Design and Construction.* We have entered into a design contract with Brennan Beer Gorman, the architect for the overall design of the expansion project. BBG has over 15 years' design experience and has worked on many casino and hotel properties in the U.S., including the Mohegan Sun, Caesars Atlantic City, and the St. Regis and Peninsula hotels in New York City. We have also signed a contract with Bertino & Associates, Inc. as construction manager responsible for contract procurement, daily oversight and adherence to the expansion project schedule and budget. Bertino & Associates, Inc. has over 35 years' construction experience and has managed the construction of such projects as Bally's Wild Wild West Casino, Tropicana Hotel & Casino and several Isle of Capri Hotels and Casinos. We expect to sign fixed or guaranteed maximum price contracts for all major elements of the expansion project.

## **Business Strategy**

Our strategy is to grow our business by increasing the number and duration of visits to Turning Stone and increasing the average revenue per visit. Currently we are the only major casino resort operating in New York State. We attract repeat and new patrons by offering a premier destination resort with an attractive gaming and entertainment experience, a friendly environment and first-class service. We believe that by continuously improving our gaming facilities, providing quality amenities and successfully utilizing our player development program we are able to retain and attract patrons from our primary market. By undertaking the expansion project we expect to increase penetration in our primary market and expand our geographic reach.

We believe our gaming operations have been and will continue to be a major factor in attracting our target patrons. We have increased the number of gaming options available to patrons at Turning Stone primarily by continuing to develop and improve our multi-game machines. We plan to remain at the forefront of our industry with regard to the range of gaming experiences and quality of technology that we offer. At the same time, we will continue to accommodate the demonstrated product preferences of our regular patrons. We drive gaming revenues by increasing the number of multi-game machines in operation, increasing the number of gaming options on each machine and successfully implementing targeted direct mail marketing programs. We have increased the number of multi-game machines in operation from 1,227 as of September 30, 1998, to 1,798 as of September 29, 2002, and we have increased the average daily win per unit from \$122 to \$161 over the same period.

With our expansion, we believe we will improve the gaming and resort environment, providing those outside of our primary market with more of a reason to visit Turning Stone. We plan to market to a broader geographic region which we believe will increase the number of visits from outside of our primary market, the average length of stay and the average revenue per visit. We also plan to market to a broader spectrum of patrons, including business organizations, trade associations, wedding parties, bus tours, golf enthusiasts seeking championship level play, high value gamers and patrons who enjoy major headlining acts and fine dining. Our marketing opportunities have previously been limited by our high hotel occupancy rates.





Thomas B. Mason  
(202) 778-1844  
tmason@zuckerman.com

August 8, 2006

***Via E-Mail and First Class Mail***

Anthony M. Russo  
Chief Scientist/Senior Associate  
Malcolm Pirnie, Inc.  
Environmental Assessment & Planning  
104 Corporate Park Drive  
Box 751  
White Plains, New York 10602-0751

David Aimen, AICP, P.P  
Director of Planning and Economics  
The Louis Berger Group, Inc.  
199 Water Street, 23rd Floor  
New York, NY 10038

Dear Tony and Dave:

This letter provides you with some background from the Nation's perspective concerning the issue of the valuation for property tax purposes of the Turning Stone Resort & Casino.

The land associated with the Turning Stone Resort & Casino was purchased as raw land. That kind of land in the area currently has a value of roughly \$1,000 per acre. The current assessment of the Turning Stone lands is almost \$400 million, and some \$360 million of which is the lot on which the gaming floor itself is located. At \$1,000 per acre, that lot would be valued at \$225,000.

The explanation for the huge increase in the assessment of the Turning Stone lands has to do with the value of the casino itself. As the Nation has indicated, none of the other Turning Stone businesses – hotels, restaurants, golf courses – are profitable as stand-alone businesses. For example, a hotel at that location, without the casino, simply can't charge a rate or achieve an occupancy level that would justify maintaining the hotel. At a minimum, the value of the Turning Stone properties, if broken up and sold off, would be a small fraction of the assessments, even if they could be operated profitably by someone for some purpose. Of course, the casino itself cannot be operated by anyone other than the Nation because, under federal law, only the Oneida Nation of New York can operate a casino on the Oneida reservation in New York.





Anthony M. Russo

David Aimen

August 8, 2006

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The import of these facts and circumstances is that 99% of the value of the Turning Stone lands derives from the unique tribal gaming right that is granted by federal law, meaning IGRA, 25 U.S.C. Sections 2501, *et seq.* IGRA does not permit states to tax rights granted by IGRA.

Section 2710(d)(3)(C) of IGRA provides that a compact may contain certain listed items in a compact. None of them specifies a state tax, or revenue sharing as it has politely come to be called. Rather, subsection (iii) limits states to assessments limited to an amount that is "necessary to defray the costs of regulating such [gaming] activity." (The Nation pays for the costs of State regulation through its payment to the State Racing and Wagering Board and the State Police.) Subsection (iv) does speak to taxation, but only to taxation by the tribe, which is permitted. And subsection (vii) limits other terms that may be in a compact to those "that are directly related to the operation of gaming activities," which would not include state taxation of tribal gaming revenues.

Section 2710(d)(4) follows next and provides: "Except for any assessments that may be agreed to under paragraph (3)(C)(iii) of this subsection, nothing in this section shall be interpreted as conferring upon a State or any of its political subdivisions authority to impose any tax, fee, charge, or other assessment upon an Indian tribe or upon any other person or entity authorized by an Indian tribe to engage in a class III activity. No State may refuse to enter into the negotiations described in paragraph (3)(A) based upon the lack of authority in such State, or its political subdivisions, to impose such a tax, fee, charge, or other assessment."

Section 2710(d)(7) then provides for tribal suits against states to compel a compact when the state has not negotiated in good faith to achieve a compact (although the Supreme Court has held that the states may invoke eleventh amendment federal constitutional immunity to such suits). Subsection (B)(iii)(II) then provides that, in any suit to establish a state's lack of good faith, the court "shall consider any demand by the State for direct taxation of the Indian tribe or of any Indian lands as evidence that the State has not negotiated in good faith."





**ZUCKERMAN SPAEDER LLP**

Anthony M. Russo

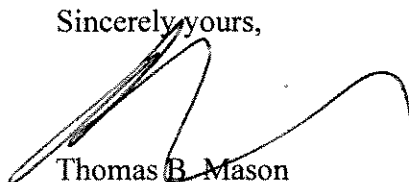
David Aimen

August 8, 2006

Page 3

The provisions outlined above are further to and consistent with general principles of federal law that have long prohibited state taxation of on-reservation tribal businesses. If you have any questions about these issues, please contact us.

Sincerely yours,



Thomas B. Mason

TBM:gbh

cc: Kurt G. Chandler (via first class mail)  
Thomas Blaser, Esq. (via first class mail)  
Peter D. Carmen, Esq. (via e-mail)



# ONEIDA INDIAN NATION

PETER D. CARMEN  
GENERAL COUNSEL



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## ONEIDA NATION HOMELANDS

August 18, 2006

Mr. Anthony M. Russo  
Chief Scientist and Senior Associate  
Malcolm Pirnie  
P.O. Box 751  
White Plains, New York 10602-0751

Re: *Oneida Nation of New York Trust Land Application  
Environmental Impact Statement*

Dear Mr. Russo:

I am writing to update my June 22, 2006, letter regarding the Nation's use and development of the lands that are the subject of the Nation's pending trust land application.

There are three projects which are either now under construction or are slated to begin construction in the near future. These three projects are as follows:

1. Nightclub. The Nation has begun construction of a nightclub, which will consist of a 15,000-18,000 square foot addition to the existing casino building at the resort. The addition will be adjacent to the Forest Grill and Peach Blossom restaurants. The addition will be completed in spring 2007.
2. Native American sweat lodge. As an outgrowth of the spa project at the resort, the Nation has developed plans to construct an authentic Native American sweat lodge behind the spa building near eighteenth green on the Shencendoah golf course. The sweat lodge will consist of: (i) a stick-framed domed structure that will be five feet high, fifteen feet in diameter and will be covered with buffalo hides; (ii) two changing teepees (each approximately fifteen feet in diameter); (iii) an exterior fire pit; and (iv) a twenty-foot long cooling plunge pool, three and half feet deep. The sweat lodge project is scheduled to begin this summer and to be completed in October 2006.
3. Tennis courts. The Nation previously discussed the addition of three tennis courts to the resort. (The resort currently has no tennis, and the addition of such an amenity is all but a necessity for a destination resort.) The Nation has decided to increase the number of courts to six and also to include squash and racquetball courts. There will be three indoor and three outdoor tennis courts. The three indoor courts will be located inside of a dome that will be approximately 150 feet wide and 250 feet long. A 12,000 square foot clubhouse, which will house racquet and



squash courts, will connect the new tennis dome with the existing golf dome. Construction is scheduled to begin in late summer 2006 with completion scheduled for spring 2007.

Beyond the projects that are either under construction or set to commence construction in the near future, there are other projects, all associated with Turning Stone Resort & Casino, that the Nation is evaluating. No decision has been made with respect to any of these projects. The Nation may decide to build some, all, or none of these facilities. Because of the exploratory stage of these potential projects, the Nation does not have designs or construction contracts for any of these facilities, and as a result, the Nation cannot provide you with detailed descriptions.

1. Additional second floor casino space. The Nation is considering increasing the size of the second floor of the casino building. Currently, the second floor covers only a portion of the casino building and contains administrative offices. The Nation is evaluating whether to increase the size of the second floor for use as convention and meeting space in order that the existing convention space, located on the ground floor of the casino building, can be used for additional gaming.

2. Relocation of driving range. The existing driving range is located within the resort complex, just to the west of Snyder Road. The Nation is evaluating moving this facility across – to the east of – Snyder Road. Both in its existing location and in the possible future location, the driving range would be in the midst of existing golf courses. The relocation of the driving range could involve filling-in a man-made pond, which was initially constructed by the Nation in 2003.

3. Changes to internal road system. As the resort has developed and expanded, the Nation has made various changes to the internal roadways. The Nation is considering further changes to the internal roadways around the gaming and lodging complex to improve traffic flow. These changes could involve filling-in an existing pond that was created by the Nation in 2000.

4. Alteration to the entrance to Tower Hotel and Winter Garden. The Nation is considering landscaping alterations to the outside circle and entrance to the Tower Hotel and Winter Garden, which may include the construction of a new man-made pond, a fifteen foot water feature (e.g. waterwall or waterfall-like feature), and a bridge over the pond.

5. An additional golf course. The resort has three 18-hole courses of a quality unmatched in the region and of championship caliber. As you know, the Nation's investment in these high-quality facilities resulted in a PGA tour event recently held on the Atuntyote course. The Nation is negotiating with the PGA for future tour events. To maintain the resort's stature as a premier golf destination, the Nation is evaluating the addition of a fourth 18-hole course for the resort. The new course, if built, would be constructed and operated in a manner similar to the existing 18-hole courses.

6. Additional hotel rooms. The Nation now has approximately 700 hotel rooms at the Turning Stone Resort. Almost all of these are located in the casino complex itself. At this time, this number of rooms is sufficient to serve the needs of the resort's patrons. At some future time, the Nation may evaluate and consider additional hotel rooms. If additional hotel rooms were to be built, they would likely be connected to the casino complex itself, much like the existing facilities (except for the Inn at Turning Stone), number between 200 and 300 rooms, and offer the amenities similar to those at the existing facilities.

7. Employee center. The Nation is evaluating the construction of a "team member" facility adjacent to the employee entrance to the gaming complex. The employee center will be



an addition to the existing gaming structure, not a new stand alone structure. The center would house amenities for the employees, such as human resources department, employee services and employee store.

8. Wedding pavilion. Turning Stone is in high demand for area weddings. The Nation is evaluating the construction of a stand-alone wedding center or pavilion. While the facility has not been sited, it would likely be within the resort facilities for ease and convenience of wedding guests using those facilities. Because of the exploratory stage of this potential project, the Nation does not have designs or a detailed description of the facility.

Finally, over time, the Nation continues to evaluate other changes and additions to Turning Stone Resort & Casino. To create and maintain a destination resort that competes with gaming facilities in Nevada, Connecticut and New Jersey, the Nation needs to be vigilant to consider new amenities and facilities for its patrons. The history of the development of Turning Stone Resort shows that such enhancements - mostly in or around the building that houses the casino - have been added over time, and the future is likely to be no different.

Very truly yours,

ONEIDA INDIAN NATION

  
Peter D. Carmen

cc: Thomas Blaser  
Kurt Chandler  
Hugh C. Lordon  
David R. Berz  
Thomas B. Mason  
David Aimen



# ONEIDA INDIAN NATION



PETER D. CARMEN, ESQ.  
GENERAL COUNSEL

DIRECT DIAL: (315) 361-8687  
FACSIMILE: (315) 361-8621  
E-MAIL: [pcarmen@oneida-nation.org](mailto:pcarmen@oneida-nation.org)

## ONEIDA NATION HOMELANDS

October 18, 2006

Mr. Anthony M. Russo  
Chief Scientist and Senior Associate  
Malcolm Pirnie  
P.O. Box 751  
White Plains, NY 10602-0751

Re: *Oneida Nation of New York Trust Land Application:  
Updates to our June 22, 2006 and August 18, 2006 letters*

Dear Mr. Russo:

I am writing to update our June 22, 2006 and August 18, 2006 letters, which respond to your March 21, 2006 request for information relating to the Nation's plans in the reasonably foreseeable future for use and development of the lands that are the subject of the Nation's pending trust land application.

**Updates to our June 22, 2006 letter.** There are three updates to the June 22 letter. First, the description of the Nation's plan to build the nightclub already has been updated in the August 18 letter. Construction of the nightclub now is underway. Second, there are no plans to add housing at the Village of the White Pines. No contracts or specifications exist to build them, no funds have been designated to construct them, and there have been no discussions toward actually proceeding with them. Finally, as noted in that letter, several of the lands reacquired by the Nation in recent years came burdened by deteriorated structures, and the Nation has been remediating those parcels. I am enclosing an updated list of structures that have been removed under the demolition program through September 20, 2006. The demolition program described in the June 22 letter, including the timetable, has been held in abeyance since September 20 to allow the Nation to assess the program's progress to date, and to modify the plan as may be appropriate. A modified plan has not yet been developed; I will provide further relevant information to you when it is available. The remaining future developments described in the June 22 letter are progressing as explained in that letter.

**Updates to our August 18, 2006 letter.** The Nation is proceeding with plans to relocate its driving range, to alter the entrance to the Tower Hotel and Winter Garden, and to change its internal road system in the manner described on page 2 of that letter. With respect to the tennis courts described on pages 1-2 of the letter, the Nation will construct 8 (not 6) tennis courts -- four indoor and four outdoor courts. Construction of the tennis courts is now scheduled to begin this fall. We anticipate that each of these projects will be completed by summer 2007. The Nation is



also proceeding with plans to construct the clubhouse described on pages 1-2. The Nation does not yet have designs or construction contracts for the clubhouse and therefore construction will not begin before spring 2007. It is unlikely that the construction of the clubhouse will be completed prior to August 2007. Please let me know if you would like any additional information about those projects. The Nation has discontinued any plans to construct additional convention center space on the second floor of the casino building, and it is no longer reasonably foreseeable that this addition will occur.

On pages 2-3 of the August 18 letter, we identified ideas for other possible future projects; actual development of these remaining concepts is not reasonably foreseeable at this time. As explained in that letter, no decision has been made to proceed with any of those concepts, and no plans or contracts exist to pursue them. We described those ideas in our August 18 letter in the interest of providing full disclosure of all concepts for conceivable developments, including those project ideas for which steps toward proceeding have not occurred and are not reasonably foreseeable. The Nation continues to evaluate other enhancements to Turning Stone Resort & Casino to maintain a viable and competitive destination resort. As explained in the August 18 letter, the history of the development of Turning Stone shows that these enhancements after the original construction of the casino in 1993 have been consistent with the existing use of the properties and have been developed in an environmentally responsible manner.

Finally, the Nation is developing plans to construct an anaerobic digester system for the treatment and disposal of the Nation's agricultural (cattle) and food waste. This system will be located on the Nation's cattle farm on Route 46 in Stockbridge, New York. The proposed system is a complete-mix digester system that will occupy less than 50 by 100 yards of land. The Nation does not yet have designs or construction contracts for the digester system and therefore construction will not begin before spring 2007. It is unlikely that the digester system will be completed prior to August 2007. Please let me know if you would like any additional information about this proposed project.

Very truly yours,

ONEIDA INDIAN NATION



Peter D. Carmen

PDC/sb

Cc: Meghan Murphy Beakman, Esq.  
Thomas Mason, Esq.



**OIN Parcel**

<b>Number</b>	<b>Address</b>	<b>County</b>	<b>Description</b>
19	5385 Rte 31	O	3 barns
26	6024 Germany Rd.	O	Barns & Silos
59	3939 Fosters Corners Rd.	O	House, Barns & Shed
90	3816 Tipp St. Durhamville	O	Foundation, Sheds, Fencing
101	5404 Rte 31	O	House, Barns & Shed
102	5635 Cooper St.	O	House and Barn
103	3651 Foster Corners Rd.	O	House
111	346 Peterboro St.	M	House, Garage
118	5085 Townline Rd.	O	House, Farm, Silos
139	Rte 31 & Sterling Rd.	O	Sheds, Mobile Home & Barns
150	4137 Rte 31 Lenox	M	2 Houses, Shed
159	4137 Rte 31 Lenox	M	House, Sheds, Barn
175	5444 E. Seneca St.	O	Hotel
190	5298 Rte 31 East	O	House, Barns, Sheds, Silos
205	7105 Rte 46	O	House, Shed
206	2997 Poppleton Rd. Old Gas Station & Bath, Utica	O	House, Farm, Silos
215	Marina, Rte 31	M	Old gas station
216	Yellow House Utica Marina	M	Single family house
217	3723 Rte 31 Utica Boat	M	Houses, Store
218	Rte 31, Lenox	M	
238	5205 Beacon Light Rd	O	Single family house
244	5559 Cooper St.	O	House and Garage
253	5387 Hill Rd.	O	House, Barn, Garage
268	5943 Rte 31	O	House, Farm, Silos
282	6572 Cook Rd.	M	House
286	5982 Rte 31	O	House, Barn, Shed
290	501 New Boston St.	M	House, Sheds
292	5400 Sager Rd.	O	House, Sheds
301	5389 Hill Rd.	O	House
304	4957 Burleson Rd.	M	House, Barn, LogCabin, Shed
308	6795 Rte 13	O	Auto Garage
320	4524 Snyder Rd.	O	House
327	3428 Oneida Place Rd.	O	House, Barn, Train Car
171	6583 E. Hill Rd.	M	House
67	5187 Rte 365	O	Single family house
176	Sand Hill Rd.	O	House, Barn



## TRIBAL CORRESPONDENCE





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

JAN 20 2006

Trust Services  
Environmental Management

Tribal Historic Preservation Officer  
Stockbridge-Munsee Community of Wisconsin  
N8476 Mo He Con Nuck Road  
Bowler, WI 54416

Dear Tribal Historic Preservation Officer:

The Bureau of Indian Affairs has received a fee-to trust application for the transfer of 17,370 acres of Oneida Indian Nation fee land into trust status. These lands are located in Oneida and Madison Counties, New York, as shown on the enclosed map.

We are aware that the Stockbridge-Munsee Community Band of Mohican Indians has filed a land claim that overlaps some of the Oneida Indian Nation properties requested to be brought into trust. In the Environmental Impact Statement for the proposed transfer we anticipate grouping the properties into 3 groups. Group 1 will include the casino and resort properties. Group 2 will include businesses and residences. All Oneida Indian Nation properties within the Stockbridge-Munsee land claim area will be included in Group 3. We have not yet received a determination from the Department of Justice on the Stockbridge-Munsee land claim to guide the Department of Interior position. However, we believe that placing all overlapping lands in the same group would facilitate the decision making process for these groups, should such a determination be made.

The purpose of this letter is to initiate formal consultation under the National Historic Preservation Act Section 106. Please inform this office if the Stockbridge-Munsee holds any religious or cultural significance for any of the properties within the Stockbridge-Munsee claim area or other properties in Oneida or Madison Counties, New York.

For further information or for concerns over potential impacts please contact Mr. Kurt G. Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin Kool". The signature is fluid and cursive, with a long horizontal line extending to the right.

Director, Eastern Region





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

JAN 20 2006

Trust Services  
Environmental Management

Tribal Historic Preservation Officer  
Oneida Tribe of Indians of Wisconsin  
P.O. Box 365  
Oneida, WI 54155-0365

Dear Tribal Historic Preservation Officer:

The Bureau of Indian Affairs has received a fee-to trust application for the transfer of 17,370 acres of Oneida Indian Nation fee land into trust status. These lands are located in Oneida and Madison Counties, New York, as shown on the enclosed map.

The purpose of this letter is to initiate formal consultation under the National Historic Preservation Act Section 106. Please inform this office if the Oneida Tribe of Indians of Wisconsin holds any religious or cultural significance for any of the properties within Oneida or Madison Counties, New York.

For further information or for concerns over potential impacts please contact Mr. Kurt G. Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin Lee". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Director, Eastern Region



**MALCOLM  
PIRNIE**

**Malcolm Pirnie, Inc.**

104 Corporate Park Dr.

Box 751

White Plains, NY 10602-0751

**914-694-2100** 914-694-9286 FAX

**1-800-759-5020**

June 13, 2006

Tribal Historic Preservation Officer  
Oneida Tribe of Indians of Wisconsin  
P.O. Box 365  
Oneida, WI 54155-0365

Dear Tribal Preservation Officer:

As you are aware, the BIA has received a fee-to-trust application from the Oneida Indian Nation of New York ("the Nation") for the transfer of 17,370 acres of Nation land into trust status. These lands are located in Oneida and Madison County, New York.

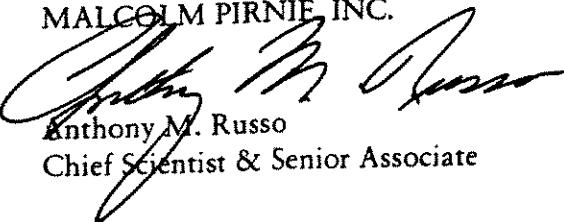
Back on January 20, 2006 the BIA Director, Eastern Region requested by letter whether the Oneida Tribe of Indians of Wisconsin held any religious or cultural significance for any of the properties proposed by the Nation for transfer into trust status.

Malcolm Pirnie, Inc. is the third party contractor for the BIA preparing a NEPA EIS in support of the Nation's trust application. On behalf of the BIA, we are requesting when you anticipate responding to this request so that data relevant to the consideration of cultural resources can be included in the EIS. Our schedule for completing a Preliminary DEIS is June 30, 2006.

If you have questions please contact Mr. Kurt G. Chandler, Regional Environmental Scientist at (615) 564-6832. Similarly, I can be reached at (914) 641-2679.

Very truly yours,

MALCOLM PIRNIE, INC.

  
Anthony M. Russo  
Chief Scientist & Senior Associate

c: K. G. Chandler, BIA-ERO  
T. A. Blaser, USDO1-DIA



**MALCOLM  
PIRNIE**

Malcolm Pirnie, Inc.  
104 Corporate Park Dr.  
Box 751  
White Plains, NY 10602-0751  
914-694-2100 914-694-9286 FAX  
1-800-759-5020

June 13, 2006

Tribal Historic Preservation Officer  
Stockbridge-Munsee Community of Wisconsin  
N8476 Mo He Con Nuck Road  
Bowler, WI 54416

Dear Tribal Preservation Officer:

As you are aware, the BIA has received a fee-to-trust application from the Oneida Indian Nation of New York ("the Nation") for the transfer of 17,370 acres of Nation land into trust status. These lands are located in Oneida and Madison County, New York.

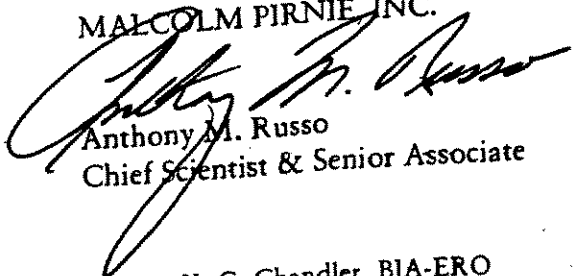
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Malcolm Pirnie, Inc. is the third party contractor for the BIA preparing a NEPA EIS in support of the Nation's trust application. On behalf of the BIA, we are requesting when you anticipate responding to this request so that data relevant to the consideration of cultural resources can be included in the EIS. Our schedule for completing a Preliminary DEIS is June 30, 2006.

If you have questions please contact Mr. Kurt G. Chandler, Regional Environmental Scientist at (615) 564-6832. Similarly, I can be reached at (914) 641-2679.

Very truly yours,

MALCOLM PIRNIE, INC.

  
Anthony M. Russo  
Chief Scientist & Senior Associate

c:  
K. G. Chandler, BIA-ERO  
T. A. Blaser, USDO-I-DIA





# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Eastern Regional Office  
545 Marriott Drive, Suite 720  
Nashville, TN 37214

AUG 24 2006

Trust Services  
Environmental Management

Tribal Historic Preservation Officer  
Tuscarora Nation  
2006 Mt. Hope Road  
Via: Lewistown, NY 14092

Dear Tribal Historic Preservation Officer:

The Bureau of Indian Affairs has received a fee-to-trust application for the transfer of 17,370 acres of Oneida Indian Nation fee land into trust status. These lands are located in Oneida and Madison Counties, New York, as shown on the enclosed map.

It has come to our attention that the Tuscarora Nation was involved in battles within these counties that occurred in support of the American Revolution. The purpose of this letter is to initiate formal consultation under the National Historic Preservation Act Section 106. Please inform this office if the Tuscarora Nation holds any religious or cultural significance for any of the properties within Oneida or Madison Counties, New York.

For further information or for concerns over potential impacts please contact Mr. Kurt G. Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,

ACTING Director, Eastern Region



**FEDERAL CORRESPONDENCE**



August 17, 2005

Mr. David Stillwell  
Fish and Wildlife Services  
United States Department of the Interior  
3817 Luker Road  
Cortland, NY 13045

Re: Freedom of Information Request  
Data On Threaten and Endangered Species  
Oneida County, New York

Dear Mr. Stillwell:

Malcolm Pirnie Inc. is in the process of collecting information on lands within Oneida County as part of a larger research effort within Central New York State (NYS). The general boundaries of this large study area are: the Erie Canal and Oneida Lake to the north along Route 31, NYS Route 26 to the east, the quadrangle boundaries of the Morrisville and Munnsville Quads to the south, and the City of Genesee region to the west as well as portions of Syracuse Road.

Please find the enclosed USGS topographic maps (Vernon, Sylvan, Jewell, Oneida, Verona, Canastota, Morrisville, Jewell, Munnsville, Cazenovia, and Oran Quadrangles) illustrating the approximate boundaries of the study area. The enclosed quads show a hatched area which is the study area. A master cover sheet which shows the relationship of the quadrangles to each other has been added for your reference

We wish to assess the presence of any rare, threaten or endangered species and communities as well as environmentally sensitive areas within our study area and as such request your assistance in this matter. Please provide any information concerning the presence of any known and potential environmental resources on or near these lands.

This request is time sensitive and we would appreciate as timely a response to this request as possible. Should you have any questions, please contact me at Malcolm Pirnie Inc. I can be reached at (914) 641-2687 or by fax at (914) 641-2645.



**MALCOLM  
PIRNIE**

Mr. David Stillwell  
Fish and Wildlife Services  
United States Department of the Interior

Page 2  
August 17, 2005

Thank you for your assistance.

MALCOLM PIRNIE, INC.

*Dennis N. Corelli*

Dennis N. Corelli  
Project Environmental Scientist

cc: Anthony Russo, MPI  
Richard Gilmour, MPI



**Oneida Project**  
**Telephone Conversation Record**

**Name:** Michael Stoll  
**Agency:** USFWS Division of Threatened and Endangered Species  
**Tele No.:** (607) 753-9334  
**Date:** 9/16/05  
**From:** Brian Gillen, Environmental Scientist  
**Re:** Potential Impacts to Endangered Species

---

Mr. Stoll was contacted as a follow up to letter inquiries dated 8/17/05 and 8/18/05 (addressed to David Stillwell of USFWS) concerning federally protected species potentially present in the Oneida project area. Mr. Stoll had examined the information Malcolm Pirnie sent him previously, including project area locations, regarding the Oneida project; based on this data, he informed us verbally that the Indiana Bat (*Myotis sodalis*) is the only protected species that is known to be present in the areas of concern. Because of the current staffing situation at USFWS, he was unable to tell us when we would receive an actual response letter concerning this.





## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045



October 24, 2005

Mr. Dennis N. Corelli  
Project Environmental Scientist  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive, Box 751  
White Plains, NY 10602-0751

Dear Mr. Corelli:

This responds to your August 17 and 18, 2005, letters requesting information on the presence of endangered or threatened species in the vicinity of a proposed research effort in Central New York in Madison and Oneida Counties. Please note that a formal request, pursuant to either the Federal Freedom of Information Act (5 U.S.C. 552) or the New York State Freedom of Information law (Article 6, Public Officers Law), is not necessary for you to receive information on listed species presence/absence from the U.S. Fish and Wildlife Service (Service).

There is potential for the Federally- and State-listed endangered Indiana bat (*Myotis sodalis*) to occur within the proposed project area which is in the vicinity of a known hibernaculum in Onondaga County. Please see the enclosed fact sheet on Indiana bats for further information.

Except for the potential for Indiana bat and occasional transient individuals, no other Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York\* is available for your information. If the proposed project is not completed within one year from the date of this letter, we recommend that you contact us to ensure that listed species presence/absence information for the proposed project is current.

The above comments pertaining to endangered species under our jurisdiction are provided as technical assistance pursuant to the ESA. This response does not preclude additional Service comments under other legislation.

As stated above, the Indiana bat is listed as endangered by the State of New York. Additional information regarding the proposed project should be coordinated with both this office and with the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC



contact for the Endangered Species Program is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: [518] 402-8859).


For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate NYSDEC regional office(s)\* and the New York Natural Heritage Program Information Services.\*

Since wetlands, ponds, and/or streams may be present, you may want to utilize the National Wetlands Inventory (NWI) maps\* as an initial screening tool. However, they may or may not be available for the project area. Please note that while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Online information on the NWI program and digital data can be downloaded from Wetlands Mapper, [http://wetlands.fws.gov/mapper\\_tool.htm](http://wetlands.fws.gov/mapper_tool.htm).

Work in certain waters of the United States, including wetlands and streams, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).\* In addition, should any part of the proposed project be authorized, funded, or carried out, in whole or in part, by a Federal agency, such as the Corps, further consultation between the Service and that Federal agency pursuant to the ESA may be necessary.

Thank you for your time. If you require additional information please contact Mark Clough or Michael Stoll at (607) 753-9334. Future correspondence with us on this project should reference project file 52407.

Sincerely,



David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://nyfo.fws.gov/es/section7.htm>

Enclosure

cc: NYSDEC, Syracuse and Watertown, NY (Env. Permits)  
NYSDEC, Albany, NY (Endangered Species; Attn: P. Nye)  
NYSDEC, Albany, NY (Natural Heritage)



Indiana Bat Project Review Fact Sheet  
New York Field Office  
August 2005

The following fact sheet is intended to provide information to assist with the review of projects which occur within the likely range of the Indiana bat (*Myotis sodalis*) within the State of New York. The Indiana bat is Federally- and State-listed as an endangered species. You have received this Fact Sheet because the U.S. Fish and Wildlife Service (Service) has determined that a proposed project which you are associated with is located in an area which we believe has the potential for Indiana bat presence. Additional information on the proposed project (e.g., size, level of impact, habitat) will help us to further examine the likelihood of Indiana bat presence within the proposed project area and potential for Indiana bats to be adversely impacted by the proposed project.

The Indiana bat is known to winter in six counties in New York State. While the Service has learned a great deal about the wintering population with standardized biennial counts organized by the New York State Department of Environmental Conservation (NYSDEC) Endangered Species Unit, we are continuing to study Indiana bat migratory patterns and summer habitat use within the State.

In the Northeast, multiple State and Federal agencies are investigating Indiana bat movements; the most recent studies of bats from hibernacula in Essex and Ulster Counties, New York, provide additional information. In the spring of 2002 through 2005, the NYSDEC successfully tracked female Indiana bats from their hibernacula in Essex, Ulster, and Jefferson Counties to their spring roosts, distances up to approximately 40 miles, however they are capable of flying distances much greater than that.

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags, greater than or equal to 5 inches diameter breast height (d.b.h.) with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. However, maternity colonies generally use trees greater than or equal to 9 inches d.b.h. Overall, structure appears to be more important than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and the rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees. Additional information on potentially suitable summer habitat can be found on our website at <http://nyfo.fws.gov/es/ibatdraft99.pdf>.

Streams, associated floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures (U.S. Fish and Wildlife Service 1999). While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.



To determine whether the proposed project site may provide roosting or foraging habitat for the Indiana bat, please read through the following questions:

1. Are there forested (upland or wetland) habitats present within the entire proposed project area?
  - If no, no further coordination regarding the Indiana bat is necessary at this time.
  - If yes, proceed to Step 2.
2. Does the proposed project involve any disturbance of forested (upland or wetland) habitat or any mine(s)/cave(s) that could serve as a hibernaculum?
  - If no, no further coordination regarding the Indiana bat is necessary at this time.
  - If yes, the project site should be evaluated and described by a qualified person as to the presence, amount, and distribution of suitable summer roosting/maternity and foraging habitat and any information on caves/mines should be provided.

The type of information that would be helpful to include in any evaluation are:

- a detailed project description,
- a map (and summary table) of the proposed project area with coarse habitat cover types (e.g., emergent wetland, open field) in acres
- a summary table of the proposed amount of disturbance to each habitat type
- an overlay of new construction on the habitat map
- a description of the forested habitat onsite, including the type of forest (e.g., oak-hickory), approximate stand age, and presence of dead or live trees with split branches or trunks or exfoliating bark
- photographs representative of all cover types on the site and encompassing views of the entire site
- a topographic map with the project area identified

Staff from our office may be available to assist with an initial site visit to determine whether additional detailed habitat analyses or surveys for Indiana bats will continue to be recommended, however, due to current workload, it may be months before a site visit is possible.

Should potential habitat be present and proposed for disturbance, the Service (and/or applicant or involved Federal agency) will need to determine the likelihood of Indiana bat presence (see discussion of mistnetting below) and evaluate the potential impacts of the proposed project on the Indiana bat.

We do have some recommendations to minimize the likelihood of adverse impacts that we can provide at this early stage should you wish to incorporate them into your project. Our standard recommendation to avoid any potential for directly killing Indiana bats is to conduct clearing of potential roost trees from October 1 through March 30 (when >5 miles from an hibernaculum); when <5 miles from an hibernaculum we recommend conducting clearing from November 15 to March 30. In many cases, where habitat is of low quality/quantity, seasonal cutting may be sufficient to avoid impacts to the species. Also, there may be cases when we believe the likelihood of impacts is low regardless of when tree removal occurs. Please note that the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) does not prohibit the clearing of trees and the Service's primary goal is not the protection of every tree. However, the ESA does prohibit the "take" (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct) of Federally-listed species,



such as the Indiana bat, and our recommendations are intended to help applicants and Federal agencies avoid or minimize the risk of "taking" an Indiana bat.

In addition to having concerns about direct impacts to Indiana bats, we are also concerned about the cumulative loss of habitat for the species. Therefore, we recommend protecting potential Indiana bat habitat within proposed projects to the greatest extent possible. In some cases, especially in areas where significant quantity/quality of Indiana bat habitat is present and proposed to be impacted, mist net or other surveys may be warranted to determine if bats are present onsite. Due to the limited time frame when bat surveys can be completed (see <http://nyfo.fws.gov/es/ibatdraft99.pdf> for recommended protocols), it is strongly recommended that the applicant contact the Service as early as possible in the project planning to determine if surveys or additional avoidance and/or minimization measures will be necessary to avoid project delays. If netting is conducted at a site, we encourage the attachment of radio transmitters on any captured Indiana bats to help understand how the proposed project site is being used by Indiana bats.

The project's environmental documents should identify project activities that might result in adverse impacts to the Indiana bat or their habitat. Information on any potential impacts and the results of any recommended habitat analyses or surveys for the Indiana bat should be provided to this office and they will be used to evaluate potential impacts to the Indiana bat or their habitat, and to determine the need for further coordination or consultation pursuant to the ESA.

#### References:

U.S. Fish and Wildlife Service. 1999. Agency Draft Indiana Bat (*Myotis sodalis*) Revised Recovery Plan. Fort Snelling, MN: U.S. Department of the Interior, Fish and Wildlife Service, Region 3. 53 p.



**United States Department of the Interior****FISH AND WILDLIFE SERVICE**

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699



March 13, 2006

We have received your request to review your project for potential presence of Federally-listed threatened or endangered species or critical habitat. Due to the loss of two-thirds of our endangered species staff to retirement, there will likely be significant delays in our response to your request. We are presently unable to determine the length of this delay and appreciate your patience and understanding during this time. For additional information on Federally-listed species, please visit our website at <http://www.fws.gov/northeast/nyfo/es/esdesc.htm>. We are planning to update our endangered species pages to provide additional technical assistance to applicants, consultants, and other Federal agencies in the near future.



March 13, 2006

Mr. Joseph F. Picciano  
Acting Regional Director  
FEMA Region II  
26 Federal Plaza, Suite 1307  
New York, NY 10278-0001

**Re: Oneida Nation of New York Trust Land Transfer, Draft Environmental Impact Statement (EIS) Information Request**

Dear Mr. Picciano:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within FEMA's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

As part of our data gathering efforts, we have consulted available published FEMA floodplain maps as well as the information available on FEMA's internet site. On behalf of the BIA, we are requesting any information or documents, that FEMA believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by FEMA. This could include information on:

- Known flood hazards within or around the project area.
- Historic flood information.
- Floodplain programs within Oneida and Madison Counties.
- Flood management issues relevant to the project area.
- Emergency response programs and policies applicable to Oneida and Madison Counties.
- Mitigation plans in place or proposed in the project area.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The



Mr. Joseph F. Picciano  
FEMA Region II

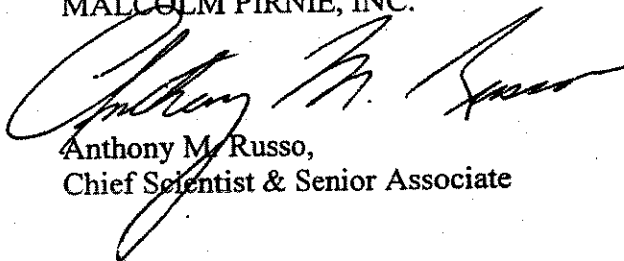
March 13, 2006  
Page 2

BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of our informational request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 14, 2006

Mr. Alan J. Steinberg  
Regional Administrator  
USEPA  
290 Broadway  
New York, NY 10007-1866

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Steinberg:

The Oneida Nation of New York (the Nation) is seeking to transfer 17, 370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the USEPA's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents that the USEPA believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Agency. This could include information on:

- Current or future proposed activities related to hazardous waste management, toxic chemical releases, oil spills, cleanups and recycling in and around the project area.
- Surface and groundwater quality and quantity in the project area.
- Ecosystem information such as vegetative and wildlife communities, endangered, threatened and rare species, environmentally sensitive resources as well as other regulated wetlands and buffer areas.
- Watershed planning.
- Pesticide application and controls.
- Applicable Clean Air regulations, programs or policies.



**MALCOLM  
PIRNIE**

Mr. Alan J. Steinberg  
USEPA

March 14, 2006  
Page 2

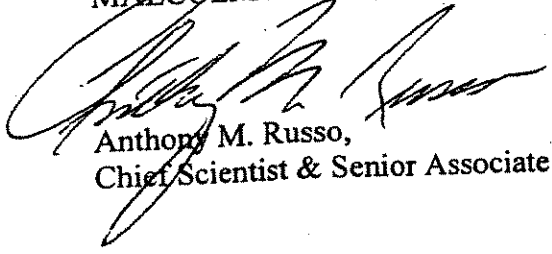
- Permits that currently exist for facilities or activities that are located on the lands proposed for transfer including applicable regulatory programs. For example, we are aware that the USEPA recently (February 22, 2006) issued a final Title V Permit (ONEIDAOO1) to the Turning Stone Casino Resort (TSCR). We have recently received a copy of this permit.
- Applications or proposals for future land development or redevelopment in or around the project area that have been filed with the Department.
- Policies or analysis pertaining to Environmental Justice within Oneida and Madison Counties that may be relevant to the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

5477001



March 14, 2006

Mr. David Stilwell  
Field Supervisor  
US Fish and Wildlife Service  
3817 Luker Road  
Cortlandt, NY 13045

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Stilwell:

The Oneida Nation of New York (the Nation) is seeking to transfer 17, 370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Service's (USFWS) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference

On behalf of the BIA, we are requesting any information or documents that the Service believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the USFWS. This could include information on:

- Ecosystem information such as vegetative and wildlife communities, endangered, threatened and rare species, environmentally sensitive resources as well as other regulated environmental resources.
- Programs or policies that the USFWS has or had conducted within Oneida and Madison Counties that may be relevant to the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to



**MALCOLM  
PIRNIE**

Mr. David Stillwell  
USFWS

March 14, 2006  
Page 2

prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 14, 2006

Ms. Suzette Kimball  
Eastern Regional Director  
US Geological Survey  
11649 Leetown Road  
Kearneysville, WV 25430

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Ms. Kimball:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the US Geological Survey's (USGS) areas of expertise, specialization, and/or jurisdiction environment necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents that the USGS believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the USGS. This could include information on:

- Mining activities and the location of documented solid or liquid mineral resources in the project area.
- The location of designated earthquake or landslide hazard areas within or surrounding the project area.
- Environmentally sensitive resources and other relevant information based on your Contaminant Biology Program, Biological Informatics Program, Fisheries Program, Priority Ecosystem Science, Invasive Species Program, Status and Trends of Biological Resources Program and Terrestrial, Freshwater and Marine Ecosystems Program.
- Applicable Geological Mapping Remote Sensing, and Geographic Analysis programs or policies.



**MALCOLM  
PIRNIE**

Ms. Suzette Kimball  
USGS

March 14, 2006  
Page 2

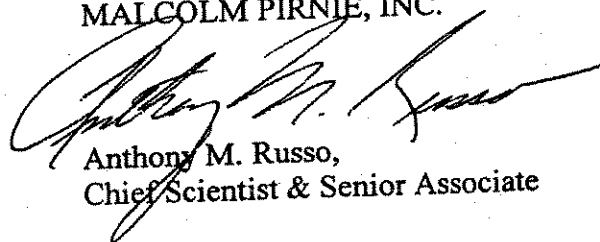
- Information relevant to hydrology, streamflow, ground water resources, water quality assessment in the project area.
- Programs or policies that the USGS has or had conducted within Oneida and Madison Counties regarding energy resources.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001





DANIEL D. HOGAN  
COMMISSIONER

STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
OFFICE OF GENERAL SERVICES  
MAYOR ERASTUS CORNING 2ND TOWER  
THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA  
ALBANY, NEW YORK 12242

ROBERT J. FLEURY  
FIRST DEPUTY COMMISSIONER

CHRISTINE BURLING  
DIRECTOR  
PUBLIC INFORMATION

April 10, 2006

Mr. Anthony M. Russo  
Chief Scientist and Sr. Associate  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Dear Mr. Russo:

**Re: Freedom of Information Request Number 2759**  
**Requester/Subject: Russo/EIS/Trust Land Transfer**

Your request for information under the Freedom of Information Law regarding information on completion of the Environmental Impact Statement as it relates to the Oneida Nation of NY Proposed Trust Land Transfer including location of any lands under the jurisdiction of OGS within the project area, water grant maps for such lands, permits or approvals for facilities or activities located on lands regulated by OGS in the project area, and applications or proposals for future activities on OGS regulated land in or around the project area that have been filed with OGS was received in this office on April 06, 2006.

Your request has been forwarded to the appropriate organizational unit within the Office of General Services. A determination on your request will be made within 20 business days.

Sincerely,

Christine Burling  
Records Access Officer



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

APR 12 2006

Anthony M. Russo  
Chief Scientist & Senior Associate  
Malcolm Pirnie Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, New York 10602-0751

Re: 3/14/06 Request for Information Pertaining to EIS for transfer of 17,370 acres to trust status under the US DOI, BIA, on behalf of the Oneida Indian Nation.

Dear Mr. Russo:

Your request for information within the U.S. EPA's areas of expertise, specialization and/or jurisdiction has been referred to the EPA Region 2 Division of Environmental Planning and Protection for response. We have coordinated with the other Divisions and searched files and/or computer database as appropriate to respond to your request. The information gathered includes Environmental Justice policies that may be relevant to the proposed action.

On April 12, 2006, Ms Christine Yost of my staff emailed to Ms. Clare Woodhead of your office information responsive to your request that is available in electronic form. Further, please find additional hard copy information enclosed.

In a related matter, there is information already available through the public arena. For example, information on federal statute(s), such as the Clean Air Act, and related regulations, are available on the Internet.

If you have any questions or need additional information, please have your staff contact Christine Yost, Region 2 Indian Program Coordinator, of my staff at 212-637-3564.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter Mugdan".

Walter Mugdan, Director  
Division of Environmental planning and Protection

Enclosures

cc: Clare Woodhead



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

**FILE COPY**

June 5, 2006

Ms. Linda Tatum, Budget Analyst  
Bureau of Indian Affairs  
545 Marriott Drive, STE: 700  
Nashville, TN 37214

Re: Question for the BIA pertain Oneida National Land-into-Trust EIS

Dear Ms Tatum:

During public scoping, a comment was given that requires follow-up assistance from the Bureau of Indian Affairs. In a recent conversation with Virginie Amerlynck of The Louis Berger Group, a consultant preparing the socioeconomic portion of an Environmental Impact Statement (EIS) for Oneida Nation's Land-into-Trust application, it was suggested that the following request for information should be submitted in writing.

*What is the annual amount of Tribal Priority Allocation (TPA) funds allocated to other tribes in New York in FY2000 through FY 2006, by tribe?*

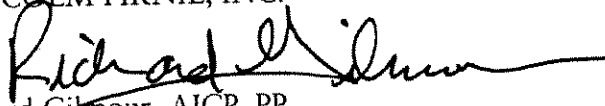
*What was the amount of TPA funds for these tribes received annually? Did they receive their full allocation or were there adjustments in the amount received (e.g., funds were returned or additional funds were given) If so, specify for each tribe how much was received each year (FY2000 to FY2006)?*

Should you have follow-up questions regarding this request, please do not hesitate to contact Ms. Amerlynck at 212-612-7953 ([amerlynck@louisberger.com](mailto:amerlynck@louisberger.com)). Her complete contact information is immediately below:

Virginie Amerlynck  
The Louis Berger Group, Inc.  
199 Water Street, 23<sup>rd</sup> Floor  
New York, New York 10038  
(212) 612-7953  
(212) 323-4341

Very truly yours,

MALCOLM PIRNIE, INC.

  
Richard Gilmour, AICP, PP  
Senior Project Planner





# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045



July 7, 2006

Mr. Anthony M. Russo  
Chief Scientist & Senior Associate  
Malcom Pirnie, Inc.  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo:

This responds to your March 14, 2006, letter requesting information on the presence of endangered or threatened species within the vicinity of lands of the Oneida Nation of New York (Nation) in Oneida and Madison Counties, New York. The Nation plans to transfer 17,370 acres of land to the Bureau of Indian Affairs (BIA). As you may be aware, Federal agencies, such as the BIA, have responsibilities under Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to consult with the U.S. Fish and Wildlife Service (Service) regarding projects that may affect Federally-listed species or "critical habitat," and confer with the Service regarding projects that may affect Federally-proposed species or proposed "critical habitat." We offer the following comments on the proposed Plan pursuant to the ESA for your consideration.

There is potential for the Federally- and State-listed endangered Indiana bat (*Myotis sodalis*) to occur within the vicinity of the proposed project areas, which are approximately 8-30 miles from a known hibernaculum in Onondaga County. Please visit our website\* for more information on Indiana bats.

Except for the potential for Indiana bat and occasional transient individuals, no other Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project areas. In addition, no habitat in the project areas is currently designated or proposed "critical habitat" in accordance with provisions of the ESA. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York\* is available for your information. Until the proposed project is complete, we recommend that you check our website\* every 90 days from the date of this letter, to ensure that the listed species presence/absence information for the proposed project is current.

This response does not preclude additional Service comments under other legislation.

As stated above, the Indiana bat is listed as endangered by the State of New York. Any additional information regarding the project and its potential to impact listed species should be



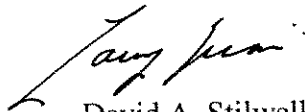
coordinated with both this office and with the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC contact for the Endangered Species Program is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: [518] 402-8859).

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate NYSDEC regional office(s)\* and the New York Natural Heritage Program Information Services.\*

Work in certain waters of the United States, including wetlands and streams, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).\*

Thank you for your time. If you require additional information please contact Robyn Niver at (607) 753-9334. Future correspondence with us on this project should reference project file 60856.

Sincerely,

  
David A. Stilwell  
for Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

cc: NYSDEC, Syracuse, Watertown, NY (Attn: Env. Permits)  
NYSDEC, Albany, NY (Endangered Species; Attn: P. Nye)  
NYSDEC, Albany, NY (Natural Heritage)  
FWS, Hadley, MA (D.J. Monette)



# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

104 Corporate Park Dr.

Box 751

White Plains, NY 10602-0751

914-694-2100 914-694-9286 FAX

1-800-759-5020

July 21, 2006

David A. Stillwell  
Field Supervisor  
United States Department of the Interior  
Fish and Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

Dear Mr. Stillwell:

As you are aware, the BIA has received a fee-to-trust application from the Oneida Indian Nation of New York ("the Nation") for the transfer of 17,370 acres of Nation land into trust status. These lands are located in Oneida and Madison County, New York. Malcolm Pirnie, Inc. is the third party contractor for the BIA preparing a NEPA EIS in support of the Nation's trust application.

Our first correspondences dated August 17 and 18, 2005 requested of the Fish and Wildlife Service for the presence of endangered or threatened species *in the vicinity of a proposed research effort in Central New York in Madison and Oneida Counties*. Your response dated October 24, 2005 indicated that "There is potential for the Federally- and State-listed endangered Indian bat (*Myotis sodalis*) to occur within the proposed project area which is in the vicinity of a known hibernaculum in Onondaga County....Except for the potential for Indiana bat and occasional transient individuals, no other Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project area is currently designated or proposed 'critical habitat' in accordance with provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*)."

Attached to this letter was a two and a half page fact sheet entitled "Indiana Bat Project Review Fact Sheet New York Field Office August 2005." On page two of this fact sheet, a series of questions to determine whether a proposed project site may provide roosting or foraging habitat for the Indiana bat were included. Of note was the second question "Does the proposed project involve any disturbance of forested (upland or wetland) habitat or any mine(s)/cave(s) that could serve as a hibernaculum? If no, no further coordination regarding the Indiana bat is necessary at this time."

A second correspondence dated March 14, 2006 requested of the Fish and Wildlife Service information for the presence of endangered or threatened species *within the vicinity of lands of the Oneida Nation of New York (Nation) in Oneida and Madison Counties, New York*. Your



response dated July 7, 2006 included the lone species Indiana bat "to occur within the vicinity of the proposed project areas, which are approximately 8-30 miles from a known hibernaculum in Onondaga County.... Except for the potential for Indiana bat and occasional transient individuals, no other Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project areas. In addition, no habitat in the project area is currently designated or proposed 'critical habitat' in accordance with provisions of the ESA."

There was no attached fact sheet as this July 7 letter instead indicated that the most recent compilation of Federally-listed and proposed endangered and threatened species in New York is available at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. At this website, an updated February 2006 Indiana Bat Project Review Fact Sheet is included. The identical series of questions regarding roosting and foraging habitat appear which again state that, if a project does not involve any disturbance of forested (upland or wetland) habitat or any mine(s)/cave(s) that could serve as a hibernaculum, no further coordination regarding the Indiana bat is necessary at this time.

The proposed fee-to-trust action is an administrative action without any proposed physical resource or habitat disturbing activities. It is the intention of this correspondence on behalf of the BIA to request from the Fish and Wildlife Service, concurrence that, the transfer of 17,370 acres of Nation land into trust status is an administrative action only, and would not affect existing or proposed Federally-listed species or critical habitat.

Our schedule for completing a Draft EIS is September 20, 2006. We would appreciate receiving your response by this date.

If you have questions please contact Mr. Kurt G. Chandler, Regional Environmental Scientist at (615) 564-6832. Similarly, I can be reached at (914) 641-2679.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo

Chief Scientist & Senior Associate

c: K. G. Chandler, BIA-ERO  
T. A. Blaser, USDO-I-DIA



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

**Malcolm Pirnie, Inc.**

104 Corporate Park Dr.

Box 751

White Plains, NY 10602-0751

**914-694-2100** 914-694-9286 FAX

**1-800-759-5020**

July 31, 2006

Ms. Cathy Keenan  
USDA NRCS  
441 South Salina Street  
Suite 354  
Syracuse, NY 13202

Re: Oneida Indian Nation of New York Proposed Fee-to-Trust Transfer of 17,370 Acres to Federal Trust Status, Oneida and Madison Counties, New York

Dear Ms. Keenan,

The Oneida Indian Nation of New York has filed an application with the Secretary of the Interior to transfer 330 parcels of land, totaling 17,370 acres, into federal trust status. The lands are located in Oneida and Madison Counties, New York. The Bureau of Indian Affairs (BIA) will be responsible for the management of these lands after their transfer from fee-to-trust status. The location of these parcels is shown on the enclosed location and index maps (Figures 1 and 2) and individual USGS quadrangle maps (Figures 3 through 11). Information pertaining to the farmland resources and soils found on the parcels is presented in the enclosed tables and maps (Tables 1 and 2, Figures 12 through 14). I would like to request that the USDA- Natural Resources Conservation Service (New York Office) conduct a land evaluation and site assessment to determine the farmland conversion impact rating score for this proposed fee-to-trust land transfer.

The subject lands are divided into three groups designated as Groups 1, 2, and 3. Group 1 lands are generally associated with the Turning Stone Resort & Casino. Group 2 lands are generally associated with the Oneida Indian Nation's government and cultural facilities, housing, health services, education, and hunting. In addition, Group 2 lands are currently being used for various enterprises including convenience stores, service stations, newspaper operations, marinas, and agriculture. Group 3 lands are generally undeveloped parcels consisting of active and inactive agricultural lands. The locations of Group 1, 2, and 3 lands are shown in Figure 1.

There are eight alternatives for the proposed fee-to-trust transfer of these lands to be evaluated with respect to their farmland conversion impact rating score. Each of the alternatives is administrative with no reasonably foreseeable ground disturbing activities and no changes in land use. Therefore, no farmlands will be converted, directly or indirectly, to non-agricultural uses by any of the alternatives.



These alternatives have been designated as Alternatives A through G. The alternatives differ in the acreage of Oneida Indian Nation lands that are proposed for fee-to-trust transfer. Under Alternative A (Proposed Alternative) and Alternative B (Phased Acquisition of 35,000 Acres), the entire 17,370 acres of land that are currently owned by the Nation are proposed for transfer into trust (Figures 15 and 16). Under Alternative B (Phased Acquisition of 35,000 Acres), an additional 17,630 acres of land that would be purchased by the Nation in the future would also be transferred into trust. The number or location of the properties that will comprise the 17,630 acres has not been identified. Under Alternative C, only Group 1 and 2 Lands would be transferred into trust (Figure 17). Under Alternative D, only Group 1 Lands would be transferred into trust (Figure 18). Under Alternative E, only the Turning Stone Resort & Casino would be transferred into trust (Figure 19). Under Alternative F, Group 1 Lands along with additional parcels from Groups 2 and 3 would be transferred to create a more compact and contiguous group of trust lands (Figure 20). Under Alternative G, none of the properties would be conveyed into trust.

The acres of farmland classified as prime farmland, prime farmland-if drained, and farmland of statewide importance have been determined for each of the three groups of lands (Table 1). Approximately 14,817 acres of Nation lands have these classifications. There are approximately 2,132 acres of prime farmland, 848 acres of prime farmland - if drained, and 188 acres of farmland of statewide importance located on Group 1 lands. Group 2 lands contain approximately 1,493 acres of prime farmland, 2,794 acres of prime farmland - if drained, and 1,392 acres of farmland of statewide importance. There are approximately 2,678 acres of prime farmland, 1,748 acres of prime farmland - if drained, and 1,544 acres of farmland of statewide importance located on Group 3 lands. As identified in Table 2, there are a total of approximately 9,607 acres of Nation lands located in agricultural districts with 2,293 acres located on Group 1 lands, 2,027 acres located on Group 2 lands, and 5,287 acres located on Group 3 lands.

Based on the preceding project description, I would like to request that the USDA- Natural Resources Conservation Service (New York Office) conduct a land evaluation and site assessment to determine the farmland conversion impact rating score for the proposed project alternatives. The proposed project is administrative and involves the transfer of Oneida Indian Nation lands into federal trust status and will not involve any ground disturbance or land use change. Enclosed please find a completed NRCS Farmland Conversion Impact Rating- Information Form, as per your request on July 26, 2006. Location maps of the Oneida Indian Nation lands have also been provided with respect to farmland classifications (Figure 12), agricultural districts (Figure 13), and soil types (Figure 14). In addition, the acres of lands in farmland classifications and agricultural districts are presented in Tables 1 and 2, respectively. If you should need any additional information or have any questions, please contact me directly at (914) 641-2917.



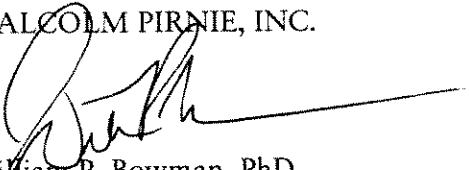
**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Ms. Cathy Keenan  
July 31, 2006  
Page 3 of 3

Sincerely,

MALCOLM PIRNIE, INC.



William P. Bowman, PhD  
Environmental Scientist

cc: Kurt Chandler, Regional Environmental Scientist, BIA-ERO  
Anthony Russo, MPI  
Thomas Blaser, Esq., DOI-DIA  
Thomas B. Mason, Esq., Zuckerman Spaeder





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

Trust Services  
Environmental Services

AUG 01 2006

Mr. David A. Stilwell  
Field Supervisor  
United States Department of the Interior  
U.S. Fish and Wildlife Service  
3817 Luker Road  
Cortland, NY 13045

Dear Mr. Stilwell:

The Bureau of Indian Affairs (BIA) has received a fee-to-trust application from the Oneida Indian Nation of New York ("the Nation") for the transfer of 17,320 acres of Nation fee land into trust status. The fee-to-trust action is a federal administrative action only, without any proposed physical resource or habitat disturbing activities. All lands covered by this action are located in Oneida and Madison County, New York.

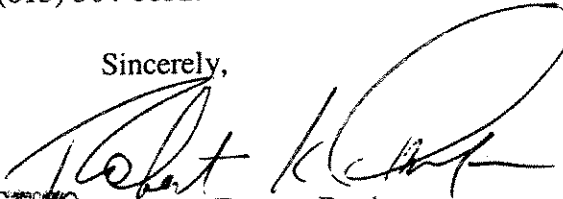
In accordance with the provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the BIA requests consultation with the U.S. Fish and Wildlife Service under Section 7 of the ESA to determine the potential impact(s) this action may have on protected species. Specifically the BIA requests a biological opinion that includes:

A list of endangered, threatened, or candidate species occurring in Oneida and Madison Counties and what impacts this administrative action could have on endangered fish and wildlife and their habitat.

Features of this administrative action that may enhance, mitigate, or reduce adverse impacts to threatened or endangered species.

If you have any questions or require clarification, please contact Mr. Kurt Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,



ACTING Director, Eastern Region

CC: Mr. Anthony Russo, Malcom Prinie



United States Department of Agriculture



Natural Resources Conservation Service  
The Galleries of Syracuse  
441 S. Salina Street, Suite 354  
Syracuse, New York 13202-2450

Telephone: (315) 477-6505  
FAX: (315) 477-6550  
email: beth.polge@ny.usda.gov

August 3, 2006

William P. Bowman, PhD  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive, Box 751  
White Plains, NY 10602-0751

Re: Oneida Indian Nation of New York Proposed Fee-to-Trust Transfer of 17,370 Acres to  
Federal Trust Status, Oneida and Madison Counties, New York

Dear Mr. Bowman,

I have received your July 31, 2006 request to complete a Farmland Conversion Impact Rating (AD-1006) for the project cited above. A review of the information contained in your letter states that 'no farmland will be converted, directly or indirectly, to non-agricultural uses'. Only actions that would convert farmland to nonagricultural uses are subject to the Federal Farmland Protection Policy Act (FPPA).

Therefore, I am making a determination that this project and the project area are exempt from the FPPA provisions. No farmland conversion impact rating is required.

I will retain the project information in my files for future reference. If you have any questions about this determination please feel free to contact me.

A handwritten signature in cursive script that reads "Beth Polge".

Beth Polge  
Cartographic Technician



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

104 Corporate Park Dr.

Box 751

White Plains, NY 10602-0751

T: 914-694-2100

F: 914-694-9286

www.pirnie.com

August 15, 2006

Mr. Kurt Chandler  
US Department of the Interior  
Bureau of Indian Affairs, Eastern Regional Office  
545 Marriott Drive, Suite 720  
Nashville, TN 37214

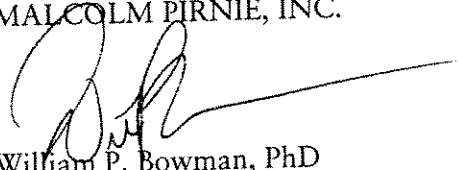
Re: USDA Determination of the Farmland Conversion Impact Rating of the Oneida Indian Nation Trust Application

Dear Mr. Chandler:

Attached please find a copy of the USDA-NRCS's determination, dated August 3, 2006, of the farmland conversion impact rating for the Oneida Indian Nation's fee-to-trust application. The USDA-NRCS has determined that the action is exempt from the provisions of the Federal Farmland Protection Policy Act as no farmland would be converted to nonagricultural uses by the proposed action. If you have any questions regarding this determination, please do not hesitate to contact me at (914) 641-2917.

Very truly yours,

MALCOLM PIRNIE, INC.

  
William P. Bowman, PhD  
Environmental Scientist

wb

cc: Anthony Russo, MPI





## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office

545 Marriott Drive, Suite 700

Nashville, TN 37214

AUG 16 2006

IN REPLY REFER TO:

Trust Services

Environment, Safety, and Cultural Resources Division

### CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Ruth Pierpont, Director  
New York State Historic Preservation Office  
Peebles Island Resource Center  
P. O. Box 189  
Waterford, New York 12188-0189

Dear Ms. Pierpont:

The Oneida Indian Nation of New York (Nation) has filed an application with the Secretary of the Interior to transfer 330 parcels of land, totaling 17,370 acres, into federal trust status. The lands are located in Oneida and Madison counties, New York. The fee-to-trust transfer is an undertaking as defined in Section 301 of the National Historic Preservation Act. Malcolm Pirnie, Inc. (Malcolm Pirnie), is under contract with the Bureau of Indian Affairs (BIA) for developing a fee-to-trust Environmental Impact Statement. Malcolm Pirnie has previously contacted your office via letters dated August 17 and 18, 2005, and March 14, 2006, concerning the proposed fee-to-trust undertaking. Employees of Malcolm Pirnie have also met with Office of Parks, Recreation, and Historic Preservation personnel to collect some of the information presented here.

The enclosed land parcel index map and individual USGS quadrangles show the parcel locations. The parcels, a summary of cultural resources, and a National Register of Historic Places evaluation of the cultural resources are described in Attachments 1-4, and the cultural resources are keyed to the USGS quadrangles (Figures 1-10). Pursuant to 36 CFR 800.4, we have identified historic properties and evaluated their significance according to National Register of Historic Places criteria (36 CFR 60.4) in order to make a determination of eligibility. The results of that identification and evaluation are summarized below and shown on the attachments.

Eighty-one previously recorded prehistoric and historic archaeological sites are in the area of potential effect (Attachments 1 & 2). The area of potential effect for the fee-to-trust transfer consists of the Nation parcels and surrounding lands for a distance of 1,000 feet (305 meters). National Register of Historic Places significance evaluations for the 81 archeological sites have not been conducted by your agency. Accordingly, none of the sites are listed on the New York State or National Registers of Historic Places or have been determined eligible for listing. A preliminary evaluation of the eligibility of the sites, however, based upon the information available in the collections and files of the agencies



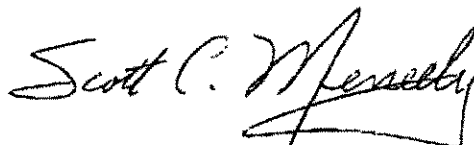
identified above, as well as the archaeological literature reviewed by a qualified archaeologist, has determined that 36 of the sites are potentially eligible for listing on the New York State and National Registers of Historic Places and 12 of the sites are not eligible for listing. Not enough information is available for a determination to be made for the remaining 33 sites. No New York State or National Registers of Historic Places listed properties are located on the Nation's lands. However, 10 listed architectural properties and two historic districts are located within approximately 1,000 feet of Nation lands proposed for fee-to-trust transfer (Attachments 1 & 3).

Ninety structures at least 50 years of age or older are located on Nation lands (Attachments 1 & 4). An independent architectural historian retained by the Nation evaluated the structures at the request of the BIA. Three of the structures are considered eligible for inclusion on the New York State and National Registers of Historic Places with seven other structures considered potentially eligible for listing. None of these structures will be affected by the proposed action. It is the BIA's opinion that the remaining 80 properties are not eligible for inclusion on the New York State and National Registers of Historic Places.

When the fee-to-trust transfer of the land parcels is complete, the BIA will be responsible for their management. The proposed fee-to-trust undertaking will not be ground disturbing and there will not be a change in property use. Pursuant to 36 CFR 800.4(d)(1), the BIA recommends a finding of **No Historic Properties Affected**.

If you have questions or comments, please contact David Saunders, Regional Archaeologist, at (615) 564-6840.

Sincerely,



~~ACTING~~

Director, Eastern Region

Enclosure: Figures & attachments





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

NOV 03 2006

Trust Services  
Environmental Management

David Stillwell  
Field Supervisor  
US Fish and Wildlife Service  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045

Dear Mr. Stillwell:

On August 1, 2006 we sent you a letter requesting endangered species consultation. There are a few corrections, modifications and background explanation we would like to add to that request. Our first clarification is that we are seeking informal consultation, which page 3-2 of the US Fish and Wildlife Consultation Handbook establishes a 30 day window to provide a response. We are not seeking a biological assessment (which can take 180 days) or formal consultation. We are required by the Bureau of Indian Affairs (BIA) National Environmental Policy Act (NEPA) Handbook to obtain a clearance from your office that concurs with our opinion that endangered species and critical habitat will not be impacted from the transfer of ownership of 17,370 acres of Oneida Nation lands to be held by the Federal government in trust status. We are ready to release the Draft EIS for public review and request your concurrence as soon as possible.

There are no construction activities or other ground disturbing activities that are related to the fee-to-trust request. The only impacts are considered to be jurisdictional and administrative.

In Madison and Oneida Counties there are three plant species that are listed as endangered and eight that are listed as threatened by Federal agencies. Of the Oneida Nation properties, Parcels 136 and 213 feature moist limestone rocks and cliffs that may serve as suitable habitat for American hart's tongue fern, however, this fern was not observed on these parcels in field reconnaissance in May, 2006. These counties contain suitable habitat for cork elm, creeping juniper, and roseroot but the suitable habitat does not occur on Oneida Nation lands, nor were these plant species observed during field reconnaissance of these parcels in May, 2006. Indiana bat is the only federally listed endangered animal species in the region. Underground hibernation habitat is not located on any of the Oneida Nation properties.



Due to the lack of disturbing activities, and lack of the protected species actually inhabiting Oneida Nation properties we do not believe that there are impacts to endangered species or critical habitat that would result from this proposed action. We await your written concurrence.

If you have any questions or need further information please contact Mr. Kurt G. Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,

**ACTING**

  
Director, Eastern Region

cc: Anthony Russo, Malcolm Pirnie, Inc.



## STATE CORRESPONDENCE



August 17, 2005

Ms. Ruth L. Pierpont, Director  
New York State Office of Parks, Recreation, and Historic Preservation  
Historic Preservation Field Services Bureau  
Pebbles Island  
P. O. Box 189  
Waterford, New York 12188-0189

Re: Freedom of Information Request  
General Information Inquiry  
Oneida County, New York

Dear Ms. Pierpont:

Malcolm Pirnie Inc. is in the process of collecting cultural, historic, and archaeological information on lands within Oneida County as part of a larger research effort within Central New York State (NYS). The general boundaries of this large study area are: the Erie Canal and Oneida Lake to the north along Route 31, NYS Route 26 to the east, the quadrangle boundaries of the Morrisville and Munnsville Quads to the south, and the City of Genesee region to the west as well as portions of Syracuse Road.

Please find the enclosed USGS topographic quadrangles (Vernon, Sylvan, Jewell, Oneida, Verona, Canastota, Morrisville, Jewell, Munnsville, Cazenovia, and Oran Quadrangles) which illustrate the approximate boundaries of the study area. The enclosed quadrangles show a hatched area which is the study area. A master cover sheet which shows the relationship of the quadrangles to each other has been enclosed for reference.

We wish to assess the presence of any potential areas of concern within our study area and as such request your assistance in this matter. Please provide any information concerning the presence of known and potential cultural, historic, and archaeological resources on or near these lands.

If necessary, I would be available to visit your office and assist in the research of information contained in the Bureau's files for our study area.

This request is time sensitive and we would appreciate as timely a response to this request as possible. Should you have any questions, please contact Spencer Salzberg with



**MALCOLM  
PIRNIE**

Ms. Ruth Pierpont  
OPRHP FOIL Request

Page 2  
August 17, 2005

Malcolm Pirnie Inc. on my behalf. Mr. Salzberg can be reached at (718) 397-2397 or by fax at (718) 446-4020.

Thank you for your assistance.

MALCOLM PIRNIE, INC.

*Spencer Salzberg FOR*

Eugene Boesch, PhD  
Senior Project Archaeologist

CC: Nancy Herter, OPRHP  
Anthony Russo, MPI (w/o enclosures)  
Richard Gilmour, MPI (w/o enclosures)  
Spencer Salzberg, MPI

5477001



August 17, 2005

Mr. Peter Nye  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY, 12233-4750

Re: Freedom of Information Request  
Data On Threaten and Endangered Species  
Oneida County, New York

Dear Mr. Nye:

Malcolm Pirnie Inc. is in the process of collecting information on lands within Oneida County as part of a larger research effort within Central New York State (NYS). The general boundaries of this large study area are: the Erie Canal and Oneida Lake to the north along Route 31, NYS Route 26 to the east, the quadrangle boundaries of the Morrisville and Munnsville Quads to the south, and the City of Genesee region to the west as well as portions of Syracuse Road.

Please find the enclosed USGS topographic maps (Vernon, Sylvan, Jewell, Oneida, Verona, Canastota, Morrisville, Jewell, Munnsville, Cazenovia, and Oran Quadrangles) illustrating the approximate boundaries of the study area. The enclosed quads show a hatched area which is the study area. A master cover sheet which shows the relationship of the quadrangles to each other has been added for your reference

We wish to assess the presence of any rare, threaten or endangered species and communities as well as environmentally sensitive areas within our study area and as such request your assistance in this matter. We respectfully request a review of the New York State Department of Environmental Conservation's Natural Heritage Program for any information concerning the presence of any known and potential sensitive environmental resources on or near these lands.

This request is time sensitive and we would appreciate as timely a response to this request as possible. Should you have any questions, please contact me at Malcolm Pirnie Inc. I can be reached at (914) 641-2687 or by fax at (914) 641-2645.



**MALCOLM  
PIRNIE**

Mr. Peter Nye  
New York State Department of Environmental Conservation

Page 2  
August 17, 2005

Thank you for your assistance.

MALCOLM PIRNIE, INC.

*Dennis N. Corelli for*  
Dennis N. Corelli  
Project Environmental Scientist

cc: Anthony Russo, MPI  
Richard Gilmour, MPI



August 18, 2005

Ms. Ruth L. Pierpont, Director  
New York State Office of Parks, Recreation, and Historic Preservation  
Historic Preservation Field Services Bureau  
Pebbles Island  
P. O. Box 189  
Waterford, New York 12188-0189

Re: Freedom of Information Request  
General Information Inquiry  
Madison and Oneida Counties, New York

Dear Ms. Pierpont:

On August 17, 2005 we sent you a Freedom of Information Request General Information Inquiry for Oneida County, New York. While the enclosed mapping and area descriptions of the study area was correct, it should be noted that the study area is located in both Madison and Oneida County, New York. I hope this correction is of use in your data review.

As noted in our prior letter of August 17, 2005 Malcolm Pirnie Inc. is in the process of collecting information on lands within Oneida and Madison Counties as part of a larger research effort within Central New York State (NYS). The general boundaries of this large study area are: the Erie Canal and Oneida Lake to the north along Route 31, NYS Route 26 to the east, the quadrangle boundaries of the Morrisville and Munnsville Quads to the south, and the City of Genesee region to the west as well as portions of Syracuse Road.

Please find the enclosed USGS topographic quadrangles (Vernon, Sylvan, Jewell, Oneida, Verona, Canastota, Morrisville, Jewell, Munnsville, Cazenovia, and Oran Quadrangles) which illustrate the approximate boundaries of the study area. The enclosed quadrangles show a hatched area which is the study area. A master cover sheet which shows the relationship of the quadrangles to each other has been enclosed for reference.

We wish to assess the presence of any potential areas of concern within our study area and as such request your assistance in this matter. Please provide any information concerning the presence of known and potential cultural, historic, and archaeological resources on or near these lands.



**MALCOLM  
PIRNIE**

Ms. Ruth Pierpont  
OPRHP FOIL Request

Page 2  
August 18, 2005

If necessary, I would be available to visit your office and assist in the research of information contained in the Bureau's files for our study area.

This request is time sensitive and we would appreciate as timely a response to this request as possible. Should you have any questions, please contact Spencer Salzberg with Malcolm Pirnie Inc. on my behalf. Mr. Salzberg can be reached at (718) 397-2397 or by fax at (718) 446-4020.

Thank you for your assistance.

MALCOLM PIRNIE, INC.

*Clare R Woodhead Jr*

Eugene Boesch, PhD  
Senior Project Archaeologist

CC: Nancy Herter, OPRHP  
Anthony Russo, MPI (w/o enclosures)  
Richard Gilmour, MPI (w/o enclosures)  
Spencer Salzberg, MPI

5477001





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

518-237-8643

## NOTICE OF RETURN OF MATERIALS SUBMITTED TO THE NEW YORK STATE HISTORIC PRESERVATION OFFICE

The New York State Historic Preservation Office (SHPO) maintains data on historic and archaeological properties in New York and has traditionally provided summaries of this information and recommendations to municipalities and planning consultants for use in completing environmental assessments under state (SEQR) and federal (NEPA) environmental laws. We are pleased to announce that our data is now directly accessible to all users via the internet at <http://nysparks.state.ny.us>. Consequently, this office will discontinue the preparation of written responses to basic SEQR and NEPA data queries, i.e. requests for information available on the Internet. **We will, however, continue to respond to municipal officials requesting written evaluations of historic and archaeological resources and recommendations for survey, treatment or mitigation in supplementing local environmental assessments.**

Our public on-line data includes Geographic Information System mapping of archaeologically sensitive areas and properties currently listed on the State and National Registers of Historic Places. Scanned versions of all National Register nominations are also available through this link. Comprehensive data on properties that are eligible for listing, but which have not yet been listed, is not available electronically, although partial data is contained in our files. If this level of data is required, typically as a result of a state or federal review, further consultation with our office is required as explained below.

Many projects that are reviewed under SEQR or NEPA must also be reviewed under state and/or federal preservation law by the SHPO as a result of state or federal funding, licensing or permitting. We will continue to respond in writing to all projects involving mandated state or federal reviews. If you believe that your project is likely to require a state or federal review now or in a later phase, please submit a project review cover form (available on-line) to the Historic Preservation Field Services Bureau, P.O. Box 189, Waterford, NY 12188. You may also call a representative at 518-237-8643 for further guidance. **State and federal law require a comprehensive consideration of impacts to historic and cultural resources at the earliest stages of project planning and the early involvement of SHPO would prevent future delay resulting from the inappropriate segmentation of this review process.**

Sincerely,

Ruth L. Pierpont  
Director  
Historic Preservation  
Field Services Bureau

<http://nysparks.state.ny.us> then select **HISTORIC PRESERVATION** then select **On Line Resources**



August 18, 2005

Mr. Peter Nye  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY, 12233-4750

Re: Freedom of Information Request  
Data On Threaten and Endangered Species  
Oneida and Madison Counties, New York

Dear Mr. Nye:

On August 17, 2005 we sent you a informational request regarding the presence of Threaten and Endangered Species in Oneida County, New York. While the enclosed mapping and area descriptions of the study area were correct, it should be noted that the study area is located in both Madison and Oneida County, New York. I hope this correction is of use in your data review.

As noted in our prior letter of August 17, 2005 Malcolm Pirnie Inc. is in the process of collecting information on lands within Oneida and Madison Counties as part of a larger research effort within Central New York State (NYS). The general boundaries of this large study area are: the Erie Canal and Oneida Lake to the north along Route 31, NYS Route 26 to the east, the quadrangle boundaries of the Morrisville and Munnsville Quads to the south, and the City of Genesee region to the west as well as portions of Syracuse Road.

Please find the enclosed USGS topographic maps (Vernon, Sylvan, Jewell, Oneida, Verona, Canastota, Morrisville, Jewell, Munnsville, Cazenovia, and Oran Quadrangles) illustrating the approximate boundaries of the study area. The enclosed quads show a hatched area which is the study area. A master cover sheet which shows the relationship of the quadrangles to each other has been added for your reference

We wish to assess the presence of any rare, threaten or endangered species and communities as well as environmentally sensitive areas within our study area and as such request your assistance in this matter. We respectfully request a review of the New York State Department of Environmental Conservation's Natural Heritage Program for any information concerning the presence of any known and potential sensitive environmental resources on or near these lands.



**MALCOLM  
PIRNIE**

Mr. Peter Nye  
New York State Department of Environmental Conservation

Page 2  
August 18, 2005

This request is time sensitive and we would appreciate as timely a response to this request as possible. Should you have any questions, please contact me at Malcolm Pirnie Inc. I can be reached at (914) 641-2687 or by fax at (914) 641-2645.

Thank you for your assistance.

MALCOLM PIRNIE, INC.

*Dennis N. Corelli*

Dennis N. Corelli  
Project Environmental Scientist

cc: Anthony Russo, MPI  
Richard Gilmour, MPI



**New York State Department of Environmental Conservation  
Division of Fish, Wildlife & Marine Resources**

**New York Natural Heritage Program**

625 Broadway, 5<sup>th</sup> floor, Albany, New York 12233-4757

Phone: (518) 402-8935 • FAX: (518) 402-8925

Website: [www.dec.state.ny](http://www.dec.state.ny)



September 9, 2005

Dennis Corelli  
Malcolm Pirnie, Inc.  
104 Corporate Park Dr, Bx 751  
White Plains, NY 10602-0751

Dear Mr. Corelli:

In response to your recent requests of August 17 and 18, directed to Peter Nye, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the Oneida County Study Area within Central New York State, boundaries as indicated on the maps you provided. Rockland County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

The presence of rare species may result in this project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

*Nicholas Conrad*  
Nicholas B. Conrad, Information Services  
NY Natural Heritage Program *js*

Encs.



**New York Natural Heritage Report  
on RARE PLANTS and ANIMALS  
of  
Malcolm Pirnie Study Area,  
Oneida and Madison Counties, New York**



Prepared September, 2005, from the Biodiversity Databases of the New York Natural Heritage Program,  
NYS DEC, 625 Broadway, Albany, NY, 12233-4757.

**Last documented since 1980**

In addition to the records listed below, three NYS-listed plants, one of which is federally listed; one federally and NYS-listed animal; and significant calcareous cliffs and talus woodlands have been documented from Chittenango Falls State Park in Cazenovia and Fenner, Madison County.

TOWN	SCIENTIFIC NAME	COMMON NAME	NYS LISTING	FEDERAL LISTING	NEW YORK RANK*
<u>Madison County</u>					
Cazenovia	<i>Bartramia longicauda</i>	Upland Sandpiper	Threatened		S3
Cazenovia	<i>Podilymbus podiceps</i>	Pied-billed Grebe	Threatened		S3
Fenner	<i>Bartramia longicauda</i>	Upland Sandpiper	Threatened		S3
Fenner	<i>Trollius laxus</i>	Spreading Globeflower	Rare		S3
City Of Oneida	Sensitive Plant		Threatened		S2
Smithfield	<i>Circus cyaneus</i>	Northern Harrier	Threatened		S3
Stockbridge	Sensitive Plant		Threatened	Threatened	S2
Sullivan	<i>Bartramia longicauda</i>	Upland Sandpiper	Threatened		S3
Sullivan	<i>Circus cyaneus</i>	Northern Harrier	Threatened		S3
<u>Oneida County</u>					
Verona	<i>Asio flammeus</i>	Short-eared Owl	Endangered		S2
Verona	<i>Bartramia longicauda</i>	Upland Sandpiper	Threatened		S3
Verona	<i>Circus cyaneus</i>	Northern Harrier	Threatened		S3
Verona	<i>Trionyx spiniferus</i>	Spiny Softshell	Special Concern		S2S3
Verona	<i>Eleocharis diandra</i>	Wright's Spikerush			S1 -- Also globally imperiled

\* Rarity in NYS as ranked by NY Natural Heritage Program on a 1 to 5 scale:  
S1 = Critically imperiled; S2 = Imperiled; S3 = Rare or uncommon;  
S4 = Abundant and apparently secure; S5 = Demonstrably abundant and secure;





Last reported in 1970, for lake sturgeon; Last reported in 1945 or earlier, for all others;  
no recent information available.

TOWN	SCIENTIFIC NAME	COMMON NAME	NYS LISTING	NEW YORK RANK*
<u>Madison County</u>				
Cazenovia	<i>Trollius laxus</i>	Spreading Globeflower	Rare	S3
Cazenovia	<i>Ulmus thomasii</i>	Cork Elm	Threatened	S2S3
Fenner	<i>Carex schweinitzii</i>	Schweinitz' Sedge	Threatened	S2S3
Fenner	<i>Pyrola asarifolia</i> ssp. <i>asarifolia</i>	Pink Wintergreen	Threatened	S2
Fenner	<i>Ulmus thomasii</i>	Cork Elm	Threatened	S2S3
Lenox	<i>Botrychium rugulosum</i>	Rugulose Grape Fern	Endangered	S1
Lenox	<i>Collinsia verna</i>	Blue-eyed-Mary	Endangered	SH
Lenox	<i>Neobeckia aquatica</i>	Lake-cress	Threatened	S2
Lenox	<i>Polygonum setaceum</i>	Swamp Smartweed	Endangered	S1S2
Lincoln	<i>Carex laxiflora</i> var. <i>serrulata</i>	Loose-flowered Sedge	Endangered	SNA
Lincoln	<i>Carex schweinitzii</i>	Schweinitz' Sedge	Threatened	S2S3
Lincoln	<i>Carex styloflexa</i>	Bent Sedge	Endangered	S1
City Of Oneida	<i>Juniperus horizontalis</i>	Creeping Juniper	Endangered	S1
City Of Oneida	<i>Carex schweinitzii</i>	Schweinitz' Sedge	Threatened	S2S3
Smithfield	<i>Carex sartwellii</i> var. <i>sartwellii</i>	Sartwell's Sedge	Threatened	S1S2
Smithfield	<i>Cypripedium arietinum</i>	Ram's-head Ladyslipper	Threatened	S2
Smithfield	<i>Polemonium vanbruntiae</i>	Jacob's-ladder	Rare	S3
Stockbridge	<i>Carex schweinitzii</i>	Schweinitz' Sedge	Threatened	S2S3
Sullivan	<i>Polygonum setaceum</i>	Swamp Smartweed	Endangered	S1S2
<u>Oneida County</u>				
Vernon	<i>Carex frankii</i>	Frank's Sedge	Endangered	S1
Verona	<i>Carex frankii</i>	Frank's Sedge	Endangered	S1
Verona	<i>Carya laciniosa</i>	Big Shellbark Hickory	Threatened	S2
Verona	<i>Collinsia verna</i>	Blue-eyed-Mary	Endangered	SH
Verona	<i>Cypripedium arietinum</i>	Ram's-head Ladyslipper	Threatened	S2
Verona	<i>Dichanthelium scabriusculum</i>	Rough Panic Grass	Endangered	S1
Verona	<i>Geum virginianum</i>	Rough Avens	Endangered	S2
Verona	<i>Neobeckia aquatica</i>	Lake-cress	Threatened	S2
Verona	<i>Potamogeton alpinus</i>	Northern Pondweed	Threatened	S2



Verona	<i>Triglochin palustre</i>	Marsh Arrow-grass	Threatened	S2
Verona	<i>Triphora trianthophora</i>	Nodding Pogonia	Endangered	S2
Vienna	<i>Carya laciniosa</i>	Big Shellbark Hickory	Threatened	S2
Vienna	<i>Cypripedium arietinum</i>	Ram's-head Ladyslipper	Threatened	S2
Vienna	<i>Neobekia aquatica</i>	Lake-cress	Threatened	S2
Vienna	<i>Potamogeton alpinus</i>	Northern Pondweed	Threatened	S2
<u>Oneida Lake</u>				
	<i>Acipenser fulvescens</i>	Lake Sturgeon	Threatened	S1S2
	<i>Noturus miurus</i>	Brindled Madtom		S1
	<i>Neobekia aquatica</i>	Lake-cress	Threatened	S2
	<i>Potamogeton strictifolius</i>	Straight-leaf Pondweed	Endangered	S1
	<i>Polygonum buxiforme</i>	Small's Knotweed	Endangered	S1

\* Rarity in NYS as ranked by NY Natural Heritage Program on a 1 to 5 scale:  
 S1 = Critically imperiled; S2 = Imperiled; S3 = Rare or uncommon;  
 S4 = Abundant and apparently secure; S5 = Demonstrably abundant and secure;





## USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5<sup>th</sup> Floor, Albany, NY 12233-4757 phone: (518) 402-8935

**NATURAL HERITAGE PROGRAM:** The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

**DATA SENSITIVITY:** The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

**EO RANK:** A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.

F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

U = Extant/Historical status uncertain.

Blank = Not assigned.

**LAST REPORT:** The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

### NY LEGAL STATUS – Animals:

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

**E - Endangered Species:** any species which meet one of the following criteria:

- Any native species in imminent danger of extirpation or extinction in New York.
- Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

**T - Threatened Species:** any species which meet one of the following criteria:

- Any native species likely to become an endangered species within the foreseeable future in NY.
- Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

**SC - Special Concern Species:** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

**P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

**U - Unprotected** (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

**G - Game** (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

### NY LEGAL STATUS – Plants:

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9- 1503.

**E - Endangered Species:** listed species are those with:

- 5 or fewer extant sites, or
- fewer than 1,000 individuals, or
- restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
- species listed as endangered by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

**T - Threatened:** listed species are those with:

- 6 to fewer than 20 extant sites, or
- 1,000 to fewer than 3,000 individuals, or
- restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
- listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

**R - Rare:** listed species have:

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide.

continued on back



**V - Exploitably vulnerable:** listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.

**U - Unprotected;** no state status.

**FEDERAL STATUS (PLANTS and ANIMALS):** The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Heritage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

(blank) = No Federal Endangered Species Act status.

LE = The element is formally listed as endangered.

LT = The element is formally listed as threatened.

PE = The element is proposed as endangered.

PT = The element is proposed as threatened.

C = The element is a candidate for listing.

LE,LT = The species is formally listed as endangered in part of its range, and as threatened in the other part; or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened.

LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting.

(LE) = If the element is a full species, all subspecies or varieties are listed as endangered; if the element is a subspecies, the full species is listed as endangered.

LT,T(S/A) = One or more subspecies or populations of the species is formally listed as threatened, and the others are treated as threatened because of similarity of appearance to the listed threatened subspecies or populations.

PS = Partial status: the species is listed in parts of its range and not in others; or, one or more subspecies or varieties is listed, while the others are not listed.

**GLOBAL AND STATE RANKS** (animals, plants, ecological communities and others): Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the infraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

#### GLOBAL RANK:

**G1** - Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology.

**G2** - Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors.

**G3** - Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors.

**G4** - Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery.

**G5** - Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery.

**GH** - Historically known, with the expectation that it might be rediscovered.

**GX** - Species believed to be extinct.

#### NYS RANK:

**S1** - Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State.

**S2** - Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State.

**S3** - Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State.

**S4** - Apparently secure in New York State.

**S5** - Demonstrably secure in New York State.

**SH** - Historically known from New York State, but not seen in the past 15 years.

**SX** - Apparently extirpated from New York State.

**SZ** - Present in New York State only as a transient migrant.

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B)populations and the non-breeding populations (N), respectively, of the species.

**ON (T) RANK:** The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon.

T1 through T5 - See Global Rank definitions above.

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity.



**Oneida Project**  
**Telephone Conversation Record**

**Name:** Nick Conrad  
**Agency:** NYSDEC Natural Heritage  
**Tele No.:** (518) 402-8944  
**Date:** 9/16/05  
**From:** Brian Gillen, Environmental Scientist  
  
**Re:** Potential Impacts to Endangered Species

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Mr. Conrad was contacted as a follow up to a letter received from Natural Heritage dated 9/9/05 concerning federally protected species potentially present in the Oneida project area. The letter in question mentioned one animal and two plant species that were not specifically identified. Mr. Conrad indicated that this is common practice when Natural Heritage wants to protect extremely rare species from collecting; he went one to stress that we should be very careful with the distribution of said information. I informed him that this information was to be given to the Bureau of Indian Affairs.

The sensitive plant mentioned in the paragraph preceding the actual list in the response letter is Hart's-Tongue Fern (*Asplenium scolopendrium* var. *americanum*: both federally and state listed as "Threatened"); this is also the sensitive plant species listed for the town of Stockbridge. The animal listed in the letter's same preceding paragraph is the Chittenango Amber Ovate Snail (*Novisuccinea chittenangoensis*: both federally and state listed as "Endangered"). The sensitive plant species listed for the City of Oneida is golden seal (*Hydrastis Canadensis*: state listed as "Threatened").

**9/19/05 ADDENUM**

A follow up call was placed to Mr. Conrad on this date to clarify protected species that could be present in Chittenango Falls State Park, which is located in the towns of Cazenovia and Fenner in Madison County, NY. According to Mr. Conrad, the following species have been observed in the park:

- Hart's- Tongue Fern (also in the town of Stockbridge), described above.
- The Chittenango Amber Ovate Snail (only present in the park), described above.
- Schweinitz' Sedge (*Carex schweinitzii*; only present in the park), state listed as "Threatened".
- Roseroot (*Sedum rosea*; only present in the park), state listed as Endangered.




March 6, 2006

Ms. Denise M. Sheehan, Commissioner  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1011

**Re: Oneida Nation of New York Trust Land Transfer, Draft Environmental  
Impact Statement (EIS) Information Request**

Dear Commissioner Sheehan:




The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (NYSDEC) areas of expertise, specialization, and/or jurisdiction on the natural, physical and cultural environment necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action.

As part of our data gathering efforts, we have already consulted available published sources as well as the Internet sites for NYSDEC and other environmental agencies. Specifically, the BIA has reviewed the information published by the NYSDEC at the Department's website ([www.dec.state.ny.us/website/ogc/oneida/](http://www.dec.state.ny.us/website/ogc/oneida/)) regarding the trust application and will incorporate these data into the document as applicable.

On behalf of the BIA, we are requesting any other information or documents that the Department believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the NYSDEC. This could include information on:

- 
- Mining activities and the location of documented solid or liquid mineral resources in the project area.
  - The location of designated landmarks or viewsheds of significance.
  - Surface and groundwater quality and quantity in the project area.



Ms. Denise M. Sheehan, Commissioner  
New York State Department of Environmental Conservation

March 6, 2006  
Page 2

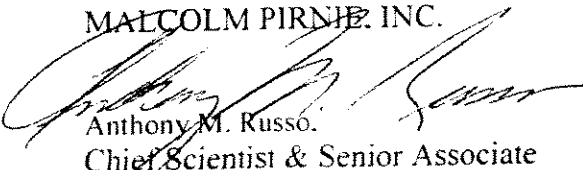
- Ecosystem information such as vegetative and wildlife communities, endangered, threatened and rare species, environmentally sensitive resources as well as regulated wetlands and buffer areas.
- Regulated environmental facilities for water and wastewater treatment, solid waste disposal, and hazardous materials storage.
- Storm water management and erosion control policies in Madison and Oneida Counties.
- Applicable noise regulations, programs or policies.
- Permits that currently exist for facilities or activities that are located on the lands proposed for transfer including applicable regulatory programs.
- Applications or proposals for future land development or redevelopment in or around the project area that have been filed with the Department.
- Programs or policies that the NYSDEC has or had conducted within Oneida and Madison Counties that may be relevant to the Proposed Action such as the deer Chronic Wasting Disease program or fish stocking programs in Oneida Lake.
- Applicable regulatory laws, programs or policies that may be in addition to what the Department and State has detailed in comments already submitted on the Nation's trust application.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

  
Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP




March 13, 2006

Mr. David Raylinsky  
New York State Canal Corporation  
Albany Division  
Interchange 23, Route 9W  
Albany, NY 12209-2908

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Raylinsky:




The Oneida Nation of New York (the Nation) is seeking to transfer 17, 370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Canal Corporation's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the Canal Corporation believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Corporation. This could include information on:

- Recent or proposed modifications or maintenance to Erie canal or adjacent waterways in the proximity of the project area.
- Current or proposed economic development plans along Erie Canal or adjacent waterways in the vicinity of the project area.
- Location and number of recreational facilities along Erie Canal in the proximity of the project area.
- Permits or approvals for activities including dredging, sediment reuse etc. along Erie Canal or adjacent waterways in the proximity of the project area.



Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The





Mr. David Raylinksy  
New York State Canal Corporation

March 13, 2006  
Page 2

BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

A handwritten signature in black ink, appearing to read "Anthony M. Russo".

Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 13, 2006

Mr. Peter Nye  
New York Natural Heritage Program  
New York State Department of Environmental Conservation  
625 Broadway, 5<sup>th</sup> Floor  
Albany, NY 12233-4757

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Nye:

The Oneida Nation of New York (the Nation) is seeking to transfer 17, 370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within your department's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

As part of our data gathering efforts, we have consulted available published NYSDEC data sources as well as the information available on internet sites of the NYSDEC, USEPA, USFWS and other environmental agencies.

On behalf of the BIA, we are requesting any information or documents, that the Program believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Natural Heritage Program. This could include information on:

- The location of designated natural landmarks or environmental resources of significance.
- Ecosystem information such as vegetative and wildlife communities, endangered, threatened and rare species, environmentally sensitive resources.
- Programs or policies that the NYSDEC has or had conducted within Oneida and Madison Counties that may be relevant to the Proposed Action such as programs to preserve biodiversity or ecological communities.



Mr. Peter Nye  
New York Natural Heritage Program

February 13, 2006  
Page 2

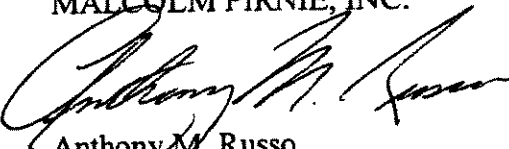
- Programs or policies that the NYSDEC has or had conducted within Oneida and Madison Counties that may be relevant to the Proposed Action such as programs to preserve biodiversity or ecological communities.
- Applicable regulatory laws, programs or policies that may be in addition to what the NYSDEC and the State has detailed in comments already submitted on the Nation's trust application

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 14, 2006

Mr. John L. Buono, Chairman  
New York State Thruway Department  
Administrative Headquarters  
200 Southern Blvd.  
PO Box 189  
Albany, NY 12201

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Buono:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (NYS Thruway Authority) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the Department believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Thruway Authority. This could include information on:

- Traffic patterns, accident incidence rates, flow and volume on Interstate and State routes traversing Oneida and Madison Counties particularly as it relates to the Exit 33 toll plaza.
- Information on bridges and tolls in Oneida and Madison Counties
- Ongoing or proposed studies in transportation corridors of Oneida and Madison Counties.
- Applications or proposals for future road modifications or redevelopment, if any, in or around the project area that have been filed with the Department





Mr. John Buono  
New York State Thruway Authority

March 14, 2006  
Page 2

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

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Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 14, 2006

Mr. George Stafford, Director  
Division of Coastal Management  
New York State Department of State  
41 State Street  
Albany, NY 12231

**Re: Oneida Nation of New York Trust Land Transfer, Draft Environmental Impact Statement (EIS) Information Request**

Dear Mr. Stafford:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (NYSDOS) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

As part of our data gathering efforts, we have already consulted available published sources as well as the Internet sites for NYSDOS and other environmental agencies.

On behalf of the BIA, we are requesting any information or documents that the Department believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the NYSDOS. This could include information on:

- The location and characterization of designated public, working, developed and natural waterfronts.
- Most recent information on the location and characteristics of any Significant Coastal Fish and Wildlife Habitat or designated Scenic Areas of Statewide Significance.
- Applicable Local Waterfront Revitalization Programs and Brownfield Opportunity Areas Program in Oneida and Madison Counties.
- Applications for future grant applications in or around the project area that have been filed with the Department.



**MALCOLM  
PIRNIE**

Mr. George Stafford  
Division of Coastal Management, NYSDOS

March 14, 2006

Page 2

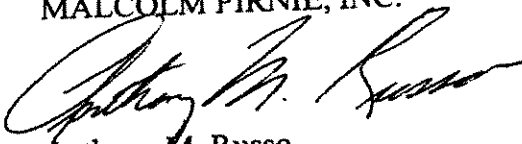
- Programs or policies that the NYSDOS has or had conducted within Oneida and Madison Counties that may be relevant to the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of our informational request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001




March 14, 2006

Mr. Andrew S. Eristoff, Commissioner  
New York State Department of Taxation and Finance  
Building 9  
W A Harriman Campus  
Albany, NY 12227

**Re: Oneida Nation of New York Trust Land Transfer, Draft Environmental Impact Statement (EIS) Information Request**

Dear Mr. Eristoff:



The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS\* contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (Taxation and Finance) areas of expertise, specialization, and/or jurisdiction on the fiscal, economic, or social programs and data necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

As part of our data gathering efforts, we have consulted available published Department data sources as well as the information available on internet sites of the Department.

On behalf of the BIA, we are requesting any information or documents, that the Department believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Department of Taxation and Finance. This could include information on:

- Current employment and income information, budgets and working budgets beyond the annual published reports for the State, at both local and County levels.
- The Bond History – Bond Issued and Bond ratings from 1990 to present. Please provide any policies for the municipalities, , as well as at the County level.



- Annual Assessment Rolls - 1990 through 2005 for the municipalities within the County as well as at the County level beyond published sources.
- Current parcel counts by broad land use category (Agriculture, Residential, Vacant, Commercial, Recreation and Entertainment, Community Service, Industrial, Public Service, Public Parks and Conservation) that details by each land use category the following:
  - Total assessed value;
  - County taxable assessed value;
  - Percentage of total land use in the County;
  - Municipal taxable assessed value; and
  - School taxable assessed value.
- Annual Exemption Rolls - 1990 through 2005 for the municipalities within the County as well as at the County level.
- Exemptions by Property Group and Exemption Code for Assessment Roll for the municipalities within the County as well as at the County level including ;
  - Number of exemptions;
  - Total equalized value of exemption;
  - Percent of value exempted; and
  - Percentage of total municipal exempt value.
- Most recently prepared Capital Improvement Program (CIP) for facilities and capital equipment for the municipalities within the County as well as at the County level.
- Oneida Nation unpaid taxes for each year since 1987 at both the local and County level as calculated by the County.

Should there be any information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.



**MALCOLM  
PIRNIE**

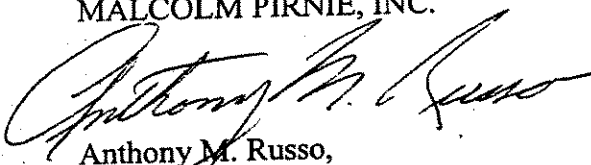
Mr. Andrew S. Eristoff  
NYS Department of Taxation and Finance

March 14, 2006  
Page 3

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 14, 2006

Mr. Mark Silo, Regional Director  
New York State Department of Transportation  
Region 2  
Utica State Office Building  
207 Genesee Street  
Utica, NY 13501

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Silo:

The Oneida Nation of New York (the Nation) is seeking to transfer 17, 370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (NYSDOT Region 2) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents that the Department believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the NYSDOT. This could include information on:

- Traffic patterns, accident incidence rates, flow and volume on Interstate and State routes traversing Oneida and Madison Counties particularly as it relates to the Exit 33 toll plaza and the Turning Stone Resort and Casino.
- Information on bridges and tolls in Oneida and Madison Counties.
- Most recent or projected capital improvement plans in Oneida and Madison Counties.
- Applications or proposals for future road modifications or redevelopment, if any, in or around the project area that have been filed with the Department.
- Most recent information on Bond Act Projects in Oneida and Madison Counties.



**MALCOLM  
PIRNIE**

Mr. Mark Silo  
NYSDOT Region 2

March 14, 2006  
Page 2

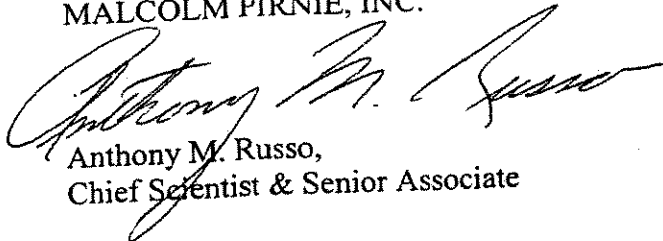
- Other programs or policies that the NYSDOT has or had conducted within Oneida and Madison Counties that may be impacted by the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 14, 2006

Mr. Daniel D. Hogan, Commissioner  
New York State Office of General Services  
41<sup>st</sup> Floor, Corning Tower  
The Governor Nelson A. Rockefeller Empire State Plaza  
Albany, NY 12242

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Hogan:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Office's (NYSOGS) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents that the NYSOGS believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the NYSOGS. This could include information on:

- Location of any lands under the jurisdiction of the NYSOGS within the project area.
- Water grant maps for such lands.
- Permits or approvals that exist for facilities or activities that are located on lands regulated by the NYSOGS in the project area.
- Applications or proposals for future activities on NYSOGS regulated land, in or around the project area that have been filed with the NYSOGS.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to



**MALCOLM  
PIRNIE**

Mr. Daniel D. Hogan  
New York State Office of General Services

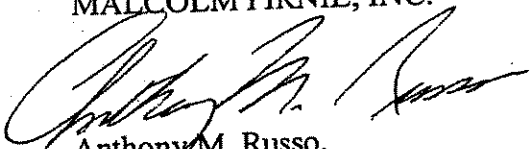
March 14, 2006  
Page 2

prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001




March 14, 2006

Ms. Ruth Pierpont, Director  
New York State Office of Parks, Recreation and Historic Preservation  
Peebles Island State Park  
PO Box 189  
Waterford, NY 12188-0189

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Ms. Pierpont:



The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the OPRHP's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

As part of our data gathering efforts, we have already consulted files and staff at the Peebles Island Office, the Historian for the Oneida Nation, and available published sources.

On behalf of the BIA, we are requesting any information or documents that the OPRHP believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by your office. This could include information on:

- Known or eligible cultural, historic and archaeological resources in the project area.
- Applications or proposals for future land development or redevelopment in or around the project area that have been filed with ther OPRHP that may have an impact on the known historic, archaeological or cultural resources.
- Programs or policies that the OPRHP has or had conducted within Oneida and Madison Counties that may be relevant to the Proposed Action.





Ms. Ruth Pierpont  
New York State Office of Parks, Recreation and Historic Preservation

March 14, 2006

Page 2

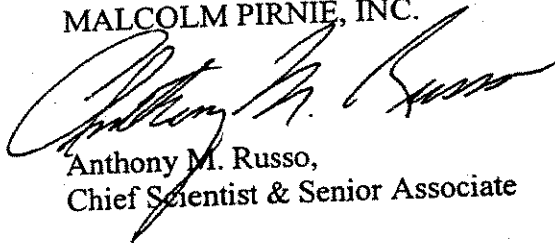
- Agreements or memoranda of cooperation between the OPRHP and the Nation for the sharing of cultural resource information.
- Other information necessary for consideration of potential impacts associated with the land trust application.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 15, 2006

Mr. Wayne E. Bennett, Superintendent  
New York State Police  
1220 Washington Avenue  
Building 22  
Albany, NY 12201-0189

**Re: Oneida Nation of New York Trust Land Transfer, Draft Environmental Impact Statement (EIS) Information Request**

Dear Mr. Bennett:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the State Police's (NYSP) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents that the New York State Police believes important and/or may not be readily available through the public arena. This could include information on:

- Criminal and police related incidences in the project area.
- Applicable safety regulations, programs or policies.
- Applicable emergency response programs and policies.
- Areas of jurisdiction and other information for consideration of potential impacts associated with the land trust application.

Should there be any information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to



**MALCOLM  
PIRNIE**

Mr. Wayne E. Bennett, Superintendent  
New York State Police

March 15, 2006

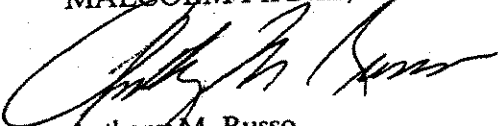
Page 2

prioritize this information and forward it in stages to Malcolm Pirmie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001




March 16, 2006

Mr. Steve Sweeney  
New State Canal Corporation  
Syracuse Division  
Suite 250 2<sup>nd</sup> Floor  
290 Elwood Davis Road  
Liverpool, NY 13088-0308

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Sweeney:



The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Canal Corporation's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the Canal Corporation believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Corporation. This could include information on:

- Recent or proposed modifications or maintenance to Erie canal or adjacent waterways in the proximity of the project area.
- Current or proposed economic development plans along Erie Canal or adjacent waterways in the vicinity of the project area.
- Location and number of recreational facilities along Erie Canal in the proximity of the project area.
- Permits or approvals for activities including dredging, sediment re use etc. along Erie Canal or adjacent waterways in the proximity of the project area.



**MALCOLM  
PIRNIE**

Mr. Steve Sweeney  
New York State Canal Corporation  
Syracuse Division

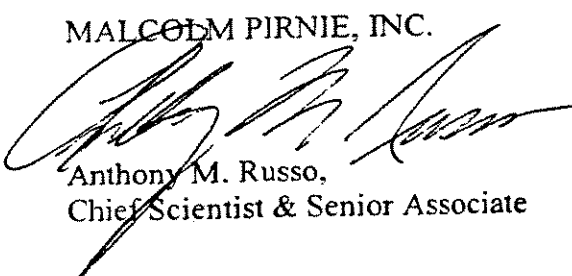
March 16, 2006  
Page 2

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



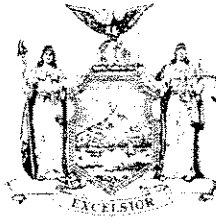
Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001





WAYNE E. BENNETT  
SUPERINTENDENT

**NEW YORK STATE POLICE  
1220 WASHINGTON AVE.  
ALBANY, NEW YORK 12226-2252**

OFFICE OF COUNSEL  
(518) 457-6137

March 21, 2006

Anthony M. Russo  
Chief Scientist and Senior Associate  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive - Box 751  
White Plains, NY 10602-0751

Re: Oneida Nation Trust Land Transfer EIS

Dear Mr. Russo:

The Superintendent has referred your March 14, 2006 letter to me for a response. Much of the information you are requesting in connection with the Oneida Nation trust transfer application may be available in documentary form via the Freedom of Information Law. Therefore, at least as an initial step, please describe the documents you seek, and submit a Freedom of Information Law request to the Records Access Officer, New York State Police, at the above address.

Thank you for your attention to this matter.

Very truly yours,

Darren O'Connor  
Deputy Counsel



March 22, 2006

Ms. Jill Warner  
Records Access Officer  
New York State Thruway Department  
Administrative Headquarters  
200 Southern Blvd.  
PO Box 189  
Albany, NY 12201

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Freedom of Information Request**

Dear Ms. Warner:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (NYS Thruway Authority) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the Department believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Thruway Authority. This could include information on:

- Traffic patterns, accident incidence rates, flow and volume on Interstate and State routes traversing Oneida and Madison Counties particularly as it relates to the Exit 33 toll plaza.
- Information on bridges and tolls in Oneida and Madison Counties
- Ongoing or proposed studies in transportation corridors of Oneida and Madison Counties.
- Applications or proposals for future road modifications or redevelopment, if any, in or around the project area that have been filed with the Department



Ms. Jill Warner  
New York State Thruway Authority

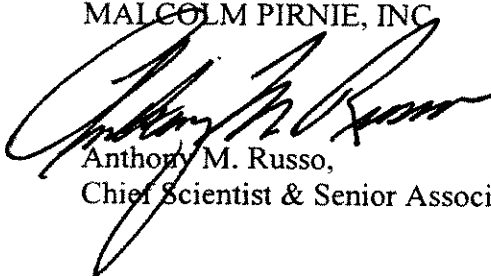
March 22, 2006  
Page 2

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



March 23, 2006

Ms. Carmella Mantello  
Director  
New York State Canal Corporation  
P.O. Box 189  
Albany, NY 12201-0189

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Ms. Mantello:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Canal Corporation's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the Canal Corporation believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Corporation. This could include information on:

- Recent or proposed modifications or maintenance to Erie canal or adjacent waterways in the proximity of the project area.
- Current or proposed economic development plans along Erie Canal or adjacent waterways in the vicinity of the project area.
- Location and number of recreational facilities along Erie Canal in the proximity of the project area.
- Permits or approvals for activities including dredging, sediment reuse etc. along Erie Canal or adjacent waterways in the proximity of the project area.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The





Ms. Carmella Mantello  
New York State Canal Corporation

March 23, 2006  
Page 2

BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

A handwritten signature in dark ink, appearing to read "Anthony M. Russo".

Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



GEORGE E. PATAKI  
GOVERNOR



STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
OFFICE OF GENERAL SERVICES  
MAYOR ERASTUS CORNING 2ND TOWER  
THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA  
ALBANY, NEW YORK 12242

DANIEL D. HOGAN  
COMMISSIONER

March 27, 2006

Mr. Anthony M. Russo  
Chief Scientist & Senior Associate  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, New York 10602-0751

Dear Mr. Russo:

I am writing in response to your letter dated March 14, 2006, requesting information and documents which may be of importance in the proposed transfer of 17,370 acres of land owned by the Oneida Nation of New York to the United States Department of the Interior, Bureau of Indian Affairs.

In order to properly respond to your request, it will be necessary for Malcolm Pirnie to submit a Freedom of Information Law (FOIL) request pursuant to Article 6 of the New York Public Officers Law.

Upon receipt of the request for records pursuant to the statute, staff in the OGS Real Estate Planning & Development Group will contact you regarding access to agency records. If you have any questions concerning Article 6 of the Public Officers Law, please contact Thomas Pohl in OGS Legal Services at (518) 474-8831.

Sincerely,

A handwritten signature in black ink, appearing to read "D.D. Hogan".

Daniel D. Hogan

cc: J. Stellato



March 28, 2006

Records Access Officer  
New York State Police  
1220 Washington Avenue  
Building 22  
Albany, NY 12201-0189

**Re: Oneida Nation of New York Trust Land Transfer, Draft Environmental Impact Statement (EIS) Freedom of Information Request**

Dear Records Access Officer:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the State Police's (NYSP) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents that the New York State Police believes important and/or may not be readily available through the public arena. This could include information on:

- Criminal and police related incidences in the project area.
- Applicable safety regulations, programs or policies.
- Applicable emergency response programs and policies.
- Areas of jurisdiction and other information for consideration of potential impacts associated with the land trust application.

Should there be any information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to





Records Access Officer  
New York State Police

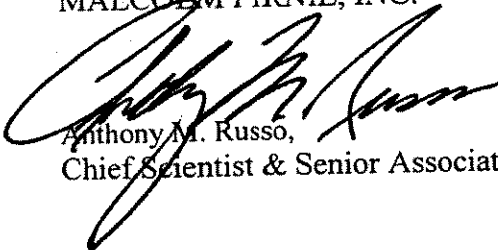
March 28, 2006  
Page 2

prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001





John L. Buono  
Chairman

**New York State Thruway Authority**  
**New York State Canal Corporation**

200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189

[www.thruway.state.ny.us](http://www.thruway.state.ny.us)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

March 31, 2006

Mr. Anthony Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Re: FOIL Request No. (F06-0045)

Dear Mr. Russo:

The Authority is in receipt of your Freedom of Information request of March 22, 2006, for documents pertaining to the Oneida Nation of New York Proposed Trust Land Transfer, Draft Environmental Impact Statement.

I am attempting to locate the documents that you requested, and I anticipate responding to your request within the next twenty days.

Copies of responsive documents available pursuant to the Freedom of Information Law will be provided at the reproduction charge of twenty-five cents per photocopy up to 9" x 14", and the reasonable cost of duplication for other items.

Sincerely,

Jill B. Warner  
Records Access Officer



April 3, 2006

Ms. Jill Warner  
Records Access Officer  
New York State Thruway Department  
Administrative Headquarters  
200 Southern Blvd.  
Albany, NY 12201

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Freedom of Information Request from the  
New York State Canal Corporation**

Dear Ms. Warner:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Canal Corporation's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the Canal Corporation believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the Corporation. This could include information on:

- Recent or proposed modifications or maintenance to Erie canal or adjacent waterways in the proximity of the project area.
- Current or proposed economic development plans along Erie Canal or adjacent waterways in the vicinity of the project area.
- Location and number of recreational facilities along Erie Canal in the proximity of the project area.
- Permits or approvals for activities including dredging, sediment reuse etc. along Erie Canal or adjacent waterways in the proximity of the project area.



**MALCOLM  
PIRNIE**

Ms. Jill Warner  
New York State Thruway

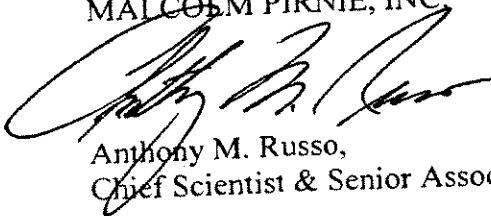
April 3, 2006  
Page 2

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC



Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001



April 3, 2006

Mr. Daniel D. Hogan, Commissioner  
New York State Office of General Services  
41<sup>st</sup> Floor, Corning Tower  
The Governor Nelson A. Rockefeller Empire State Plaza  
Albany, NY 12242

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Freedom of Information Request**

Dear Mr. Hogan:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Office's (NYSOGS) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents that the NYSOGS believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the NYSOGS. This could include information on:

- Location of any lands under the jurisdiction of the NYSOGS within the project area.
- Water grant maps for such lands.
- Permits or approvals that exist for facilities or activities that are located on lands regulated by the NYSOGS in the project area.
- Applications or proposals for future activities on NYSOGS regulated land, in or around the project area that have been filed with the NYSOGS.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The





Mr. Daniel D. Hogan  
New York State Office of General Services

April 3, 2006  
Page 2

BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

A handwritten signature in black ink, appearing to read "Anthony M. Russo".

Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment

5477001





WAYNE E. BENNETT  
SUPERINTENDENT

NEW YORK STATE POLICE  
BUILDING 22  
1220 WASHINGTON AVE.  
ALBANY, N.Y. 12226-2252

April 5, 2006


Anthony M. Russo, Chief Scientist & Senior Associate  
Malcolm Pirnie, Incorporated  
104 Corporate Park Drive, Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo:

Reference is made to your request for records, received at this office on March 29, 2006, pursuant to the requirements of Article 6 of the Public Officers Law (Freedom of Information).

Please be advised that we are currently processing your request. You will receive a written response to your request upon completion of the review in approximately twenty (20) business days.

Very truly yours,

  
Laurie M. Wagner  
Captain  
Records Access Officer

LMW:kdc





**DANIEL D. HOGAN**  
COMMISSIONER

STATE OF NEW YORK  
**EXECUTIVE DEPARTMENT**  
**OFFICE OF GENERAL SERVICES**  
MAYOR ERASTUS CORNING 2ND TOWER  
THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA  
ALBANY, NEW YORK 12242

**ROBERT J. FLEURY**  
FIRST DEPUTY COMMISSIONER

**CHRISTINE BURLING**  
DIRECTOR  
PUBLIC INFORMATION

April 10, 2006

Mr. Anthony M. Russo  
Chief Scientist and Sr. Associate  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Dear Mr. Russo:

**Re: Freedom of Information Request Number 2759**  
**Requester/Subject: Russo/EIS/Trust Land Transfer**

Your request for information under the Freedom of Information Law regarding information on completion of the Environmental Impact Statement as it relates to the Oneida Nation of NY Proposed Trust Land Transfer including location of any lands under the jurisdiction of OGS within the project area, water grant maps for such lands, permits or approvals for facilities or activities located on lands regulated by OGS in the project area, and applications or proposals for future activities on OHS regulated land in or around the project area that have been filed with OGS was received in this office on April 06, 2006.

Your request has been forwarded to the appropriate organizational unit within the Office of General Services. A determination on your request will be made within 20 business days.

Sincerely,

Christine Burling  
Records Access Officer





John L. Buono  
Chairman

**New York State Thruway Authority  
New York State Canal Corporation**

200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189

[www.thruway.state.ny.us](http://www.thruway.state.ny.us)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

April 12, 2006

Mr. Anthony Russo  
Malcom Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Re: FOIL Request No. (F06-0048)

Dear Mr. Russo:

The Authority is in receipt of your Freedom of Information request of April 3, 2006, for documents pertaining to the Oneida Nation of New York Proposed Trust Land Transfer, Draft Environmental Impact Statement.

I am attempting to locate the documents that you requested, and I anticipate responding to your request within the next twenty days.

Copies of responsive documents available pursuant to the Freedom of Information Law will be provided at the reproduction charge of twenty-five cents per photocopy up to 9" x 14", and the reasonable cost of duplication for other items.

Sincerely,

Jill B. Warner  
Records Access Officer




April 17, 2006

Ms. Denise M. Sheehan, Commissioner  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1011

Re: Oneida Nation of New York Trust Land Transfer, Draft Environmental Impact  
Statement (EIS) Freedom of Information Request

Dear Commissioner Sheehan:



The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (NYSDEC) areas of expertise, specialization, and/or jurisdiction on the natural, physical and cultural environment necessary for the completion of the EIS. This request pertains to relevant information on the environment of the region and lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference

As part of our data gathering efforts, we have already consulted the available published sources as well as the internet sites for NYSDEC and other environmental agencies. Specifically, the BIA has reviewed the information published by the NYSDEC at the Department's website ([www.dec.state.ny.us/website/ogc/oneida/](http://www.dec.state.ny.us/website/ogc/oneida/)) regarding the trust application and will incorporate these data into the document as applicable.

On behalf of the BIA, we are requesting any information or documents that the Department believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the NYSDEC. This could include information on:

- Mining activities and the location of documented solid or liquid mineral resources in the project area.
- The location of designated landmarks or viewsheds of significance.
- Surface and groundwater quality and quantity in the project area.





Ms. Denise M. Sheehan, Commissioner  
New York State Department of Environmental Conservation

April 17, 2006  
Page 2

- Ecosystem information such as vegetative and wildlife communities, endangered, threatened and rare species, environmentally sensitive resources as well as regulated wetlands and buffer areas.
- Regulated environmental facilities for water and wastewater treatment, solid waste disposal, and hazardous materials
- Storm water management and erosion control policies in Madison and Oneida Counties.
- Applicable noise regulations, programs or policies.
- Permits that currently exist for facilities or activities that are located on the lands proposed for transfer including applicable regulatory programs.
- Applications or proposals for future land development or redevelopment in or around the project area that have been filed with the department.
- Programs or policies that the NYSDEC has or had conducted within Oneida and Madison Counties that may be relevant to the Proposed Action such as the Deer Chronic Wasting Disease program or fish stocking programs in Oneida Lake..
- Applicable regulatory laws, programs or policies that may be in addition to what the Department and State has detailed in comments already submitted on the Nation's Trust Application.

Should there be any information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

Attachment  
5477001





STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
W. A. HARRIMAN CAMPUS  
ALBANY, N.Y. 12227

ANDREW S. ERISTOFF  
COMMISSIONER

April 17, 2006

Mr. Anthony M. Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo:

Thank you for your recent letter regarding the Oneida Nation of New York Trust Land Transfer, Draft Environmental Impact Statement (EIS) Information Request.

Your request would more appropriately be answered by The New York State Office of Real Property Services. Therefore, I have forwarded your correspondence to Mr. Donald C. DeWitt, Executive Director, Office of Real Property Services, 16 Sheridan Avenue, Albany, New York 12210-2714 for his review.

Sincerely,

  
Andrew S. Eristoff  
COMMISSIONER

cc: Donald C. DeWitt



Printed on Recycled Paper



# New York State Department of Environmental Conservation

Office of Media Relations, 14<sup>th</sup> Floor

15 Broadway, Albany, New York 12233-1016

Phone: (518) 402-8000 FAX: (518) 402-2209

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Commissioner

APR 28 2006

Mr. Anthony M. Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo:

This is to acknowledge receipt of your Freedom of Information Law request seeking documents necessary for the completion of an Environmental Impact Statement for the Oneida Nation of New York Trust Land Transfer.

I have referred your request to the appropriate divisions who may have responsive records. You may expect a response to your request by May 22, 2006.

If you have any questions, please call me at (518) 402-8000 and refer to request 06-719.

Sincerely,

Ruth L. Earl  
Records Access Officer





**DANIEL D. HOGAN**  
COMMISSIONER

STATE OF NEW YORK  
EXECUTIVE DEPARTMENT  
OFFICE OF GENERAL SERVICES  
MAYOR ERASTUS CORNING 2ND TOWER  
THE GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA  
ALBANY, NEW YORK 12242

**ROBERT J. FLEURY**  
FIRST DEPUTY COMMISSIONER

**CHRISTINE BURLING**  
DIRECTOR  
PUBLIC INFORMATION

May 5, 2006

Mr. Anthony M. Russo  
Chief Scientist and Sr. Associate  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Dear Mr. Russo:

**Re: Freedom of Information Request Number 2759**  
**Requester/Subject: Russo/EIS/Trust Land Transfer**

Thank you for your Freedom of Information request dated April 3, 2006, seeking relevant information from this agency as it relates to lands, water grant maps and permits within the defined project area of the proposed Oneida Nation trust land transfer to the U. S. Department of the Interior.

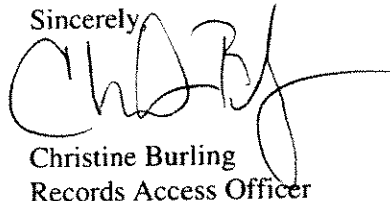
In our search, we expanded the project area to include a 1,000 foot buffer and examined our real property inventory for any sites under the jurisdiction of the Office of General Services (OGS). However, as you can see from the enclosed graphic, no sites were found to be under OGS jurisdiction in the expanded project area.

One Water Grant Index Map was found within the project area. Please see enclosed Water Grant Index Map No. 3 for Oneida County.

No real property permits were found in the project area for lands regulated by OGS and there is no additional relevant information involving OGS in relation to applications or future proposals at this time.

We hope this information is helpful to you.

Sincerely,



Christine Burling  
Records Access Officer





WAYNE E. BENNETT  
SUPERINTENDENT

**NEW YORK STATE POLICE  
BUILDING 22  
1220 WASHINGTON AVE.  
ALBANY, N. Y. 12226-2252**

May 10, 2006

Mr. Anthony M. Russo  
Malcolm Pirnie, Incorporated  
104 Corporate Park Drive Box 751  
White Plains, New York 10602-0751

Dear Mr. Russo:

Reference is made to your correspondence dated March 28, 2006, received at this office on March 29, 2006, requesting relevant information or documents pertaining to the environment of the region and lands that form, and/or are adjacent to, the Proposed Action of the Oneida Nation of New York Trust Land Transfer, pursuant to the requirements of Article 6 of the Public Officers Law (Freedom of Information).

Please be advised that your request fails to reasonably describe records maintained by this agency. Any appeals may be addressed to the Records Appeal Officer, Administration, at the above address.

Very truly yours,

Laurie M. Wagner  
Captain  
Records Access Officer



**New York State Department of Environmental Conservation**  
**Division of Legal Affairs, 14<sup>th</sup> Floor**  
625 Broadway, Albany, New York 12233-1500  
Phone: (518) 402-9184 • FAX: (518) 402-9018  
Website: www.dec.state.ny.us



May 11, 2006

Thomas A. Blaser, Esq.  
United States Department of the Interior  
Office of the Solicitor  
Division of Indian Affairs - Branch of Trust Responsibility  
1849 C Street, N.W. MS 6456  
Washington, D.C. 20240

Re: Oneida Trust Application

Dear Mr. Blaser:

I am writing with respect to Paragraph IV(I) of the draft Memorandum of Understanding (MOU) discussed at our meeting yesterday. This will confirm your advice to us that the language contained in that paragraph in the draft MOU circulated to us by facsimile on March 24 was intended only to address potential claims of cooperating agencies against the United States for breach of the MOU itself and not to limit the rights of the cooperating agencies, the State and its political subdivisions, to object to or take legal action with respect to the Final Environmental Impact Statement (EIS), Record of Decision (ROD), or agency action on the land into trust application of the Oneida Indian Nation of New York. To make that clear we suggested at our meeting yesterday the inclusion of some additional language in paragraph IV(I). The proposed language is set forth below:

, provided, however, that neither this provision or anything else in this MOU shall be construed or deemed to waive, diminish or otherwise affect the rights, claims, causes of action, counterclaims, or defenses the cooperating agencies, the State and its political subdivisions, may have under statute, rule, regulation, or common law to challenge all or a portion of the Final EIS or ROD, or both, for the Proposed Action, or the decision on the Proposed Action itself.

The new Section IV.(I.) will appear as follows:

- 
- I. The cooperating agencies agree not to seek recourse against the United States for any cause of action that may arise under this MOU, provided, however, that neither this



provision or anything else in this MOU shall be construed or deemed to waive, diminish or otherwise affect the rights, claims, causes of action, counterclaims, or defenses the cooperating agencies, the State and its political subdivisions, may have under statute, rule, regulation, or common law to challenge all or a portion of the Final EIS or ROD, or both, for the Proposed Action, or the decision on the Proposed Action itself.

Please advise me of your acceptance of this language. If you have any questions, please call me at 518-402-9185.

Very truly yours,

  
Michael F. Naughton  
Associate Counsel

cc: Jim Cason  
Greg Allen  
Glen Bruening  
Howard Zwickel  
David Schrauer



**MALCOLM  
PIRNIE**

Malcolm Pirnie, Inc.  
104 Corporate Park Dr.  
Box 751  
White Plains, NY 10602-0751  
914-694-2100 914-694-9286 FAX  
1-800-759-5020

May 19, 2006

Ms. Ann Ramonish,  
Public Information Officer and  
Assistant to the Regional Director  
New York State Department of Transportation  
Region 2  
Utica State Office Building  
207 Genesee Street  
Utica, NY 13501

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft Environmental  
Impact Statement (EIS) Information Request**

Dear Ms. Romanych:

As you are aware, the Oneida Nation of New York (the Nation) is seeking to transfer 17, 370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the Department's (NYSDOT Region 2) areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. Based on our recent phone conversation of May 11<sup>th</sup>, 2006, you had asked that we clarify this request by providing your agency with a listing of the specific roads within the public system that are associated with the proposed action. A review of our GIS data base identified the following State and County Routes that would be of interest to us beyond the NYS Thruway.

State Highway 12b State Highway 13 State Highway 173 State Highway 234 State Highway 26 State Highway 5	State Highway 31 State Highway 316 State Highway 365 State Highway 46 State Highway 49 State Highway 69	County Road 25 County Road 38 County Road 50 County Road 51 County Road 89
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**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
& CONSULTANTS

Ann Ramonish

May 19, 2006

Page 2 of 2

For these roadways, can you provide information on:

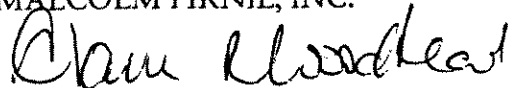
- Traffic patterns, accident incidence rates, flow and volume on Interstate and State routes traversing Oneida and Madison Counties particularly as it relates to the Exit 33 toll plaza and the Turning Stone Resort and Casino.
- Information on bridges and tolls in Oneida and Madison Counties.
- Most recent or projected capital improvement plans in Oneida and Madison Counties.
- Applications or proposals for future road modifications or redevelopment, if any, in or around the project area that have been filed with the Department.
- Most recent information on Bond Act Projects in Oneida and Madison Counties.
- Other programs or policies that the NYSDOT has or had conducted within Oneida and Madison Counties that may be impacted by the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Claire R Woodhead,  
Environmental Planner

CC: T. Russo, MP  
T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP





John L. Buono  
Chairman

**New York State Thruway Authority**  
**New York State Canal Corporation**

200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189

[www.thruway.state.ny.us](http://www.thruway.state.ny.us)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

June 13, 2006

Mr. Anthony Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Re: FOIL Request No. (F06-0045)

Dear Mr. Russo:

In response to your Freedom of Information request of March 22, 2006, enclosed are toll and traffic documents pertaining to the Oneida Nation of New York Proposed Trust Land Transfer, Draft Environmental Impact Statement.

Accordingly, the Authority acknowledges your check in the amount of \$13.75, to cover the cost of reproduction.

Sincerely,

Jill B. Warner  
Records Access Officer



# New York State Department of Environmental Conservation

Office of Media Relations, 14<sup>th</sup> Floor

625 Broadway, Albany, New York 12233-1016

Phone: (518) 402-8000 • FAX: (518) 402-2209

Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Commissioner

JUL 26 2006

Ms. Claire Woodhead  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Dear Ms. Woodhead:

This is in response to a Freedom of Information Law (FOIL) request submitted by your associate, Mr. Stephan Bagnato, seeking records concerning Pratts Sand and Gravel in Stockbridge, New York.

Documents identified as responsive to your request have been compiled. As we discussed earlier today, I am sending the documents to Camelot Legal Copy for photocopying. Camelot will contact you directly with an estimate.

New York's Public Officers Law (POL) permits an agency to withhold certain documents from disclosure. Be advised that some documents identified as responsive to your request have been withheld in accordance with the following provisions of the POL:

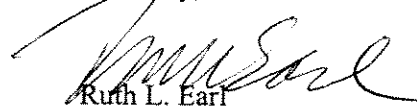
- §87.2(g), as they are inter-agency or intra-agency documents which are not statistical or factual tabulations or data, instructions to staff that affect the public, final agency policy or determinations, or external audits;
- §87.2(e)(I), as they have been compiled for law enforcement purposes and disclosure would interfere with law enforcement investigations or judicial proceedings, and
- §87.2(a), as they are exempted from disclosure by state statute, more specifically, Civil Practice Laws and Rules §4503(a).

If you wish, you may appeal the denial of access to these records within thirty (30) days. Please direct any appeal, in writing, to:

Mr. Louis Alexander  
Assistant Commissioner  
Office of Hearings and Mediation Services  
New York State Department of Environmental Conservation  
625 Broadway  
Albany, NY 12233-1010.

Please reference FOIL #5881 in any future communication concerning this request.

Sincerely,

  
Ruth L. Earl  
Records Access Officer

cc: M. Rozelle





John L. Buono  
Chairman

**New York State Thruway Authority**  
**New York State Canal Corporation**

200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189

[www.thruway.state.ny.us](http://www.thruway.state.ny.us)



Michael R. Fleischer  
Executive Director  
TDD/TTY 1-800-253-6244

July 26, 2006

Mr. Anthony Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Re: FOIL Request No. (F06-0045)

Dear Mr. Russo:

In response to your Freedom of Information request of March 22, 2006, enclosed are traffic volume and accident records pertaining to the Interchange 33 and the Oneida Nation of New York Proposed Trust Land Transfer, Draft Environmental Impact Statement.

Accordingly, the Authority acknowledges your check in the amount of \$7.00, to cover the cost of reproduction.

Sincerely,

Jill B. Warner  
Records Access Officer



06-Oct-30

03:14pm

From-ERO-Forestry/Nat. Res./Environmental

+615 564 6571

T-514 P.002/002 F-326



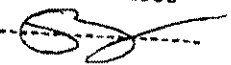
New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

October 19, 2006

Real Estate Services

OCT 30 2006

BY: 

Franklin Keel, Director  
Bureau of Indian Affairs  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Dear Mr. Keel:

Re: BIA  
Fee-To-Trust Transfer  
Oneida Indian Nation  
Oneida and Madison Counties  
06PR1814

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). The SHPO has reviewed the letter regarding the fee-to-trust application in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended.

Based upon this review, the SHPO concurs that the fee-to-trust undertaking will have No Effect upon historic properties in or eligible for inclusion in the State and National Registers of Historic Places.

The SHPO appreciates the opportunity to comment on this information. Please telephone me at ext. 3280 with any questions you may have.

Sincerely,



Nancy Herter  
Historic Preservation Program Analyst,  
Archaeology

RECEIVED

OCT 27 P 3:53

BIA-ERO  
EASTERN REGIONAL OFFICE



**CORRESPONDENCE WITH MADISON AND  
ONEIDA COUNTIES**



February 7, 2006

Mr. Paul Miller  
Madison County Planning Department  
PO Box 606  
County Office Building  
Wampsville, NY 13163


Dear Mr. Miller:

As per your telephone conversation, I am writing to confirm that Madison County does not have an overall public policy for land use, zoning or development. In addition, I am seeking confirmation from your office that there is no Master or Comprehensive Plan for the County as a whole and instead the individual cities, towns and villages, as well as some hamlets, within the County are responsible for their own Master or Comprehensive Plan. I would request that you confirm these issues to me in writing at the following address:

Spencer Salzberg  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Additionally, please provide me with any county-wide public policies that Madison County has adopted. Should you have any questions, please contact me at (718) 397-2397.

Thank you for your time and consideration,

  
Spencer Salzberg  
Environmental Planner

CC: R. Gilmour, MPI  
C. Woodhead, MPI  
J. Kitt, MPI  
File



March 6, 2006

Mr. Rocco DiVeronica  
Chairman  
Madison County Board of Supervisors  
P.O. Box 635  
Wampsville, NY 13163

**Re: Oneida Nation of New York Proposed Trust Land Transfer,  
Draft Environmental Impact Statement (EIS) Information Request**

Dear Mr. DiVeronica:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Madison County's areas of expertise, specialization, and/or jurisdiction on the fiscal, economic, social, land use, public policy and planning environment necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action.

As part of our data gathering efforts, we have consulted available published County data sources as well as the information available on internet sites of the County and local communities, such as town comprehensive plans.

On behalf of the BIA, we are requesting other information or documents, that the County believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the County. This could include information on:

- Recent or proposed changes in land use and zoning plans, guidance and policies.
- Noise ordinances.
- Natural resource data beyond those published by the NYSDEC or USFWS.
- Governmental programs and services at the local and County levels such as religious programs, schools, medical and health care programs and facilities, fire, police and emergency services, and programs that support public health and safety.



Mr. Rocco DiVeronica  
Madison County Board of Supervisors

March 6, 2006  
Page 2

- Location and number of recreational and public facilities in the County such as marinas, golf course, and parks that are maintained by County or State funds.
- Public utilities and services such as water supplies, wastewater or solid waste disposal.
- Permits or approvals for facilities or activities that are located on the lands proposed for transfer including applicable regulatory programs within County jurisdiction.
- Environmental resources information the County believes important for consideration of potential impacts associated with the trust application.
- The most recent breakdown of costs for an individual student in the public school system.
- Other fiscal information as attached separately to this letter.

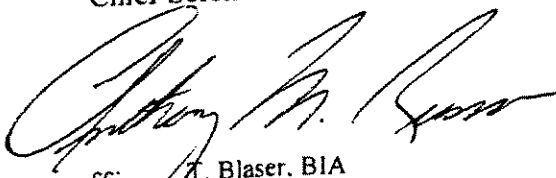
Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirmie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

Anthony M. Russo  
Chief Scientist & Senior Associate



cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



**Fiscal Data Request**

- Current employment and income information, budgets and working budgets beyond the annual published reports for the State, at both local and County level for all municipalities in the County.
- The Bond History – Bond Issued and Bond ratings from 1990 to present policies for the municipalities within the County as well as at the County level as relevant.
- Annual Assessment Rolls - 1990 through 2005 for the municipalities within the County as well as at the County level beyond published sources.
- Current parcel counts by broad land use category (Agriculture, Residential, Vacant, Commercial, Recreation and Entertainment, Community Service, Industrial, Public Service, Public Parks and Conservation) that details by each land use category the following:
  - Total assessed value;
  - County taxable assessed value;
  - Percentage of total land use in County;
  - Municipal taxable assessed value; and
  - School taxable assessed value.
- Annual Exemption Rolls - 1990 through 2005 for the municipalities within the County as well as at the County level.
- Exemptions by Property Group and Exemption Code for Assessment Roll for the municipalities within the County as well as at the County level including:
  - Number of exemptions;
  - Total equalized value of exemption;
  - Percent of value exempted; and
  - Percentage of total municipal exempt value.
- Most recently prepared Capital Improvement Program (CIP) for facilities and capital equipment for the municipalities within the County as well as at the County level.
- Oneida Nation unpaid taxes for each year since 1987 at both the local and County level as calculated by the County.





## MADISON COUNTY PLANNING DEPARTMENT

**JACOB MILLER**  
Director  
**Paul W. Miller**  
Assistant Director

PO Box 606  
Wampsville, NY 13163  
315/366-2376  
Fax: 315/366-2742

March 30, 2006

Mr. Anthony M. Russo  
Chief Scientist and Senior Associate  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo,

I am responding to your March 6, 2006 letter to Rocco DiVeronica requesting extensive and voluminous information on the fiscal, economic, social, land use, public policy and planning environment within Madison County's areas of expertise in connection with the Oneida Indian Nation of new York's land into trust application. Although your letter did not provide any schedule or prioritization of the information requested, either or both would be helpful. Could you provide this information?

We intend to provide a comprehensive response to your request. I believe that several communities in Madison County have provided information to you. It would be helpful to have a listing of what you have requested and what you have received so that there are no gaps in the information available to you nor do we want to duplicate information you have already received.

We have begun to assemble materials for duplication and submission and expect to begin sending items as soon as we receive a response to this letter.

Sincerely,

Paul W. Miller  
Assistant Director

Cc: Rocco DiVeronica



**MALCOLM  
PIRNIE**

**FILE COPY**

**Malcolm Pirnie, Inc.**

104 Corporate Park Dr.

Box 751

White Plains, NY 10602-0751

**914-694-2100** 914-694-9286 FAX

**1-800-759-5020**

May 19, 2006

Mr. Paul W Miller  
Assistant Director  
Madison County Planning Department  
PO Box 606  
Wampsville NY 13163

Re: Freedom of Information Request  
Madison County Data  
Madison County, New York

Dear Mr. Miller:

Thank you for your March 30, 2006 letter regarding our information request that was sent to Mr. Rocco DiVeronica as the Chairman of the Madison County Board of Supervisors. As you know, Malcolm Pirnie Inc., as the third party EIS contractor to the BIA, has been actively requesting information from a wide variety of organizations. As part of these efforts, we have contacted a number of municipalities within the Madison County for policy information with respect to land use and development guidance documents.

The table below documents the materials we have received, (marked with an X) as of April 6, 2006. The towns of Lincoln and Fenner have been contacted with respect to their land use policy plans and policies. Based on our research both communities do not appear to have a Master Plan. No confirmation of these Master Plans, or lack thereof, has been received to date; however we have received the towns' zoning maps.

Municipality	Zoning Map	Zoning Ordinance / Law	Amended Zoning Ordinance	Strategic/ Master Plan	Land Use Law / Guide	Specific Ordinances
City of Oneida	X	X	X	X ( 2004)		
Village of Canastota	X	X ( 1976)		X (Canal Town)		
Town of Lenox	X	X (1994)		X (Lenox and Canastota - Not adopted)		
Town of Stockbridge		X (Subdivision)			X (2003)	X (Mobile Home. Building and Sanitary)
Town of Cazenovia	X(1991)	X(1991)			X(1984)	
Town of Lincoln	X				X	
Town of Sullivan	X (1990)	X (1990)		X (2006)		
Town of Smithfield				X	X ( Building and Development)	
Town of Fenner	X				X (1997)	



# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ECONOMICS & SOCIAL  
SCIENCE CONSULTANTS

Mr. Miller  
May 19, 2006  
Page 2 of 3

Additionally, written information requests were made for several school districts within Madison County. Requests were made to the following organizations; the Canastota Central School District, Madison Central School District, Cazenovia Central School District, Stockbridge Valley Central School District, and the Oneida City School District. These requests sought the following information:

- Educational programs instituted within the School District;
- The most recent breakdown of costs for an individual student in the public school system;
- Fiscal information that the School District believes important for consideration of potential impacts associated with the trust application; and
- Other fiscal information that may be relevant to the Proposed Action.

To date, we have received a full response from the Stockbridge Valley Central School District but not from the other school districts noted above.

With respect to prioritization of the information that was requested in our FOIL letter, we request that you give higher priority to any recent (2005/2006) information that may not yet be available though the typical public information sites, such as the County's website or other sources. For example, we have gathered information on County employment levels and industry types from the U.S. Department of Commerce (Bureau of Economic Analysis), while data on population statistics has been gathered from the U. S. Census Bureau. The New York State Comptroller's Special Report on Municipal Affairs was one of the public sources used for tax revenue information, while statistics on public health and social programs were obtained from the New York State Department of Health. A secondary grouping could be made of information and older data, which may be more readily available through public sources.

As may be evident from these examples, the research into publicly available data sources has provided a considerable amount of the baseline information that will be included in the Environmental Impact Statement. Beyond the information requested in our letter of March 14, 2006, any other materials that the County may have which would enhance or compliment these public records would be most appreciated as a means of verification, extension or clarification of existing information.

I hope that information provided in this letter is of use to you in compiling your response. Should you have any further questions or be in need of more detailed direction, please do not hesitate to contact me at (914) 641-2679 or Ms. Claire R Woodhead at (914) 641-2840.



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
CONSULTING SCIENTISTS  
AND CONSULTANTS

Mr. Miller  
May 19, 2006  
Page 3 of 3

Thank you for your continued assistance in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Anthony M. Russo for*

Anthony M. Russo,  
Chief Scientist & Senior Associate

CC: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

G/547701/FOIArequests/Second FOIA/Miller



## MADISON COUNTY PLANNING DEPARTMENT

**JACOB MILLER**  
Director  
**Paul W. Miller**  
Assistant Director

PO Box 606  
Wampsville, NY 13163  
315/366-2377  
Fax: 315/366-2789

June 19, 2006

BY FACSIMILE AND FEDERAL EXPRESS

Anthony M. Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Dr.  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo,

This is intended to be an interim response to your letter of May 19, 2006.

I am forwarding copies of the adopted 2005 and 2006 Madison County Budgets. These documents serve as the best evidence of the nature and extent of approved services and programs provided through County operations. Development, planning and approval of all programs provided by the County is necessarily a function of the budget process. This process begins during the summer and ends when the budget is finally adopted by the Board of Supervisors during the month of December. As a result, the budget reflects the priorities for programs and services that elected leaders and key County managers believe to be the most important given a projection of financial resources available for the upcoming fiscal year. Priorities for the 2007 budget have not yet been determined although much of what the County does will likely be a continuation of the enduring programs shown in these two budgets with additions for new programs and projects and the deletion of discontinued or lower priority ones. As a piece of additional information relative to the fiscal status of the County, Madison County has a bond rating of AAA (*Standard and Poor*) since 2003.

I have also provided a copy of the County's recently adopted *Agriculture and Farmland Protection Plan*. Even though land use laws and controls are adopted at town, city and village level under the State's "home rule" concept, the County has undertaken identification, planning for and protection of agricultural resources at the County level. Efforts are currently under way under the auspices of the County Farmland Protection Board, Cornell Cooperative Extension and the County Planning Department to implement this plan. These protection concepts will be implemented to the extent that local land use laws are amended or other measures put in place.

A map of New York State certified agricultural districts in the northern half of Madison County is enclosed. The County has a long history of protecting agricultural resources through agricultural district designation under New York State enabling legislation, Article 25AA of the



Agriculture and Markets Law. A draft copy of recommendations of the Madison County Planning and Agricultural and Farmland Protection Boards relative to the recertification of Agricultural District #3 is provided however I caution that this is a draft document yet to be adopted. It may be modified by further action before approval. Farmland and agricultural protection have high priority throughout the County.

Also enclosed is a copy of the most recent Compliance Report for *Madison County's Solid Waste Management Plan*. The County has managed all aspects of solid waste disposal within the County since the early 1970's. During that time the County has built, operated, closed and maintained several landfill cells. The County continues to operate a state of the art landfill, a Materials Recycling Facility, several residential solid waste and recyclables drop-off stations as key elements of its comprehensive solid waste management program. The guiding principals for this program have been "waste pays for waste" and the "flow control" of wastes generated within the County. The solid waste program operates as an enterprise fund. *Local Law No. 3 for the Year 2004* (copy included) further describes this County program.

With regard to the information you have requested from the various school districts within the County, and bond rating information on the communities within the County, Madison County does not maintain this data. I suggest that you renew your request for the information directly to the schools and communities in question. I believe that some of the information included in your May 19, 2006 request has already been provided in the school district's initial response to the Bureau of Indian Affairs request for comments on the land-into-trust application.

I regret that I have been unable to provide a more complete response to your earlier request however I do intend to provide more information on or about June 30, 2006.

Sincerely,

  
Paul W. Miller  
Assistant Director

Cc: Tom Blaser, Dept of Interior (Less Enclosures)

Enclosures:

1. 2005 and 2006 Madison County Budgets
2. Agriculture and Farmland Protection Plan and Summary Pamphlet
3. Map - Agricultural Districts of Northern Madison County
4. Draft Recommendation Re: Agricultural District #3.
5. Compliance Report - Madison County Solid Waste Management Plan





## MADISON COUNTY PLANNING DEPARTMENT

**JACOB MILLER**  
Director  
**Paul W. Miller**  
Assistant Director

**PO Box 606**  
**Wampsville, NY 13163**  
**315/366-2377**  
**Fax: 315/366-2789**

July 7, 2006

BY FACSIMILE AND FEDERAL EXPRESS

Anthony M. Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Dr.  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo,

This is in response to your letters of May 6, 2006 and May 19, 2006 and supplements the information provided in my letter of June 19, 2006.

Enclosure (1) summarizes the information you have requested and provides an explanation of what is provided with this response, what is forthcoming, what is available at a cost and what is beyond our capability to provide.

I appreciate that your work on this matter will undergo different stages of refinement. Please contact me if there is any other information you may need.

Sincerely,

A handwritten signature in cursive script that reads "Paul W. Miller".

Paul W. Miller  
Assistant Director

- Enclosure 1) Summary of Materials Requested and Provided
- Enclosure 2) Directory of Basic Land Use Tools Used
- Enclosure 3) Soil Survey of Madison County, New York
- Enclosure 4) Madison County 2006 Tax Rates Per \$1,000 (Special District Listing)
- Enclosure 5) Service Maps of Drainage, Sewer and Water Districts (Draft) and Public Safety
- Enclosure 6) Herkimer-Madison-Oneida Workforce Development Survey
- Enclosure 7) Madison County Bond Information
- Enclosure 8) Nine (9) CD's of Real Property Information System Data
- Enclosure 9) Madison County Highway Bridge, Highway, and Building Plans



Enclosure 10) Technology Analysis and Assessment: Madison County, New York - Public  
Safety Radio System (One (1) CD)

Enclosure 11) Parcel Status Reports (*as of June 30, 2006*)





## MADISON COUNTY DEPARTMENT OF LAW

S. JOHN CAMPANIE  
County Attorney  
TINA M. WAYLAND-SMITH  
First Assistant County Attorney  
ANTHONY M. WILMARTH  
Second Assistant County Attorney

PO Box 635  
N. Court Street  
Wampsville, NY 13163  
315/366-2203  
or 315/361-8442  
Fax: 315/366-2502

July 19, 2006

Mr. Anthony M. Russo  
Malcom Pirnie Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo:

As per my telephone conversation earlier today with Clare Baldwin, I have enclosed a copy of pages 42 through 79 of the Madison County Agriculture and Farmland Protection Plan which apparently was missing.

I apologize for any inconvenience and if there is anything else I can do to help, please do not hesitate to call.

Sincerely,

Susan Frank,  
Confidential Secretary

Enclosure

/lmf



**FILE****Malcolm Pirnie, Inc.**

104 Corporate Park Dr.

Box 751

White Plains, NY 10602-0751

T: 914-694-2100

F: 914-694-9286

www.pirnie.com

October 9, 2006

Honorable Rocco J. DiVeronica,  
Chairman  
Madison County Board of Supervisors  
138 North Court St., Building #4  
Wampsville, NY 13163

Re: Oneida Nation of New York Conveyance of Lands into Trust DEIS

Dear Mr. DiVeronica:

The Bureau of Indian Affairs (BIA) is planning a public hearing to accept comments on the Draft Environmental Impact Statement (EIS) for the Conveyance of Lands into Trust action requested by the Oneida Nation of New York. Pursuant to the MOU, the BIA has tentatively set the dates of Wednesday, December 13 and/or Thursday, December 14, 2006 for the public hearing(s). As the Third Party Contractor assisting the BIA in planning for the hearing, we are contacting you to request your input.

Earlier this year, BIA held two meetings to inform the public about the EIS process and to receive comment on the scope of the draft EIS. Both of these meetings hosted large turn-outs and room capacity was reached. In view of this and a desire to accommodate all the public that might want to attend, the BIA would like your input and suggestions on the following:

- 1) Number of hearings: Both public scoping meetings held at the high school venues reached capacity. The BIA information meeting on the trust process held at the Stanley Theatre in Utica had significant excess capacity. What would the County's opinion be about holding a single, large meeting (perhaps beginning earlier in the day and extending into the evening) at this location or another of a similar size?
- 2) Location: Where do you prefer that the BIA hold the hearing(s), given that the BIA anticipates a large audience? Potential meeting locations include VVS High School, Oneida High School, and the Stanley Theatre in the City of Utica, all of which have been used by BIA in the past as meeting venues. Are there any additional locations that should be considered for such an event?

Please respond to Mr. Kurt G. Chandler with your comments on the above by Friday, October 27, 2006 so that the BIA can take your input into consideration in planning and implementation of the public hearing(s).



**MALCOLM  
PIRNIE**

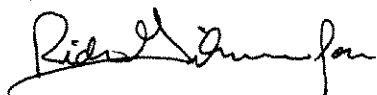
INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Honorable Rocco J. DiVeronica  
Madison County Board of Supervisors  
October 9, 2006  
Page 2 of 2

Thank you for your consideration and anticipated input on this matter.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo  
Senior Associate

rg  
5477-001

c: Kurt G. Chandler, Regional Environmental Scientist, BIA-ERO  
Thomas A. Blaser, Attorney-Advisor, USDOJ-DIA  
Thomas B. Mason, Esq., Zuckerman-Spaeder  
Peter D. Carmen, Esq., Oneida Nation  
Michael Naughton, Esq., NYSDEC  
Joseph A. Griffo, County Executive, Oneida County



March 6, 2006

Mr. Gerald J. Fiorini  
Chairman, Oneida County Board of Legislators

Mr. Joseph Griffo  
Oneida County Executive  
County Office Building  
800 Park Avenue  
Utica, NY 13501

Re: **Oneida Nation of New York Proposed Trust Land Transfer,  
Draft Environmental Impact Statement (EIS) Information Request**

Gentlemen:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Oneida County's areas of expertise, specialization, and/or jurisdiction on the fiscal, economic, social, land use, public policy and planning environment necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action.

As part of our data gathering efforts, we have consulted the available published County data sources as well as the information available on internet sites of the County and local communities, such as town comprehensive plans.

On behalf of the BIA, we are requesting other information or documents, that the County believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by the County. This could include information on:

- Recent or proposed changes in land use and zoning plans, guidance and policies.
- Noise ordinances.
- Natural resource data beyond those published by the NYSDEC or USFWS.
- Governmental programs and services at the local and County levels such as religious programs, schools, medical and health care programs and facilities, fire, police and emergency services, and programs that support public health and safety.



Mr. Gerald J. Fiorini  
Mr. Joseph Griffo

March 6, 2006  
Page 2

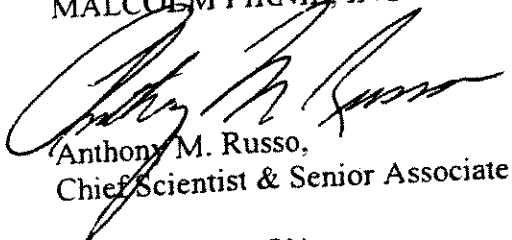
- Location and number of recreational and public facilities in the County such as marinas, golf course, and parks that are maintained by County or State funds.
- Public utilities and services such as water supplies, wastewater or solid waste disposal.
- Permits or approvals for facilities or activities that are located on the lands proposed for transfer including applicable regulatory programs within County jurisdiction.
- Environmental resources information the County believes important for consideration of potential impacts associated with the trust application.
- The most recent breakdown of costs for an individual student in the public school system.
- Other fiscal information as attached separately to this letter.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirmie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



Mr. Gerald J. Fiorini  
Mr. Joseph Griffo

March 6, 2006  
Page 3

### **Fiscal Data Request**

- Current employment and income information, budgets and working budgets beyond the annual published reports for the State, at both local and County level for all municipalities in your County.
- The Bond History – Bond Issued and Bond ratings from 1990 to present policies for the municipalities within the County as well as at the County level as relevant.
- Annual Assessment Rolls - 1990 through 2005 for the municipalities within the County as well as at the County level beyond published sources.
- Current parcel counts by broad land use category (Agriculture, Residential, Vacant, Commercial, Recreation and Entertainment, Community Service, Industrial, Public Service, Public Parks and Conservation) that details by each land use category the following:
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  - Number of exemptions;
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  - Percent of value exempted; and
  - Percentage of total municipal exempt value.
- Most recently prepared Capital Improvement Program (CIP) for facilities and capital equipment for the municipalities within the County as well as at the County level.
- Oneida Nation unpaid taxes for each year since 1987 at both the local and County level as calculated by the County.





JOSEPH A. GRIFFO  
COUNTY EXECUTIVE

**ONEIDA COUNTY DEPARTMENT OF LAW**

County Office Building  
800 Park Avenue • Utica, New York 13501-2975  
(315) 798-5910 • fax (315) 798-5603

RANDAL B. CALDWELL  
COUNTY ATTORNEY

LINDA M.H. DILLON  
SPECIAL ASSISTANT COUNTY ATTORNEY

April 17, 2006

Mr. Anthony M. Russo  
Chief Scientist and Senior Associate  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo,

I am responding to your March 6, 2006 letter to Joseph A. Griffo requesting information on the fiscal, economic, social, land use, public policy and planning environment within Oneida County's areas of expertise in connection with the Oneida Indian Nation of New York's land into trust application.

Oneida County intends to provide a comprehensive response to your request, but we reserve the right to wait until the MOU is agreed to. Additionally, we believe that several communities in Oneida County may have received a similar request and may have provided information to you. It would be helpful to have a listing of what you have requested and what you have received so that there are no gaps in the information available to you nor do we want to duplicate information you have already received.

Sincerely,

Randal B. Caldwell  
County Attorney

Cc: Joseph A. Griffo





JOSEPH A. GRIFFO  
COUNTY EXECUTIVE

## ONEIDA COUNTY DEPARTMENT OF LAW

Oneida County Office Building  
800 Park Avenue ♦ Utica, New York 13501-2975  
(315) 798-5910 ♦ fax (315) 798-5603

LINDA M.H. DILLON  
ACTING COUNTY ATTORNEY

August 15, 2006

Anthony M. Russo  
Malcolm Pirnie, Inc.  
104 Corporate Park Dr.  
Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo,

I am responding to Malcolm Pirnie's request for information for the Environmental Impact Statement in regards to the Oneida Indian Nation of New York's Fee to Trust application. I am attempting to provide as much information as possible, but you must realize that much of the requested documentation is either not available at the County level, or is too voluminous to recreate and provide. Please find below the first installment of information.

**1) Requested Item - Recent or proposed changes in land use and zoning plans, guidance and policies.**

Oneida County does not have authority over land use and zoning plans. These issues fall under the purview of the town, village, and cities.

**2) Requested Item - Noise Ordinances**

The County does not legislate nor maintain records of noise ordinances. New York State has traditionally placed this form of regulation under the towns, villages and cities within the County. Municipalities may have noise ordinances in their local zoning/land use laws.

Please refer to the local Municipal clerks offices for information on these laws. Additionally, all local laws are filed with the New York State Department of State.

**3) Requested Item – Natural resource data beyond those published by the NYSDEC or the USFWS.**



The materials previously provided by New York State and the County as part of the formal land into trust application process contains data that we maintain on natural resources.

Oneida County has the County Soil Survey in ESRI shape file format. Please contact Jeff Quackenbush at 315-798-5009 for more information and a copy of the data. The Soil Survey contains information on soil resources throughout the County and may be of use in further analysis of the environmental impacts and considerations for the decision on the application.

**4) Requested Item – Governmental programs and services at the local and County levels such as religious programs, schools, medical and health care programs and facilities, fire, police and emergency services, and programs that support public health and safety.**

Enclosed to this letter are copies of the 2005 and 2006 adopted budgets. These documents are the best blueprints for services provided by the County.

The County does not provide religious programs.

The County participates in some education support programs including Education for Handicapped Children, Community College Tuition, support for Mohawk Valley Community College, and support for libraries and the Mid-York Library System. These items are located within the enclosed budgets.

Oneida County also provides services through the Department of Social Services (including Medicaid), the Department of Health, and the Department of Mental Health.

The County does not maintain comprehensive information on the services provided by the towns, city and villages within the County. Most of the municipalities in the area affected by the trust application have provided comments on services they deliver. Additional information can be acquired through direct contact with the local municipal governments.

The County provides law enforcement through the Sheriff's Office to all of the communities within the county. The City of Sherrill and the Village of Vernon provide public safety services through their police forces. Fire and ambulance service and protection is provided by volunteer fire departments and fire districts.

Municipalities are the best source for maps and information regarding special districts.



**5) Requested Item - Location and number of recreational facilities and public facilities in the County such as marinas, golf courses and parks that are maintained by the County or State Funds.**

Materials provided as part of the State of New York State comments on the three groups of parcels contained within the Oneida Nation's trust application provided information on State recreation facilities within the area. Oneida County does not maintain the facilities listed in this request.

Other public recreational facilities within the County are operated and maintained by the town or village in which they are located. Information on those facilities is best obtained by direct contact with the local government in the community where they are located.

**6) Requested Item - Permits or approvals for facilities or activities that are located on the lands proposed for transfer including applicable regulatory programs within County jurisdiction.**

In general, any building, facility, on-site or community septic system or community water supply requires a permit/authorization issued by either the County or municipality. Additionally other structures such as signs may require permits depending on the local laws and characteristics of the structure. Zoning regulations are usually handled at the local town, village, or city level.

In regards to the County, the Department of Health has inspection responsibilities over pools, campsites, water, food services, the New York State Clean Indoor Air Act, as well as other public health related services. A more detailed discussion can be found in Oneida County's comments

Additionally, Oneida County has instituted a Sanitary Code, which governs public health hazards and nuisances. A more detailed discussion can be found in Oneida County's Land Into Trust comments to the BIA for both Groups 1, 2, and 3 properties.

Oneida County Bureau of Weights and Measures is responsible for sealing fuel pumps, scales and measuring devices under New York State Agricultural and Markets Law. A more detailed discussion can be found in Oneida County's Land Into Trust Comments.

The Department of Public Works is also responsible for permitting certain construction on or near county roads.



## FINANCIAL REQUESTS

**1) Requested Item - Current employment and income information, budgets and working budgets beyond the annual published reports for the State at both local and county level for all municipalities in the County.**

The County does not maintain any separately derived data different from that generated by the State, federal government and regional planning agency. A 2002 Workforce Development Survey by the New York State Department of Labor aimed specifically at the needs of the tri-county area of Herkimer, Madison and Oneida Counties was provided by Madison County in their response in *Enclosure 6*. This report is applicable to Oneida County's workforce data.

**b) Requested Item - Budgets and Working Budgets**

The Oneida County Adopted 2005 and 2006 Budgets are provided herein. Development of the 2007 Tentative Budget is currently in the early stages of development. The budget adoption date by the County Board of Legislators is scheduled for November 15. The County does not maintain budgetary information for cities, towns, villages or school systems.

**2) Requested Item - The Bond History - Bond Issued and Bond ratings from 1990 to the present policies for the municipalities within the County as well as at the County level.**

a) Bond Information Other Municipalities - The County does not maintain data on the bonds issued or the bond rating for the municipalities within the County.

b) County Bond Information - I am enclosing the County's Bond ratings as provided by the Oneida County's Comptroller's Office.

**3) Requested Item - Most recently prepared Capital Improvement Program (CIP) for facilities and capital equipment for the municipalities within the County as well as at the County level.**

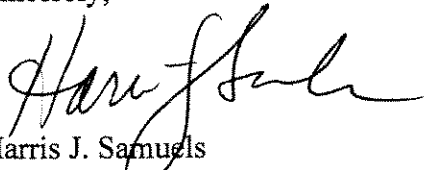
The County does not maintain Capital Improvement Program documentation for municipalities within the County. I am enclosing a copy of Oneida County's 2005 and 2006 CIP, which is located in the back of the County budget books.

Oneida County is currently in the process of developing answers to your other financial requests. We will forward them as soon as they are available. Thank you for your patience. If you have any further questions, do not hesitate to contact myself or Mike Billard at 315-798-5535.

Sincerely,



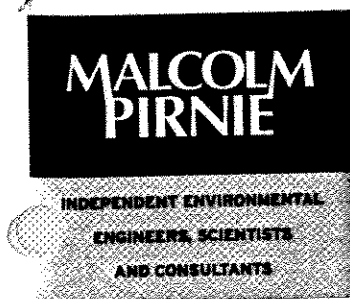
Sincerely,



Harris J. Samuels

Assistant County Attorney





Malcolm Pirnie, Inc.  
104 Corporate Park Dr.  
Box 751  
White Plains, NY 10602-0751  
T: 914-694-2100  
F: 914-694-9286  
www.pirnie.com

October 9, 2006

Honorable Joseph A. Griffo  
County Executive  
County of Oneida  
800 Park Avenue  
Utica, NY 13501

Re: Oneida Nation of New York Conveyance of Lands into Trust DEIS

Dear Mr. Griffo:

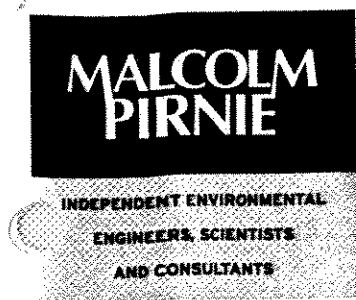
The Bureau of Indian Affairs (BIA) is planning a public hearing to accept comments on the Draft Environmental Impact Statement (EIS) for the Conveyance of Lands into Trust action requested by the Oneida Nation of New York. Pursuant to the MOU, the BIA has tentatively set the dates of Wednesday, December 13 and/or Thursday, December 14, 2006 for the public hearing(s). As the Third Party Contractor assisting the BIA in planning for the hearing, we are contacting you to request your input.

Earlier this year, BIA held two meetings to inform the public about the EIS process and to receive comment on the scope of the draft EIS. Both of these meetings hosted large turn-outs and room capacity was reached. In view of this and a desire to accommodate all the public that might want to attend, the BIA would like your input and suggestions on the following:

- 1) Number of hearings: Both public scoping meetings held at the high school venues reached capacity. The BIA information meeting on the trust process held at the Stanley Theatre in Utica had significant excess capacity. What would the County's opinion be about holding a single, large meeting (perhaps beginning earlier in the day and extending into the evening) at this location or another of a similar size?
- 2) Location: Where do you prefer that the BIA hold the hearing(s), given that the BIA anticipates a large audience? Potential meeting locations include VVS High School, Oneida High School, and the Stanley Theatre in the City of Utica, all of which have been used by BIA in the past as meeting venues. Are there any additional locations that should be considered for such an event?

Please respond to Mr. Kurt G. Chandler with your comments on the above by Friday, October 27, 2006 so that the BIA can take your input into consideration in planning and implementation of the public hearing(s).





Honorable Joseph A. Griffo  
County of Oneida  
October 9, 2006  
Page 2 of 2

Thank you for your consideration and anticipated input on this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

A handwritten signature in black ink, appearing to read "Anthony M. Russo", written over a horizontal line.

Anthony M. Russo  
Senior Associate

rg  
5477-001

c: Kurt G. Chandler, Regional Environmental Scientist, BIA-ERO  
Thomas A. Blaser, Attorney-Advisor, USDOJ-DIA  
Thomas B. Mason, Esq., Zuckerman-Spaeder  
Peter D. Carmen, Esq., Oneida Nation  
Michael Naughton, Esq., NYSDEC  
Rocco DiVeronica, Chairman, Madison County Board of Supervisors





JOSEPH A. GRIFFO  
COUNTY EXECUTIVE

**ONEIDA COUNTY DEPARTMENT OF LAW**

Oneida County Office Building  
800 Park Avenue • Utica, New York 13501-2975  
(315) 798-5910 • fax (315) 798-5603

LINDA M.H. DILLON  
ACTING COUNTY ATTORNEY

Kurt G. Chandler  
Regional Environmental Scientist  
Environment & Cultural Resources  
Bureau of Indian Affairs  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

October 30, 2006

RE Oneida Nation of New York Conveyance of Lands into Trust DEIS:

Dear Mr. Chandler:

This will respond on behalf of Madison and Oneida Counties to the October 9 inquiry from Anthony Russo of Malcolm Pirnie regarding public hearings in December.

The Counties favor having two separate hearings, and would prefer that the hearings be held in the land claim area. Our preferred sites would be the VVS and Oneida High Schools. However, neither site is available for the proposed dates of December 13 and 14.

We would request that the tentative dates be changed so as to accommodate the schedules of those schools. In that regard, it may be more efficient for BIA to contact the schools directly to set dates and make arrangements. Oneida's contact person is Becky Cameron at (315)363-6901. VVS's contact person is Jill Collins at (315)829-2520 x.240.

Thank you for your cooperation. Please advise, and please feel free to contact me in regard to our suggestions.

Very truly yours,

  
Harris J. Samuels  
Assistant County Attorney

Cc: Anthony M. Russo  
John Campane



## LOCAL CORRESPONDENCE



February 2, 2006

Ms. Suzanne Collins  
Town Supervisor  
Town of Augusta  
2319 North Road  
Oriskany Falls, New York 13425

Dear Supervisor Collins,

As per your telephone conversation of Thursday, February 2, 2006 with my colleague Jeffrey Kitt, I am writing to request one copy of the adopted Master/Comprehensive Plan and any additional land use or policy plans that are utilized by the Town of Augusta in the management of the community

I would also like to inquire if the Village of Oriskany Falls, or the hamlets of Augusta, Knoxboro, or Wells Corners have any separate policies or plans that govern development within these areas of your community that I should be aware of in my work. If there are any postal charges or reproduction fees associated with mailing any documents, please let me know so I can forward whatever monies may be needed.


The documents can be sent to me at:

Mr. Spencer Salzberg  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397.

Thank you for your consideration and help in this matter, it is much appreciated.

Sincerely yours

  
Spencer Salzberg  
Environmental Planner

CC: File



June 29, 2006

Ms. Suzanne Collins  
Town Supervisor  
Town of Augusta  
2319 North Road  
Oriskany Falls, New York 13425

Re: Town of Augusta Zoning Compliance

Dear Supervisor Collins:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Augusta that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Augusta that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Augusta that are considered not to be in conformance with the Town's current zoning ordinance, the 1972 General Plan for the Town of Augusta and the Village of Oriskany Falls, or any other adopted public policy? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Augusta  
Zoning Compliance

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salzberg for*

Richard M. Gilmour  
Senior Project Planner

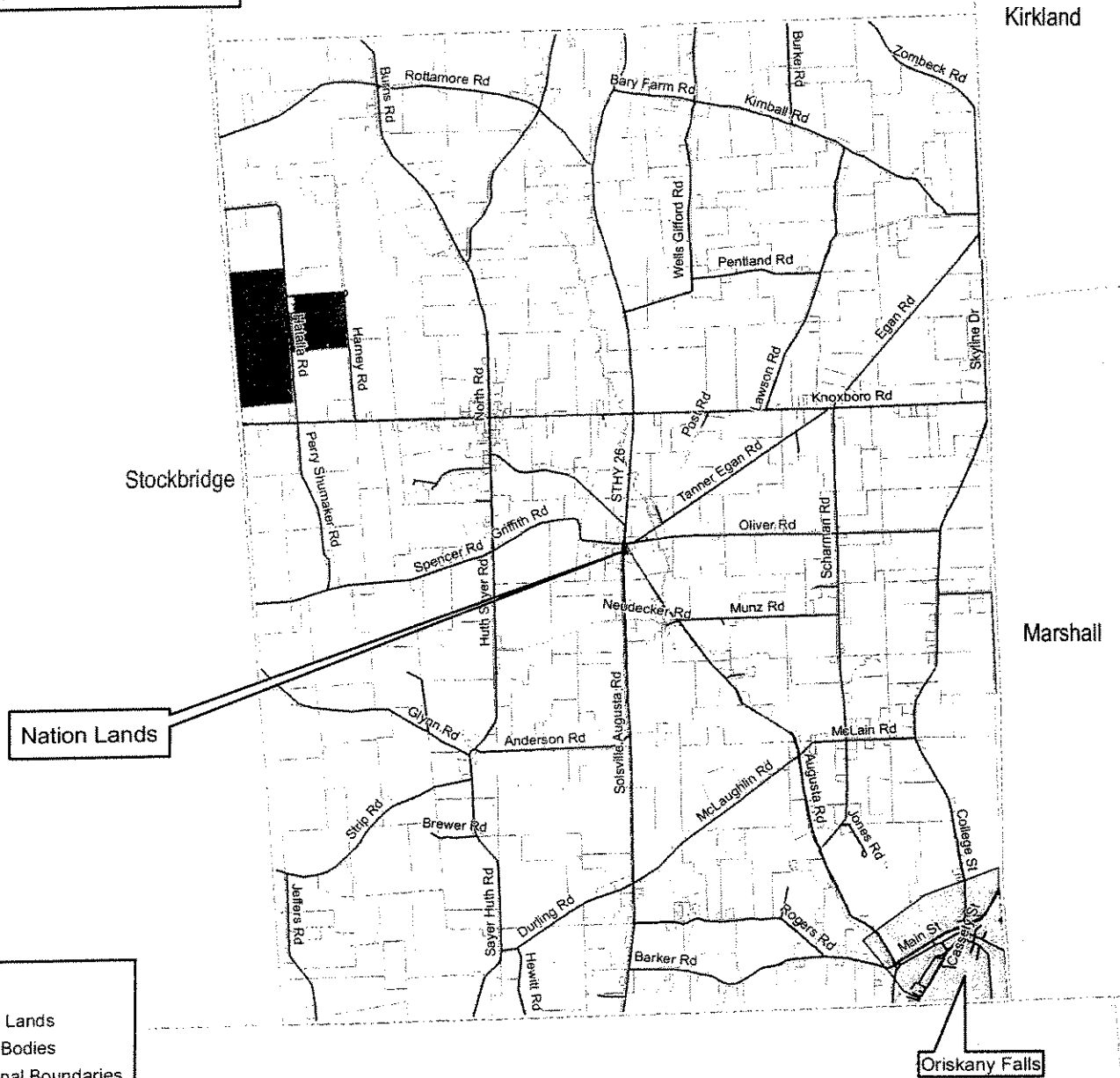
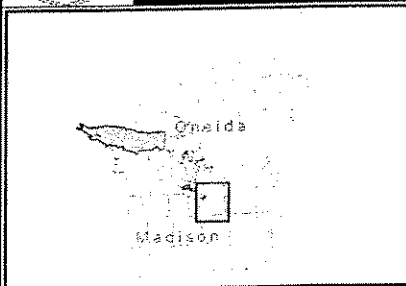
CC: File  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP

RMG / sms





**Bureau of Indian Affairs  
NEPA EIS**



**Legend**

- Nation Lands
- Water Bodies
- Municipal Boundaries
- Villages
- Road Classification
  - Interstate Highway
  - Major Highway
  - Secondary Road

**TOWN OF AUGUSTA  
ONEIDA COUNTY, NEW YORK**

**NATION  
LANDS**



## NATION LANDS - TOWN OF AUGUSTA

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
172	361.000-1-8	129.685	Augusta	Oneida	
172	361.000-1-1.2	128.180	Augusta	Oneida	
265	371.000-2-32.1	0.244	Augusta	Oneida	Augusta Solsville Road
265	371.000-2-31	0.683	Augusta	Oneida	2290 Augusta Solsville Road
319	371.000-2-30	0.190	Augusta	Oneida	Route 26
319	371.000-2-33	0.458	Augusta	Oneida	2282 Augusta Solsville Road



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

Supervisor Suzanne Collins  
Town of Augusta  
2319 North Road  
Oriskany Falls, New York 13425

Re: Zoning Compliance Letter of June 29, 2006

Dear Supervisor Collins:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Augusta review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salzburg FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



February 2, 2006

Ms. Catherine Williams  
Village Clerk  
Village of Canastota  
205 S. Peterboro Street  
Canastota, NY 13032

Dear Ms. Williams,


As per your telephone conversation with Mr. Jeffrey Kitt of Malcolm Pirnie Inc. on Thursday, February 2, 2006, I am writing to confirm that the Village of Canastota does not have an adopted Master/Comprehensive Plan and any additional land use or policy plans which is used to guide growth in the community. I am seeking clarification as it was previously our understanding from communication with the Assistant to the Chairman of the Madison County Board of Supervisors, that the Village of Canastota had, in fact, adopted a Master/Comprehensive Plan.

If you would be so kind as to respond to this inquire, it would be greatly appreciated. Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

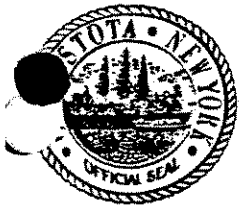
Sincerely yours,



Mr. Spencer Salzberg  
Environmental Planner

CC: R. Gilmour, MPI  
C. Woodhead, MPI  
J. Kitt, MPI  
File





VILLAGE OF CANASTOTA  
205 SOUTH PETERBORO STREET  
CANASTOTA, NEW YORK 13032  
TELEPHONE (315) 697-7559 • FAX (315) 697-3619  
E-MAIL: VILLAGE@CANASTOTA.COM

OFFICE OF THE MAYOR  
TODD A. ROUSE

February 23, 2006

Spencer Salzberg  
Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Re: Village of Canastota Planning Documents

---

Dear Spencer:

Enclosed are the planning documents that were done in the late 1950's and early 1960's. As I mentioned in my email, I cannot find where the Board of Trustees ever adopted these plans.

I am leaving my position as of Friday, February 24, 2006, so if you have any other questions, please contact Cathi Williams, Clerk/Treasurer.

Sincerely,



Bryan R. Gazda  
Administrator

BOARD OF TRUSTEES

THEODORE A. LUMBRAZO ♦ SCOTT F. RAFASADI ♦ ANN MARIE ROSSI ♦ CHARLES P. SWEENEY, JR.



April 20, 2006

Ms. Cathi Williams  
Village Clerk  
Village of Canastota  
205 South Peterboro Street  
Canastota, New York 13032

Dear Ms. Williams,

As per my telephone conversation of Wednesday, April 19, 2006 with Code Enforcement Officer Michael Adsit, I am writing to formally request one copy of the zoning map for the Village of Canastota. Enclosed is a check made payable to the Village of Canastota in the amount of \$2.00 which should cover the cost of the map as well as any postal charges or fees for mailing this document.

The zoning map can be sent to me at:

Mr. Jeff Kitt  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2381.

Thank you for your attention and consideration to this matter.

Sincerely yours,



Jeff Kitt  
Environmental Planner

CC: File Copy



May 23, 2006

Catherine Williams  
Village Clerk  
Village of Canastota  
205 South Peterboro Street  
Canastota, New York 13032

Re: Village of Canastota Future Proposed Developments

Dear Ms. Williams:


As per my telephone conversation with Janet in your office on Friday, May 19, Malcolm Pirnie, Inc. is in the process of compiling general information about recently approved projects within the Village of Canastota. I am writing to formally request any information regarding future development proposals, recently approved developments, zoning map amendments, and Capital Improvement Projects (CIP) anticipated to occur within the next five years in the Village.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. If you would like, you may respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or through the postal service to the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Thank you,

  
Mr Spencer Salzberg  
Environmental Planner  
Malcolm Pirnie, Inc.

CC: File



June 29, 2006

Ms. Catherine Williams  
Village Clerk  
Village of Canastota  
205 South Peterboro Street  
Canastota, NY 13032

Re: Village of Canastota Zoning Compliance

Dear Ms. Williams:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Village of Canastota that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Village of Canastota that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Village of Canastota that are considered not to be in conformance with the Village's current zoning ordinance, the Town of Lenox and Villages of Canastota / Wampsville Development Plan or adopted public policies? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Village of Canastota  
Zoning Compliance

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sazlyg FOR*

Richard M. Gilmour  
Senior Project Planner

CC: File  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP







## NATION LANDS - VILLAGE OF CANASTOTA

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
33	36.62-2-21	1.688	Canastota-V	Madison	306 Diamond Street
75	36.5-1-20	0.490	Canastota-V	Madison	North Peterboro Street
76	36.6-1-1	33.569	Canastota-V	Madison	North Peterboro Street
77	36.6-1-3	3.400	Canastota-V	Madison	Roberts Street
78	36.6-1-4	25.440	Canastota-V	Madison	Bruno Road
79	36.38-1-32	0.500	Canastota-V	Madison	North Peterboro Street
80	36.38-1-34	0.150	Canastota-V	Madison	North Peterboro Street
87	36.38-1-33	0.504	Canastota-V	Madison	North Peterboro Street
111	36.38-1-36	3.126	Canastota-V	Madison	346 North Peterboro Street
198	35.8-1-5	19.810	Canastota-V	Madison	505 New Boston Street
290	35.8-1-6	18.249	Canastota-V	Madison	501 New Boston Street
291	27.20-1-6	116.243	Canastota-V	Madison	North Main Street
329	36.5-1-7.5	3.280	Canastota-V	Madison	North Main Street



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

Ms. Catherine Williams  
Village Clerk  
Village of Canastota  
205 South Peterboro Street  
Canastota, New York 13032

Re: Zoning Compliance Letter of June 29, 2006

Dear Ms. Williams:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Village of Canastota review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Seaberg FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



June 2, 2006

Roger Cook, Code Enforcement Officer  
Town of Cazenovia  
Town Offices  
7 Albany Street  
Cazenovia, New York 13035

Re: Town of Cazenovia Future Proposed Developments

Dear Mr. Cook:

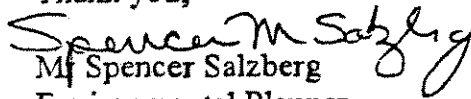
As per our telephone conversation of Thursday, June 1, 2006 Malcolm Pirnie, Inc. is in the process of compiling general information about proposed developments or recently approved projects within the Town of Cazenovia. I am writing to formally request any information regarding future development proposals, recently approved construction projects, zoning map amendments, and Capital Improvement Projects (CIP) anticipated to occur within the next five years in the Town. We would like to know the name of the proposed projects, the anticipated years of construction, project location, the anticipated size of the project, applicant names, and approving agencies.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. If you would like, you may respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or though the postal service to the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Thank you,

  
Mr. Spencer Salzberg  
Environmental Planner  
Malcolm Pirnie, Inc.

CC: File



June 29, 2006

Mr. Roger Cook  
Code Enforcement Officer  
Town of Cazenovia  
Town Offices  
7 Albany Street  
Cazenovia, New York 13035

Re: Town of Cazenovia Zoning Compliance

Dear Mr. Cook:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Cazenovia that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Cazenovia that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Cazenovia that are considered not to be in conformance with the Town's current zoning ordinance, the 1984 Town of Cazenovia Land Use Guide, or other adopted public policies? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Cazenovia  
Zoning Compliance

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sahling FOR*

Richard M. Gilmour  
Senior Project Planner

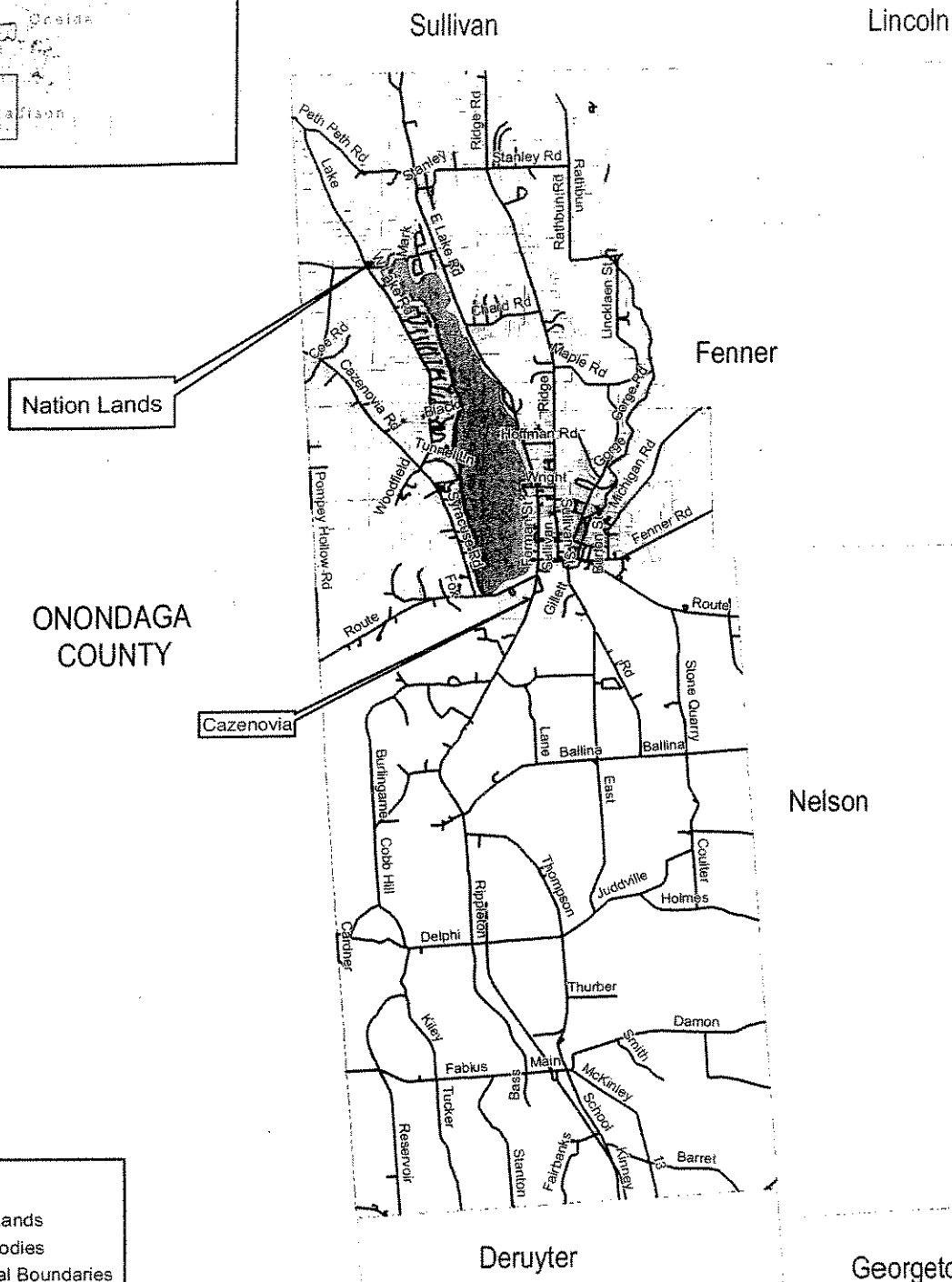
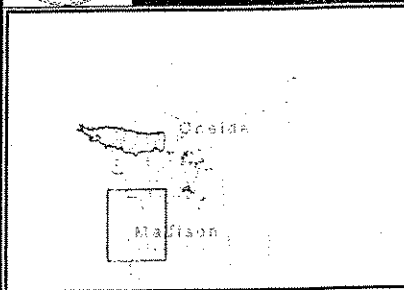
CC: Elizabeth Moran, Town Supervisor  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG / sms





Bureau of Indian Affairs  
NEPA EIS



Legend

- Nation Lands
- Water Bodies
- Municipal Boundaries
- Villages
- Road Classification
  - Interstate Highway
  - Major Highway
  - Secondary Road

0 1 2  
Miles

TOWN OF CAZENOVIA  
MADISON COUNTY, NEW YORK

NATION  
LANDS



## NATION LANDS - TOWN OF CAZENOVIA

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
57	75.-1-4.15	3.296	Cazenovia	Madison	West Lake Road
57	75.-1-4.16	6.013	Cazenovia	Madison	West Lake Road



# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

June 29, 2006

Mr. Roger Cook  
Code Enforcement Officer  
Town of Cazenovia  
Town Offices  
7 Albany Street  
Cazenovia, New York 13035

Re: Zoning Compliance Letter of June 29, 2006

Dear Mr. Cook:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Cazenovia review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sablig FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Elizabeth Moran, Town Supervisor  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



# Town of Cazenovia

Roger S. Cook  
Codes Enforcement Officer  
7 Albany Street  
Cazenovia, NY 13035

315.655.5896

July 5, 2006

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Re: Nation Lands

Dear Mr. Gilmour,

You have requested information on any lands in the Town of Cazenovia owned by the Oneida Indian Nation.

The lands owned by the Oneida Indian Nation are in compliance with the Town Zoning Ordinance and the Land Use Guide. The Oneida Indian Nation has not violated any local codes in regards to their property.

If you have any further questions regarding this matter, please feel free to contact this office.

Sincerely,



Roger S. Cook  
Codes Enforcement Officer

RSC:nd



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

February 16, 2006

Joanne Buyea  
Town Clerk  
Town of Fenner  
3151 East Road  
Cazenovia, New York 13035

Dear Ms. Buyea,

As per our telephone conversation during the week of January 23, 2006, I am writing to confirm that the Town of Fenner does not have a Master/Comprehensive Plan or any additional land use or policy plans which is used to guide growth in the community. Additionally, I would like to confirm that there are no such policies for any of the hamlets within the Town of Fenner.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Bill", followed by a small "for" written in the same ink.

Mr. Spencer Salzberg  
Environmental Planner

CC: Russell Cary, Town Supervisor  
File



**From:** Town of Fenner [townoffenner@alltel.net]  
**Sent:** Monday, February 27, 2006 10:23 AM  
**To:** Salzberg, Spencer  
**Cc:** Russell L Cary  
**Subject:** Response to Request for Master/Comp Plan  
Dear Mr. Salzberg

In response to your request of 2/16/06 for a written statement regarding a Master/Comprehensive Plan for the Town of Fenner, I am sending you a copy of our Land Use Regulations which starts with a Vision Statement. I would also like you to know that we are currently in the process of possibly updating the Land Use Reg. We have surveyed all Town of Fenner Residents.

I hope that this will answer any question you have. If you need any further information, please do not hesitate to contact me.



March 20, 2006

Supervisor Russell Cary  
Town of Fenner  
3877 Milestrip Road  
Canastota, New York 13032

Re: Comprehensive / Master Plans

Dear Supervisor Cary,

As per our telephone communication of Monday, April 20, 2006 I am writing to confirm that the Town of Fenner does not have a Master or Comprehensive Plan or any additional land use or policy plans which are used to guide growth in the Town of Fenner.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,

  
Mr. Spencer Salzberg  
Environmental Planner

CC: File



July 11, 2006

Mr. Russell Cary  
Town Supervisor  
Town of Fenner  
Town Hall  
3151 East Road  
Cazenovia, New York 13035

Re: Town of Fenner Zoning Compliance

Dear Supervisor Cary:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Fenner that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Fenner that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Fenner that are considered not to be in conformance with the Town's Land Use Regulations adopted in August 1997 or other land use plans and public policies?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Fenner  
Zoning Confirmation

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salzberg for*

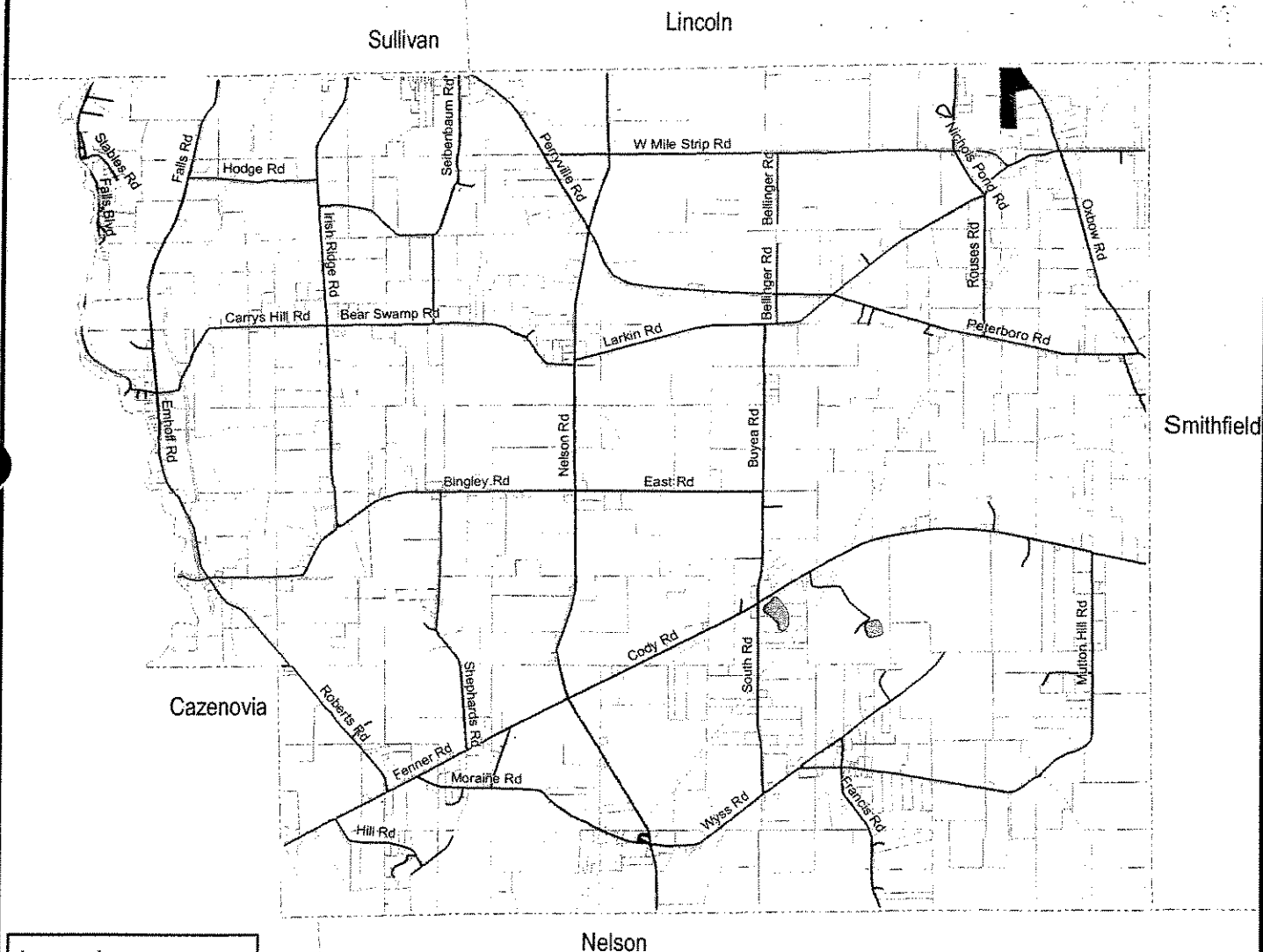
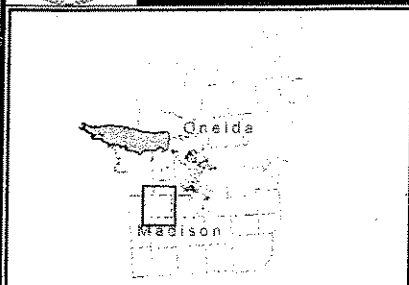
Richard M. Gilmour  
Senior Project Planner

CC: Joanne Buyea, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File



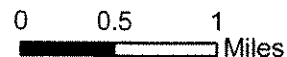


# Bureau of Indian Affairs NEPA EIS



**Legend**

- Water bodies
- Municipal Boundaries
- Villages
- Oneida Nation Lands
- Road Classification**
- Interstate Highway
- Major Highway
- Secondary Road



TOWN OF FENNER

FIGURE #



## NATION LANDS - TOWN OF FENNER

Nation	Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
255		70.-1-17	27.910	Fenner	Madison	



**MALCOLM  
PIRNIE**

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Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

Supervisor Russell Cary  
Town Supervisor  
Town of Fenner  
Town Hall  
3151 East Road  
Cazenovia, New York 13035

Re: Zoning Compliance Letter of July 11, 2006

Dear Supervisor Cary:

There appears to be some confusion about the intent of our letter dated July 11, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Fenner review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salsberg FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Joanne Buyea, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



**Parker, Roseann**

---

**From:** Gilmour, Richard  
**Sent:** Tuesday, July 18, 2006 9:45 AM  
**To:** Parker, Roseann  
**Subject:** FW: Town of Fenner Zoning Compliance

oseann,

ere is a response from the Town of Fenner that needs to go with the letter of 7/11/06 in correspondence binder. I can print out the original to me when in WHI tomorrow. Please remind me if I forget.

hanks,

Rich

---

**From:** Town of Fenner [mailto:townoffenner@alltel.net]  
**Sent:** Wednesday, July 12, 2006 9:29 PM  
**To:** Gilmour, Richard  
**Cc:** Russell L Cary  
**Subject:** Town of Fenner Zoning Compliance

In reply to your letter of 7/11/06, please be advised that

There are no Nation lands/facilities within the Town of Fenner that are in violation of local codes because they did not obtain a permit or approval.

There are no Nation lands/facilities within the Town of Fenner that are considered not to be in conformance with the Town's Land Use Regulations adopted in August 1997 or other land use plans and public policies.

Joanne Buyea  
Fenner Town Clerk

07/18/2006



February 16, 2006

Ms. Charlene Barnes  
Town Clerk  
Town of Lenox  
205 South Peterboro Road  
Canastota, New York 13032

Dear Ms. Barnes,


I am writing to confirm that the Town of Lenox does not have a Master/Comprehensive Plan or any additional land use or policy plans which is used to guide growth in the community. Additionally, I would like to confirm whether there are any such policies for the Villages of Canastota or Wampsville or any of the hamlets within the Town of Lenox.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,

  
Mr. Spencer Salzberg  
Environmental Planner

CC: Rick Stegnetti, Town Code Enforcement Officer  
File



**Name:** Supervisor Rocco DiVeronica      **Date:** February 21, 2006  
**Company:** Town of Lenox      **Time:** 10:15 AM  
**From:** Salzberg      **Telephone No.:** (315) 264-3329  
**Project:** Oneida Indian Nation      **Project No.:** 5477001  
**Re:** Town of Lenox Master Plan

Supervisor Rocco DiVeronica called to inquire about the letter sent to the Town of Lenox Town Clerk regarding a request to confirm that the Town of Lenox did not have a comprehensive or master plan or other public policy. Mr. DiVeronica informed me that the Town has an adopted zoning map and zoning law which guides development in the Town. He stated that there is no other document that is used to guide development or which provides recommendations for development in the Town. There are no "master" or "comprehensive" plans. The Town uses the zoning map and the zoning law for identifying what types of uses could be developed in different parts of the Town. Mr. DiVeronica asked a second time what was the purpose of the confirmation letter. There is no plan.

Supervisor DiVeronica stated that all correspondence and communication regarding zoning, land use, or recommendations should be sent directly to him at the Town Hall. He can be called at (315) 264-3329. Requests for this type of information should not be sent to the Town Clerk or the Town Code Enforcement Officer. The Town Code Enforcement Officer has only been with the Town of five years and would not be familiar with a land use guide.

The Town Clerk's name is spelled "Barres", not "Barnes". The Town Code Enforcement Officer's name is "Stagnetti" not "Stegnetti". They would not have knowledge of any other public policy or land use development guide.

Supervisor DiVeronica said there is no other policy, but that he would send the Town's adopted "Comprehensive" Plan. The term "Master" plan is no longer used. The "Comprehensive" Plan was prepared in 1971 and was adopted in 1972. I inquired if Mr. DiVeronica would be able to send a copy of the document to me. He said he would and would send Town Board meeting minutes to me and wanted to provide us with accurate information and current data as well.



**MALCOLM  
PIRNIE**

**TELEPHONE  
CONVERSATION RECORD**

---

<b>Name:</b>	Supervisor Rocco DiVeronica	<b>Date:</b>	February 23, 2006
<b>Company:</b>	Town of Lenox	<b>Time:</b>	3:40 PM
<b>From:</b>	Salzberg	<b>Telephone No.:</b>	(315) 366-2201
<b>Project:</b>	Oneida Indian Nation	<b>Project No.:</b>	5477001
<b>Re:</b>	Town of Lenox Master Plan		

Supervisor Rocco DiVeronica left a message to confirm that the Town of Lenox does in fact have a comprehensive plan. I returned his call at his office and he indicated that the Comprehensive Plan was in excess of 300 pages and would cost 25 cents per page to reproduce. We discussed that he could provide MPI with an estimate of copying and postal charges and the Town would be reimbursed or the document could be sent and an invoice could be included. It was agreed that Supervisor DiVeronica would mail the document with an invoice and MPI would reimburse the Town.



June 29, 2006

Mr. Rocco DiVeronica  
Town Supervisor  
Town of Lenox  
205 South Peterboro Street  
Canastota, New York 13032

Re: Town of Lenox Zoning Compliance

Dear Supervisor DiVeronica:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Lenox that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Lenox that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Lenox that are considered not to be in conformance with the Town's current zoning ordinance, Town of Lenox and Villages of Canastota / Wampsville Development Plan or adopted public policies? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Szabing FOR*

Richard M. Gilmour  
Senior Project Planner

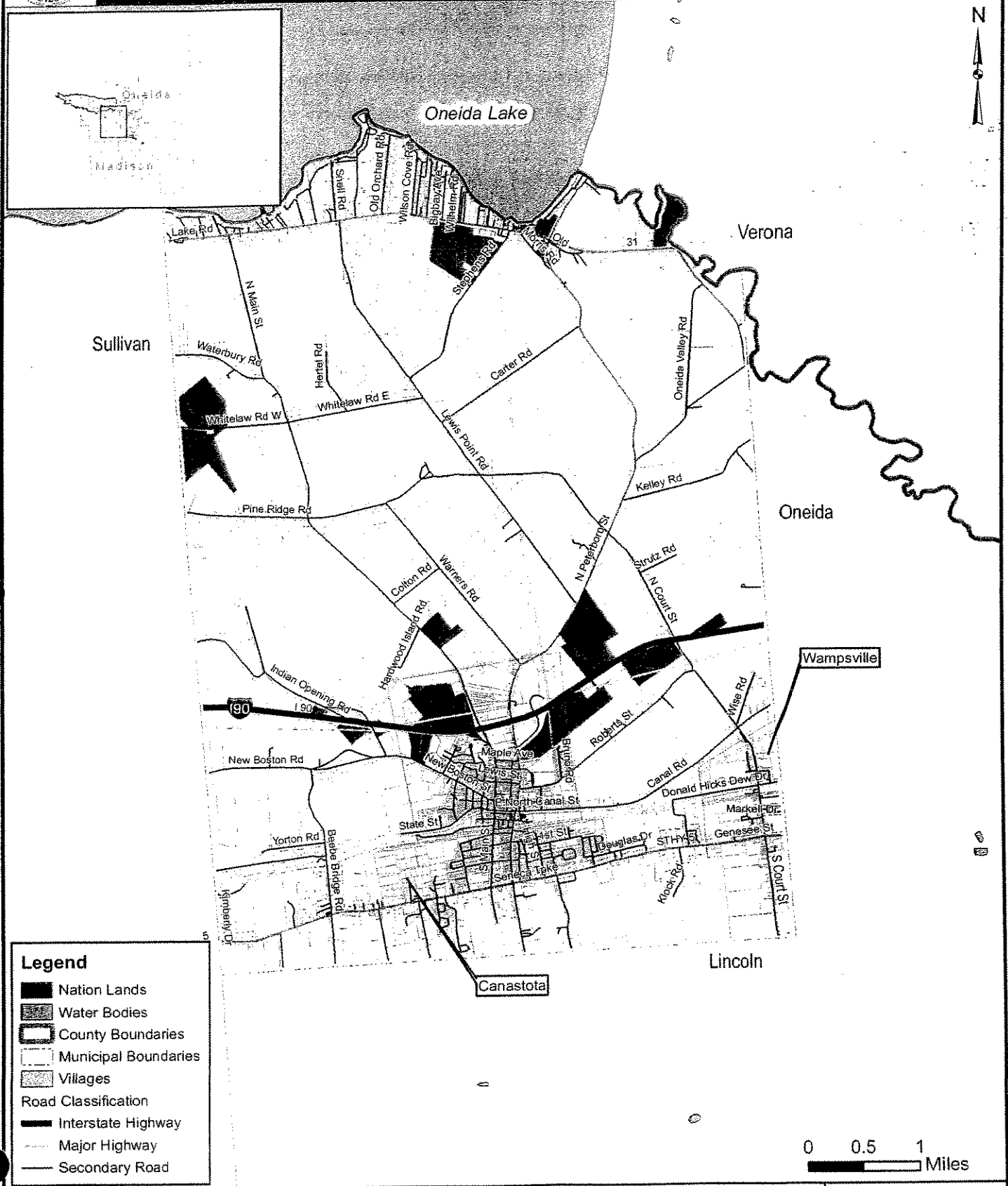
CC: Charlene Barnes, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG / sms





**Bureau of Indian Affairs  
NEPA EIS**



- Legend**
- Nation Lands
  - Water Bodies
  - County Boundaries
  - Municipal Boundaries
  - Villages
  - Road Classification
    - Interstate Highway
    - Major Highway
    - Secondary Road

0 0.5 1 Miles

**TOWN OF LENOX  
MADISON COUNTY, NEW YORK**

**NATION  
LANDS**



## NATION LANDS - TOWN OF LENOX

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
81	36.-1-2	66.894	Lenox	Madison	Route 13
98	28.-2-13.2	17.153	Lenox	Madison	North Court Street
98	28.-2-13.11	43.340	Lenox	Madison	North Court Street
98	28.-2-13.12	5.001	Lenox	Madison	7879 North Court Street
141	7.79-1-61.1	0.250	Lenox	Madison	Kyser Beach Road
145	13.23-1-5	4.955	Lenox	Madison	Route 31
145	13.23-1-6	13.020	Lenox	Madison	9045 Route 13
145	13.23-1-7	0.764	Lenox	Madison	Route 31
150	13.-1-37	52.200	Lenox	Madison	Route 31
159	19.-1-25	105.571	Lenox	Madison	Whitelaw Road
159	19.-1-27	105.114	Lenox	Madison	Whitelaw Road
185	13.-1-1.11	66.870	Lenox	Madison	
185	13.-1-1.13	4.900	Lenox	Madison	
185	12.-2-25.12	60.790	Lenox	Madison	
191	13.-1-1.14	12.588	Lenox	Madison	
195	7.79-1-61.2	0.047	Lenox	Madison	Kyser Beach Road
204	13.22-1-3	0.566	Lenox	Madison	
215	13.22-1-11	0.148	Lenox	Madison	Route 31
216	13.22-1-8	2.199	Lenox	Madison	Route 31
217	13.22-1-7	0.490	Lenox	Madison	Route 31
218	13.22-1-6	0.690	Lenox	Madison	Route 31
219	13.6-1-10	4.522	Lenox	Madison	Route 31
226	13.6-1-12	2.009	Lenox	Madison	Route 31
241	13.22-1-9	0.175	Lenox	Madison	Route 31
241	13.22-1-12	0.530	Lenox	Madison	Farr Road
288	28.-1-77.1	5.050	Lenox	Madison	7978 Route 13
288	28.-1-77.2	156.820	Lenox	Madison	Route 13
289	35.-1-28.1	20.263	Lenox	Madison	3455 Indian Opening Road
291	27.-3-23	4.920	Lenox	Madison	
291	27.-3-22	10.150	Lenox	Madison	
291	27.-3-21	23.960	Lenox	Madison	
291	27.-3-20	3.900	Lenox	Madison	
307	35.-1-26	9.437	Lenox	Madison	3286 Indian Opening Road
311	28.-2-14	21.131	Lenox	Madison	North Court Street



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
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Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

Supervisor Rocco DiVeronica  
Town of Lenox  
205 South Peterboro Street  
Canastota, New York 13032

Re: Zoning Compliance Letter of June 29, 2006

Dear Supervisor DiVeronica:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Lenox review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

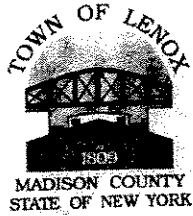
*Spencer M. Sahlgren FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Charlene Barnes, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms





**Town of Lenox**  
Code Enforcement / Fire Marshal's Office  
205 S. Peterboro Street, Canastota, NY 13032  
E-Mail: [tolrick@cnymail.com](mailto:tolrick@cnymail.com)  
Richard Stagnitti Code Enforcement Office  
315-697-5575 Fax: 315-697-5514

July 19, 2006

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Dear Mr. Gilmour,

This is in response to your letter dated June 29, 2006 addressed to the Town Supervisor, Rocco DiVeronica. The information that is provided is based on correspondence from this office to the Oneida Nation on the properties that are located within the jurisdiction of this office. The information is what we have on file as of this date.

Enclosure #1 Is a letter that was sent to the Oneida Nation concerning building, zoning and sanitary ordinance violations as well as state building and fire code violations.

- Sent letter to Oneida nation via regular mail with no response. Therefore we feel that the nation had no intentions on complying.
- Oneida Nation forwarded a copy of the hazardous materials survey of their commercial properties.
- The Town Supervisor personally called Art Pierce and has not received a response from his office.
- Other concerns that the Town of Lenox has with the properties of the Oneida Nation are that the Town and County taxes, along with any special districts, which may include fire districts and sewer districts are not being paid.

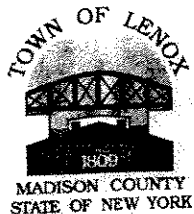
We appreciate your work in this matter. Please contact me if there is any other information you may need.

Sincerely,

Richard D. Stagnitti  
Code Enforcement Officer

Cc: Town Supervisor





## Town of Lenox

Code Enforcement / Fire Marshal's Office

205 S. Peterboro Street, Canastota, NY 13032

E-Mail: [tolrick@cnymail.com](mailto:tolrick@cnymail.com)

Richard Stagnitti Code Enforcement Office

315-697-5575

Fax: 315-697-5514

May 20, 2005

Oneida Indian Nation  
PO Box 1  
Vernon, NY 13476

**COPY**

Subject: Recent Supreme Court Decision

To Whom It May Concern:

In light of the recent Supreme Court decision, the Town of Lenox is requesting that you comply with the following local and state laws and regulations concerning properties within the corporate limits of the Town of Lenox.

### Local Laws

- Residential Properties located on Whitelaw Road, Canastota.
  - Subdivision Regulations
  - Building Permit & applicable regulations
  - Zoning Permit & applicable regulations
  - Sanitary Permit & applicable regulations
- Save-On Convenient Mart located at NYS RT13 & 31, Canastota.
  - Sewer Permit
  - Building Permit
  - Zoning Permit
  - Planning Board review of site plan
  - Sign Permit
  - Fire Safety Inspection of Property.
- Fiber Glass Business located on Old RT13, Canastota.
  - Sign Permit
  - Zoning Permit
  - Planning Board review of site plan.
  - Building Permit (if there was a change in occupancy).
  - Fire Safety Inspection of property.



- Bill Board Sign located on NYS RT31, Canastota.
  - Sign Permit
  - Zoning Permit with Use Variance
- Bill Board Sign located along NYS T-Way (I-90).
  - Sign Permit
  - Zoning Permit with Use Variance.
- Marion Manor Boat Marina, Canastota.
  - Sign Permit
  - Building Permit, (Log Home).
  - Zoning Permit, (Log Home).
  - Site plan review (Log Home).
  - Zoning Permit for use of campers.
  - Sanitary Permit for campers.
  - Fire Safety Inspection of Marina Property.
- Former Utica Boat Property NYS RT31, Canastota.
  - Fire Safety Inspection
  - Applicable sign permits, (if any).

#### **NYS Uniform Fire Prevention & Building Code**

- Residential Properties located on Whitelaw Road, Canastota.
  - Building Permit
  - Certificate of Occupancy
- Save-On Convenient Mart located on NYS RT31 Canastota.
  - Building Permit
  - Certificate of Occupancy
  - Annual Fire Safety Inspection
- Fiber Glass Business located on Old RT13, Canastota.
  - Building Permit
  - Certificate of Occupancy
  - Annual Fire Safety Inspection
- Bill Board Sign located on NYS RT31, Canastota.
  - Building Permit
  - Certificate of Compliance
- Bill Board located along NYS T-Way (I-90).
  - Building Permit
  - Certificate of Occupancy



- Marion Manor Marina, NYS Rt13, Canastota.
  - Building Permit (Log Home).
  - Certificate of Occupancy (Log Home).
  - Fire Safety Inspection
- Former Utica Boat, NYS Rt31, Canastota.
  - Annual Fire Safety Inspection
- Ware House Canal Road, Canastota.
  - Fire Safety Inspection

We would like to work with you on all the required Local Laws, Ordinances and State Building, Zoning and Sub-division Regulations. Please submit the applicable information with the applicable applications that you can obtain from the Town Clerk. Have the appropriate inspections conducted by the municipality so that required certificate of compliance and certificate of occupancies can be issued for compliance to State and Local Laws and Ordinances.

We are looking forward to be working with you on these issues and future projects in the Town of Lenox.

If you have any questions, or are in need of help on filing the proper applications, please get a hold of me to set up a time when we can get together on this.

Thank you for your cooperation with matter.

Sincerely,

Richard Stagnitti  
Code Enforcement Officer

Cc: Town Board



February 16, 2006

Roseanne Warner  
Town Clerk  
Town of Lincoln  
7262 Oxbow Road  
Canastota, New York 13032

Dear Ms. Warner,

As per our telephone conversation of the week of January 30, 2006, I am writing to confirm that the Town of Lincoln does not have a Master/Comprehensive Plan or any additional land use or policy plans which is used to guide growth in the community. Also please advise me if you are aware of any land use or policy plans for the hamlets within the Town of Lincoln.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,



Mr. Spencer Salzberg  
Environmental Planner

CC: Town Supervisor Douglas Holdridge  
File



March 17, 2006

Supervisor Douglas Holdridge  
Town of Lincoln  
3729 Watson Road  
Canastota, New York 13032

Dear Supervisor Holdridge,

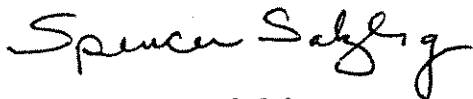
As per my telephone conversation of March 17, 2006 with the Town Clerk Roseann Warner, and correspondence dated February 16, 2006, I am writing to confirm that the Town of Lincoln does not have a Master/Comprehensive Plan or any additional land use or policy plans which is used to guide growth in the community. Please advise if there are any land use or policy plans for the hamlets within the Town of Lincoln.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,



Mr. Spencer Salzberg  
Environmental Planner

CC: File



June 29, 2006

Mr. Douglas Holdridge  
Town Supervisor  
Town of Lincoln  
3729 Watson Road  
Canastota, New York 13032

Re: Town of Lincoln Zoning Compliance

Dear Supervisor Holdridge:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Lincoln that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Lincoln that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Lincoln that are considered not to be in conformance with the Town's current zoning ordinance, comprehensive plan, or other local adopted public policies? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Lincoln  
Zoning Confirmation

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sahlgren For*  
Richard M. Gilmour  
Senior Project Planner

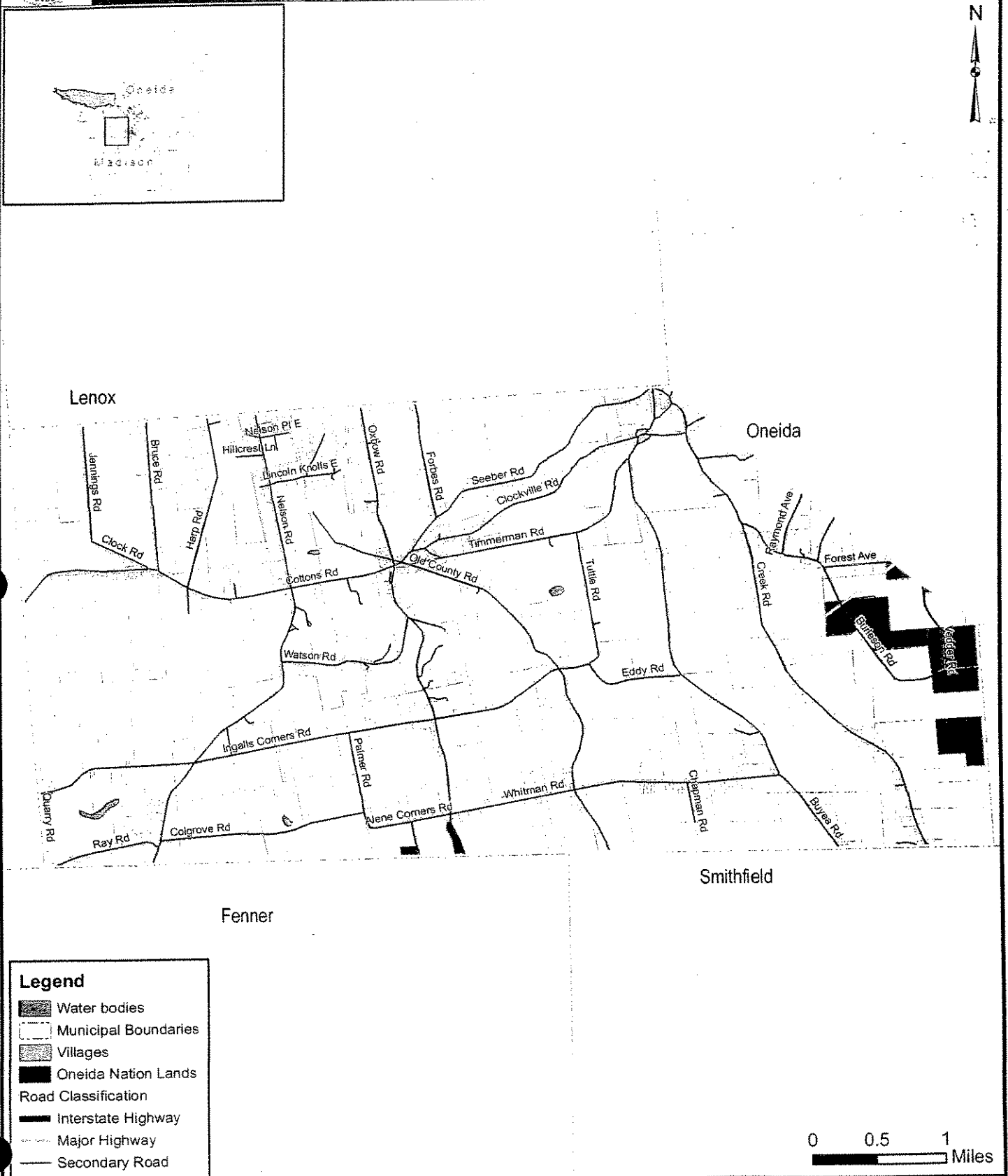
CC: Roseann Warner, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG / sms





Bureau of Indian Affairs  
NEPA EIS



TOWN OF LINCOLN

FIGURE #



## NATION LANDS - TOWN OF LINCOLN

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
120	61.-1-10.2	8.073	Lincoln	Madison	5901 Nichols Pond Road
129	54.-3-4	12.520	Lincoln	Madison	Forest Avenue
129	54.-3-11	1.830	Lincoln	Madison	Vedder Road
130	54.-3-8	129.910	Lincoln	Madison	Vedder Road
255	61.-1-27	0.400	Lincoln	Madison	
255	61.-1-28	12.290	Lincoln	Madison	
304	54.-3-5.11	120.594	Lincoln	Madison	
304	63.-2-2	81.779	Lincoln	Madison	



Gilmour, Richard

From: doug\_r\_holdridge@adp.com  
Sent: Wednesday, July 12, 2006 8:29 AM  
To: Gilmour, Richard  
Subject: response to bia letter

Dear Sir,

In regards to your letter of 6/29/06 per OIN lands within the Town of Lincoln borders.

1.) We can only assume that there exists some type of violations of local codes as we have not been allowed to do any type of inspections of property or construction on OIN land within our township by our codes enforcement officers. They may be in compliance but we currently and in the past have been unable to ascertain that. They have to my personal knowledge never applied for nor obtained building permits for any construction that was commenced either in the past nor currently.

2.) the non conformance question can still be answered by the above response. We can't be totally sure of conformance due to not having access for inspection to OIN property. Some properties are in unmaintained instances, left to the elements of the weather and nature and are in disarray and decaying or left fallow in some instances, other property while seemingly appearing to be maintained properly, one can only speculate due to not being allowed on the property to conduct inspections according to the local and state building codes law.

Hope this helps in your study.

Doug Holdridge  
Supvr Town of Lincoln

-----  
This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, notify the sender immediately by return email and delete the message and any attachments from your system.



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

**Malcolm Pirnie, Inc.**

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

[www.pirnie.com](http://www.pirnie.com)

July 17, 2006

Supervisor Douglas Holdridge  
Town Supervisor  
Town of Lincoln  
3729 Watson Road  
Canastota, New York 13032

Re: Zoning Compliance Letter of June 29, 2006

Dear Supervisor Holdridge:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Lincoln review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

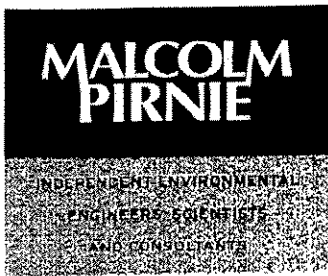
*Spencer M. Sahlgren FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Roseann Warner, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

, RMG/sms





To: Spencer S.  
Re: T/Lincoln  
DT - 8/1/06

Malcolm Pirnie, Inc.  
75-20 Astoria Blvd.  
Suite 350  
Jackson Heights, NY 11370  
T: 718-446-0116  
F: 718-446-4020  
www.pirnie.com

July 17, 2006

Supervisor Douglas Holdridge  
Town Supervisor  
Town of Lincoln  
3729 Watson Road  
Canastota, New York 13032

Re: Zoning Compliance Letter of June 29, 2006

Dear Supervisor Holdridge:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Lincoln review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sahlig* FOR

Richard M. Gilmour  
Senior Project Planner

CC: Roseann Warner, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms

*Dear Sirs, there is no confusion here, We have no info on file for Nation owned lands, as we have not been allowed to do required inspections on their premises. Only visual contact from the roadway has been observed. Based upon this limitation, we have no idea of compliance being done by Indian owned properties. Any assessing is done purely by estimation due to the limitation. Thank you*



Dear Sir,

In regards to your letter of 6/29/06 per OIN lands within the Town of Lincoln borders.

1.) We can only assume that there exists some type of violations of local codes as we have not been allowed to do any type of inspections of property or construction on OIN land within our township by our codes enforcement officers. They may be in compliance but we currently and in the past have been unable to ascertain that. They have to my personal knowledge never applied for nor obtained building permits for any construction that was commenced either in the past nor currently.

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Hope this helps in your study.

Doug Holdridge  
Supvr Town of Lincoln

-----  
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February 22, 2006

The Honorable Mayor Leo Matzke  
City Hall  
109 N. Main St  
PO Box 550  
Oneida, NY 13421

Dear Mayor Matzke:


I am writing to request one copy of the adopted City of Oneida Downtown Strategic Plan and any additional land use or policy plans for the City of Oneida. We currently have a copy of the city of Oneida Comprehensive Plan and would not need another copy. Please advise me of any postal charges or reproduction fees associated with mailing any documents.

The documents can be sent to me at:

Spencer Salzberg  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397.

Thank you for your consideration,

  
Mr. Spencer Salzberg  
Malcolm Pirnie Inc.  
Environmental Planner

CC: Ms. Cassie Rose, City of Oneida Planning Director  
File



March 3, 2006

Jane Mariani  
City Clerk  
City of Oneida  
109 N. Main St  
PO Box 550  
Oneida, NY 13421

Dear Ms. Mariani:

As per our telephone conversation of Thursday, March 2, 2006, I am writing to request one copy of the City of Oneida Downtown Strategic Plan and any additional land use or policy plans for the City of Oneida.

Enclosed please find a check payable to the City Clerk made out in the amount of \$60.00 to cover the reproduction fees. Please let me know of any additional postal charges associated with mailing any document and I will be sure to forward these fees to you promptly.

The documents can be sent to me at:

Spencer Salzberg  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your help in this matter.

Very truly yours,

Spencer Salzberg  
Malcolm Pirnie Inc.  
Environmental Planner

CC: File



# CITY OF ONEIDA

OFFICE OF THE CITY CLERK



JANE MARIANI  
City Clerk

SUSAN PULVERENTI  
Deputy City Clerk

109 North Main Street  
PO Box 550  
Oneida, New York 13421-0550  
Tel.: 315-363-7378  
Fax: 315-363-9558

March 6, 2006

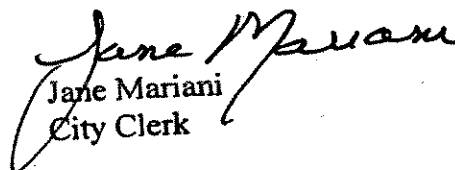
Spencer Salzberg  
c/o Malcolm Pirnie, Inc.  
75-20 Astoria Blvd. Suite 350  
Jackson Heights, New York 11370

Dear Mr. Salzberg:

Enclosed please find a copy of the City of Oneida, New York Downtown Strategic Plan per your request.

I am in receipt of your check #430 in the amount of \$60.00 which covers the reproduction fees and mailing costs.

Sincerely,

  
Jane Mariani  
City Clerk

/jm

enc.



May 23, 2006

Ms. Cassie Rose  
Planning Director  
109 North Main Street  
P. O. Box 550  
Oneida, New York 13421

Re: City of Oneida Future Proposed Developments

Dear Ms. Rose:

As you know from our phone conversations of Friday, May 19 and Monday, May 22, Malcolm Pirnie, Inc. is in the process of compiling general information about recently approved projects within the City of Oneida. I am writing to formally request any information regarding future development proposals, recently approved developments, zoning map amendments, and Capital Improvement Projects (CIP) anticipated to occur within the next five years in the Village. Would you please provide me with the details about these development projects as well as any other proposed CIPs. Please identify any developments would result in a change of use or construction of anything larger than a single-family residence.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. If you would like, you may respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or through the postal service to the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Thank you,

*Spencer Salzberg*

Mr. Spencer Salzberg  
Environmental Planner  
Malcolm Pirnie, Inc.

CC: File



**CITY OF ONEIDA**  
DEPARTMENT OF  
PLANNING AND DEVELOPMENT



CASSIE S. ROSE  
Director  
crose@oneidacity.com

109 North Main Street  
PO Box 550  
Oneida, New York 13421-0550  
Tel.: 315-363-7467  
Fax: 315-363-9558

June 26, 2006

Spencer Salzberg  
Malcolm Pirnie, Inc.  
75-20 Astoria Blvd, STE. 350  
Jackson Heights, NY 11370

Dear Mr. Salzberg:

Enclosed please find the information requested. Should you have any further questions,  
please feel free to contact me at 315-363-7467.

Sincerely,

Cassie Rose  
Director



June 29, 2006

Ms. Cassie Rose  
Planning Director  
City of Oneida  
109 North Main Street  
P. O. Box 550  
Oneida, New York 13421

Re: City of Oneida Zoning Compliance

Dear Ms. Rose:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the City of Oneida that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the City of Oneida that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the City of Oneida that are considered not to be in conformance with the City's current zoning ordinance, the adopted 2005 City of Oneida Comprehensive Plan, or the City of Oneida Downtown Strategic Plan? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer Sahlgren FOR*

Richard M. Gilmour  
Senior Project Planner

CC: File  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP

RMG / sms



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

Ms. Cassie Rose  
Planning Director  
City of Oneida  
109 North Main Street  
P. O. Box 550  
Oneida, New York 13421

Re: Zoning Compliance Letter of June 29, 2006

Dear Ms. Rose:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the City of Oneida review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salzig FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



**MALCOLM  
PIRNIE**

**TELEPHONE  
CONVERSATION RECORD**

---

<b>Name:</b>	John Sorbello	<b>Date:</b>	February 16, 2006
<b>Company:</b>	City of Rome Planning Department	<b>Time:</b>	4:10 PM
<b>From:</b>	Spencer	<b>Telephone No.:</b>	(315) 339-7606
<b>Project:</b>	Oneida Indian Nation	<b>Project No.:</b>	5477001
<b>Re:</b>	City of Rome Zoning Code, Map, and Comprehensive Plan		

Spencer Salzberg called Mr. John Sorbello, the City of Rome Planning Director regarding obtaining a copy of the City of Rome's zoning code, zoning map, and Master/Comprehensive Plan. Mr. Sorbello stated that the Zoning Map and Zoning Code were currently being revised and would not be updated and available for at least another month. Mr. Sorbello directed me to the City's homepage where the current zoning maps, the current zoning ordinance, and the Comprehensive Plan adopted on April 28, 2004 can be downloaded.



**Name:** City of Sherrill Clerk Michael Holmes    **Date:** March 17, 2006  
**Company:** City of Sherrill    **Time:** 10:00 AM  
**From:** Salzberg    **Telephone No.:** (315) 363-2440  
**Project:** Oneida Indian Nation    **Project No.:** 5477001  
**Re:** City of Sherrill Public Policy Documents

Mike Holmes, the City of Sherrill Clerk returned my March 16, 2006 voice message. requesting confirmation that the City of Sherrill did not have a separate comprehensive or master plan. Mr. Holmes confirmed that the City does not. He indicated that he would send a reply confirmation letter. When asked if the City had separate zoning documents from the Town of Vernon he confirmed that it did. Mr. Holmes recalled speaking with Jeffrey Kitt in January, but not receiving the previous confirmation letter. Mr. Holmes said that he would send the zoning map and the zoning regulations to my attention.

I will send a follow up confirmation letter.



March 17, 2006

Mr. Michael Holmes, City Clerk  
City Hall  
377 Sherrill Road  
Sherrill, New York 13461

Dear Mr. Holmes

As per our telephone communication of Friday, March 17, 2006 I am writing to confirm that the City of Sherrill does not have a Master or Comprehensive Plan. Additionally, and as we discussed please send me a copy of the zoning map, zoning law and any additional land use or policy plans which is used to guide growth in the City of Sherrill.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,



Mr. Spencer Salzberg  
Environmental Planner

CC: File



# CITY OF SHERRILL

377 Sherrill Rd.  
Sherrill, N.Y. 13461  
Telephone: (315) 363-2440  
Fax: (315) 363-0031

Robert A. Cornis, City Manager  
Michael D. Holmes, Comptroller/City Clerk  
Warren Planck, Supt. Power & Light  
Gary Onyan, Supt. Public Works  
Christopher Dunn, Supt. Waste Water Treatment



COMMISSIONERS  
Joseph Shay, Mayor  
William Vineall, Deputy Mayor  
Schiele (Bill) Brewer  
Jeffrey Gilbert  
Lewis Mennig

April 7, 2006

Malcolm Pirmie  
Attn: Spencer Salzberg, Environmental Planner  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Dear Mr. Salzberg:

As per our conversation of March 17, 2006, I am confirming that the City of Sherrill does not have a current Master Plan. Additionally as per your request, I am enclosing a copy of our current zoning ordinance and zoning map. The most recent amendments to the zoning regulations were adopted by the City on January 23, 1989. I apologize for the delay and hence I am requesting that you submit a check to the City of Sherrill for \$12.07 for the documents requested. Normally we require the payment in advance; however, because of the delay I am forwarding them to you in advance of payment.

If you should have any questions do not hesitate to contact me.

Sincerely,

Michael D. Holmes  
City Clerk

MDH/lr  
Enc.



June 29, 2006

The Honorable Mayor Joseph Shay  
Mayor of the City of Sherrill  
c/o City Hall  
377 Sherrill Road  
Sherrill, New York 13461

Re: City of Sherrill Zoning Compliance

Dear Mayor Shay:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the City of Sherrill that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the City of Sherrill that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the City of Sherrill that are considered not to be in conformance with the City's current zoning ordinance or other adopted public policies? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Schlegel for*

Richard M. Gilmour  
Senior Project Planner

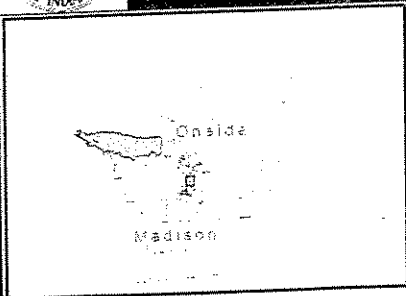
CC: Michael Holmes, City Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG / sms





# Bureau of Indian Affairs NEPA EIS



Vernon

High Bridge Rd

Cedar St

Stone St

Elmwood Pl

Willow Pl

Chapel St

Prospect St

E State St

W Seneca St

Rowland Pl

W Seneca St

W Seneca St

W Seneca St

W Seneca St

W Seneca St

W Seneca St

W Seneca St

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W Seneca St

W Seneca St

W Seneca St

Oneida

Vernon

Vernon

## Legend

- Nation Lands
- Water Bodies
- Municipal Boundaries
- Road Classification**
  - Interstate Highway
  - Major Highway
  - Secondary Road

0 0.125 0.25  
Miles

CITY OF SHERRILL  
ONEIDA COUNTY, NEW YORK

NATION  
LANDS



## NATION LANDS - CITY OF SHERRILL

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
82	322.014-1-23	0.583	Sherrill	Oneida	West Seneca Street
83	322.014-1-25	0.270	Sherrill	Oneida	Prospect Street
84	322.014-1-26	0.366	Sherrill	Oneida	Prospect Street
92	322.015-2-64	0.190	Sherrill	Oneida	Prospect Street
92	322.015-2-65	0.190	Sherrill	Oneida	212 Prospect Street
93	322.014-1-24	0.316	Sherrill	Oneida	West Seneca Street
96	322.015-2-1	0.385	Sherrill	Oneida	233 West Seneca Street
125	322.015-2-47	0.322	Sherrill	Oneida	State Street & Sherrill St
125	322.015-2-45.1	0.788	Sherrill	Oneida	Route 5
125	322.015-2-40.3	0.428	Sherrill	Oneida	Route 5 (RR Land)
281	322.014-1-22	0.251	Sherrill	Oneida	



# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

The Honorable Mayor Joseph Shay  
Mayor of the City of Sherrill  
c/o City Hall  
377 Sherrill Road  
Sherrill, New York 13461

Re: Zoning Compliance Letter of June 29, 2006

Dear Mayor Shay:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the City of Sherrill review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salzberg FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Michael Holmes, City Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



# CITY OF SHERRILL

377 Sherrill Rd.  
Sherrill, N.Y. 13461  
Telephone: (315) 363-2440  
Fax: (315) 363-0031



Robert A. Comis, City Manager  
Michael D. Holmes, Comptroller/City Clerk  
Warren Planck, Supt. Power & Light  
Gary Onyan, Supt. Public Works  
Christopher Dunn, Supt. Waste Water Treatment

COMMISSIONERS  
Joseph Shay, Mayor  
William Vineall, Deputy Mayor  
Schiele (Bill) Brewer  
Jeffrey Gilbert  
Lewis Mennig

July 19, 2006

Mr. Richard M. Gilmour, AICP Senior Project Engineer  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Re: June 29<sup>th</sup> letter Concerning Environmental Impact Statement for the BIA

Dear Mr. Gilmour,

All of the information requested in the above referenced letter has been submitted to the Bureau of Indian Affairs ("BIA") in the City of Sherrill's January 27, 2006 and February 27, 2006 submissions in response to the Oneida Indian Nation of New York's Fee to Trust Land Application. If Malcolm Pirnie has received or has access to these submissions, it is not necessary for the City to duplicate its submissions.

Please contact me should the situation be otherwise or you have any questions.

Sincerely,

Robert Comis  
City Manager

Pc City Commission  
Mike Holmes City Clerk



July 12, 2006

Mr. Rick Bargabas  
Town Supervisor  
Town of Smithfield  
5255 Pleasant Valley Road  
Peterboro, New York 13134

Re: Town of Smithfield Zoning Compliance

Dear Supervisor Bargabas:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Smithfield that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Smithfield that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Smithfield that are considered not to be in conformance with the Town's current zoning ordinance, the 2003 Comprehensive Plan for The Town of Smithfield, or any other adopted public policy? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Smithfield  
Zoning Confirmation

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salzig FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Mary Benedict, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File



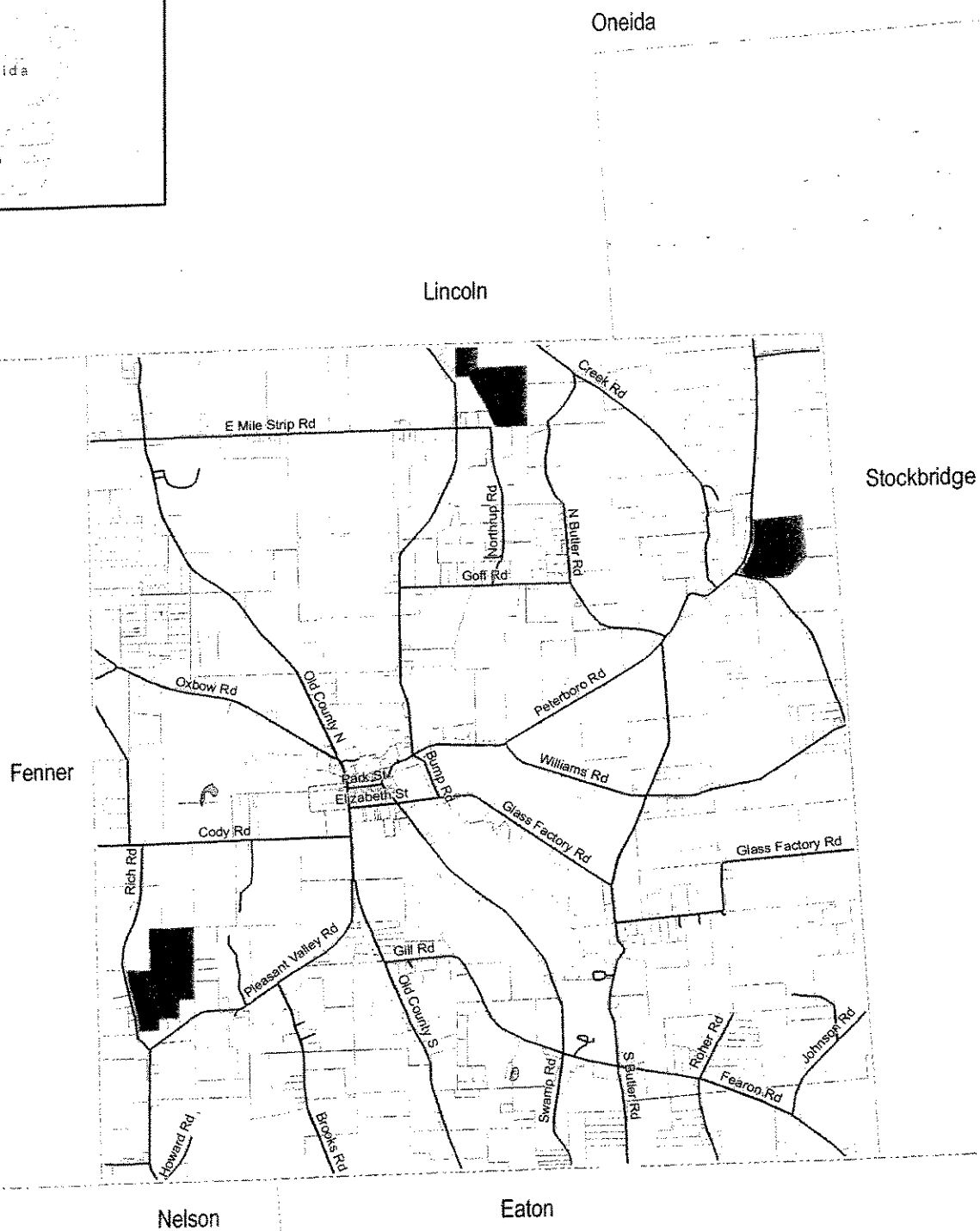
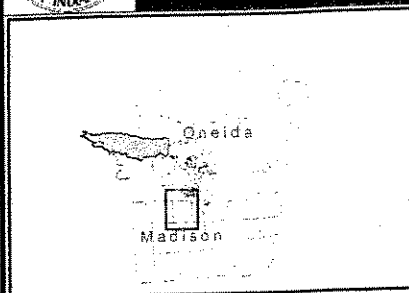
## NATION LANDS - TOWN OF SMITHFIELD

Nation	Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
200		89.-1-5	128.243	Smithfield	Madison	
314		72.-1-1.21	2.756	Smithfield	Madison	
314		72.-1-1.22	84.352	Smithfield	Madison	
315		72.-1-38	81.075	Smithfield	Madison	





# Bureau of Indian Affairs NEPA EIS



## Legend

- |                      |                     |
|----------------------|---------------------|
| Water bodies         | Road Classification |
| Municipal Boundaries | Interstate Highway  |
| Villages             | Major Highway       |
| Oneida Nation Lands  | Secondary Road      |

0 0.5 1 Miles

TOWN OF SMITHFIELD

FIGURE #



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.  
75-20 Astoria Blvd.  
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Jackson Heights, NY 11370  
T: 718-446-0116  
F: 718-446-4020  
www.pirnie.com

July 17, 2006

Supervisor Rick Bargabas  
Town Supervisor  
Town of Smithfield  
5255 Pleasant Valley Road  
Peterboro, New York 13134

Re: Zoning Compliance Letter of July 12, 2006

Dear Supervisor Bargabas:

There appears to be some confusion about the intent of our letter dated July 12, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Smithfield review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sablyg FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Mary Benedict, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



# Town of Smithfield

Office:  
Smithfield Community Center  
5255 Pleasant Valley Road  
Peterboro, NY 13134

Mary Benedict  
Town Clerk/Tax Collector  
PO Box 146  
Peterboro, NY 13134

---

Phone (315) 684-9293  
Fax (315) 684-9295

August 7, 2006

According to Douglas Berry, Codes Enforcement Office for the Town of Smithfield, there are no Nation lands/facilities within the Town of Smithfield that are in violation of local codes because they did not obtain a permit or approval. There are no Nation lands/facilities within the Town of Smithfield that are considered not to be in conformance with the Town's current zoning ordinance, the 2003 Comprehensive Plan for the Town of Smithfield, or any other adopted public policy.

Sincerely,



Mary Benedict



February 15, 2006

Mr. Steven Jones, Esq.  
Town of Stockbridge  
Town Attorney  
P. O. Box 130  
Morrisville, New York 13408

Dear Mr. Jones,

As per our telephone conversation of Monday, February 13, 2006, I am writing to confirm that the Town of Stockbridge does not have an adopted Comprehensive or Master Plan. Additionally, I am requesting a copy of the Town Zoning Law; the Town Subdivision Law; the Town Mobile Home Law; the Town Building / Sanitary Law; and any other land use policies, land use guides, or development regulations.

Should there be any postal charges or fees for mailing this document, or alternatively copying fees associated with the reproduction of these materials, please send me an invoice and I will make sure it is paid promptly.

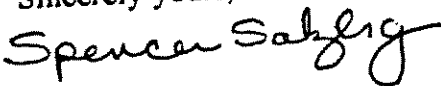
The document can be sent to me at:

Mr. Spencer Salzberg  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397.

Thank you for your consideration and help in this matter.

Sincerely yours,



Spencer Salzberg  
Environmental Planner

CC: File Copy



**NODELL, JONES & KENDALL, LLP**  
ATTORNEYS AND COUNSELORS AT LAW

STEVEN R. JONES  
CHRISTOPHER J. KENDALL\*

February 17, 2006

☒ P.O. Box 130, 15 Eaton Street  
Morrisville, NY 13408  
(315) 684-3400  
(315) 684-7066 FAX +

\*ALSO ADMITTED IN FLORIDA

☐ P.O. Box 248, 9 Payne Street  
Hamilton, NY 13346  
(315) 824-2179  
(315) 824-2187 FAX +

KENNETH E. NODELL, RETIRED

+ NOT FOR SERVICE OF PAPERS OR PROCESS

Mrs. Patricia Smith, Town Clerk  
Town of Stockbridge  
6193 Valley Mill Street  
Munnsville, New York 13409

Dear Pat:

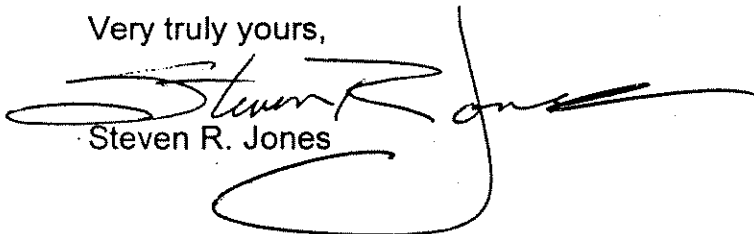
Enclosed is a letter I received from Spencer Salzberg of Malcolm Pirnie, which is doing a study for the Bureau of Indian Affairs.

Please notice that Mr. Salzberg would like copies of certain laws for the Town of Stockbridge. Please make sure to send him copies of all the laws that he has listed, and any other land use policies, land use guides or development regulations that you have copies of.

If you have any questions about complying with this request, please let me know.

Please also copy me on your letter to Mr. Salzberg so that I know what items you have sent to him.

Very truly yours,

  
Steven R. Jones

SRJ/dd  
Enclosures

pc: Supervisor Alexander Stepanski

ENCLOSED

LAND USE LAW  
SUB DIVISION LAW  
MOBILE PARK ORDINANCE  
WATER EXTENDING WATER MAIN  
FIRE PREVENTION CODES  
BLD & SANITARY ORDINANCE

*as per  
attached  
request*





**MALCOLM  
PIRNIE**

**MALCOLM PIRNIE, INC.**

INDEPENDENT ENVIRONMENTAL ENGINEERS, SCIENTISTS & CONSULTANTS

May 23, 2006

Supervisor Alex Stepanski  
~~Town of Stockbridge~~  
P. O. Box 95  
Munnsville, New York 13409

Re: Town of Stockbridge Future Proposed Developments

Dear Supervisor Stepanski:

I am writing to you at the suggestion of Mr. Steven Jones, Town Attorney for The Town of Stockbridge. As you and I discussed during our telephone conversation of Monday, May 22, 2006, Malcolm Pirnie, Inc. is in the process of compiling general information about recently approved projects and currently proposed developments within the Town of Stockbridge. I am writing to formally request information regarding future development proposals, recently approved developments, zoning map amendments, and Capital Improvement Projects (CIP) anticipated to occur in the Town within the next five years.

During our telephone conversation, you had mentioned that some infrastructure improvements were recently being considered within the Town along Route 46. Would you please provide me with the details about that project as well as any other proposed CIPs?

If you would be so kind as to respond to this inquiry in order to confirm whether any new developments or changes of land uses are proposed, it would be greatly appreciated.

Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Thank you,

*Spencer Salzberg*

Mr. Spencer Salzberg  
Environmental Planner  
Malcolm Pirnie, Inc.

CC: Larry Fisher, Planning Board  
Steven Jones, Esq., Town Attorney  
File



# TOWN OF STOCKBRIDGE

PO BOX 95  
MUNNSVILLE, NY 13409

ALEX STEPANSKI  
SUPERVISOR

(315) 495-2586 OFFICE  
(315) 495-6752 HOME

June 13, 2006

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Re: Town of Stockbridge Future Proposed Developments

Dear Mr. Salzberg:

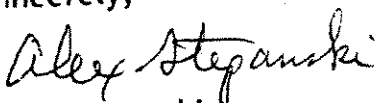
As I mentioned during our phone conversation, the only CIP anticipated in the Town within the next five years is an expansion of the water system heading north from the Hamlet of Stockbridge along State Route 46 connecting to the existing City of Oneida Water System. I have enclosed a copy of the Engineers estimated cost done in 2004. Presently the Town is investigating the best way to finance the project through grants, low-interest loans and bonding.

We purchase our water from the City of Oneida. Recently the City of Oneida indicated that the water demand is too much for its present source. It is undertaking a study to find alternative water sources. Therefore our project is on hold for now.

There are also 2 windpower projects underway that involve the Town. Citizen's Airtricity Energy, LLC is working on a 27-turbine project in the Towns of Stockbridge, Eaton, Madison and Augusta, New York. (Five turbines in TOS). West Hill Windpower, LLC has proposed a 25-turbine project with 20 turbines in the Town of Stockbridge

I am not aware of any other developments or land use changes.

Sincerely,

  
Alex Stepanski



FORM E

## RURAL DEVELOPMENT (RD) PROJECT BUDGET/COST CERTIFICATION

Project Name: Town of Stockbridge, NY  
Water System ExpansionDate: Nov. 2008Report No.: Preliminary  
Actual:   
Estimate: X

Funding Source(s)	Amount
RD Loan	
RD Loan	
RD Grant	
RD Grant	
SUB TOTAL:	\$0.00

Other Funding Source(s)	Amount
Other Source:	
Other Source:	
Other Source:	
SUBTOTAL:	\$0.00
TOTAL:	\$0.00

ITEM	ORIGINAL BUDGET	MODIFIED BUDGET	PREVIOUS EXPENDITURES	EXPENDITURES THIS PERIOD	EXPENDITURES TO DATE	BALANCE REMAINING
<b>A. ADMINISTRATIVE</b>						
1. Legal					\$0.00	\$0.00
2. Bonding					\$0.00	\$0.00
3. Net Interest					\$0.00	\$0.00
4. Fiscal Coordination					\$0.00	\$0.00
5. Bookkeeping & Reporting					\$0.00	\$0.00
6. Lands & Rights of Way					\$0.00	\$0.00
7. Single Audits					\$0.00	\$0.00
8. Miscellaneous					\$0.00	\$0.00
<b>Total A. Administrative</b>	<b>50,000</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>B. TECHNICAL SVCS.</b>						
1. Engineering	\$250,000				\$0.00	\$0.00
a. Preliminary Engineering Services	14,800				\$0.00	\$0.00
b. Design Phase					\$0.00	\$0.00
c. Contract Administration					\$0.00	\$0.00
d. Resident Inspection					\$0.00	\$0.00
e. Additional Engineering Services					\$0.00	\$0.00
					\$0.00	\$0.00
<b>Total B. Technical Svcs.</b>	<b>\$264,800</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>C. CONSTRUCTION</b>						
1. Construction Contracts					\$0.00	\$0.00
a. Contract 1					\$0.00	\$0.00
b. Contract 2					\$0.00	\$0.00
c. Contract 3					\$0.00	\$0.00
d. Contract 4					\$0.00	\$0.00
e. Contract 5					\$0.00	\$0.00
2. Direct Expenditures					\$0.00	\$0.00
a.					\$0.00	\$0.00
b.					\$0.00	\$0.00
c.					\$0.00	\$0.00
<b>Total C. Construction</b>	<b>\$1,415,000</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>D. CONTINGENCY</b>						
1. Contingency	\$0.00	\$0.00				\$0.00
<b>Total D. Contingency</b>	<b>\$185,000</b>	<b>\$0.00</b>				
<b>TOTAL PROJECT COST</b>	<b>\$1,914,800</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

I certify to the best of my knowledge and belief that the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due, which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.

Alley Stepanaki Supervisor  
Applicant Title

Howard B. LaFever  
Engineer/Architect  
Howard B. LaFever, P.E.



June 29, 2006

Mr. Alex Stepanski  
Town Supervisor  
Town of Stockbridge  
5311 North Main Street  
Munnsville, New York 13409

Re: Town of Stockbridge Zoning Compliance

Dear Supervisor Stepanski:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance. Through our efforts in working with the BIA, we respectfully request the following information from you with regard to the Oneida Indian Nation:

- What Nation lands/facilities within the Town of Stockbridge are in violation of local codes because they did not obtain a permit or approval?
- What Nation lands/facilities within the Town of Stockbridge are considered not to be in conformance with the Town's current zoning ordinance or other land use plans and policies?

Attached is a map of the Town of Stockbridge that shows all Nation properties as well as a list of each of these properties by tax lot.

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Stockbridge  
Zoning Compliance

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sahlgren FOR*

Richard M. Gilmour  
Senior Project Planner

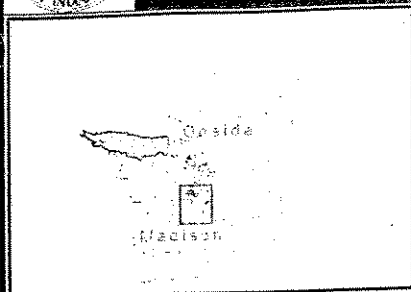
CC: Steven Jones, Town Attorney  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG / sms





Bureau of Indian Affairs  
NEPA EIS



Lincoln

Oneida

Vernon

Augusta

Smithfield

Eaton

Madison

Legend

- Nation Lands
- Water Bodies
- Municipal Boundaries
- Villages
- Road Classification
  - Interstate Highway
  - Major Highway
  - Secondary Road

0 0.5 1 Miles

TOWN OF STOCKBRIDGE  
MADISON COUNTY, NEW YORK

NATION  
LANDS



## NATION LANDS - TOWN OF STOCKBRIDGE

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
94	91.-1-51	121.110	Stockbridge	Madison	Pratts Road
131	54.-2-2	103.890	Stockbridge	Madison	Burleson Road
131	63.-1-2.1	220.761	Stockbridge	Madison	Peterboro Road
132	54.-2-5	66.507	Stockbridge	Madison	
133	55.-2-5.12	11.469	Stockbridge	Madison	
134	55.-2-9	17.580	Stockbridge	Madison	
135	55.-2-21.12	92.663	Stockbridge	Madison	Middle Road
136	65.-1-6	81.761	Stockbridge	Madison	
151	54.-2-6.1	62.386	Stockbridge	Madison	
152	54.-2-3.62	0.500	Stockbridge	Madison	
152	54.-2-3.12	80.177	Stockbridge	Madison	
152	54.-2-3.13	2.237	Stockbridge	Madison	
152	54.-2-6.22	40.290	Stockbridge	Madison	
153	54.-2-8.12	59.869	Stockbridge	Madison	
155	63.-1-2.2	1.140	Stockbridge	Madison	
167	55.-2-21.11	66.176	Stockbridge	Madison	Middle Road
167	55.-2-22	3.930	Stockbridge	Madison	
168	64.-1-2	125.140	Stockbridge	Madison	
168	64.-1-3.1	29.670	Stockbridge	Madison	
168	64.-1-3.2	27.670	Stockbridge	Madison	
168	64.-1-6	73.727	Stockbridge	Madison	
168	64.-1-17	36.600	Stockbridge	Madison	
168	64.-1-18	84.136	Stockbridge	Madison	Middle Road
168	64.-1-24.1	40.543	Stockbridge	Madison	
168	64.-1-24.31	9.679	Stockbridge	Madison	
168	64.-1-35	5.310	Stockbridge	Madison	
169	73.-1-4	105.838	Stockbridge	Madison	Bishop Road
171	74.-1-16.1	279.847	Stockbridge	Madison	
171	74.-1-9	88.890	Stockbridge	Madison	
171	74.1-1-17	87.460	Stockbridge	Madison	
171	74.-1-19	97.930	Stockbridge	Madison	
171	74.-1-18	42.470	Stockbridge	Madison	
173	83.-1-18	98.582	Stockbridge	Madison	
174	83.-1-6.1	40.186	Stockbridge	Madison	
196	63.-1-3	0.918	Stockbridge	Madison	
210	55.-2-5.11	125.773	Stockbridge	Madison	Route 46
211	55.-2-7	139.450	Stockbridge	Madison	
212	55.-2-8.1	110.630	Stockbridge	Madison	
213	64.-1-1	90.466	Stockbridge	Madison	
214	64.-1-13.1	61.822	Stockbridge	Madison	
282	65.-1-10	142.913	Stockbridge	Madison	
283	74.-1-16.5	10.000	Stockbridge	Madison	
310	83.-1-10	183.070	Stockbridge	Madison	
310	83.-1-14.1	77.101	Stockbridge	Madison	
310	92.-1-15.2	118.720	Stockbridge	Madison	
310	92.-1-16	62.006	Stockbridge	Madison	
315	64.-1-15.2	169.665	Stockbridge	Madison	
317	92.-1-15.1	22.236	Stockbridge	Madison	



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.  
75-20 Astoria Blvd.  
Suite 350  
Jackson Heights, NY 11370  
T: 718-446-0116  
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www.pirnie.com

July 17, 2006

Supervisor Alex Stepanski  
Town Supervisor  
Town of Stockbridge  
5311 North Main Street  
Munnsville, New York 13409

Re: Zoning Compliance Letter of June 29, 2006

Dear Supervisor Stepanski:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Stockbridge review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sahlgren FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Steven Jones, Town Attorney  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



**MALCOLM  
PIRNIE**

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

February 16, 2006

Supervisor John Becker  
7507 Lakeport Road  
Chittenango, New York 13037

Dear Supervisor Becker,

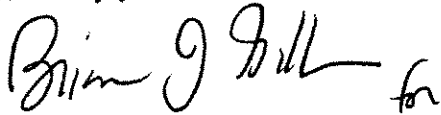
As per your telephone conversation during the week of Thursday, February 6, 2006 with my associate Jeffrey Kitt, I am writing to request one copy of the Town of Sullivan Master/Comprehensive Plan and any additional land use or policy plans for the Town of Sullivan. Please advise me as to whether the Village of Chittenango or any hamlets in the Town have separate policies. Please advise me of any postal charges or reproduction fees associated with mailing any documents.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,



Mr. Spencer Salzberg  
Environmental Planner

CC: File



June 29, 2006

Mr. John Becker  
Town Supervisor  
Town of Sullivan  
7507 Lakeport Road  
Chittenango, New York 13037

Re: Town of Sullivan Zoning Compliance

Dear Supervisor Becker:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Sullivan that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Sullivan that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Sullivan that are considered not to be in conformance with the Town's current zoning ordinance, the adopted Town of Sullivan Comprehensive Plan, or other adopted public policies?  
What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Sullivan  
Zoning Confirmation

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salyng FOR*

Richard M. Gilmour  
Senior Project Planner

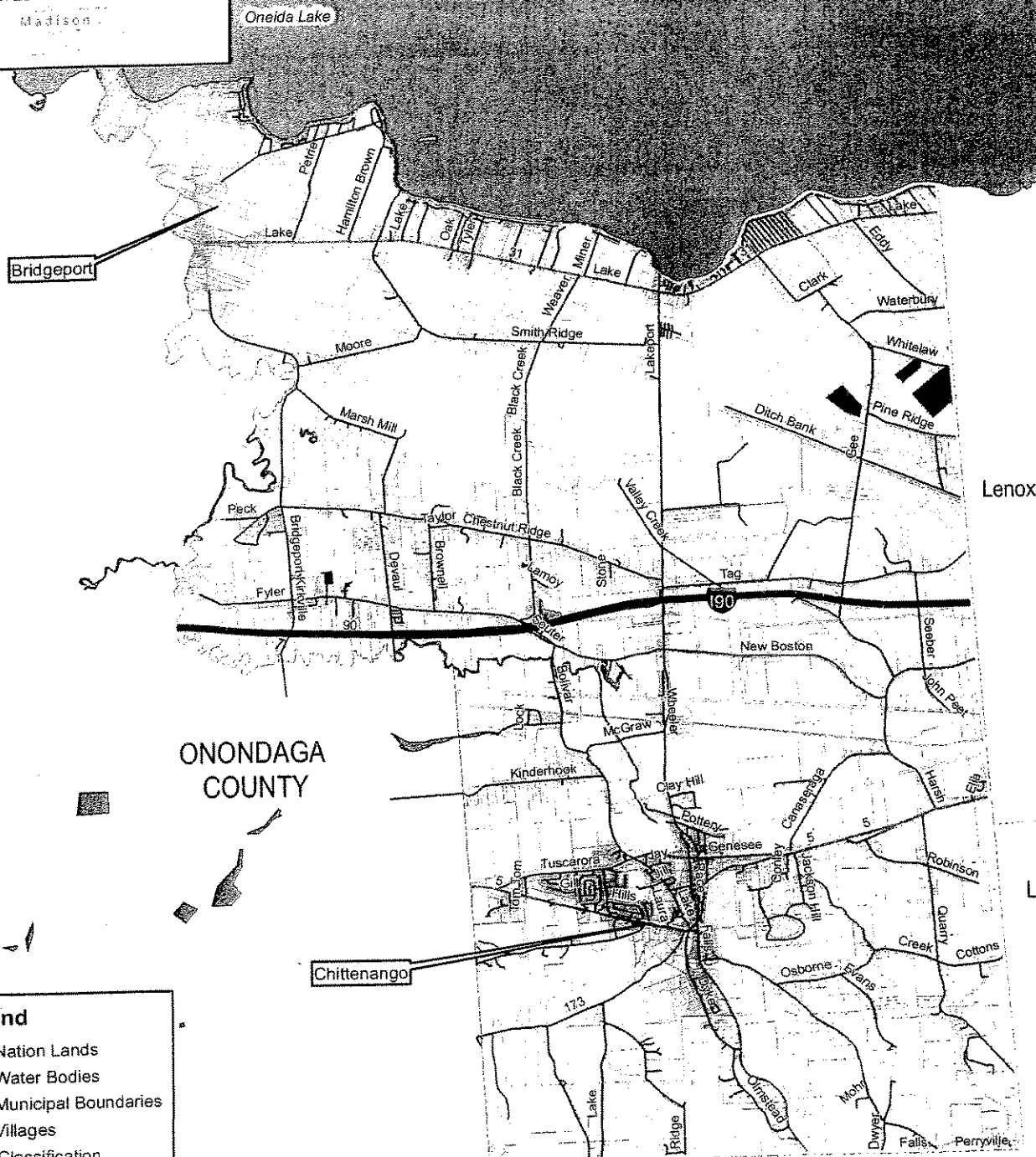
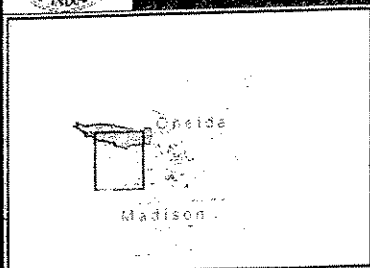
CC: Charlotte Ferstler, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG / sms





Bureau of Indian Affairs  
NEPA EIS



Legend

- Nation Lands
- Water Bodies
- Municipal Boundaries
- Villages
- Road Classification
  - Interstate Highway
  - Major Highway
  - Secondary Road

Fenner

0 1 2 Miles

TOWN OF SULLIVAN  
MADISON COUNTY, NEW YORK

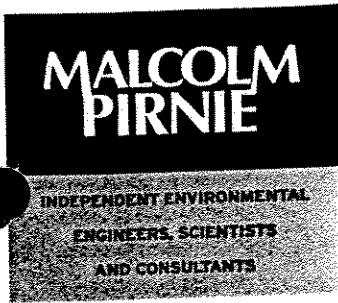
NATION  
LANDS



## NATION LANDS - TOWN OF SULLIVAN

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
160	18.-2-4	106.690	Sullivan	Madison	Whitelaw Road
161	18.-2-1	4.400	Sullivan	Madison	Whitelaw Road
162	18.-1-14	23.559	Sullivan	Madison	
163	18.-1-9.1	45.919	Sullivan	Madison	





Malcolm Pirnie, Inc.  
75-20 Astoria Blvd.  
Suite 350  
Jackson Heights, NY 11370  
T: 718-446-0116  
F: 718-446-4020  
www.pirnie.com

July 17, 2006

Supervisor John Becker  
Town Supervisor  
Town of Sullivan  
7507 Lakeport Road  
Chittenango, New York 13037

Re: Zoning Compliance Letter of June 29, 2006

Dear Supervisor Becker:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Sullivan review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sablitz FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Charlotte Ferstler, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



June 29, 2006

Mr. John Becker  
Town Supervisor  
Town of Sullivan  
7507 Lakeport Road  
Chittenango, New York 13037

*Rec'd  
7/3/06  
Fed Et.*

Re: Town of Sullivan Zoning Compliance

Dear Supervisor Becker:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Sullivan that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- DC  
NO  
C. NO  
7/25/06
- Are there any Nation lands/facilities within the Town of Sullivan that are in violation of local codes because they did not obtain a permit or approval? *NO*
  - Are there any Nation lands/facilities within the Town of Sullivan that are considered not to be in conformance with the Town's current zoning ordinance, the adopted Town of Sullivan Comprehensive Plan, or other adopted public policies? *NO*  
What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Sullivan  
Zoning Confirmation

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Salzberg* FOR

Richard M. Gilmour  
Senior Project Planner

CC: Charlotte Ferstler, Town Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG / sms



# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

[www.pirnie.com](http://www.pirnie.com)

August 1, 2006

Charlotte Ferstler  
Town Clerk  
Town of Sullivan  
7507 Lakeport Road  
Chittenango, New York 13037

Re: Butterfield Tract

Dear Ms. Ferstler:

As per my telephone communication with the Town of Sullivan Town Attorney Donald P. Colella, Esq., I am writing to formally request general information, under the Freedom of Information Law, about the proposed residential subdivision to be developed on the property locally known as the "Butterfield Tract."

Malcolm Pirnie, Inc. is in the process of compiling general information about recently approved and proposed projects within the Town of Sullivan including the proposed residential subdivision on the "Butterfield Tract". Additionally, I am writing to formally request any information regarding other future development proposals, recently approved developments, zoning map amendments, and Capital Improvement Projects (CIP) anticipated to occur in the next five years within the Town of Sullivan. The type of information we are looking for on the proposed Butterfield Tract development and other future development proposals includes the name of the project applicant, location of the project site, the proposed action, project acreage, build year, and lead agency.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. If you would like, you may respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or through the postal service to the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

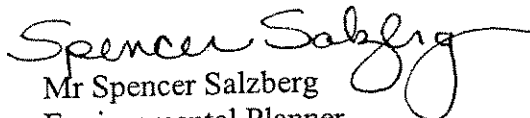


# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Thank you,



Mr Spencer Salzberg  
Environmental Planner  
Malcolm Pirnie, Inc.

CC: Donald P. Collela, Esq.  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File



July 11, 2006

Honorable Mayor Tom Statkewicz  
Village of Sylvan Beach  
P. O. Box 508  
808 Marina Drive  
Sylvan Beach, New York 13157

Re: Village of Sylvan Beach Compliance

Dear Mayor Statkewicz:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Village of Sylvan Beach that shows Nation property as well as a list of its tax lots for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Village of Sylvan Beach that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Village of Sylvan Beach that are considered not to be in conformance with the Village's current zoning ordinance, the 2001 Comprehensive Plan for the Village of Sylvan Beach, or any other adopted public policy? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



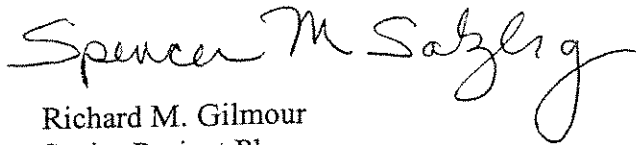
Village of Sylvan Beach  
Zoning Confirmation

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.



Richard M. Gilmour  
Senior Project Planner

CC: Bob Johnson, Code Enforcement  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



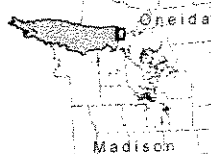
## NATION LANDS - VILLAGE OF SYLVAN BEACH

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
326	252.007-3-32.2	6.130	Sylvan Beach	Oneida	Pioneer Avenue
326	252.007-3-32.27	0.000	Sylvan Beach	Oneida	804 Harbour Drive
326	252.007-3-32.26	0.000	Sylvan Beach	Oneida	1109 Pioneer Avenue
326	252.007-3-32.26	0.000	Sylvan Beach	Oneida	805 Pioneer Avenue
326	252.007-3-32.27	0.000	Sylvan Beach	Oneida	909 Pioneer Avenue
326	252.007-3-29	0.313	Sylvan Beach	Oneida	Pioneer Avenue
326	252.007-3-30	0.168	Sylvan Beach	Oneida	Pioneer Avenue





Bureau of Indian Affairs  
NEPA EIS



ONEIDA LAKE

ERIE CANAL

FISH CREEK

Legend

- Nation Lands
- Water Bodies
- Villages
- Road Classification
  - Interstate Highway
  - Major Highway
  - Secondary Road

0 0.1 0.2 0.4  
Miles

VILLAGE OF SYLVAN BEACH  
ONEIDA COUNTY, NEW YORK

NATION  
LANDS



# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

Honorable Mayor Tom Statkewicz  
Village of Sylvan Beach  
P. O. Box 508  
808 Marina Drive  
Sylvan Beach, New York 13157

Re: Zoning Compliance Letter of July 11, 2006

Dear Mayor Statkewicz:

There appears to be some confusion about the intent of our letter dated July 11, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Village of Sylvan Beach review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

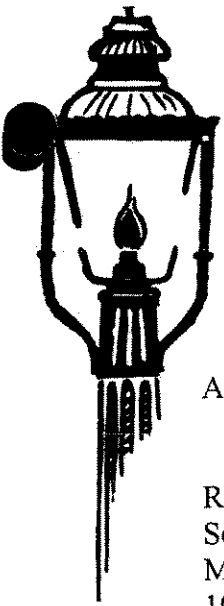
*Spencer M. Sabelig FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Bob Johnson, Code Enforcement  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms





# Village of Sylvan Beach

August 2, 2006

Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Re: Oneida Indian Nation  
Village of Sylvan Beach Compliance

Dear Mr. Gilmour:

In response to your letter dated July 11, 2006, I offer the following information.

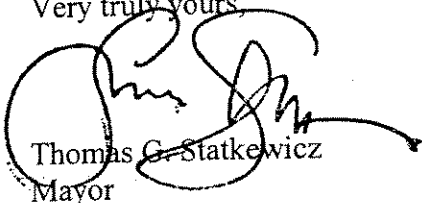
In the Village of Sylvan Beach the Oneida Indian Nation owns and operates a commercial enterprise known as "Mariners Landing" which consist of a marina and a manufactured home/campground.

Since the Oneida Indian Nation has purchased the property, we know of at least one pole barn style building that was constructed without a building permit. There may have been other structures erected in that period without a permit that we have no knowledge of.

The Oneida Indian Nation is, in my opinion, in violation of Village Codes for erecting structures without a permit, I cannot tell if any structures violate other zoning ordinances or are not in conformance with the 2001 Comprehensive Plan without conducting a survey of the property.

Please feel free to contact to me if I can provide and further information.

Very truly yours,

  
Thomas G. Statkewicz  
Mayor

808 Marina Drive, PO Box 508, Sylvan Beach, N.Y. 13157

Phone: (315) 762-4844  
Fax: (315) 762-4047



February 15, 2006

Ms. Karen Rizzo  
Village Clerk  
Village of Vernon  
P. O. Box 1137  
Vernon, NY 13476

Dear Ms. Rizzo,

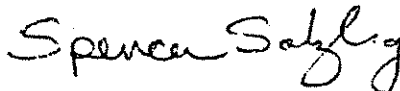
As per your telephone communications with Mr. Jeffrey Kitt of Malcolm Pirnie Inc. during the week of February 6, 2006, I am writing to confirm that the Village of Vernon does not have an adopted Master/Comprehensive Plan or any additional land use or policy plans which is used to guide growth in the community.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via e-mail to [SSalzberg@pirnie.com](mailto:SSalzberg@pirnie.com) or via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,



Mr. Spencer Salzberg  
Environmental Planner

CC: File



**MALCOLM  
PIRNIE**

**TELEPHONE  
CONVERSATION RECORD**

---

<b>Name:</b>	Village Clerk Karen Rizzo	<b>Date:</b>	March 16, 2006
<b>Company:</b>	Village of Vernon	<b>Time:</b>	11:30 AM
<b>From:</b>	Salzberg	<b>Telephone No.:</b>	(315) 829-2777
<b>Project:</b>	Oneida Indian Nation	<b>Project No.:</b>	5477001
<b>Re:</b>	Village of Vernon Public Policy Documents		

I contacted the Village of Vernon Clerk, Karen Rizzo to follow up on the February 16, 2006 correspondence requesting confirmation that the Village of Vernon did not have a separate comprehensive of master plan. Ms. Rizzo confirmed that the Village did not. She indicated that she would send a confirmation letter. When asked if the Village had separate zoning documents from the Town of Vernon she confirmed that it did. Ms. Rizzo said that she would send the zoning map and the zoning regulations to my attention.

I will send a follow up confirmation letter.



March 16, 2006

Ms. Karen Rizzo  
Village Clerk  
Village of Vernon  
P. O. Box 1137  
Vernon, NY 13476

Dear Ms. Rizzo,

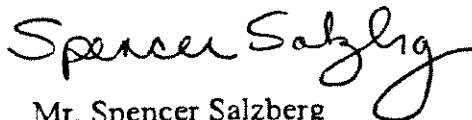
As our telephone communication of Thursday, March 16, 2006 and correspondence dated February 15, 2006, I am writing to confirm that the Village of Vernon does not have an adopted Master/Comprehensive Plan. Additionally, and as we discussed please send me a copy of the zoning map, zoning law and any additional land use or policy plans which is used to guide growth in the Village of Vernon.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Sincerely yours,



Mr. Spencer Salzberg  
Environmental Planner

CC: File



April 3, 2006

The Honorable William Sreca,

City Hall  
8 Ruth Street  
Vernon, New York 13476

Re: Village of Vernon Public Policy Documents

Dear Mayor Sreca:

As per our telephone communication of Friday, March 31, 2006 and previous correspondence to the Village Clerk dated March 16, 2006, I am writing to confirm that the Village of Vernon does not have a Master or Comprehensive Plan. Additionally, as discussed, please send me a copy of the zoning map, zoning law, and any additional land use or policy plans used to guide growth in the Village of Vernon. Please advise me of any reproduction or postage fees so that we may reimburse the Village.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. Please respond via mail to me at the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.



Mr. Spencer Salzberg  
Environmental Planner

CC: File





MALCOLM PIRNIE, INC.  
INDEPENDENT ENVIRONMENTAL ENGINEERS, SCIENTISTS & CONSULTANTS

May 23, 2006

The Honorable William Sreca,  
Mayor of the Village of Vernon  
City Hall  
8 Ruth Street  
Vernon, New York 13476

Re: Village of Vernon Future Proposed Developments

Dear Mayor Sreca:

As you know from our phone conversation of Thursday, May 18, 2006, Malcolm Pirnie, Inc. is in the process of compiling general information about recently approved projects within the Village of Vernon. I am writing to formally request any information regarding future development proposals, recently approved developments, zoning map amendments, and Capital Improvement Projects (CIP) anticipated to occur within the next five years in the Village. During our conversation, you had mentioned that some infrastructure improvements were recently completed within the Village of Vernon. Would you please provide me with the details about these projects as well as any other proposed CIPs.

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. If you would like, you may respond via e-mail to [SSalzberg@pimie.com](mailto:SSalzberg@pimie.com) or through the postal service to the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Thank you,



Mr Spencer Salzberg  
Environmental Planner  
Malcolm Pirnie, Inc.

CC: Karen Rizzo, Village Clerk  
File



<b>Name:</b>	Code Enforcement Officer	<b>Date:</b>	June 6, 2006
<b>Company:</b>	Town of Vernon	<b>Time:</b>	12:00 PM
<b>From:</b>	Spencer Salzberg	<b>Telephone No.:</b>	(315) 829-2434
<b>Project:</b>	Oneida Indian Nation	<b>Project No.:</b>	5477001
<b>Re:</b>	Oneida Indian Nation Regulations		

I called the Town of Vernon to inquire about any agreements or understandings that the Nation had established with the Town which addressed telecommunications, utilities, public safety, transportation, land use, zoning, or public policy. Ronald Yingling, the Code Enforcement Officer for the Town of Vernon stated that the Town has no such agreements with the Nation to the best of his knowledge. Mr. Yingling indicated that the Town is not permitted to enter on to Nation properties and that he is unaware of what types of codes or ordinances the Nation uses when developing their properties. The Nation does not have any type of zoning, public policy, or land use agreement with the Town. Mr. Yingling believed that utility service is arranged by the Nation through each utility company. He will ask the Town Supervisor to contact me to discuss the matter further.



June 29, 2006

Mr. Jamie Foster  
Code Enforcement Officer  
Town of Vernon  
P.O. Box 643  
Vernon, New York 13476

Re: Town of Vernon Zoning Compliance

Dear Mr. Foster:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Vernon that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Vernon that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Vernon that are considered not to be in conformance with the Town's current zoning ordinance or the September 2005 Comprehensive Plan Report? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



Town of Vernon  
Zoning Compliance

**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sablitz FOR*

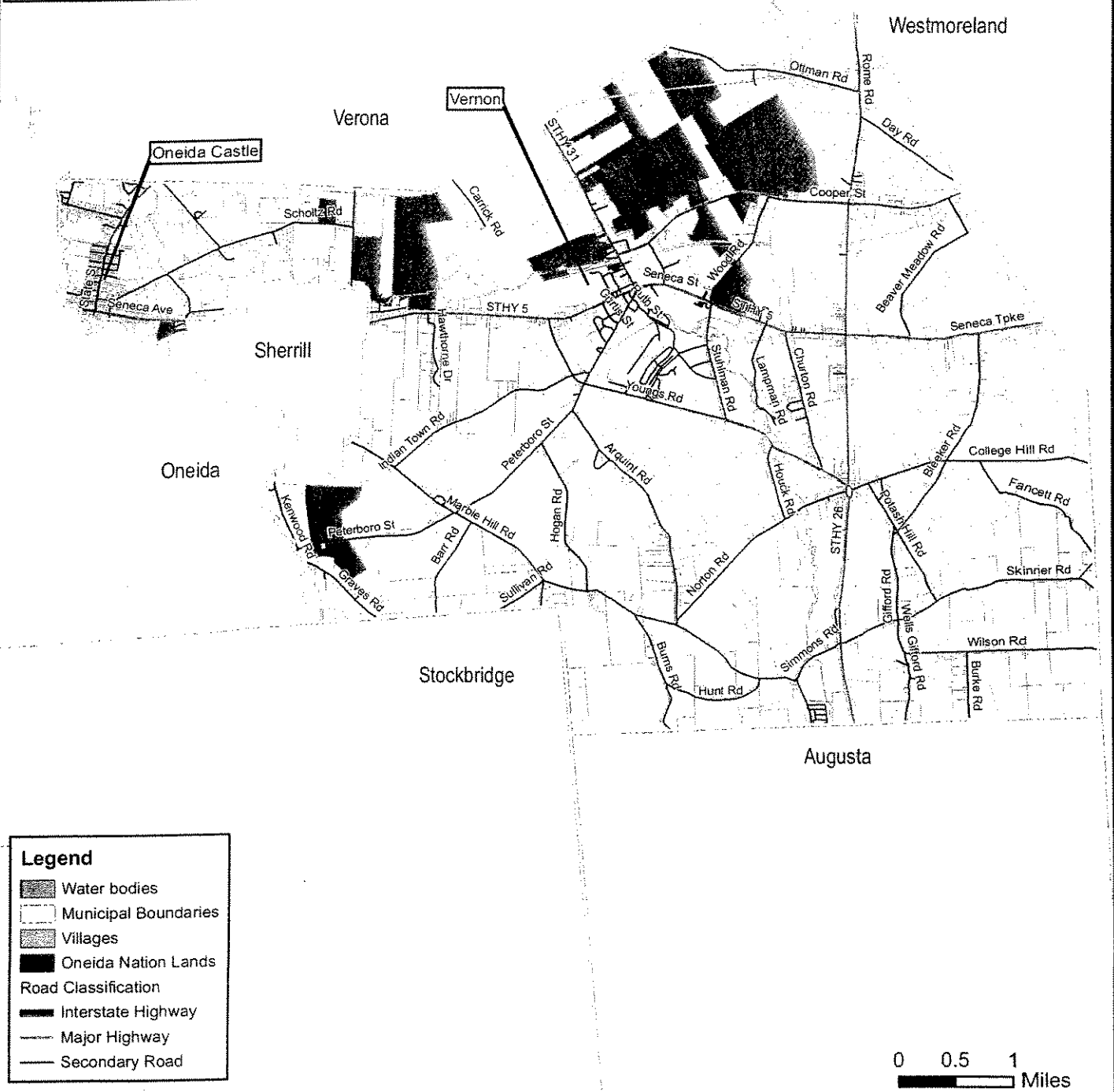
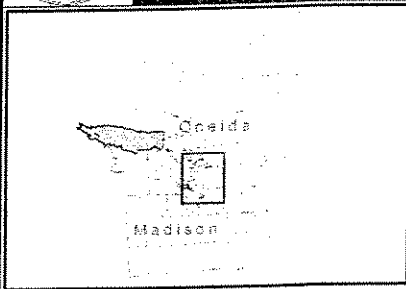
Richard M. Gilmour  
Senior Project Planner

CC: Town Supervisor Myron Thurston  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File





# Bureau of Indian Affairs NEPA EIS



## Legend

- Water bodies
- Municipal Boundaries
- Villages
- Oneida Nation Lands
- Road Classification
  - Interstate Highway
  - Major Highway
  - Secondary Road

TOWN OF VERNON

FIGURE #



## NATION LANDS - TOWN OF VERNON

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
13	323.000-1-1.3	4.934	Vernon-T	Oneida	4677 Route 5
16	323.000-1-2	3.699	Vernon-T	Oneida	4663 Route 5
17	323.000-1-1.1	248.963	Vernon-T	Oneida	
20	322.000-2-19	5.210	Vernon-T	Oneida	
22	322.000-2-28	80.516	Vernon-T	Oneida	
102	312.000-1-52.1	93.570	Vernon-T	Oneida	5635 Cooper Street
104	312.000-1-65	159.690	Vernon-T	Oneida	5467 Cooper Street
110	311.000-1-18	31.898	Vernon-T	Oneida	Route 31
113	322.000-1-30	22.800	Vernon-T	Oneida	4423 Scholtz Road
118	311.000-1-32	52.579	Vernon-T	Oneida	5805 Townline Road
119	312.000-1-2	63.373	Vernon-T	Oneida	Ottoman Road
123	324.000-1-71	59.242	Vernon-T	Oneida	Route 5 Seneca Turnpike
137	332.000-1-19.2	9.600	Vernon-T	Oneida	Peterboro Road
137	332.000-1-20.1	173.224	Vernon-T	Oneida	Peterboro Road
137	332.000-1-27	1.490	Vernon-T	Oneida	Peterboro Road
158	312.000-1-62.2	162.209	Vernon-T	Oneida	Cooper Street
170	324.000-1-70	0.674	Vernon-T	Oneida	Route 5 Seneca Turnpike
184	323.000-1-34.3	12.030	Vernon-T	Oneida	
184	323.000-1-34.5	85.526	Vernon-T	Oneida	
201	312.000-1-1	82.683	Vernon-T	Oneida	5308 Townline Road
240	324.000-1-7.1	43.145	Vernon-T	Oneida	Cooper Street
240	324.000-1-7.2	85.991	Vernon-T	Oneida	5493 Cooper Street
244	312.000-1-62.1	182.579	Vernon-T	Oneida	5559 Cooper Street
244	312.000-1-63.1	10.150	Vernon-T	Oneida	Cooper Street
272	311.000-1-14.2	53.301	Vernon-T	Oneida	Route 13
297	322.000-1-67.1	20.410	Vernon-T	Oneida	Route 5
298	311.000-1-13	6.063	Vernon-T	Oneida	4766 Route 31
312	311.000-1-13	1.000	Vernon-T	Oneida	4766 Route 31
316	324.000-1-75.4	25.620	Vernon-T	Oneida	4553 Wood Road
316	324.000-1-75.2	17.980	Vernon-T	Oneida	4553 Wood Road
328	323.000-1-40	8.390	Vernon-T	Oneida	Route 31
328	323.000-1-45	92.700	Vernon-T	Oneida	Cooper Street



June 29, 2006

The Honorable Mayor William Sreca  
Mayor of the Village of Vernon  
City Hall  
8 Ruth Street  
Vernon, New York 13476

Re: Village of Vernon Zoning Compliance

Dear Mayor Sreca:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Village of Vernon that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Village of Vernon that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Village of Vernon that are considered not to be in conformance with the Village's current zoning regulations, the Town of Vernon's Comprehensive Plan, or other local public policies? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Solzberg FOR*

Richard M. Gilmour  
Senior Project Planner

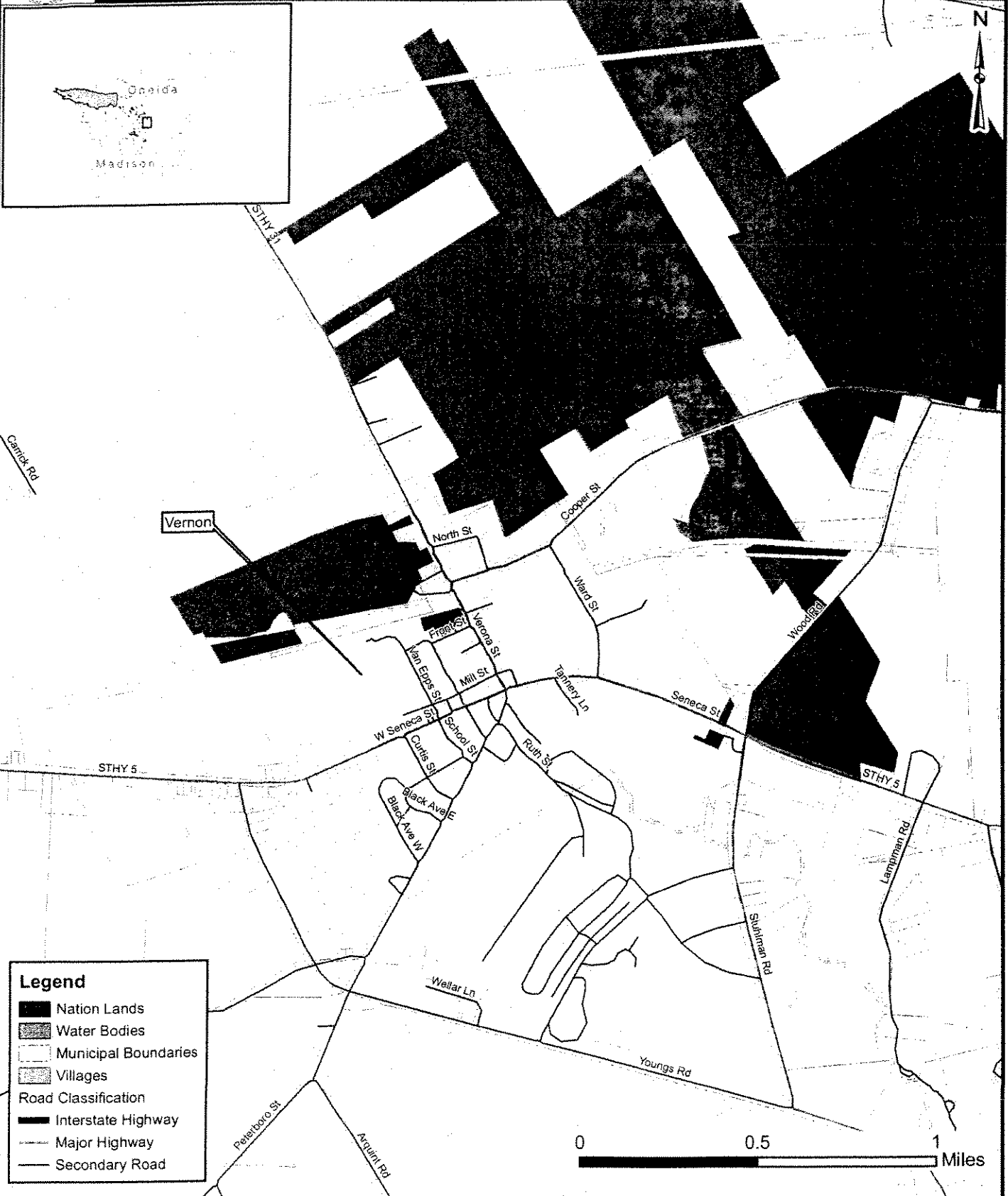
CC: Karen Rizzo, Village Clerk  
File  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP

RMG / sms





Bureau of Indian Affairs  
NEPA EIS



VILLAGE OF VERNON  
ONEIDA COUNTY, NEW YORK

NATION  
LANDS



## NATION LANDS - VILLAGE OF VERNON

Nation	Par	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
105		324.013-1-	0.958	Vernon-V	Oneida	5447 East Seneca Street
112		323.012-2-	3.681	Vernon-V	Oneida	Front Street
175		324.013-1-	1.409	Vernon-V	Oneida	5444 East Seneca Street
183		323.012-1-	1.149	Vernon-V	Oneida	Verona Street West
183		323.008-1-	3.000	Vernon-V	Oneida	Verona Street West



# MALCOLM PIRNIE

INDEPENDENT ENVIRONMENTAL  
ENGINEERS, SCIENTISTS  
AND CONSULTANTS

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

www.pirnie.com

July 17, 2006

Mr. Jamie Foster  
Code Enforcement Officer  
Town of Vernon  
P. O. Box 643  
Vernon, New York 13476

Re: Zoning Compliance Letter of June 29, 2006

Dear Mr. Foster:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Vernon review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sahlgren FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Town Supervisor Myron Thurston  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



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July 17, 2006

The Honorable Mayor William Sreca  
Mayor of the Village of Vernon  
Village of Vernon  
City Hall  
8 Ruth Street  
Vernon, New York 13476

Re: Zoning Compliance Letter of June 29, 2006

Dear Mayor Sreca:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Village of Vernon review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sabling FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Jamie Foster, Code Enforcement  
Karen Rizzo, Village Clerk  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms





\$5.50 + 0.55 = 6.05\$



May 23, 2006

John Fewer  
Code Enforcement Officer  
Verona Town Office Building  
6600 Germany Road  
Durhamville, New York 13059  
Fax No. (315) 363-5215

Re: Town of Verona Future Proposed Developments

Dear Mr. Fewer:

As you know from our phone conversation of Monday, May 22, 2006, Malcolm Pirnie, Inc. is in the process of compiling general information about recently approved projects within the Town of Verona. I am writing to formally request any information regarding future development proposals, recently approved developments, zoning map amendments, and Capital Improvement Projects (CIP) anticipated to occur within the next five years in the Village. Would you please provide me with the details about these projects?

If you would be so kind as to respond to this inquiry, it would be greatly appreciated. If you would like, you may respond via e-mail to [SSalzberg@pirmie.com](mailto:SSalzberg@pirmie.com) or through the postal service to the following address:

Mr. Spencer Salzberg  
Environmental Planner  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (718) 397-2397. Thank you for your consideration and help in this matter.

Thank you,

*Spencer Salzberg*  
Mr. Spencer Salzberg  
Environmental Planner  
Malcolm Pirnie, Inc.

CC: Patricia Nestle, Town Clerk  
File



June 29, 2006

Mr. John Fewer  
Code Enforcement Officer  
Town of Verona  
Verona Town Office Building  
6600 Germany Road  
Durhamville, New York 13054

Re: Town of Verona Zoning Compliance

Dear Mr. Fewer:

Malcolm Pirnie Inc. is a third party contractor to the U. S. Department of the Interior's Bureau of Indian Affairs (BIA). We are in the process of compiling information on zoning compliance for the creation of an Environmental Impact Statement. Attached is a map of the Town of Verona that shows all Nation properties as well as a list of each of these properties by tax lot for your use as a reference. As part of this effort, we respectfully request the following information from you with regard to the lands owned by the Oneida Indian Nation:

- Are there any Nation lands/facilities within the Town of Verona that are in violation of local codes because they did not obtain a permit or approval?
- Are there any Nation lands/facilities within the Town of Verona that are considered not to be in conformance with the Town's current zoning ordinance or the 1996 Town of Verona Comprehensive Land Use Plan? What is the nature of such non-conformance?

Please respond within the next 30 days via e-mail to [rgilmour@pirnie.com](mailto:rgilmour@pirnie.com) or via mail to me at the following address:

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602



**MALCOLM  
PIRNIE**

Should you have any questions, please contact me at (914) 641-2478. Thank you for your consideration and help in this matter.

Very truly yours,

MALCOLM PIRNIE, INC.

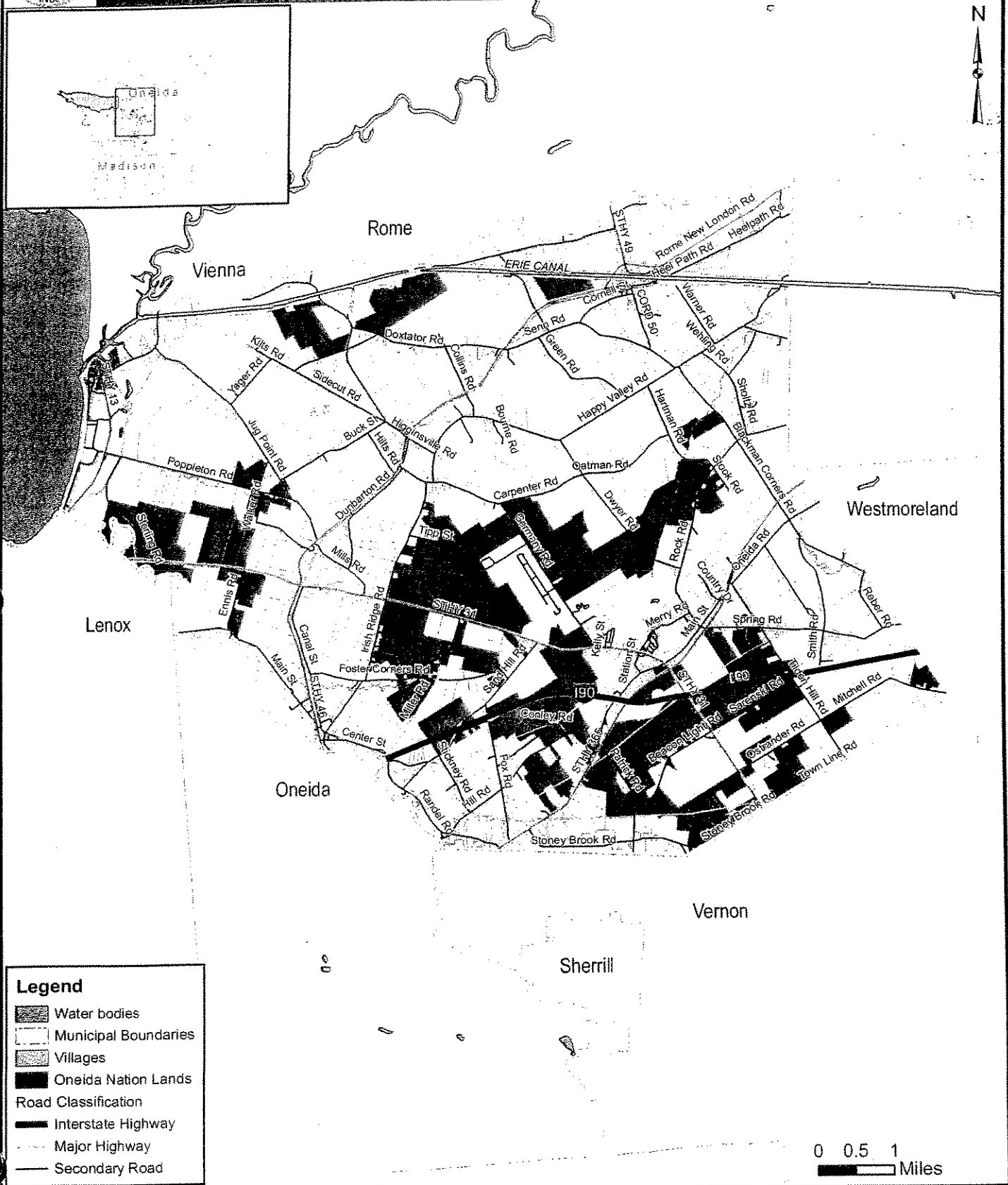
*Spencer M. Salzig for*

Richard M. Gilmour  
Senior Project Planner

CC: Supervisor Owen E. Waller  
File  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP

RMG / sms





TOWN OF VERONA

FIGURE #



## NATION LANDS - TOWN OF VERONA

Nation Parcel ID	TAX ID	ACRES	TOWN	COUNTY	ADDRESS
8	298.000-1-30.3	24.100	Verona	Oneida	Route 365
9	298.000-1-38	17.500	Verona	Oneida	Route 365
10	298.000-1-39	220.096	Verona	Oneida	Patrick Road
11	310.000-1-15.2	65.576	Verona	Oneida	Route 365
12	310.000-1-27	60.575	Verona	Oneida	Route 365
19	299.000-1-58.1	84.807	Verona	Oneida	Route 31
23	284.000-1-30	250.159	Verona	Oneida	Route 31
24	285.000-1-32	167.518	Verona	Oneida	Route 31
25	284.000-1-29	39.901	Verona	Oneida	Route 31
26	285.000-1-2	197.434	Verona	Oneida	
27	285.000-1-5	68.556	Verona	Oneida	
28	285.000-1-8.1	102.703	Verona	Oneida	
29	284.000-1-27	106.200	Verona	Oneida	6508 Route 31
30	284.000-1-28	75.604	Verona	Oneida	Route 31
31	284.000-1-37	156.377	Verona	Oneida	Route 31
32	297.000-1-3.1	69.918	Verona	Oneida	Miller Road
34	310.000-2-1	0.688	Verona	Oneida	Patrick Road
35	285.000-1-6	62.403	Verona	Oneida	
36	284.000-1-18	98.569	Verona	Oneida	Tipp Street
37	270.000-1-34	76.176	Verona	Oneida	6161 Germany Road
38	269.000-2-47.1	75.350	Verona	Oneida	Irish Ridge Road
39	310.000-2-6.2	10.158	Verona	Oneida	Snyder Road
40	310.000-2-9	1.407	Verona	Oneida	Snyder Road
41	299.000-1-1	157.059	Verona	Oneida	Spring Road
42	286.000-2-83.6	40.001	Verona	Oneida	
43	286.003-3-42	0.370	Verona	Oneida	Spring Road
44	299.000-1-57.2	9.723	Verona	Oneida	Route 31
45	299.000-1-57.3	7.311	Verona	Oneida	Route 31
46	299.000-1-58.3	1.794	Verona	Oneida	Route 31
47	310.000-2-6.1	9.885	Verona	Oneida	Snyder Road
48	284.000-1-23	30.545	Verona	Oneida	Sullivan Lane
49	298.000-1-58	170.968	Verona	Oneida	Conley Road
50	284.000-1-25.2	38.687	Verona	Oneida	Irish Ridge Road
51	299.000-1-58.2	2.642	Verona	Oneida	Route 31
52	283.000-1-5	204.802	Verona	Oneida	
53	298.000-1-57	21.220	Verona	Oneida	Conley Road
54	284.000-1-22	50.995	Verona	Oneida	Tipp Street
55	284.000-1-24	11.151	Verona	Oneida	Irish Ridge Road
56	284.000-1-20	19.995	Verona	Oneida	Tipp Street
58	298.000-1-3	21.155	Verona	Oneida	Sand Hill Road
59	297.000-1-5.1	107.726	Verona	Oneida	3939 Foster Corners Road
59	297.000-1-5.2	7.239	Verona	Oneida	3939 Foster Corners Road
60	298.000-1-50.2	26.907	Verona	Oneida	Hill Road
61	298.000-1-14	19.540	Verona	Oneida	Conley Road
62	298.000-1-50.1	10.164	Verona	Oneida	Hill Road
63	298.000-1-56.2	80.319	Verona	Oneida	Conley Road
64	298.000-1-50.7	6.772	Verona	Oneida	Hill Road
65	298.000-1-69	15.318	Verona	Oneida	Right of Way - Conley to F



66	298.000-1-41.1	41.273 Verona	Oneida	4591 Snyder Road
66	298.000-1-41.2	1.595 Verona	Oneida	4591 Snyder Road
67	310.000-1-61	0.565 Verona	Oneida	Route 31 (a.k.a. 5187 Rout
68	298.000-1-43	13.680 Verona	Oneida	Route 365
69	299.001-1-35.1	3.720 Verona	Oneida	Route 31
70	299.001-1-35.2	2.110 Verona	Oneida	Route 31
71	299.001-1-35.3	1.481 Verona	Oneida	Route 31
72	298.000-1-42.2	1.510 Verona	Oneida	4579 Snyder Road
73	298.000-1-42.1	1.562 Verona	Oneida	4577 Snyder Road
74	299.000-1-56.2	53.740 Verona	Oneida	Route 31
86	299.000-1-55.2	19.202 Verona	Oneida	Beacon Light Road
88	299.001-1-36	0.680 Verona	Oneida	5522 Route 31
89	298.002-3-15.1	8.051 Verona	Oneida	Route 365
90	284.000-1-21	21.441 Verona	Oneida	3816 Tipp Street
91	284.000-1-19	60.338 Verona	Oneida	Tipp Street
99	286.000-2-83.1	30.090 Verona	Oneida	Spring Road
101	299.000-1-27	20.832 Verona	Oneida	5404 NYS Route 31
103	297.001-1-8.2	0.500 Verona	Oneida	3651 Foster Corners Road
103	297.001-1-8.1	23.600 Verona	Oneida	Foster Corners Road
106	298.000-1-19	0.435 Verona	Oneida	Route 365
107	298.000-1-18	8.757 Verona	Oneida	5199 Hill Road
108	299.001-1-37	9.355 Verona	Oneida	5490 Route 31
109	298.000-1-39	4.440 Verona	Oneida	Snyder Road (North of)
114	299.000-1-2	142.284 Verona	Oneida	Tillden Hill Road
115	299.000-1-23.1	42.542 Verona	Oneida	Sarenski Road
116	299.000-1-13	58.780 Verona	Oneida	Tillden Hill Road
117	311.000-2-6.1	126.564 Verona	Oneida	Route 31
118	311.000-2-10.1	106.508 Verona	Oneida	Townline Road
118	311.000-2-11	89.990 Verona	Oneida	Townline Road
122	297.000-1-15	49.578 Verona	Oneida	5362 Sandhill Road
124	299.000-1-57.1	2.501 Verona	Oneida	5341 NYS Route 31
138	283.000-1-1.3	3.200 Verona	Oneida	Route 31
139	282.000-1-3	1.203 Verona	Oneida	6047 Sterling Road
140	282.000-1-2.2	25.530 Verona	Oneida	Sterling Road
140	283.000-1-77	30.270 Verona	Oneida	Route 31
140	283.000-1-1.2	175.400 Verona	Oneida	Route 31
140	267.000-1-8	116.300 Verona	Oneida	Sterling Road
140	282.000-1-1	32.200 Verona	Oneida	Sterling Road
140	267.000-1-5	7.240 Verona	Oneida	Sterling Road
140	267.000-1-6	72.265 Verona	Oneida	Sterling Road
140	267.000-1-7	2.540 Verona	Oneida	6153 Sterling Road
142	282.000-1-2.1	1.640 Verona	Oneida	6055 Sterling Road
143	310.000-1-16	2.495 Verona	Oneida	5057 NYS Route 365
144	298.002-3-15.3	1.700 Verona	Oneida	West Main Street
144	298.002-3-16	0.390 Verona	Oneida	5550 West Main Street
144	298.002-3-17	6.572 Verona	Oneida	5558 West Main Street
147	297.000-1-37.1	131.760 Verona	Oneida	3674 Foster Corners Road
148	311.000-2-24.1	73.135 Verona	Oneida	Stoney Brook Road
148	311.000-2-24.12	1.378 Verona	Oneida	Townline Road
148	311.000-2-24.6	1.100 Verona	Oneida	Stoney Brook Road
148	311.000-2-24.7	1.100 Verona	Oneida	Stoney Brook Road
149	310.000-1-7	3.196 Verona	Oneida	Hill Road



154	311.000-2-26	116.111 Verona	Oneida	4727 Stoney Brook Road
156	298.000-1-56.1	5.058 Verona	Oneida	4209 Conley Road
157	298.000-1-50.3	4.745 Verona	Oneida	Hill Road
164	299.000-1-26	0.305 Verona	Oneida	5381 Sarinski Road
165	310.000-2-13	1.871 Verona	Oneida	4536 Snyder Road
176	297.000-1-23	11.700 Verona	Oneida	Sand Hill Road
176	297.000-1-16	32.700 Verona	Oneida	Sand Hill Road
176	297.000-1-17	70.783 Verona	Oneida	Sand Hill Road
177	310.000-1-23	1.490 Verona	Oneida	Route 365
177	310.000-1-24	2.195 Verona	Oneida	4995 Route 365
177	310.000-1-22	1.818 Verona	Oneida	4995 Route 365
179	310.000-2-8	1.837 Verona	Oneida	4549 Snyder Road
180	298.002-3-22	0.732 Verona	Oneida	5553 NYS Route 31
181	310.000-2-4	1.240 Verona	Oneida	4491 Snyder Road
182	310.000-2-3.2	1.033 Verona	Oneida	5126 Snyder Road
186	298.000-1-50.11	17.647 Verona	Oneida	Hill Road
186	298.000-1-51	1.721 Verona	Oneida	Hill Road
187	310.000-1-6	8.415 Verona	Oneida	Hill Road
188	310.000-2-5	1.315 Verona	Oneida	4501 Snyder Road
189	299.000-1-31.2	1.032 Verona	Oneida	5307 Sarenski Road
190	299.000-1-25	34.723 Verona	Oneida	Sarenski Road
190	299.000-1-31.1	131.230 Verona	Oneida	5298 Route 31
192	310.000-2-3.1	6.981 Verona	Oneida	5126 Patrick Road
193	298.002-3-4.3	15.893 Verona	Oneida	Route 365
194	285.000-1-31	6.590 Verona	Oneida	Route 31
197	310.000-2-2	2.066 Verona	Oneida	5144 Patrick Road
199	284.000-1-26	0.174 Verona	Oneida	Route 31
202	310.000-2-7	0.803 Verona	Oneida	4529 Snyder Road
203	298.002-2-2	1.673 Verona	Oneida	Bridge Street
203	298.002-2-1	0.610 Verona	Oneida	Bridge Street
205	239.000-2-31	106.071 Verona	Oneida	7105 Route 46
206	268.000-1-31	193.382 Verona	Oneida	
206	268.000-1-19	7.000 Verona	Oneida	
220	270.000-1-23	157.800 Verona	Oneida	
221	270.000-1-33.3	121.014 Verona	Oneida	
222	270.000-1-35.5	37.300 Verona	Oneida	
223	285.000-1-9	193.512 Verona	Oneida	
224	285.000-1-10	10.013 Verona	Oneida	
225	285.000-1-11	59.599 Verona	Oneida	
228	271.000-3-55.1	282.561 Verona	Oneida	
230	297.000-1-37.2	51.218 Verona	Oneida	3687 Foster Corners Road
233	299.000-1-50	0.918 Verona	Oneida	5221 Beacon Light Road
234	310.000-3-48.1	2.764 Verona	Oneida	Route 365
238	299.000-1-53	4.245 Verona	Oneida	5205 Beacon Light Road
239	283.000-1-7.1	88.620 Verona	Oneida	
239	283.000-1-6	70.000 Verona	Oneida	
239	283.000-1-59.1	86.090 Verona	Oneida	
239	283.000-1-62	40.040 Verona	Oneida	
242	310.000-1-8	7.218 Verona	Oneida	Hill Road
247	298.000-1-17	26.981 Verona	Oneida	5417 Hill Road
248	298.002-3-23	0.766 Verona	Oneida	5447 Route 365
251	283.000-1-1.1	1.000 Verona	Oneida	7407 Route 31

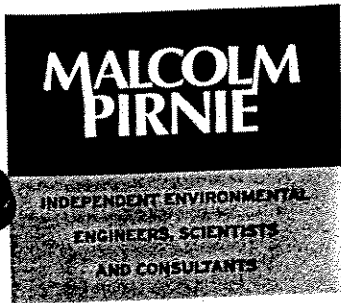


252	298.000-1-20	3.127 Verona	Oneida	5249 Willow Place
253	298.000-1-15	20.054 Verona	Oneida	5379 Hill Road
254	299.000-1-52	0.918 Verona	Oneida	5213 Beacon Light Road
256	252.011-2-2	14.873 Verona	Oneida	Willow Avenue (Snug Harbor)
256	252.012-1-1	11.200 Verona	Oneida	Ording Road (Snug Harbor)
256	252.015-2-30	15.467 Verona	Oneida	Route 13 (Snug Harbor)
257	299.001-1-48.2	37.376 Verona	Oneida	NYS Route 31
259	297.000-1-2	136.536 Verona	Oneida	Irish Ridge Road
259	297.001-1-5.2	25.309 Verona	Oneida	Irish Ridge Road
260	299.000-1-45	0.918 Verona	Oneida	5241 Beacon Light Road
261	310.000-2-16	0.966 Verona	Oneida	4572 Snyder Road
262	310.000-2-26.2	0.490 Verona	Oneida	5030 Patrick Road
263	310.000-2-26.1	28.850 Verona	Oneida	5066 Patrick Road
263	310.000-2-28	31.090 Verona	Oneida	5086 Patrick Road
264	271.000-3-58	90.340 Verona	Oneida	6591 Blackmans Corners Rd.
266	299.000-1-46	0.916 Verona	Oneida	5237 Beacon Light Road
267	310.000-2-15.1	1.887 Verona	Oneida	4558 Snyder Road
268	298.000-1-12	159.960 Verona	Oneida	5943 Route 31
268	298.000-1-13.2	11.386 Verona	Oneida	Route 31
268	298.000-1-13.1	21.000 Verona	Oneida	Route 31
268	285.000-1-21	5.000 Verona	Oneida	Germany Road
268	285.000-1-22	54.394 Verona	Oneida	5943 Route 31
269	310.000-2-18	8.865 Verona	Oneida	4584 Snyder Road
270	310.000-2-27	4.151 Verona	Oneida	Snyder Road
271	299.000-1-5	15.931 Verona	Oneida	5615 Tilden Hill Road
273	310.000-2-24	9.657 Verona	Oneida	5018 Beacon Light Road
273	310.000-3-52	55.546 Verona	Oneida	5018 Beacon Light Road
274	310.000-3-53.3	22.053 Verona	Oneida	Williams St. and Patrick R
274	310.000-3-53.3	89.221 Verona	Oneida	Williams St. and Patrick R
275	311.000-2-25.2	5.206 Verona	Oneida	5162 Beacon Light Road
276	311.000-2-24.14	14.932 Verona	Oneida	Stoney Brook Road
277	310.000-2-17	0.907 Verona	Oneida	4578 Snyder Road
278	311.000-2-21.2	4.249 Verona	Oneida	5001 Route 31
278	311.000-2-21.8	14.574 Verona	Oneida	5001 Route 31
279	299.000-1-22.1	108.530 Verona	Oneida	5441 Tilden Hill Road
280	310.000-2-14	1.877 Verona	Oneida	4546 Snyder Road
284	299.000-1-49	1.837 Verona	Oneida	5227 Beacon Light Road
285	310.000-3-53.3	2.003 Verona	Oneida	4913 Beacon Light Road
286	285.000-1-24	20.930 Verona	Oneida	5982 Route 31
287	310.000-2-15.2	0.941 Verona	Oneida	4552 Snyder Road
292	298.000-1-59.1	31.650 Verona	Oneida	5400 Sager Road (a.k.a. Fo
293	297.000-1-27.1	1.854 Verona	Oneida	5385 Fox Road
294	297.000-1-27.3	2.221 Verona	Oneida	Fox Road
294	297.000-1-27.4	1.861 Verona	Oneida	Fox Road
295	299.000-1-21	0.775 Verona	Oneida	5451 Tilden Hill Road
296	298.000-1-34.1	0.548 Verona	Oneida	5334 Willow Place
300	297.000-1-12.1	13.330 Verona	Oneida	5497 Sand Hill Road
301	298.000-1-16	1.561 Verona	Oneida	5387 Hill Road
302	299.001-1-48.1	0.783 Verona	Oneida	Routes 365 & 31
303	298.000-1-34.2	0.684 Verona	Oneida	5326 Willow Place
306	300.000-3-7.3	56.050 Verona	Oneida	
320	310.000-2-12	3.448 Verona	Oneida	4524 Snyder Road



321	284.000-1-32	22.705 Verona	Oneida	Route 31
323	298.000-1-33	0.346 Verona	Oneida	5344 Willow Place
325	253.000-1-17.1	184.350 Verona	Oneida	7055 Yager Road
325	237.000-3-6	19.350 Verona	Oneida	7055 Yager Road
325	254.000-1-2.1	42.100 Verona	Oneida	7055 Yager Road
331	286.003-3-47	2.068 Verona	Oneida	4830 Spring Road
331	286.003-3-44	2.000 Verona	Oneida	4836 Spring Road
332	284.000-1-17	19.584 Verona	Oneida	Tipp Street
97	252.015-2-31	0.344 Verona Beach	Oneida	6800 Route 13
232	252.015-2-46	0.904 Verona Beach	Oneida	Route 13
305	252.015-2-34	1.200 Verona Beach	Oneida	Route 13
305	252.015-2-35	4.051 Verona Beach	Oneida	6767 Miller Street
308	252.015-2-47	0.334 Verona Beach	Oneida	Route 13
313	252.012-1-2	0.245 Verona Beach	Oneida	5020 Ording Road
318	252.015-2-48.1	0.248 Verona Beach	Oneida	2338 Oneida Street
324	252.015-2-36	0.438 Verona Beach	Oneida	6762 Miller Street
327	252.012-1-24	0.509 Verona Beach	Oneida	Oneida Street
121	238.000-2-5	329.764 Durhamville	Oneida	Doxtater Road
235	283.000-1-3	17.090 Durhamville	Oneida	
309	283.000-1-2	3.087 Durhamville	Oneida	





Malcolm Pirnie, Inc.  
75-20 Astoria Blvd.  
Suite 350  
Jackson Heights, NY 11370  
T: 718-446-0116  
F: 718-446-4020  
www.pirnie.com

July 17, 2006

Mr. John Fewer  
Code Enforcement Officer  
Town of Verona  
Verona Town Office Building  
6600 Germany Road  
Durhamville, New York 13059

Re: Zoning Compliance Letter of June 29, 2006

Dear Mr. Fewer:

There appears to be some confusion about the intent of our letter dated June 29, 2006. To clarify the request in that letter, we are not requesting that you perform on-site physical inspections or other inspections of Nation lands within your community or collect new information to address the questions in our letter. We are only requesting that the Town of Verona review record information that you now have on file or are aware of at this time.

If you have any questions regarding this letter or our request, please contact me at (914) 641-2487.

Very truly yours,

MALCOLM PIRNIE, INC.

*Spencer M. Sablitz FOR*

Richard M. Gilmour  
Senior Project Planner

CC: Supervisor Owen E. Waller  
Tom Blaser, BIA  
Tom Mason, Zuckerman-Spaeder, LLP  
File

RMG/sms



**TOWN OF VERONA**

6600 Germany Road  
Durhamville, New York 13054  
Phone - (315) 363-6799  
Fax - (315) 363-5215

**Fax Transmittal Letter**TO: Richard M. Gilmore, AICPFROM: John FeuerDate: Aug 10, 2006 Pages 3

## NOTES:

*Oneida Indian Nation lands  
found to be non-conforming.*

*John Feuer*



**TOWN OF VERONA**

COUNTY OF ONEIDA, NEW YORK

6600 GERMANY ROAD  
DURHAMVILLE, NEW YORK 13054  
PHONE: OFFICE (315) 336-9009  
(315) 363-6799  
FAX: (315) 363-5215

August 9, 2006

Mr. Richard M. Gilmour, AICP  
Senior Project Planner  
Malcolm Pirnie, Inc.  
104 Corporate Park Drive  
White Plains, NY 10602

Re: Non-Conforming properties of the Oneida Indian Nation.

Dear Mr. Gilmour:

Attached you will find a list of some of the Oneida Indian Nation Lands that were found to be non-conforming. The properties on this list are there because of failure by the Oneida Indian Nation to first obtain the proper permits required by the Town of Verona. Some of these permits are, building permits, septic permits, demolition permits, asbestos abatement, site plan review and zoning review process just to name some. Please be advised that this list is not a final draft. Many properties have been built, and many have been demolished over the last few years that are not listed because they are done without the proper permits, therefore we have no record.

Very Truly Yours,

John Fewer  
Town of Verona  
Code Enforcement Officer



Parcel Id#	Owner Name	Parcel Address	Zoning Class.	Comments
252.011-2-2	Oneida Indian Nation NY	Willow Ave.	HCR	Snug Harbour Marina and Miscellaneous Buildings.
252.012-1-1	Oneida Indian Nation NY	Ordling Ave.	RD/HCR	Part of Snug Harbour. Demolished numerous buildings without permits.
252.015-2-35	Oneida Indian Nation NY	6767 Miller Street	HCR	Sav-On Gas Station and Convenience Store, built without Building Permit.
252.015-2-36	Oneida Indian Nation NY	6762 Miller Street	HCR	Part of Sav-On Gas Station and Convenience Store.
252.015-2-47	Oneida Indian Nation NY	NYS Rt 13	HCR	Old gas station and repair garage. Demolished, no permit. Tanks in ground?
297.000-1-2	Oneida Indian Nation NY	Irish Ridge Road	RD	Old Airport, buildings demolished, no permit
298.000-1-30.3	Oneida Indian Nation NY	NYS Route 365	PUD	Golf Course and Lodge. No Building Permits.
298.000-1-38	Oneida Indian Nation NY	NYS Route 365	PUD	Sav-On Gas Station and Convenience Store, built without Building Permit
298.000-1-39	Oneida Indian Nation NY	Pallick Road	PUD	Oneida Indian Nation Casino and Resort, built without Permits.
299.001-1-35.2	Oneida Indian Nation NY	NYS Route 31	PC	Sav-On Diesel Station and Convenience Store. No Permits.
299.001-1-35.3	Oneida Indian Nation NY	NYS Route 31	PC	Part of Sav-On Diesel Station and Convenience Store. No Permits
299.001-1-37	Oneida Indian Nation NY	5490 NYS Route 31	PC	New Warehouse, built without Permits.
299.001-1-48.2	Oneida Indian Nation NY	NYS Route 31	PC	Demolished old motel, restaurant. Built parking lot, no permits.
310.000-1-15.2	Oneida Indian Nation NY	NYS Route 365	PUD	Oneida Indian Nation RV camping park. Built without any permits.
310.000-2-4	Oneida Indian Nation NY	4491 Snyder Rd	RD	Power Plant Facility with miscellaneous buildings. No permits
310.000-2-5	Oneida Indian Nation NY	4501 Snyder Rd	RD	Golf Maintenance Buildings and other misc. buildings. Built with no permit.
310.000-2-6.1	Oneida Indian Nation NY	Snyder Rd	RD	Golf Maintenance Buildings and other misc. buildings. Built with no permit.
310.000-2-8	Oneida Indian Nation NY	4549 Snyder Rd	RD	Miscellaneous Buildings. No permit.
311.000-2-6.1	Oneida Indian Nation NY	NYS Route 31	RD	Part of Kaluhyat Golf Course.



# MALCOLM PIRNIE

Malcolm Pirnie, Inc.

75-20 Astoria Blvd.

Suite 350

Jackson Heights, NY 11370

T: 718-446-0116

F: 718-446-4020

[www.pirnie.com](http://www.pirnie.com)

September 5, 2006

Ms. Patricia Nestle  
Town Clerk  
Verona Town Office Building  
6600 Germany Road  
Durhamville, New York 13059

Re: Verona Greens Development Study

Dear Ms. Nestle:

As a follow-up to your recent telephone conversation with Spencer Salzberg, I am writing to formally request one copy of the Verona Greens Development Study, which you indicated you would be able to send to Malcolm Pirnie, Inc. Enclosed please find a return FedEx envelope and form for you to use in shipping the study materials. If there are any costs incurred by the Town in copying and shipping the Study, please forward to my attention an invoice for prompt payment by Malcolm Pirnie, Inc.

The document should be sent to:

Mr. Jeff Kitt  
Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

If you have any questions, please contact me at (914) 641-2487.

Thank you for your consideration and help in this matter.

Sincerely yours,

*Jeff Kitt for Richard Gilmour*

Richard M. Gilmour  
Senior Project Planner

CC: File Copy  
Kurt G. Chandler  
Thomas Blaser, Esq.



**Name:** Jean Canada **Date:** February 22, 2006  
**Company:** Village of Oneida Castle **Time:** 11:10 am  
**From:** KITT **Telephone No.:** 315-363-1689  
**Project:** Oneida Phase I **Project No.:** 5477001  
**Re:** Comprehensive Plan in the Village of Oneida Castle

Spoke with Jean Canada, the Village Clerk for the Village of Oneida Castle. She informed me that if the Village has a comprehensive or master plan, it most likely is a part of Oneida County's or the Town of Vernon's plan. She informed me that most likely someone else, either Mayor John Deschamps, who is currently in Australia, or perhaps his deputy would need to get back to me to provide me with an answer. She also said she would look around her office to see if she could find anything and would then get back to me.

Ms. Canada also gave me her mailing address as well as the mailing address for the Mayor.



**MALCOLM  
PIRNIE**

**TELEPHONE  
CONVERSATION RECORD**

---

**Name:** Beverly J. Merriman

**Date:** February 22, 2006

**Company:** Town of Westmoreland

**Time:** 2:30 pm

**From:** KITT

**Telephone No.:** 315-853-8001

**Project:** Oneida Phase I

**Project No.:** 5477001

**Re:** Zoning Map, Zoning Code and Comprehensive Plan in the Town of Westmoreland

Spoke with Beverly Merriman, the Town Clerk for the Town of Westmoreland. She informed me that the Town has a zoning map and zoning code and that it would cost \$5.00. She would not be able to send it to us until she received a check. Once she received the check she would then be able to tell us how much the comprehensive plan cost. She said she get back to me with a cost.



**MALCOLM  
PIRNIE**

March 3, 2006

Beverly J. Merrin  
Town Clerk  
Town of Westmoreland  
P. O. Box 310  
Westmoreland, NY 13490

Dear Ms. Merriman,

As per your telephone conversation with my associate, Jeffrey Kitt, I am writing to request one copy of the Town of Westmoreland zoning code, zoning map, and Comprehensive Plan and any additional land use or policy plans for the Town of Westmoreland. Also, if you would be so good as to advise me whether any village or hamlets within the Town have separate land use policies or guidance plans it would be most helpful.

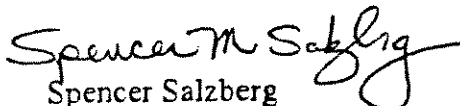
Enclosed please find a check payable to Town Hall made out in the amount of \$10.00 to cover the fee for the zoning code, zoning map and the Comprehensive Plan. Please let me know of any additional postal charges associated with mailing any documents and I will be sure to forward these fees to you promptly.

The documents can be sent to me at:

Spencer Salzberg  
c/o Malcolm Pirnie Inc.  
75-20 Astoria Boulevard, Suite 350  
Jackson Heights, New York 11370

Should you have any questions, please contact me at (718) 397-2397. Thank you for your help in this matter.

Very truly yours,

  
Spencer Salzberg  
Malcolm Pirnie Inc.  
Environmental Planner

CC: File

SPENCER M. SALZBERG

429

1-106/210

March 3, 2006 DATE

PAY TO THE  
ORDER OF

Town Hall

\$ 10.00

TEN AND 00/100

DOLLARS

1

HSBC



HSBC Bank USA, N.A. Flushing, NY 11358

FOR PERMITS & ZONING MATERIALS

Spencer M. Salzberg

0429



## SCHOOL DISTRICTS CORRESPONDENCE



March 14, 2006

Mr. Frederick Bragen  
Superintendent  
Canastota Central School District  
120 Roberts Street  
Canastota, NY 13032

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Bragen:

The Oneida Nation of New York (the Nation) is seeking to transfer 17, 370' acres of land in New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Canastota Central School District's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the District believes important and/or may not be readily available through the public arena. This could include information on:

- Educational programs instituted within the School District.
- The most recent breakdown of costs for an individual student in the public school system.
- Fiscal information the School District believes important for consideration of potential impacts associated with the trust application.
- Other fiscal information that may be relevant to the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to



**MALCOLM  
PIRNIE**

Mr. Frederick Bragen  
Superintendent  
Canastota Central School District

March 14, 2006

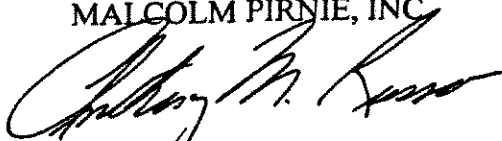
Page 2

receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC



Anthony M. Russo  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



March 15, 2006

Mr. Robert Dubik  
Superintendent  
Cazenovia Central School District  
31 Emory Avenue  
Cazenovia, NY 13035

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Dubik:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Cazenovia Central School District's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the District believes important and/or may not be readily available through the public arena. This could include information on:

- Educational programs instituted within the School District.
- The most recent breakdown of costs for an individual student in the public school system.
- Fiscal information the School District believes important for consideration of potential impacts associated with the trust application.
- Other fiscal information that may be relevant to the Proposed Action.

Should there be any information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.



**MALCOLM  
PIRNIE**

Mr. Robert Dubik  
Superintendent  
Cazenovia Central School District

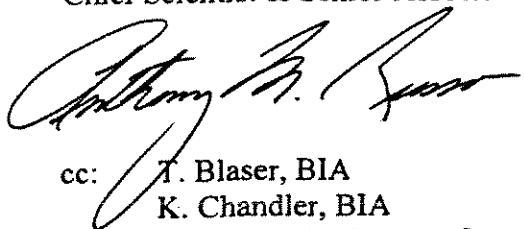
March 15, 2006  
Page 2

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

Anthony M. Russo  
Chief Scientist & Senior Associate



cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



March 15, 2006

Ms. Cynthia DeDominick  
Superintendent  
Madison Central School District  
7303 State Route 20  
Madison, NY 13402

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Ms. DeDominick:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Madison Central School District's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the District believes important and/or may not be readily available through the public arena. This could include information on:

- Educational programs instituted within the School District.
- The most recent breakdown of costs for an individual student in the public school system.
- Fiscal information the School District believes important for consideration of potential impacts associated with the trust application.
- Other fiscal information that may be relevant to the Proposed Action.

Should there be any information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.



**MALCOLM  
PIRNIE**

Ms. Cynthia DeDominick  
Superintendent  
Madison Central School District

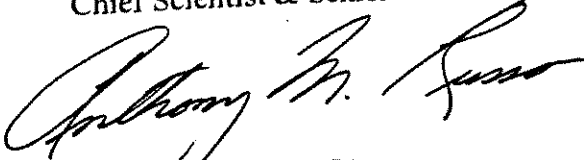
March 15, 2006  
Page 2

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.

Anthony M. Russo  
Chief Scientist & Senior Associate



cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



March 14, 2006

Mr. Nelson Bauersfeld  
Superintendent  
Morrisville Eaton Central School District  
P.O. Box 990  
5061 Fearon Road  
Morrisville, NY 13408

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Bauersfeld:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Morrisville Eaton Central School District's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the District believes important and/or may not be readily available through the public arena. This could include information on:

- Educational programs instituted within the School District.
- The most recent breakdown of costs for an individual student in the public school system.
- Fiscal information the School District believes important for consideration of potential impacts associated with the trust application.
- Other fiscal information that may be relevant to the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to



**MALCOLM  
PIRNIE**

Mr. Nelson Bauersfeld  
Superintendent  
Morrisville Eaton Central School District

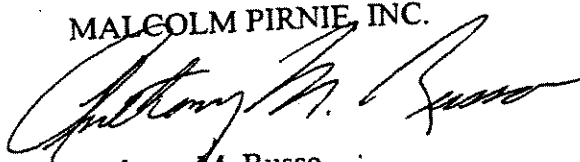
March 14, 2006  
Page 2

prioritize this information and forward it in stages to Malcolm Pirmie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



*Original letter sent to Mr. Keel 3/15/06*

**MORRISVILLE-EATON**  
POST OFFICE BOX 990



**CENTRAL SCHOOL SYSTEM**  
MORRISVILLE, NEW YORK 13408-0990

**BOARD OF EDUCATION**

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Office: (315) 684-9300  
Fax No.: (315) 684-9399  
E-Mail: pcurtin@m-ecs.org

Debra Everson  
*Business Administrator*  
Office: (315) 684-9158

Carrie VanRiper  
*District Clerk*  
Office: (315) 684-9300

March 20, 2006

Mr. Anthony Russo  
Chief Scientist and Senior Associate  
Malcom Pimie, Inc.  
104 Corporate Drive, Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo:

Please accept this letter as a response to your March 14, 2006 information request.

1. Educational Programs  
This small rural, upstate central school provides a full range of educational courses, programs and extra curricular activities. Pre-Kindergarten through twelfth grade. Programs are provided by district faculty/staff or through an arrangement with the Madison-Oneida BOCES, Verona, New York. Enrolment is 845.

2. District Operating Budget for 2005-2006 - \$12,646,977  
Administration 8.63%  
Capital 20.18%  
Program 71.19%

Cost per student - \$14.967. Includes transportation and debt service. State Aid for MECS continues to be in the neighborhood of 70% (approved operating costs). 1% on local Tax Levy generates approximately \$17.250.

3. Fiscal planning, development of annual budgets is a complex and challenging process. School districts find it harder and harder each year to win voter approval. New York State aid is extremely important however; it does not keep pace with escalating fixed costs. Costs such as health insurance, diesel fuel, retirement, materials and supplies, equipment and utilities are approaching double digit increases. Any loss of assessed property reduces the amount we can anticipate in local revenue. Already the District has spent too much money defending/saving our legal position.

Thank you for this opportunity to respond. Previously we sent extensive information very similar to your request to Mr. Franklin Keel, Director, United States Department of Indian Affairs, Suite 700, 545 Marriott Drive, Nashville, TN 37214. If additional information is needed, please do not hesitate to let me know.

Sincerely,

*Patrick J. Curtin*

Patrick J. Curtin  
Interim Superintendent

PJC:cvr

Jacklin Starks, District Superintendent, Madison-Oneida BOCES



March 14, 2006

Mr. Ronald Spadafora  
Superintendent  
Oneida City School District  
565 Sayles Street  
Oneida, NY 13421

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Spadafora:

The Oneida Nation of New York (the Nation) is seeking to transfer 17, 370 acres of land in New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Oneida City School District's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the District believes important and/or may not be readily available through the public arena. This could include information on:

- Educational programs instituted within the School District.
- The most recent breakdown of costs for an individual student in the public school system.
- Fiscal information the School District believes important for consideration of potential impacts associated with the trust application.
- Other fiscal information that may be relevant to the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.



**MALCOLM  
PIRNIE**

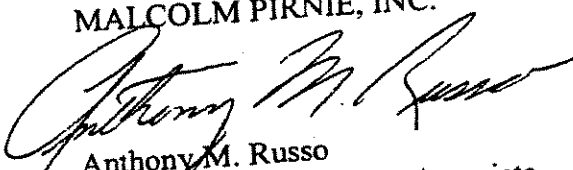
Mr. Ronald Spadafora  
Superintendent  
Oneida City School District

March 14, 2006  
Page 2

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



STOCKBRIDGE VALLEY CENTRAL SCHOOL  
P.O. Box 732, 6011 Williams Road  
Munnsville, NY 13409-0732  
Fax (315) 495-4492

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Gwen Isbell  
Jay Pokorny  
John Wagner

Dr. Randy C. Richards  
Superintendent of Schools  
495-4400

Beth S. Lamb  
Business Administrator  
495-4445

Mary Anne Iritz  
K-12 Principal  
495-4550

November 1, 2005

Franklin Keel  
Director United States Department of the Interior  
Bureau of Indian Affairs  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Dear Mr. Keel,

I am writing on behalf of the Stockbridge Valley Central School District (SVCS) Board of Education in response to your request to provide comment on the Oneida Indian Nation (OIN) Land into Trust application. Thank you for this opportunity to express our concerns as you assess the impact of the removal of OIN properties from the tax rolls. For the record, the OIN owns 4,386.77 acres in our district.

To be clear, the SVCS BOE opposes the Trust Action and respectfully requests that it be denied. Under Federal Law as a public school district we are obligated to provide a Free and Appropriate Public Education (FAPE) to all students. The Land Trust Issue as well as other past issues related to the Oneida Indian Nation (OIN) is counterproductive to our mission and Federal obligation of providing education to our students. From the districts perception, approval of the application would create the patchwork sovereignty problems detailed at some length in the recent Supreme Court decision.

Further it is our understanding that the purpose of the trust is to enable Tribes to create commercial enterprises sufficient to make the Tribe self supporting and prosperous and to make certain their residential needs are met. In Stockbridge, the OIN has never made any effort to develop the property for these hypothetical needs. Contrary to the statute they have allowed the property to degenerate into a hazardous state.

The Stockbridge Valley Central School District (SVCS) as part of group 2 identified in the Oneida Land Trust Application is located in Munnsville, NY, a small community of 2,100 residents in Madison County. Geographically we are located in the center of New York State approximately 25 miles east of Syracuse and 25 miles west of Utica. The school district services the townships of Augusta, Eaton, Lincoln, City of Oneida, Village of Munnsville, and Towns of Smithfield, Stockbridge, and Vernon. SVCS has since the



mid 1970's educated youth living on the OIN reservation and in the adjacent White Pines Housing Development. Currently, 10% of our students are Native American.

Stockbridge Valley CSD is housed in a modern, new schoolhouse built in 1998; the district educates approximately 575 students in grades Pre-K -12. Twenty percent of our students are identified as Special Education students.

As a small rural poor district, SVCS is literally the center of the community. For example, the Fryer Public Library is housed in the district and the building is also used by various community groups for everything from youth sports leagues, meetings, community fairs, and craft shows.

Financially dependent upon state funds, with a State Aid rate of 82%, SVCS confronts many of the same financial and social issues facing similar rural schools as well as several others unique to our district as detailed below. As student enrollment continues to decrease, so does the property tax base. In real terms, in the 2005-06 school budget a 1% tax increase only yielded \$18,000 in additional revenue for the district. An important fact when the Oneida Indian Nation currently owns 25% of the land contained within the boundaries of the Stockbridge Valley Central School District. This land is "a claimed tax-exempt", depriving the district of much needed revenue. The majority of the land is vacant residential and agricultural properties, with the rest being occupied residential and agricultural properties. Once purchased, the vast majority of the properties since 1999 remain unimproved as evidenced by the enclosed pictures of several properties currently owned by the OIN in our district.

Although the OIN owns significant patchwork acreage in the SVCS School District and has for many years, it is true that with the exception of the occasional isolated residential dwelling, at no time has the Nation sought to develop its property within the district for either commercial or residential purposes to benefit the Tribe. All of their commercial or residential development has taken place outside of our district. When the OIN sought to provide residential housing for its members, they chose to locate that development within the boundaries of the City of Oneida, not within the SVCS District. As well, the established reservation is located within the municipal boundaries of the City of Oneida. To our knowledge the commercial ventures of the OIN are primarily situated in the Town of Verona with no commercial development of any sort in Stockbridge. As will be shown, the scattered properties they own within our district have been allowed to deteriorate to the point where many of them are rotting and collapsing under their own weight. Indeed, the Nation would seem to have been content to ignore and neglect their holdings within our district until they made the application for Trust status and only recently began tearing down what have become community eyesores. Although at least one collapsing structure has been knocked down, the destroyed material remains in a heap on the property.

The enclosed pictures are telling and demonstrate how the properties have been allowed to decay. To wit, porches are falling off homes, roofs have caved in, windows are broken and boarded up and lands are overgrown with brush.



<u>Picture Number</u>	<u>Description</u>
A1A – A8A	Former Roher Farm on Pratts Road.
A9A – A21A	Former Trew Farm – Trew Hill Road & Morris Road.
A22A – A34A	Former Brummer Farm – East Hill Road.
B3A – B10A	Former Greene Farm – Middle Road
B11A – B14A & B21A-23A	Former Frost Farm – Middle Road
B15A – B20A	Former Curtin Farm – Rt. 46.

One of the stated purposes of the Land into Trust process is to set aside appropriate parcels for commercial use for the benefit of the Tribe or to satisfy a residential need. Given the quantity of property held outside of our district and the elaborate commercial and residential development that has occurred over the years, coupled with the fact that the land in our district has been ignored and neglected, it is plain to see that such beneficial use of the property in Stockbridge is neither required or necessary to benefit the Tribe.

For these main reasons and the reasons listed below, and to answer your specific questions outlined in your letter. Consider also that:

In terms of real estate value and tax revenue, the district is negatively impacted twice. First, on the lost tax revenue on the initial property purchased by the OIN - forever. Second, as mentioned earlier, once the lands are purchased they generally remain unimproved, creating an eyesore and becoming a deterrent to the potential sale of surrounding properties. Combined together, these factors create uncertainty and instability in the real estate market while discouraging growth in our district. Of course, all of this is exacerbated if the OIN continues to purchase local lands and the tax base continues to shrink.

SVCS never asked to be brought into this legal and political quagmire. Instead, the BOE and administration has been forced to act as responsibly as possible in order to protect our children and community. The on-going legal battle against tax certiorari continues to drain the fiscal and human resources of the district, at great cost, diminishing our ability to educate our students. Consultation with lawyers, phone calls, faxes, other legal action or response to handle this issue comes at a great expense to the district. From April to



October 2005 the district has spent \$3,575 in legal fees associated with this issue. The latest legal bill is for several thousands of dollars.

Financially, it is money taken directly away from students, which could be better used on various resources for them. The human cost is just as great as our small district only has three administrators and time spent on this issue is time taken away from our main mission – student learning.

The taxes originally owed on these 62 properties are \$361,251.47 for Madison County and \$15,898.96 for Oneida County for the years 2000– 2005. For the current year, they are \$132,930.33 for Madison County and \$4,117.04 for Oneida County. If these lands are eventually entered into trust, and the Nation pays neither taxes nor the Silver Covenant, then these figures represent a 7.61% increase on the local Tax Levy using the aforementioned figure of \$18,000, equaling 1% on the Levy.

This lack of revenue from the OIN has made development of school budgets very difficult as SVCS continues to meet unfunded state mandates while addressing increased fixed costs for Health Insurance, Employee Retirement, Utilities and Energy Costs. Consequently, local voters defeated the last two school budgets on the first vote before passing them on a second vote. In both years, taxpayers were originally presented with double digit increases on the tax Levy caused by lost tax revenue. Originally, for 2004-2005 it was a 22.5% increase and for 2005-06, 13.8%. These figures were later reduced to 20.5% and 8.63% respectively. During the latest budget defeat, separate propositions for school buses, driver's education and summer school were all defeated - again depriving students of much needed programs.

As if all of this were not difficult enough, New York State continues to include the missing Tax Revenue from property assessments in the Combined Wealth Ratio Formula used to indicate district wealth on the New York State Tax report card. Thus, the district is artificially made to look wealthier than it actually is. Therefore, depriving SVCS of additional State Aid and limiting eligibility for various grants.

While all of the above clearly details the negative financial impact on SVCS, what is not quite as evident is the great emotional and social cost to our community. The confidence and pride in our school by the community has been strained by an eroding tax base, increased taxes and increased uncertainty about the future of the district as we await settlement of the land trust issue. When a community loses confidence and hope, it cannot help but impact upon our students and their learning.

While I appreciate the opportunity to provide a written response to the OIN Trust Application, I also urge the Bureau to hold public hearings on this matter so that I and other representatives of the district can provide oral comment for consideration.

In summary, it is my understanding that the role of the Bureau of Indian Affairs, as a Federal Agency, is to assess the affect of the OIN Trust Application, one of the largest ever considered by your agency. For that reason, I reemphasize the position of the



Stockbridge Valley Board of Education, that we respectfully request that the application to place land located in the Stockbridge Valley School District into Trust be denied.

We implore the Bureau to be mindful of the reasons listed above. The OIN Land Trust Application appears contradictory to the recent Supreme Court decision regarding patchwork sovereignty. The request does not meet the purpose of a trust. The tribe has created sufficient commercial enterprise in Oneida County to make themselves self supporting and prosperous. The OIN has purchased the majority of land within the Stockbridge district, removing it from our tax rolls and depriving the district of much needed revenue. Once purchased, the properties have been allowed to decay, negatively impacting the remaining local real estate market.

However, as negative to SVCS as all of these reasons are, the biggest reason to deny the Trust application is because it interferes with the district's ability to provide a Free and Appropriated Education to our children

Thank you for the opportunity to address the OIN Land Trust Issue.

Sincerely,



Randy C. Richards Ed.D  
Superintendent of Schools  
Stockbridge Valley CSD



March 15, 2006

Dr. Randy Richards  
Superintendent  
Stockbridge Valley Central School District  
6011 Williams Road  
Munnsville, NY 13409

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Dr. Richards:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Stockbridge Valley Central School District's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the District believes important and/or may not be readily available through the public arena. This could include information on:

- Educational programs instituted within the School District.
- The most recent breakdown of costs for an individual student in the public school system.
- Fiscal information the School District believes important for consideration of potential impacts associated with the trust application.
- Other fiscal information that may be relevant to the Proposed Action.

Should there be any information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to



**MALCOLM  
PIRNIE**

Dr. Randy Richards,  
Superintendent  
Stockbridge Valley Central School District

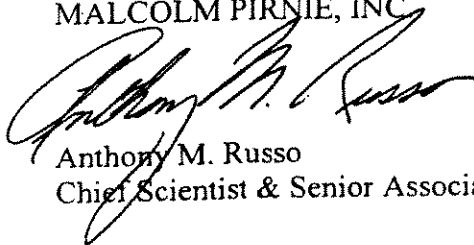
March 15, 2006  
Page 2

prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC



Anthony M. Russo  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



STOCKBRIDGE VALLEY CENTRAL SCHOOL  
P.O. Box 732, 6011 Williams Road  
Munnsville, NY 13409-0732  
Fax (315) 495-4492

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Dr. Randy C. Richards  
Superintendent of Schools  
495-4400

Beth S. Lamb  
Business Administrator  
495-4445

Mary Anne Iritz  
K-12 Principal  
495-4550

Mr. Anthony M. Russo  
Chief Scientist & Senior Associate  
Malcolm Pirnie, Inc.  
104 Corporate Drive, Box 751  
White Plains, NY 10602-0751

Dear Mr. Russo:

Please accept this letter as a response to your March 15, 2006 request for information related to the Oneida Indian Nation's application to transfer land into trust status. As you probably know, the Stockbridge Central School District is very concerned that the proposed transfer will adversely affect our ability to provide students with important educational services and resources and a Free and Appropriate Education (FAPE) as required by law. Most important to remember is the fact that 25% of the land in our district is owned by the Oneida Indian Nation and is claimed to be tax exempt. Should the Oneida Indian Nation lands be placed into trust, Stockbridge Valley CSD will continue to lose valuable tax revenue forever, limiting our potential to grow.

The Stockbridge School District is a small, rural school district that provides a full range of educational courses, programs and extracurricular activities to students from Pre-Kindergarten through twelfth grade. Programs are provided by district faculty/staff or through an arrangement with the Madison-Oneida BOCES in Verona, New York. Students who reside in the areas seeking trust status receive the same educational opportunities and services as students who reside outside of the trust area. Our total student enrollment is 600.

Our Operating Budget for the 2005-06 school is \$8,011,807. This budget may be broken down as follows:

Administration:	11%
Capital:	22%
Program:	67%

Our estimated cost per student is \$13,353, including transportation & debt service. Currently, State Aide for the district is approximately 70% (approved operating costs). One percent of the local Tax Levy generates approximately \$19,982.



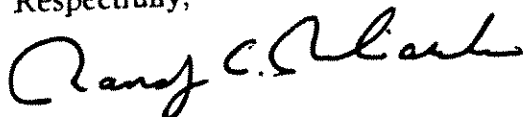
Local taxpayers continue to be treated unfairly and have been forced to assume a greater share of the burden. In the end, this makes fiscal planning and annual budget development in our school district an extremely complex and challenging process. Each year, we have a harder and harder time securing voter approval. Over the course of the last two years, proposed school budgets with increases on the tax levy of 22.5% in 2004-05 and 13.8% in 2005-06 were rejected by local taxpayers. Subsequent second budgets were approved by the residents with a 20.5% & 8.6% increase to the tax levy. In the process, propositions for school buses, summer school and drivers' education were all defeated and our students were deprived of these important services.

Although New York State Aid helps provide important supplementary resources to our district, it does not keep pace with the continued escalation of fixed costs. For example, costs associated with employee health insurance, diesel fuel, retirements, materials and supplies, equipment and utilities are approaching double digit increases. Any loss of taxable property within the district reduces the amount of local revenue available to public schools. Ultimately, the students suffer. Already, the district has spent too much money in defending saving its legal position.

If the trust application is approved, tax responsibilities will be skewed to inhibit local growth and ultimately to limit the pool of public resources available to public school students. Additionally, we are concerned that local governance and jurisdiction will be forced to administer services in a patchwork of regulatory schemes. Ultimately, the delivery of basic services such as police and fire protection, highway maintenance, zoning law enforcement and environmental protection will suffer. Moreover, as educators, we are concerned that the multi-jurisdictional approach to service delivery could endanger the health and safety of our public school students.

Thank you for this opportunity to respond. Previously, we sent extensive information in response to a similar request to Mr. Franklin Keel, Director, United States Department of Indian Affairs, Suite 700, 545 Marriott Drive, Nashville, TN 37214. I have included a copy of that response in order to increase your understanding of how SVCS will be adversely affected if the OIN lands are taken into Land Trust. If additional information is needed, please do not hesitate to let me know.

Respectfully,



Dr. Randy C. Richards  
Superintendent of Schools



March 14, 2006

Mr. Norman J. Reed, Superintendent  
Vernon-Verona-Sherrill Central School District  
5275 State Route 31  
P.O. Box 128  
Verona, NY 13478

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Reed:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Vernon-Verona-Sherrill Central School District's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that the District believes important and/or may not be readily available through the public arena. This could include information on:

- Educational programs instituted within the School District.
- The most recent breakdown of costs for an individual student in the public school system.
- Fiscal information the School District believes important for consideration of potential impacts associated with the trust application.
- Other fiscal information that may be relevant to the Proposed Action.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to



**MALCOLM  
PIRNIE**

Mr. Norman J. Reed  
Vernon-Verona-Sherrill Central School District

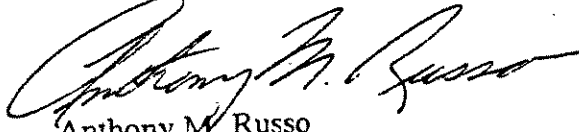
March 14, 2006  
Page 2

prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001





# VERNON VERONA SHERRILL CENTRAL SCHOOL

City School District of the City of Sherrill  
5275 State Route 31, PO Box 126, Verona, New York 13478-0126 • Tel. (315) 829-2520 • Fax (315) 829-4949

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Assistant Superintendent for Finance

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Stephen Orcutt  
Verona Elementary School  
James Rowland  
Sherrill Elementary School

May 10, 2006

The Honorable James E. Cason  
Associate Deputy Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Mr. Cason,

Thank you very much for visiting the Vernon-Verona-Sherrill School District on May 9<sup>th</sup>. It was a great pleasure to have hosted your morning meeting. I am hopeful you enjoyed your time with us, especially our F.F.A. display for our upcoming statewide convention. As I recollect, you indicated you were a member of the F.F.A. as an 8<sup>th</sup> grader when you were in school. I trust our discussion may have brought back fond memories.

As a follow-up to your visit, I have included a more detailed description of our school district along with some letters I had previously communicated to Director Keel. I am hopeful this gives you a glimpse into how important the land into trust decisions are to our community and how significant an impact they may have.

Once again, I would like to thank you for visiting us and encourage your careful consideration of our collective future.

Sincerely,

  
Norman J. Reed  
Superintendent

Enclosure

c F. Keel, Bureau of Indian Affairs  
C. Woodhead, Malcolm Pirnie

slw/MayJune06/CasonLandintoTrust.506

V.V.S.  A Great Place to Learn



MISCELLANEOUS CORRESPONDENCE



March 14, 2006

Mr. John K. Enright  
Conrail  
1000 Howard Blvd., 4<sup>th</sup> Floor  
Mt. Laurel, NJ 08054

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Enright:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within Conrail's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

On behalf of the BIA, we are requesting any information or documents, that Conrail believes important and/or may not be readily available through the public arena, yet may be maintained or recorded by Conrail. This could include information on:

- Location of known Right-of-Ways in the project area.
- Information necessary for consideration of potential impacts, if any, on operations, facilities, maintenance etc. of Conrail activities associated with the land trust application.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The BIA understands that this request may take some time to process but would appreciate receiving the various components of the data as soon as possible. If you were able to prioritize this information and forward it in stages to Malcolm Pirnie, Inc., as time will allow, it would be most appreciated.



**MALCOLM  
PIRNIE**

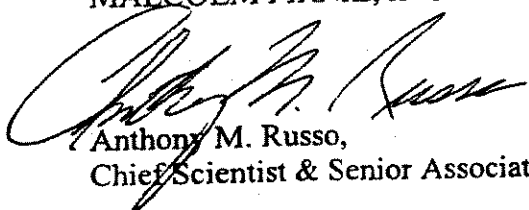
Mr. John K. Enright  
Conrail

March 10, 2006  
Page 2

Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



March 14, 2006

Mr. Kenneth Tompkins  
Vice President-Business Services  
National Grid  
221 Old Campion Road  
New Hartford, NY 13413

**Re: Oneida Nation of New York Proposed Trust Land Transfer, Draft  
Environmental Impact Statement (EIS) Information Request**

Dear Mr. Tompkins:

The Oneida Nation of New York (the Nation) is seeking to transfer 17,370 acres of land in Oneida County and Madison County, New York in trust status to the U.S. Department of the Interior, Bureau of Indian Affairs (BIA). The trust land decision-making process by the BIA is subject to the National Environmental Policy Act (NEPA) of 1969. The BIA is the lead agency for the Proposed Action and has opted for preparation of a NEPA EIS.

As the third party EIS contractor to the BIA, Malcolm Pirnie, Inc. is requesting information within the National Grid's areas of expertise, specialization, and/or jurisdiction necessary for the completion of the EIS. This request pertains to relevant information on lands that form the Proposed Action (Groups 1, 2 & 3) as well as those lands adjacent to the Proposed Action. A map of the lands proposed for trust acquisition by the BIA is enclosed for your reference.

As part of our data gathering efforts, we have consulted the scoping comments submitted by the National Grid to the BIA on January 23, 2006.

On behalf of the BIA, we are requesting any information or documents, that National Grid believes important for preparation of the EIS. We understand that some of the information may be considered or treated as confidential by the National Grid. This could include information on:

- Location of known Right-of-Ways in the project area.
- Location of facilities within the project area in Oneida and Madison Counties that could be impacted by the Proposed Action.
- Other information necessary for consideration of potential impacts, on delivery of these services, maintenance of facilities etc., associated with the land trust application.

Should there be any other information that you deem to be relevant to preparation of the EIS, it would be most appreciated if you were to include it in your response. The



**MALCOLM  
PIRNIE**

Mr. Kenneth Tompkins  
National Grid

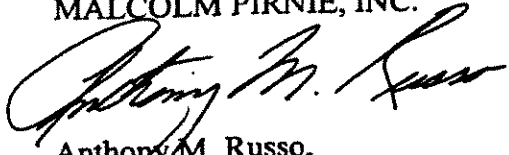
March 14, 2006  
Page 2

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Thank you for your time and consideration of this request.

Very truly yours,

MALCOLM PIRNIE, INC.



Anthony M. Russo,  
Chief Scientist & Senior Associate

cc: T. Blaser, BIA  
K. Chandler, BIA  
T. Mason, Zuckerman Spaeder, LLP

File 5477001



## MEMORANDUM OF UNDERSTANDING





## **MADISON COUNTY BOARD OF SUPERVISORS**

**ROCCO J. DIVERONICA**  
Chairman  
**CINDY L. URTZ**  
Clerk

PO Box 635  
Wampsville, NY 13163  
315/366-2201  
Fax: 315/366-2502

November 1, 2005

### **CERTIFIED MAIL RETURN RECEIPT REQUESTED**

#### **BY FAX**

Scott C. Meneely  
Acting Director, Eastern Region  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Real Estate Services  
NOV 14 2005  
BY: 

11-10-05P02:12 RCYD

RE: Application for the Acquisition of Land by the United States to be Held in Trust for the Use and Benefit of the Oneida Indian Nation of New York

Dear Mr. Meneely:

By this letter, the County of Madison of the State of New York (the "County") requests designation as a "cooperating agency" under the National Environmental Policy Act ("NEPA") in regard to the above-referenced Application. The Council on Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508) emphasize the use of cooperating agency relationships as a means of ensuring timely coordination of Federal agencies, State and local governments in preparation of NEPA analyses and documentation.

The County understands and accepts the responsibilities of a cooperating agency, including assisting in the NEPA analysis at the earliest possible time, participating in the scoping process and otherwise participating fully in the NEPA process. The County believes that serving in the role of a "cooperating agency" is appropriate and will enhance and enrich the decision making process in this matter.

If, for any reason, cooperating agency status is not granted to the County, please be advised that the County will nonetheless participate fully in the NEPA process (including the scoping process) and hereby requests to be included on all notices and mailings as an interested party.



If you have any questions, please contact the undersigned.

Very truly yours,



cc: Hon. Charles E. Schumer  
Hon. Hillary Rodham Clinton  
Hon. Sherwood L. Boehlert  
Hon. John M. McHugh  
Michael Olsen, Esq.  
Hon. George Pataki  
Hon. Raymond E. Meier  
Hon. David J. Valesky  
Hon. RoAnn Destito  
Hon. William D. Magee  
Hon. David R. Townsend, Jr.  
Gregory Allen, Esq.  
David M. Schraver, Esq.





COUNTY OF ONEIDA  
*Office of the County Executive*

ONEIDA COUNTY OFFICE BUILDING  
800 PARK AVENUE • UTICA, NEW YORK 13501  
(315) 798-5800 • FAX (315) 798-2390  
November 7, 2005

JOSEPH A. GRIFFO  
County Executive  
ce@ocgov.net

Real Estate Services

NOV 14 2005

BY: \_\_\_\_\_

**CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Scott C. Meneely  
Acting Director, Eastern Region  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

RE: Application for the Acquisition of Land by the United States to be Held in  
Trust for the Use and Benefit of the Oneida Indian Nation of New York]

Dear Mr. Meneely:

By this letter, the County of Oneida of the State of New York (the "County") requests designation as a "cooperating agency" under the National Environmental Policy Act ("NEPA") in regard to the above-referenced Application. The Council on Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508) emphasize the use of cooperating agency relationships as a means of ensuring timely coordination of Federal agencies, State and local governments in preparation of NEPA analyses and documentation.

The County understands and accepts the responsibilities of a cooperating agency, including assisting in the NEPA analysis at the earliest possible time, participating in the scoping process and otherwise participating fully in the NEPA process. The County believes that serving in the role of a "cooperating agency" is appropriate and will enhance and enrich the decision making process in this matter.

If, for any reason, cooperating agency status is not granted to the County, please be advised that the County will nonetheless participate fully in the NEPA process (including the scoping process) and hereby requests to be included on all notices and mailings as an interested party.

If you have any questions, please contact the undersigned.

Very truly yours,

  
Joseph A. Griffo  
Oneida County Executive



cc: Hon. Charles E. Schumer  
Hon. Hillary Rodham Clinton  
Hon. Sherwood L. Boehlert  
Hon. John M. McHugh  
Michael Olsen, Esq.  
Hon. George Pataki  
Hon. Raymond E. Meier  
Hon. David J. Valesky  
Hon. RoAnn Destito  
Hon. William D. Magee  
Hon. David R. Townsend, Jr.  
Gregory Allen, Esq.  
David M. Schraver, Esq.



**New York State Department of Environmental Conservation  
Deputy Commissioner & General Counsel**

Office of General Counsel, 14<sup>th</sup> Floor  
625 Broadway, Albany, New York 12233-1500  
Phone: (518) 402-2794 • FAX: (518) 402-8541  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



Denise M. Sheehan  
Acting  
Commissioner

NOV 30 2005

Mr. Scott C. Meneely  
Acting Director, Eastern Region  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Re: Oneida Indian Nation/Request to Take Land into Trust

Dear Mr. Meneely:

The New York State Department of Environmental Conservation (NYSDEC) requests designation as a "cooperating agency" pursuant to the National Environmental Policy Act (NEPA) for the Oneida Indian Nation's application to the Bureau of Indian Affairs (BIA) for trust status of certain lands within the State of New York.

This request is made in recognition of the NEPA mandate that Federal agencies responsible for compliance with NEPA do so in "cooperation with State and local governments" that have jurisdiction by law over the subject action. (42 U.S.C. § 4331[a]). Further, the Council of Environmental Quality (CEQ) regulations implementing NEPA emphasize the importance in allowing State and local agencies to participate in the NEPA process to ensure that decision makers have the environmental information needed to make necessary findings under applicable laws and regulations. (See 40 C.F.R. §§ 1501.6, 1506.2, and 1508.5).

The NYSDEC understands and accepts the duties and obligations of cooperating agency status, and will participate fully with the NEPA process. Although the CEQ regulations do not expressly provide for involvement by cooperating agencies in the preparation of an Environmental Assessment (EA), request is hereby made that if cooperating agency status is granted, that NYSDEC be afforded the opportunity to participate in the development of the EA.

The NYSDEC believes that by participating as a cooperating agency it can better serve the BIA in its role of identifying the relevant areas of environmental concern with the application. The NYSDEC's participation as a cooperating agency will include assistance with the preparation of the NEPA analyses by providing appropriate levels of technical expertise, staff

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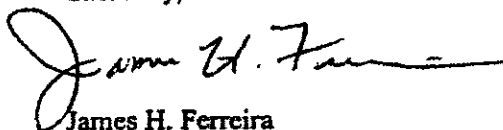
Page 2

support for the procurement of necessary documentation, and will serve to better foster the communication between Federal and State agencies tasked with the administration and processing of the environmental review.

If cooperating agency status is not granted to the NYSDEC, please be advised that the NYSDEC requests notification of all matters concerning the NEPA environmental review in regard to the above referenced matter.

Thank you for your consideration of this request. Please contact me if you should have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Ferreira". The signature is fluid and cursive, with a long horizontal stroke at the end.

James H. Ferreira  
Deputy Commissioner  
and General Counsel





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

Trust Services  
Environmental Management

JAN 04 2006

Honorable Ray Halbritter  
Nation Representative, Oneida Indian Nation  
5218 Patrick Road  
Verona, NY 13478

Dear Representative Halbritter:

We anticipate working with the Oneida Indian Nation as a National Environmental Policy Act ("NEPA") Cooperating Agency for the preparation of the Environmental Impact Statement ("EIS") concerning the Nation's land-into-trust application. In accordance with the Memorandum of Agreement with the Nation, the Bureau of Indian Affairs ("BIA"), and the environmental contractor, Malcolm Pirnie, regarding preparation of the EIS, we have been consulting with the Nation's legal counsel on the designation of Cooperating Agencies.

The New York State Department of Environmental Conservation ("NYSDEC") and the Counties of Madison and Oneida, New York, have requested Cooperating Agency status. The BIA is inclined to designate NYSDEC, the Madison County Planning Department, and the Oneida County Planning Department as Cooperating Agencies. We have invited them to meet with us to discuss their participation in the NEPA process, which we would like to take place during the day on January 11, 2006, prior to the public scoping meeting to be held in the evening on that date. We would like for the Nation's representatives to participate in the meeting as well.

Please inform us of your availability at your earliest opportunity. Please direct your response, and any questions you may have concerning scoping, to Mr. Kurt Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,

A handwritten signature in black ink, reading "Franklin Vega", is written over the word "Sincerely,". The signature is fluid and cursive.

Regional Director

cc: Thomas B. Mason, Zuckerman Spaeder LLP  
Encl: Request Letters





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Trust Services  
Environmental Management

James H. Ferreira  
Deputy Commissioner & General Counsel  
New York State Department of  
Environmental Conservation  
Office of General Counsel, 14<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233

JAN 04 2006

Dear Mr. Ferreira:

This is in response to your letter dated November 30, 2005, requesting the Bureau of Indian Affairs ("BIA") to designate the New York State Department of Environmental Conservation ("NYSDEC") as a cooperating agency under the National Environmental Policy Act ("NEPA"), in regard to the Environmental Impact Statement ("EIS") concerning the Oneida Indian Nation of New York's land-into-trust application.

We are inclined to designate the NYSDEC as a cooperating agency. For your information, we are also inclined to designate the Oneida County Planning Department and Madison County Planning Department as cooperating agencies, and are notifying them by way of separate letters.

We would like to arrange a meeting to include representatives of the Department of the Interior, Oneida County Planning Department, Madison County Planning Department, NYSDEC, and the Oneida Indian Nation of New York to discuss each of the requests for cooperating agency status, including milestones, procedures, responsibilities, and other scoping issues. It would be most convenient for the Department for the meeting to take place during the day on January 11, 2006, prior to the public scoping meeting scheduled for the evening on that date.

Please inform us of your availability at your earliest opportunity. Please direct your response, and any questions you may have concerning scoping, to Mr. Kurt Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,

A handwritten signature in cursive script, likely of Franklin K. ...  
Regional Director

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Trust Services  
Environmental Management

JAN 04 2006

Mr. Rocco J. Diveronica  
Madison County Board of Supervisors  
P.O. Box 635  
Wampsville, NY 13163

Dear Mr. Diveronica:

This is in response to your letter dated November 1, 2005, requesting the Bureau of Indian Affairs ("BIA") to designate the County of Madison of the State of New York as a cooperating agency under the National Environmental Policy Act ("NEPA"), in regard to the Environmental Impact Statement ("EIS") concerning the Oneida Indian Nation of New York's land-into-trust application.

We are inclined to designate the Madison County Planning Department as a cooperating agency. For your information, we are also inclined to designate the Oneida County Planning Department and the New York State Department of Environmental Conservation ("NYSDEC") as cooperating agencies, and are notifying them by way of separate letters.

We would like to arrange a meeting to include representatives of the Department of the Interior, Oneida County Planning Department, Madison County Planning Department, NYSDEC, and the Oneida Indian Nation of New York to discuss each of the requests for cooperating agency status, including milestones, procedures, responsibilities, and other scoping issues. It would be most convenient for the Department for the meeting to take place during the day on January 11, 2006, prior to the public scoping meeting scheduled for the evening on that date.

Please inform us of your availability at your earliest opportunity. Please direct your response, and any questions you may have concerning scoping, to Mr. Kurt G. Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,

  
Regional Director

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

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

Trust Services  
Environmental Management

JAN 04 2006

Mr. Joseph A. Griffo  
Oneida County Executive  
Oneida County Office Bldg.  
800 Park Avenue  
Utica, New York 13501-2976

Dear Mr. Griffo:

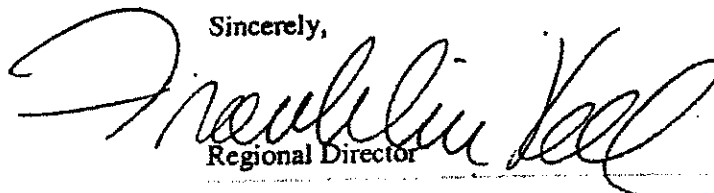
This is in response to your letter dated November 7, 2005, requesting the Bureau of Indian Affairs ("BIA") to designate the County of Oneida of the State of New York as a cooperating agency under the National Environmental Policy Act ("NEPA"), in regard to the Environmental Impact Statement ("EIS") concerning the Oneida Indian Nation of New York's land-into-trust application.

We are inclined to designate the Oneida County Planning Department as a cooperating agency. For your information, we are also inclined to designate the Madison County Planning Department and the New York State Department of Environmental Conservation ("NYSDEC") as cooperating agencies, and are notifying them by way of separate letters.

We would like to arrange a meeting to include representatives of the Department of the Interior, Oneida County Planning Department, Madison County Planning Department, NYSDEC, and the Oneida Indian Nation of New York to discuss each of the requests for cooperating agency status, including milestones, procedures, responsibilities, and other scoping issues. It would be most convenient for the Department for the meeting to take place during the day on January 11, 2006, prior to the public scoping meeting scheduled for the evening on that date.

Please inform us of your availability at your earliest opportunity. Please direct your response, and any questions you may have concerning scoping, to Mr. Kurt Chandler, Regional Environmental Scientist, at (615) 564-6832.

Sincerely,



Regional Director

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP



	<u>NAME</u>	<u>AGENCY</u>
1.	Michael DeBottis	Mad Co. BOS.
2.	Walt Gagnay	Vice Chair Mad. Co BOS
3.	PAUL MILLER	MADISON CO. PLANNING DEPT
4.	DON Behr	mad. CO. BOS
5.	Jack Miller	MADISON COUNTY PLANNING DEPT
6.	RUSSELL LURA	MADISON COUNTY BOS
7.	Scott HENDERSON	MAD. Co. B.O.S.
8.	ST JOHN CAMPANIE	MADISON Co ATTY
9.	Dave Schraever	Nixon Peabody LLP
10.	Al Floro	Nixon Peabody LLP
11.	Bob Witmer	Nixon Peabody LLP
12.	Brian Hahn	New York State Executive Chamber
13.	Glen Bruening	New York State Executive Chamber
14.	Mike Naughton	NYS Dept of Environmental Conservation
15.	KEN LYNCH	NYSDEC Region 7
16.	Sandra LeBaron	NYSDEC Region 6
17.	JOHN FELTMAN	NYSDEC Region 7
18.	TOM MADON	Zuckerman Spaele LLP
19.	ERIC Facer	FACER & Stamoulas, P.C.
20.	Pete Corman	Oneida Indian Nation
21.	JOE LORON	ONEIDA INDIAN NATION.
22.	Leroy V. Clifford, Sr.	DEPT. of Interior / Bureau of Indian Affairs
23.	Suzanne M. Langan	DOI / BIA
24.	Matthew Markon	Weil Gotshal & Manges
25.	Mike Sobczak	Malcolm Pirnie, INC.
26.	Anthony Russo	Malcolm Pirnie, INC.
27.	Tam Blissen	Solicitor's Office, DOI



DAVID MORAN Counsellor to AS-IA / D-I

Kurt Chandler

BITA Eastern Region (GIS) 5646832

Randy Caldwell

Oneida Co.

JEFF QUACKENBUSH

ONEIDA CO PLANNING





**ZUCKERMAN SPAEDER LLP**

1800 M STREET, NW WASHINGTON, DC 20036-5802  
202.778.1800 202.822.6105 fax www.zuckerman.com

Thomas B. Mason  
(202) 778-1844  
tmason@zuckerman.com

January 18, 2006

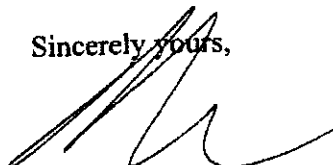
*Via Facsimile*

Thomas Blaser, Esquire  
Attorney Advisor  
U.S. Department of the Interior  
Division of Indian Affairs  
1849 C Street, N.W.  
6456 MS/MIB  
Washington, D.C. 20240

Dear Tom:

I write concerning the January 10, 2006 draft Memorandum of Understanding (MOU) regarding cooperating agency status in connection with the Environmental Impact Statement for the Oneida Indian Nation of New York's trust land application. The MOU is acceptable in form and content to the Oneida Indian Nation of New York. The Nation is prepared to execute it at your earliest convenience.

Sincerely yours,



Thomas B. Mason

TBM:gbh

cc: Mr. Hugh M. Lordon (via e-mail)  
Peter Carmen, Esquire (via e-mail)  
Michael R. Smith, Esquire





**ZUCKERMAN SPAEDER LLP**

Thomas Blaser, Esquire  
January 18, 2006  
Page 2

bcc: Niels Holch, Esquire (via e-mail)  
Eric F. Facer, Esquire (via e-mail)  
David Berz, Esquire (via e-mail)  
Matthew Morton, Esquire (via e-mail)  
Phil Thompson, Esquire (via e-mail)  
Troy Woodward, Esquire (via e-mail)  
Jason Acton, Esquire





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

Mr. Rocco J. Diveronica  
Madison County Board of Supervisors  
P.O. Box 635  
Wampsville, NY 13163

JAN 24 2006

Dear Mr. Diveronica:

We appreciate the opportunity to have met with representatives of the County of Madison, New York on January 11, 2006, to discuss a draft Memorandum of Understanding ("MOU") concerning the designation of cooperating agencies in regard to the Environmental Impact Statement ("EIS") being prepared for the Oneida Indian Nation of New York's land-into-trust application.

During the meeting, we were asked to furnish copies of the National Environmental Policy Act ("NEPA") policies and guidance referenced in the Authorities section of the draft MOU. Courtesy copies of those documents are enclosed.

The Department is committed to adhering to an orderly and efficient schedule for the conduct of the NEPA review process in this matter. We will utilize the schedule that we presented at the meeting (Attachment A to the draft MOU) until such time as the Bureau of Indian Affairs determines, in consultation with designated cooperating agencies, that modifications are necessary. We hope that your agency will elect to engage in the NEPA process as a cooperating agency as soon as practicable in order to contribute to the identification of alternatives and other facets of EIS development. We look forward to receiving your response to the draft MOU.

Sincerely,

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosures

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

Mr. Joseph A. Griffo  
Oneida County Executive  
Oneida County Office Building  
300 Park Avenue  
Utica, New York 13501-2976

Dear Mr. Griffo:

We appreciate the opportunity to have met with representatives of the County of Oneida, New York on January 11, 2006, to discuss a draft Memorandum of Understanding ("MOU") concerning the designation of cooperating agencies in regard to the Environmental Impact Statement ("EIS") being prepared for the Oneida Indian Nation of New York's land-into-trust application.

During the meeting, we were asked to furnish copies of the National Environmental Policy Act ("NEPA") policies and guidance referenced in the Authorities section of the draft MOU. Courtesy copies of those documents are enclosed.

The Department is committed to adhering to an orderly and efficient schedule for the conduct of the NEPA review process in this matter. We will utilize the schedule that we presented at the meeting (Attachment A to the draft MOU) until such time as the Bureau of Indian Affairs determines, in consultation with designated cooperating agencies, that modifications are necessary. We hope that your agency will elect to engage in the NEPA process as a cooperating agency as soon as practicable in order to contribute to the identification of alternatives and other facets of EIS development. We look forward to receiving your response to the draft MOU.

Sincerely,

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosures

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

James H. Ferreira  
Deputy Commissioner & General Counsel  
New York State Department of  
Environmental Conservation  
Office of General Counsel, 14<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233

JAN 24 2006

Dear Mr. Ferreira:

We appreciate the opportunity to have met with representatives of the New York State Department of Environmental Conservation on January 11, 2006, to discuss a draft Memorandum of Understanding ("MOU") concerning the designation of cooperating agencies in regard to the Environmental Impact Statement ("EIS") being prepared for the Oneida Indian Nation of New York's land-into-trust application.

During the meeting, we were asked to furnish copies of the National Environmental Policy Act ("NEPA") policies and guidance referenced in the Authorities section of the draft MOU. Courtesy copies of those documents are enclosed.

The Department is committed to adhering to an orderly and efficient schedule for the conduct of the NEPA review process in this matter. We will utilize the schedule that we presented at the meeting (Attachment A to the draft MOU) until such time as the Bureau of Indian Affairs determines, in consultation with designated cooperating agencies, that modifications are necessary. We hope that your agency will elect to engage in the NEPA process as a cooperating agency as soon as practicable in order to contribute to the identification of alternatives and other facets of EIS development. We look forward to receiving your response to the draft MOU.

Sincerely,

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosures

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

January 30, 2002

MEMORANDUM FOR THE HEADS OF FEDERAL AGENCIES

FROM: JAMES CONNAUGHTON, *JCC*  
Chair

SUBJECT: COOPERATING AGENCIES IN IMPLEMENTING THE PROCEDURAL  
REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL POLICY ACT

The purpose of this Memorandum is to ensure that all Federal agencies are actively considering designation of Federal and non-federal cooperating agencies in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA), and to ensure that Federal agencies actively participate as cooperating agencies in other agency's NEPA processes. The CEQ regulations addressing cooperating agencies status (40 C.F.R. §§ 1501.6 & 1508.5) implement the NEPA mandate that Federal agencies responsible for preparing NEPA analyses and documentation do so "in cooperation with State and local governments" and other agencies with jurisdiction by law or special expertise (42 U.S.C. §§ 4331(a), 4332(2)). Despite previous memoranda and guidance from CEQ, some agencies remain reluctant to engage other Federal and non-federal agencies as a cooperating agency.<sup>2</sup> In addition, some Federal agencies remain reluctant to assume the role of a cooperating agency, resulting in an inconsistent implementation of NEPA.

Studies regarding the efficiency, effectiveness, and value of NEPA analyses conclude that stakeholder involvement is important in ensuring decisionmakers have the environmental information necessary to make informed and timely decisions efficiently.<sup>3</sup> Cooperating agency status is a major component of agency stakeholder involvement that neither enlarges nor diminishes the decisionmaking authority of any agency involved in the NEPA process. This

Cooperating agency status under NEPA is not equivalent to other requirements calling for an agency to engage another governmental entity in a consultation or coordination process (e.g., Endangered Species Act section 7, National Historic Preservation Act section 106). Agencies are urged to integrate NEPA requirements with other environmental review and consultation requirements (40 C.F.R. § 1500.2(c)), and reminded that not establishing or ending cooperating agency status does not satisfy or end those other requirements.

<sup>1</sup> Memorandum for Heads of Federal Agencies, Subject: Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, dated July 28, 1989; Memorandum for Federal NEPA Liaisons, Federal, State, and Local Officials and Other Persons Involved in the NEPA Process, Subject: Questions and Answers About the NEPA Regulations (NEPA's Forty Most Asked Questions), dated March 16, 1981; published at 46 Fed. Reg. 18026 (Mar. 23, 1981), as amended.

<sup>2</sup> E.g., *The National Environmental Policy Act - A Study of its Effectiveness After Twenty-Five Years*, CEQ, January 1997.

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memo does not expand requirements or responsibilities beyond those found in current laws and regulations, nor does it require an agency to provide financial assistance to a cooperating agency.

The benefits of enhanced cooperating agency participation in the preparation of NEPA analyses include: disclosing relevant information early in the analytical process; applying available technical expertise and staff support; avoiding duplication with other Federal, State, Tribal and local procedures; and establishing a mechanism for addressing intergovernmental issues. Other benefits of enhanced cooperating agency participation include fostering intra- and intergovernmental trust (e.g., partnerships at the community level) and a common understanding and appreciation for various governmental roles in the NEPA process; as well as enhancing agencies' ability to adopt environmental documents. It is incumbent on Federal agency officials to identify as early as practicable in the environmental planning process those Federal, State, Tribal and local government agencies that have jurisdiction by law and special expertise with respect to all reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires NEPA analysis.

The Federal agency responsible for the NEPA analysis should determine whether such agencies are interested and appear capable of assuming the responsibilities of becoming a cooperating agency under 40 C.F.R. § 1501.6. Whenever invited Federal, State, Tribal and local agencies elect not to become cooperating agencies, they should still be considered for inclusion in interdisciplinary teams engaged in the NEPA process and on distribution lists for review and comment on the NEPA documents. Federal agencies declining to accept cooperating agency status in whole or in part are obligated to respond to the request and provide a copy of their response to the Council. (40 C.F.R. § 1501.6(c))

In order to assure that the NEPA process proceeds efficiently, agencies responsible for NEPA analysis are urged to set time limits, identify milestones, assign responsibilities for analysis and documentation, specify the scope and detail of the cooperating agency's contribution, and establish other appropriate ground-rules addressing issues such as availability of pre-decisional information. Agencies are encouraged in appropriate cases to consider documenting their expectations, roles and responsibilities (e.g., Memorandum of Agreement or correspondence). Establishing such a relationship neither creates a requirement nor constitutes a presumption that a lead agency provides financial assistance to a cooperating agency.

Once cooperating agency status has been extended and accepted, circumstances may arise when it is appropriate for either the lead or cooperating agency to consider ending cooperating agency status. This Memorandum provides factors to consider when deciding whether to invite, accept or end cooperating agency status. These factors are neither intended to be all-inclusive nor a rote test. Each determination should be made on a case-by-case basis considering all relevant information and factors, including requirements imposed on State, Tribal and local governments by their governing statutes and authorities. We rely upon you to ensure the reasoned use of agency discretion and to articulate and document the bases for extending, declining or ending cooperating agency status. The basis and determination should be included in the administrative record.



CEQ regulations do not explicitly discuss cooperating agencies in the context of Environmental Assessments (EAs) because of the expectation that EAs will normally be brief, concise documents that would not warrant use of formal cooperating agency status. However, agencies do at times - particularly in the context of integrating compliance with other environmental review laws - develop EAs of greater length and complexity than those required under the CEQ regulations. While we continue to be concerned about needlessly lengthy EAs (that may, at times, indicate the need to prepare an Environmental Impact Statement (EIS)), we recognize that there are times when cooperating agencies will be useful in the context of EAs. For this reason, this guidance is recommended for preparing EAs. However, this guidance does not change the basic distinction between EISs and EAs set forth in the regulations or prior guidance.

To measure our progress in addressing the issue of cooperating agency status, by October 31, 2002 agencies of the Federal government responsible for preparing NEPA analyses (e.g., the lead agency) shall provide the first bi-annual report regarding all EISs and EAs begun during the six-month period between March 1, 2002 and August 31, 2002. This is a periodic reporting requirement with the next report covering the September 2002 - February 2003 period due on April 30, 2003. For EISs, the report shall identify: the title; potential cooperating agencies; agencies invited to participate as cooperating agencies; agencies that requested cooperating agency status; agencies which accepted cooperating agency status; agencies whose cooperating agency status ended; and the current status of the EIS. A sample reporting form is at attachment 2. For EAs, the report shall provide the number of EAs and those involving cooperating agency(s) as described in attachment 2. States, Tribes, and units of local governments that have received authority by Federal law to assume the responsibilities for preparing NEPA analyses are encouraged to comply with these reporting requirements.

If you have any questions concerning this memorandum, please contact Horst G. Greczmiel, Associate Director for NEPA Oversight at 202-395-5750, Horst\_Greczmiel@ceq.eop.gov, or 202-456-0753 (fax).

###



### Factors for Determining Whether to Invite, Decline or End Cooperating Agency Status

1. Jurisdiction by law (40 C.F.R. § 1508.15) – for example, agencies with the authority to grant permits for implementing the action [federal agencies shall be a cooperating agency (1501.6); non-federal agencies may be invited (40 C.F.R. § 1508.5)]:

- Does the agency have the authority to approve a proposal or a portion of a proposal?
- Does the agency have the authority to veto a proposal or a portion of a proposal?
- Does the agency have the authority to finance a proposal or a portion of a proposal?

2. Special expertise (40 C.F.R. § 1508.26) – cooperating agency status for specific purposes linked to special expertise requires more than an interest in a proposed action [federal and non-federal agencies may be requested (40 C.F.R. §§ 1501.6 & 1508.5)]:

- Does the cooperating agency have the expertise needed to help the lead agency meet a statutory responsibility?
- Does the cooperating agency have the expertise developed to carry out an agency mission?
- Does the cooperating agency have the related program expertise or experience?
- Does the cooperating agency have the expertise regarding the proposed actions' relationship to the objectives of regional, State and local land use plans, policies and controls (1502.16(c))?

3. Do the agencies understand what cooperating agency status means and can they legally enter into an agreement to be a cooperating agency?

4. Can the cooperating agency participate during scoping and/or throughout the preparation of the analysis and documentation as necessary and meet milestones established for completing the process?

5. Can the cooperating agency, in a timely manner, aid in identifying significant environmental issues [including aspects of the human environment (40 C.F.R. § 1508.14); including natural, social, economic, energy, urban quality, historic and cultural issues (40 C.F.R. § 1502.16)]?

- eliminating minor issues from further study?
- identifying issues previously the subject of environmental review or study?
- identifying the proposed actions' relationship to the objectives of regional, State and local land use plans, policies and controls (1502.16(c))?

(40 C.F.R. §§ 1501.1(d) and 1501.7)

6. Can the cooperating agency assist in preparing portions of the review and analysis and resolving significant environmental issues to support scheduling and critical milestones?



7. Can the cooperating agency provide resources to support scheduling and critical milestones such as:

- personnel? Consider all forms of assistance (e.g., data gathering; surveying; compilation; research).
- expertise? This includes technical or subject matter expertise.
- funding? Examples include funding for personnel, travel and studies. Normally, the cooperating agency will provide the funding, to the extent available funds permit; the lead agency shall fund or include in budget requests funding for an analyses the lead agency requests from cooperating agencies. Alternatives to travel, such as telephonic or video conferencing, should be considered especially when funding constrains participation.
- models and databases? Consider consistency and compatibility with lead and other cooperating agencies' methodologies.
- facilities, equipment and other services? This type of support is especially relevant for smaller governmental entities with limited budgets.

8. Does the agency provide adequate lead time for review and do the other agencies provide adequate time for review of documents, issues and analyses? For example, are either the lead or cooperating agencies unable or unwilling to consistently participate in meetings in a timely fashion after adequate time for review of documents, issues and analyses?

9. Can the cooperating agency(s) accept the lead agency's final decisionmaking authority regarding the scope of the analysis, including authority to define the purpose and need for the proposed action? For example, is an agency unable or unwilling to develop information/analysis of alternatives they favor and disfavor?

10. Are the agency(s) able and willing to provide data and rationale underlying the analyses or assessment of alternatives?

11. Does the agency release predecisional information (including working drafts) in a manner that undermines or circumvents the agreement to work cooperatively before publishing draft or final analyses and documents? Disagreeing with the published draft or final analysis should not be a ground for ending cooperating status. Agencies must be alert to situations where state law requires release of information.

12. Does the agency consistently misrepresent the process or the findings presented in the analysis and documentation?

The factors provided for extending cooperating agency status are not intended to be all-inclusive. Moreover, satisfying all the factors is not required and satisfying one may be sufficient. Each determination should be made on a case-by-case basis considering all relevant information and factors.





EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

July 28, 1999

MEMORANDUM FOR HEADS OF FEDERAL AGENCIES

FROM: GEORGE T. FRAMPTON, JR. *GTF*  
Acting Chair

SUBJECT: DESIGNATION OF NON-FEDERAL AGENCIES TO BE COOPERATING  
AGENCIES IN IMPLEMENTING THE PROCEDURAL REQUIREMENTS OF  
THE NATIONAL ENVIRONMENTAL POLICY ACT

The purpose of this Memorandum is to urge agencies to more actively solicit in the future the participation of state, tribal and local governments as "cooperating agencies" in implementing the environmental impact statement process under the National Environmental Policy Act (NEPA), 40 C.F.R. §1508.5. As soon as practicable, but no later than the scoping process, federal agency officials should identify state, tribal and local government agencies which have jurisdiction by law and/or special expertise with respect to reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires the preparation of an environmental impact statement.<sup>1</sup> The federal agency should then determine whether such non-federal agencies are interested in assuming the responsibilities of becoming a cooperating agency under 40 C.F.R. §1501.6. Where invited tribal, state, or local agencies choose not to become cooperators in the NEPA process, they may still be identified as an internal party on the distribution list, if they so desire.

<sup>1</sup> While CEQ has not attempted to identify every state, tribal and local government agencies with jurisdiction by law or special expertise (nor do we propose to do so), agencies may wish to refer to Appendix II to the CEQ regulations, "Federal and Federal-State Agencies with Jurisdiction by Law or Special Expertise on Environmental Quality Issues", Vol. 49 *Federal Register*, No. 247, 49754-49778 (December 21, 1984), for guidance as to the types of actions and expertise that are relevant in determining appropriate cooperating agencies. Please contact CEQ for copies, if needed.

Recycled Paper



The benefits of granting cooperating agency status include disclosure of relevant information early in the analytical process; receipt of technical expertise and staff support; avoidance of duplication with state, tribal and local procedures; and establishment of a mechanism for addressing intergovernmental issues. If a non-federal agency agrees to become a cooperating agency, agencies are encouraged to document (e.g., in a memorandum of agreement) their specific expectations, roles and responsibilities, including such issues as preparation of analysis, schedules, availability of pre-decisional information and other issues. Cooperating agencies are normally expected to use their own funds for routine activities, but to the extent available funds permit, the lead agency should fund or include in its budget requests funding for major activities or analyses that it requests from cooperating agencies. 40 C.F.R. §1501.6(b)(5).

Agencies are reminded that cooperating agency status neither enlarges nor diminishes the decisionmaking authority of either federal or non-federal entities. However, cooperating agency relationships with state, tribal and local agencies help to achieve the direction set forth in NEPA to work with other levels of government "to promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." Considering NEPA's mandate and the authority granted in federal regulation to allow for cooperating agency status for state, tribal and local agencies, cooperator status for appropriate non-federal agencies should be routinely solicited.

2  
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**Department of the Interior**  
**Departmental Manual**

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**Effective Date:** 5/27/04

**Series:** Environmental Quality Programs

**Part 516:** National Environmental Policy Act of 1969

**Chapter 10:** Managing the NEPA Process--Bureau of Indian Affairs

**Originating Office:** Bureau of Indian Affairs

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**516 DM 10**

**10.1 Purpose.** This Chapter provides supplementary requirements for implementing provisions of 516 DM 1 through 6 within the Department's Bureau of Indian Affairs (BIA). This Chapter is referenced in 516 DM 6.5.

**10.2 NEPA Responsibility.**

A. Deputy Commissioner of Indian Affairs is responsible for NEPA compliance of BIA activities and programs.

B. Director, Office of Trust Responsibilities (OTR) is responsible for oversight of the BIA program for achieving compliance with NEPA, program direction, and leadership for BIA environmental policy, coordination and procedures.

C. Environmental Services Staff, reports to the Director (OTR). This office is the Bureau-wide focal point for overall NEPA policy and guidance and is responsible for advising and assisting Area Offices, Agency Superintendents, and other field support personnel in their environmental activities. The office also provides training and acts as the Central Office's liaison with Indian tribal governments on NEPA and other environmental compliance matters. Information about BIA NEPA documents or the NEPA process can be obtained by contacting the Environmental Services Staff.

D. Other Central Office Directors and Division Chiefs are responsible for ensuring that the programs and activities within their jurisdiction comply with NEPA.

E. Area Directors and Project Officers are responsible for assuring NEPA compliance with all activities under their jurisdiction and providing advice and assistance to Agency Superintendents and consulting with the Indian tribes on environmental matters related to NEPA. Area Directors and Project Officers are also responsible for assigning sufficient trained staff to ensure NEPA compliance is carried out. An Environmental Coordinator is located at each Area Office.

F. Agency Superintendents and Field Unit Supervisors are responsible for NEPA compliance and enforcement at the Agency or field unit level.



### 10.3 Guidance to Applicants and Tribal Governments.

#### A. Relationship with Applicants and Tribal Governments.

##### (1) Guidance to Applicants.

(a) An "applicant" is an entity which proposes to undertake any activity which will at some point require BIA action. These may include tribal governments, private entities, state and local governments or other Federal agencies. BIA compliance with NEPA is Congressionally mandated. Compliance is initiated when a BIA action is necessary in order to implement a proposal.

(b) Applicants should contact the BIA official at the appropriate level for assistance. This will be the Agency Superintendent, Area Director or the Director, Office of Trust Responsibilities.

(c) If the applicant's proposed action will affect or involve more than one tribal government, one government agency, one BIA Agency, or where the action may be of State-wide or regional significance, the applicant should contact the respective Area Director(s). The Area Director(s), using sole discretion, may assign the lead NEPA compliance responsibilities to one Area Office or, as appropriate, to one Agency Superintendent. From that point, the Applicant will deal with the designated lead office.

(d) Since much of the applicant's planning may take place outside the BIA system, it is the applicant's responsibility to prepare a milestone chart for BIA use at the earliest possible stage in order to coordinate the efforts of both parties. Early communication with the responsible BIA office will expedite determination of the appropriate type of NEPA documentation required. Other matters such as the scope, depth and sources of data for an environmental document will also be expedited and will help lead to a more efficient and more timely NEPA compliance process.

##### (2) Guidance to Tribal Governments.

(a) Tribal governments may be applicants, and/or be affected by a proposed action of BIA or another Federal agency. Tribal governments affected by a proposed action shall be consulted during the preparation of environmental documents and, at their option, may cooperate in the review or preparation of such documents. Notwithstanding the above, the BIA retains sole responsibility and discretion in all NEPA compliance matters.

(b) Any proposed tribal actions that do not require BIA or other Federal approval, funding or "actions" are not subject to the NEPA process.

B. Prepared Program Guidance. BIA has implemented regulations for environmental guidance for surface mining in 25 CFR Part 216 (Surface Exploration, Mining and Reclamation



of Lands.) Environmental guidance for Forestry activities is found in 25 CFR 163.27 and 53 BIA Supplements 2 and 3.

C. Other Guidance. Programs under 25 CFR for which BIA has not yet issued regulations or directives for environmental information for applicants are listed below. These programs may or may not require environmental documents and could involve submission of applicant information to determine NEPA applicability. Applicants for these types of programs should contact the appropriate BIA office for information and assistance:

- (1) Partial payment construction charges on Indian irrigation projects (25 CFR Part 134).
- (2) Construction assessments, Crow Indian irrigation project (25 CFR Part 135).
- (3) Fort Hall Indian irrigation project, Idaho (25 CFR Part 136).
- (4) Reimbursement of construction costs, San Carlos Indian irrigation project, Arizona (25 CFR Part 137).
- (5) Reimbursement of construction costs, Ahtanum Unit, Wapato Indian irrigation project, Washington (25 CFR Part 138).
- (6) Reimbursement of construction costs, Wapato-Satus Unit, Wapato Indian Irrigation project, Washington (25 CFR Part 139).
- (7) Land acquisitions (25 CFR Part 151).
- (8) Leasing and permitting (Lands) (25 CFR Part 162).
- (9) Sale of lumber and other forest products produced by Indian enterprises from the forests on Indian reservation (25 CFR Part 164).
- (10) Sale of forest products, Red Lake Indian Reservation, Minn. (25 CFR Part 165).
- (11) General grazing regulations (25 CFR Part 166).
- (12) Navajo grazing regulations (25 CFR Part 167).
- (13) Grazing regulations for the Hopi partitioned lands (25 CFR Part 168).
- (14) Rights-of-way over Indian lands (25 CFR Part 169).
- (15) Roads of the Bureau of Indian Affairs (25 CFR Part 170).



(16) Concessions, permits and leases on lands withdrawn or acquired in connection with Indian irrigation projects (25 CFR Part 173).

(17) Indian Electric Power Utilities (25 CFR Part 175).

(18) Resale of lands within the badlands Air Force Gunnery Range (Pine Ridge Aerial Gunnery Range) (25 CFR Part 178).

(19) Leasing of tribal lands for mining (25 CFR Part 211).

(20) Leasing of allotted lands for mining (25 CFR Part 212).

(21) Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining (25 CFR Part 213).

(22) Leasing of Osage Reservation lands, Oklahoma, for mining, except oil and gas (25 CFR Part 214).

(23) Lead and zinc mining operations and leases, Quapaw Agency (25 CFR Part 215).

(24) Leasing of Osage Reservation lands for oil and gas mining (25 CFR Part 226).

(25) Leasing of certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining (25 CFR Part 227).

(26) Indian fishing in Alaska (25 CFR Part 241).

(27) Commercial fishing on Red Lake Indian Reservation (25 CFR 242).

(28) Use of Columbia River in-lieu fishing sites (25 CFR Part 248).

(29) Off-reservation treaty fishing (25 CFR Part 249).

(30) Indian fishing - Hoopa Valley Indian Reservation (25 CFR Part 150).

(31) Housing Improvement Program (25 CFR Part 256).

(32) Contracts under Indian Self-Determination Act (25 CFR Part 271).

(33) Grants under Indian Self-Determination Act (25 CFR Part 272).

(34) School construction or services for tribally operated previously private schools (25 CFR Part 274).



(35) Uniform administration requirements for grants (25 CFR 276).

(36) School construction contracts for public schools (25 CFR Part 277).

#### 10.4 Major Actions Normally Requiring an EIS.

A. The following BIA actions normally require the preparation of an Environmental Impact Statement (EIS):

(1) Proposed mining contracts (for other than oil and gas), or the combination of a number of smaller contracts comprising a mining unit for:

(a) New mines of 640 acres or more, other than surface coal mines.

(b) New surface coal mines of 1,280 acres or more, or having an annual full production level of 5 million tons or more.

(2) Proposed water development projects which would, for example, inundate more than 1,000 acres, or store more than 30,000 acre-feet, or irrigate more than 5,000 acres of undeveloped land.

(3) Construction of a treatment, storage or disposal facility for hazardous waste or toxic substances.

(4) Construction of a solid waste facility for commercial purposes.

B. If, for any of these actions, it is proposed not to prepare an EIS, an Environmental Assessment (EA) will be developed in accordance with 40 CFR 1501.4(a)(2).

10.5 **Categorical Exclusions.** In addition to the actions listed in the Department's categorical exclusions in Appendix 1 of 516 DM 2, many of which the BIA also performs, the following BIA actions are hereby designated as categorical exclusions unless the action qualifies as an exception under Appendix 2 of 516 DM 2. These activities are single, independent actions not associated with a larger, existing or proposed, complex or facility. If cases occur that involve larger complexes or facilities, an EA or supplement should be accomplished.

A. Operation, Maintenance, and Replacement of Existing Facilities. Examples are normal renovation of buildings, road maintenance and limited rehabilitation of irrigation structures.

B. Transfer of Existing Federal Facilities to Other Entities. Transfer of existing operation and maintenance activities of Federal facilities to tribal groups, water user organizations, or other entities where the anticipated operation and maintenance activities are agreed to in a contract, follow BIA policy, and no change in operations or maintenance is anticipated.



C. Human Resources Programs. Examples are social services, education services, employment assistance, tribal operations, law enforcement and credit and financing activities not related to development.

D. Administrative Actions and Other Activities Relating to Trust Resources. Examples are: Management of trust funds (collection and distribution), budget, finance, estate planning, wills and appraisals.

E. Self-Determination and Self-Governance.

(1) Self-Determination Act contracts and grants for BIA programs listed as categorical exclusions, or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

(2) Self-Governance compacts for BIA programs which are listed as categorical exclusions or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

F. Rights-of-Way.

(1) Rights-of-Way inside another right-of-way, or amendments to rights-of-way where no deviations from or additions to the original right-of-way are involved and where there is an existing NEPA analysis covering the same or similar impacts in the right-of-way area.

(2) Service line agreements to an individual residence, building or well from an existing facility where installation will involve no clearance of vegetation from the right-of-way other than for placement of poles, signs (including highway signs), or buried power/cable lines.

(3) Renewals, assignments and conversions of existing rights-of-way where there would be essentially no change in use and continuation would not lead to environmental degradation.

G. Minerals.

(1) Approval of permits for geologic mapping, inventory, reconnaissance and surface sample collecting.

(2) Approval of unitization agreements, pooling or communitization agreements.

(3) Approval of mineral lease adjustments and transfers, including assignments and subleases.

(4) Approval of royalty determinations such as royalty rate adjustments of an existing lease or contract agreement.



#### H. Forestry.

(1) Approval of free-use cutting, without permit, to Indian owners for on-reservation personal use of forest products, not to exceed 2,500 feet board measure when cutting will not adversely affect associated resources such as riparian zones, areas of special significance, etc.

(2) Approval and issuance of cutting permits for forest products not to exceed \$5,000 in value.

(3) Approval and issuance of paid timber cutting permits or contracts for products valued at less than \$25,000 when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(4) Approval of annual logging plans when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(5) Approval of Fire Management Planning Analysis detailing emergency fire suppression activities.

(6) Approval of emergency forest and range rehabilitation plans when limited to environmental stabilization on less than 10,000 acres and not including approval of salvage sales of damaged timber.

(7) Approval of forest stand improvement projects of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(8) Approval of timber management access skid trail and logging road construction when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(9) Approval of prescribed burning plans of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

(10) Approval of forestation projects with native species and associated protection and site preparation activities on less than 2000 acres when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

I. Land Conveyance and Other Transfers. Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.

J. Reservation Proclamations. Lands established as or added to a reservation pursuant to 25 U.S.C. 467, where no change in land use is planned.



K. Waste Management.

(1) Closure operations for solid waste facilities when done in compliance with other federal laws and regulations and where cover material is taken from locations which have been approved for use by earlier NEPA analysis.

(2) Activities involving remediation of hazardous waste sites if done in compliance with applicable federal laws such as the Resource Conservation and Recovery Act (P.L. 94-580), Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-516) or Toxic Substances Control Act (P.L. 94-469).

L. Roads and Transportation.

(1) Approval of utility installations along or across a transportation facility located in whole within the limits of the roadway right-of-way.

(2) Construction of bicycle and pedestrian lanes and paths adjacent to existing highways and within the existing rights-of-way.

(3) Activities included in a "highway safety plan" under 23 CFR 402.

(4) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

(5) Emergency repairs under 23 U.S.C. 125.

(6) Acquisition of scenic easements.

(7) Alterations to facilities to make them accessible for the elderly or handicapped.

(8) Resurfacing a highway without adding to the existing width.

(9) Rehabilitation, reconstruction or replacement of an existing bridge structure on essentially the same alignment or location (e.g., widening, adding shoulders or safety lanes, walkways, bikeways or guardrails).

(10) Approvals for changes in access control within existing right-of-ways.



(11) Road construction within an existing right-of-way which has already been acquired for a HUD housing project and for which earlier NEPA analysis has already been prepared.

M. Other.

(1) Data gathering activities such as inventories, soil and range surveys, timber cruising, geological, geophysical, archeological, paleontological and cadastral surveys.

(2) Establishment of non-disturbance environmental quality monitoring programs and field monitoring stations including testing services.

(3) Actions where BIA has concurrence or co-approval with another Bureau and the action is categorically excluded for that Bureau.

(4) Approval of an Application for Permit to Drill for a new water source or observation well.

(5) Approval of conversion of an abandoned oil well to a water well if water facilities are established only near the well site.

(6) Approval and issuance of permits under the Archaeological Resources Protection Act (16 U.S.C. 470aa-11) when the permitted activity is being done as a part of an action for which a NEPA analysis has been, or is being prepared.

5/27/04 #3620

Replaces 3/18/80 #3511





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

MAR 24 2006

Michael Naughton, Esq.  
New York State Department of  
Environmental Conservation  
Office of General Counsel, 14<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233

Dear Mr. Naughton:

This letter concerns the request of the New York State Department of Environmental Conservation ("NYSDEC") to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement for the Oneida Indian Nation of New York's land-into-trust application.

We received comments on the January 10, 2006 draft Memorandum of Understanding ("MOU") concerning cooperating agency status from NYSDEC, Oneida County, Madison County, and the Oneida Indian Nation. After consideration of these comments and further consultation with the Bureau of Indian Affairs' third-party contractor, Malcolm Pirnie, Inc., we have prepared a revised cooperating agency MOU and EIS schedule for acceptance by all the agencies that have requested cooperating agency status.

We hope that the NYSDEC will elect to engage in the NEPA process as a cooperating agency as soon as practicable. In the meantime, we will adhere to the enclosed EIS schedule. We look forward to receiving the NYSDEC's response.

Sincerely,

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosures

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

MAR 24 2006

Mr. Joseph A. Griffo  
Oneida County Executive  
Oneida County Office Building  
800 Park Avenue  
Utica, New York 13501-2976

Dear Mr. Griffo:

This letter concerns the request of Oneida County, New York to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement for the Oneida Indian Nation of New York's land-into-trust application.

We received comments on the January 10, 2006 draft Memorandum of Understanding ("MOU") concerning cooperating agency status from the New York State Department of Environmental Conservation, Oneida County, Madison County, and the Oneida Indian Nation. After consideration of these comments and further consultation with the Bureau of Indian Affairs' third-party contractor, Malcolm Pirnie, Inc., we have prepared a revised cooperating agency MOU and EIS schedule for acceptance by all the agencies that have requested cooperating agency status.

We hope that Oneida County will elect to engage in the NEPA process as a cooperating agency as soon as practicable. In the meantime, we will adhere to the enclosed EIS schedule. We look forward to receiving Oneida County's response.

Sincerely,

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosures

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

MAR 24 2006

Mr. Rocco J. Diveronica  
Madison County Board of Supervisors  
P.O. Box 635  
Wampsville, NY 13163

Dear Mr. Diveronica:

This letter concerns the request of Madison County, New York to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement for the Oneida Indian Nation of New York's land-into-trust application.

We received comments on the January 10, 2006 draft Memorandum of Understanding ("MOU") concerning cooperating agency status from the New York State Department of Environmental Conservation, Oneida County, Madison County, and the Oneida Indian Nation. After consideration of these comments and further consultation with the Bureau of Indian Affairs' third-party contractor, Malcolm Pirnie, Inc., we have prepared a revised cooperating agency MOU and EIS schedule for acceptance by all the agencies that have requested cooperating agency status.

We hope that Madison County will elect to engage in the NEPA process as a cooperating agency as soon as practicable. In the meantime, we will adhere to the enclosed EIS schedule. We look forward to receiving Madison County's response.

Sincerely,

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosures

cc: Nation Representative Ray Halbritter, Oneida Indian Nation  
Thomas B. Mason, Zuckerman Spaeder LLP





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

MAR 24 2006

Thomas Mason, Esq.  
Zuckerman Spaeder, LLP  
1201 Connecticut Avenue, NW  
Washington, DC 20036

Dear Mr. Mason:

This letter concerns the request of the Oneida Indian Nation of New York ("OIN") to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement for the OIN's land-into-trust application.

We received comments on the January 10, 2006 draft Memorandum of Understanding ("MOU") concerning cooperating agency status from the New York State Department of Environmental Conservation, Oneida County, Madison County, and the OIN. After consideration of these comments and further consultation with the Bureau of Indian Affairs' third-party contractor, Malcolm Pirnie, Inc., we have prepared a revised cooperating agency MOU and EIS schedule for acceptance by all the agencies that have requested cooperating agency status.

We hope that the OIN will elect to engage in the NEPA process as a cooperating agency as soon as practicable. In the meantime, we will adhere to the enclosed EIS schedule. We look forward to receiving the OIN's response.

Sincerely,

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosures



MAR. 30. 2006 6:20PM NIXON PEABODY LLP

NO. 8290 P. 3

**NIXON PEABODY LLP**  
ATTORNEYS AT LAW

Clinton Square  
P.O. Box 31051  
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E-Mail: dschraver@nixonpeabody.com

March 30, 2006

VIA FACSIMILE AND REGULAR MAIL

Thomas A. Blaser  
Division of Indian Affairs  
Branch of Trust Responsibility  
1849 C Street, N.W. MS 6456  
Washington, D.C. 20240

Dear Tom:

This letter will serve as a preliminary response to the revised MOU you faxed to the Counties on March 27, 2006. We have had an initial discussion between the Counties and expect to discuss it further next week with the State of New York.

We are very disappointed in the changes you have made in the MOU. We are also disappointed that in the nearly two months since the Counties provided their comments on your initial proposed MOU, no one from the BIA or DOI contacted us or the Counties to discuss proposed revisions and try to resolve a final MOU in a spirit of cooperation. Finally, we did not receive your revised MOU until March 27, 2006, after all of the revisions to the scoping report were made and only four days before the end date for BIA approval of the scoping report, according to the schedule attached to your revised MOU. The Counties were offered no opportunity to review the scoping report. Unfortunately, these events are reflective of the lack of good faith cooperation by the BIA and the Solicitor's Office that has characterized this process from the outset.

Memorandums issued by the Council on Environmental Quality (CEQ) almost universally recommend that "cooperating agencies" be identified early in the environmental process established by Congress in the National Environmental Protection Act (NEPA). Those agencies should be brought into the environmental review at the outset and included in the identification of broad environmental issues ("scoping") that may be impacted by the proposed action under consideration. Not only has this not taken place, we are constantly having to

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ORANGE COUNTY, CA • PALM BEACH GARDENS, FL • PHILADELPHIA, PA • PROVIDENCE, RI • ROCHESTER, NY • SAN FRANCISCO, CA • WASHINGTON, DC



MAR. 30. 2006 6:21PM NIXON PEABODY LLP

NO. 8290 P. 4

## NIXON PEABODY LLP

Thomas A. Blaser  
March 30, 2006  
Page 2

persistently argue for meaningful involvement in way fair to us as well as to the Oneida Indian Nation of New York ("OINNY").

The DOI has had the application from the OINNY since April 4, 2005. They notified the Counties and the State on September 20, 2005 requesting comments on the application, for the first group of parcels, by October 26, 2005. Despite their early knowledge of the action and despite the CEQ's numerous memos on appropriately implementing NEPA, neither the BIA nor the DOI contacted the Counties nor New York State regarding cooperating agency status.

While the BIA delayed the appropriate implementation of NEPA, it worked with the OINNY to identify and contract with an environmental firm to undertake the environmental impact study (EIS). It signed a three party agreement with the OINNY, Malcolm Pirnie (the firm selected by the OINNY to undertake the EIS), and the BIA; that agreement included a proviso in which the BIA agreed to submit requests for cooperating agency status to the OINNY for their review but not to the Counties. That is not a fair review process.

On November 1, 2005, the Counties formally requested cooperating agency status from the DOI, long before the DOI published a notice in the *Federal Register* on December 23, 2005 announcing the beginning of an EIS process for the action; and that a public hearing for scoping would take place in Oneida County on January 10<sup>th</sup> and in Madison County on January 11, 2006. The Counties did not receive a response on their November 1, 2005 request until January 4, 2006 when they received a letter (by FAX), from Franklin Keel, the Eastern Regional Director of the BIA, stating that in response to our letter of 11/1/2005, they were "inclined to designate the Madison County Planning Department [sic] as a cooperating agency." In the same letter, Mr. Keel said it would be "most convenient" for the Department to meet with the County on January 11, 2006 regarding cooperating agency status.

At that January 11<sup>th</sup> meeting, DOI and BIA officials discussed with local and state officials a proposed memorandum of understanding with the DOI/BIA and the need to sign it as soon as possible in order to be a part of the process. There had been but one day's advance notice of the MOU, and one scoping session with the public had already been held. Although the DOI/BIA agreed that we needed additional time for review of the MOU, they noted that the EIS review process was moving forward and delay in agreeing to the MOU would delay the various agencies ability to participate as cooperating agencies.

However, the DOI "Departmental Manual" states that "Compliance [with NEPA] is initiated when a BIA action is necessary in order to implement a proposal." Thus, despite the requirement that the NEPA process begin in April 2005 and despite the CEQ's numerous exhortations to identify and involve cooperating agencies as soon as possible, the DOI/BIA waited until the 11<sup>th</sup> hour to involve the Counties; BIA has stymied participation by the Counties and not followed the spirit (and perhaps not even) the letter of the law.

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MAR. 30. 2006 6:21PM

NIXON PEABODY LLP

NO. 8290 P. 5

## NIXON PEABODY LLP

Thomas A. Blaser  
March 30, 2006  
Page 3

The Counties completed their review of the proposed MOU and submitted comments to the BIA on February 7<sup>th</sup>. They requested approval by February 14<sup>th</sup> in order that it could go before the Madison County Board of Supervisors for approval. We heard nothing from the BIA until your March 27<sup>th</sup> FAX. Meanwhile, the Counties have been excluded from the scoping process except for being allowed to make comments at two public hearing—both of which were stacked by employees of the OINNY, who bused employees to the venue—and for being allowed to submit scoping comments by January 23, 2006.

The Counties' opportunity to participate in the development and review of the scoping report has now effectively been denied.

After we have an opportunity to talk with the State, we will send you a further response.

Very truly yours,

*David M. Schrauer / tsj*

David M. Schrauer

cc: Joseph A. Griffo, County Executive, County of Oneida  
Rocco DiVeronica, Chairman, Madison County Board of Supervisors  
S. John Campanie, Esq., Madison County Attorney  
Randal B. Caldwell, Esq., Oneida County Attorney  
Hon. Charles E. Schumer, U.S. Senator  
Hon. Hillary Rodham Clinton, U.S. Senator  
Hon. Sherwood L. Boehlert, U.S. House of Representatives  
Hon. John M. McHugh, U.S. House of Representatives  
James E. Cason, Associate Deputy Secretary of the Interior  
Greg Allen, Esq., Senior Assistant Counsel to the Governor  
Glen Bruening, Office of the Governor  
Michael Naughton, NYSDEC  
James L. Connaughton, Chairman, Counsel on Environmental Quality  
Ruben Barrales, Director of Intergovernmental Affairs





**ZUCKERMAN SPAEDER LLP**

1800 M STREET, NW WASHINGTON, DC 20036-5802  
202.778.1800 202.822.8106 fax www.zuckerman.com

Thomas B. Mason  
(202) 778-1844  
tmason@zuckerman.com

April 5, 2006

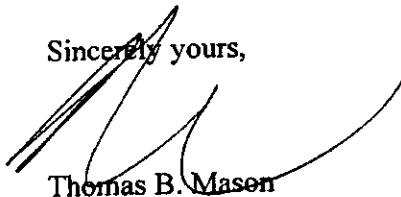
*Via Facsimile and First Class Mail*

Thomas Blaser, Esquire  
Attorney Advisor  
U.S. Department of the Interior  
Division of Indian Affairs  
1849 C Street, N.W.  
6456 MS/MIB  
Washington, D.C. 20240

Dear Mr. Blaser:

Please find attached a copy of the Memorandum of Understanding concerning cooperating agency status executed by the Nation.

Sincerely yours,



Thomas B. Mason

TBM:gbh  
Enclosure

cc: Mr. Hugh M. Lordon (w/encl.) (via e-mail)  
Peter Carmen, Esquire (w/encl.) (via e-mail)  
Niels Holch, Esquire (w/encl.) (via e-mail)  
Eric F. Facer, Esquire (w/encl.) (via e-mail)  
David Berz, Esquire (w/encl.) (via e-mail)  
Michael R. Smith, Esquire (w/encl.) (via e-mail)





# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

JUN 13 2006

Thomas Mason, Esq.  
Zuckerman Spaeder LLP  
1201 Connecticut Avenue, NW  
Washington, DC 20036

Dear Mr. Mason:

This letter concerns the request of the Oneida Indian Nation of New York ("OIN") to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement for the OIN's land-into-trust application.

As you know, during a meeting on May 9, 2006, between representatives of the Department, Oneida County, Madison County, and the New York State Department of Environmental Conservation (NYSDEC), these potential cooperating agencies proposed, and the Department agreed in principle to make, revisions to Paragraphs III(A)(10) and IV(I) of the Memorandum of Understanding (MOU) concerning cooperating agency participation. In a letter dated May 11, 2006, the NYSDEC proposed language for inclusion in Paragraph IV(I). A revised final MOU incorporating this language, and the revision to Paragraph III(A)(10) that was discussed at the May 9<sup>th</sup> meeting, is enclosed. We do not think these revisions materially affect the OIN's obligations under the MOU. Nonetheless, we politely request that the OIN execute the revised final MOU, which we understand that all the potential cooperating agencies will execute.

Please note that we also revised the EIS Schedule (Attachment A to the MOU) in order to extend the time for the potential cooperating agencies to respond to the Bureau of Indian Affairs' information requests, until June 19, 2006. We are asking the potential cooperating agencies to inform us as soon as possible if they will not be able to complete their response by June 19<sup>th</sup>, specifically what information they will not be able to provide by that date, and the date by which they will complete their response. In the meantime, we will continue to follow the EIS Schedule. We will not delay, for example, preparation of the Preliminary Draft EIS due to unresolved information requests.



If you have any questions, please call me at 202-208-5811 or Kurt Chandler, Regional Environmental Scientist, at 615-564-6832.

Sincerely,



Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosure





# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

JUN 13 2006

Mr. Joseph A. Griffo  
Oneida County Executive  
Oneida County Office Building  
800 Park Avenue  
Utica, New York 13501-2976

Dear Mr. Griffo:

This letter concerns the request of Oneida County, New York to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement (EIS) for the Oneida Indian Nation of New York's land-into-trust application.

During our meeting in New York on May 9, 2006, with representatives of Oneida County, Madison County, and the New York State Department of Environmental Conservation (NYSDEC), these potential cooperating agencies proposed, and the Department agreed in principle to make, revisions to Paragraphs III(A)(10) and IV(I) of the Memorandum of Understanding (MOU) concerning cooperating agency participation. In a letter dated May 11, 2006, the NYSDEC proposed language for inclusion in Paragraph IV(I). Enclosed for execution is a revised final MOU incorporating this language and the revision to Paragraph III(A)(10) that we discussed.

In addition, I understand that Madison County and Oneida County are still working on their responses to information requests submitted to them by the Bureau of Indian Affairs' contractor, Malcolm Pirnie, Inc. As you know, Malcolm Pirnie sent information requests to the Counties on March 6, 2006. On March 30, 2006, the day before responses were due, Madison County asked Malcolm Pirnie to provide a schedule or prioritization of the information requested, and a list of information already requested and received. On April 17, 2006, Oneida County asked Malcolm Pirnie for a similar listing of information requested and received, and reserved a right to wait to provide information until the MOU is agreed to. I understand that Malcolm Pirnie has provided the requested assistance. Further, we have revised the EIS Schedule (Attachment A to the MOU) to extend the time for the potential cooperating agencies to respond to the information requests, until June 19, 2006. Please let us know as soon as possible if Oneida County will not be able to complete its response by June 19<sup>th</sup>, specifically what information it will not be able to provide by that date, and the date by which it will complete its response. In the meantime, we will continue



to follow the EIS Schedule. We will not delay, for example, preparation of the Preliminary Draft EIS due to unresolved information requests.

If you have any questions, please call me at 202-208-5811 or Kurt Chandler, Regional Environmental Scientist, at 615-564-6832.

Sincerely,



Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosure

cc: Thomas B. Mason, Zuckerman Spaeder LLP





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

JUN 13 2006

Mr. Rocco J. Diveronica  
Madison County Board of Supervisors  
P.O. Box 635  
Wampsville, NY 13163

Dear Mr. Diveronica:

This letter concerns the request of Madison County, New York to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement (EIS) for the Oneida Indian Nation of New York's land-into-trust application.

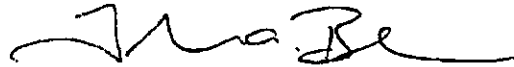
During our meeting in New York on May 9, 2006, with representatives of Oneida County, Madison County, and the New York State Department of Environmental Conservation (NYSDEC), these potential cooperating agencies proposed, and the Department agreed in principle to make, revisions to Paragraphs III(A)(10) and IV(I) of the Memorandum of Understanding (MOU) concerning cooperating agency participation. In a letter dated May 11, 2006, the NYSDEC proposed language for inclusion in Paragraph IV(I). Enclosed for execution is a revised final MOU incorporating this language and the revision to Paragraph III(A)(10) that we discussed.

In addition, I understand that Madison County and Oneida County are still working on their responses to information requests submitted to them by the Bureau of Indian Affairs' contractor, Malcolm Pirnie, Inc. As you know, Malcolm Pirnie sent information requests to the Counties on March 6, 2006. On March 30, 2006, the day before responses were due, Madison County asked Malcolm Pirnie to provide a schedule or prioritization of the information requested, and a list of information already requested and received. On April 17, 2006, Oneida County asked Malcolm Pirnie for a similar listing of information requested and received, and reserved a right to wait to provide information until the MOU is agreed to. I understand that Malcolm Pirnie has provided the requested assistance. Further, we have revised the EIS Schedule (Attachment A to the MOU) to extend the time for the potential cooperating agencies to respond to the information requests, until June 19, 2006. Please let us know as soon as possible if Madison County will not be able to complete its response by June 19<sup>th</sup>, specifically what information it will not be able to provide by that date, and the date by which it will complete its response. In the meantime, we will continue to follow the EIS Schedule. We will not delay, for example, preparation of the Preliminary Draft EIS due to unresolved information requests.



If you have any questions, please call me at 202-208-5811 or Kurt Chandler, Regional Environmental Scientist, at 615-564-6832.

Sincerely,



Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosure

cc: Thomas B. Mason, Zuckerman Spaeder LLP





## United States Department of the Interior

OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

IN REPLY REFER TO:

JUN 13 2006

Michael Naughton, Esq.  
New York State Department of  
Environmental Conservation  
Office of General Counsel, 14<sup>th</sup> Floor  
625 Broadway  
Albany, New York 12233

Dear Mr. Naughton:

This letter concerns the request of the New York State Department of Environmental Conservation (NYSDEC) to be designated a cooperating agency under the National Environmental Policy Act for purposes of development of the Environmental Impact Statement (EIS) for the Oneida Indian Nation of New York's land-into-trust application.

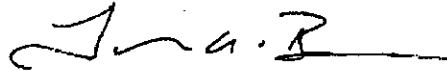
During our meeting in New York on May 9, 2006, with representatives of Oneida County, Madison County, and the NYSDEC, these potential cooperating agencies proposed, and the Department agreed in principle to make, revisions to Paragraphs III(A)(10) and IV(I) of the Memorandum of Understanding (MOU) concerning cooperating agency participation. In your letter dated May 11, 2006, the NYSDEC proposed language for inclusion in Paragraph IV(I). Enclosed for execution is a revised final MOU incorporating this language and the revision to Paragraph III(A)(10) that we discussed.

In addition, we understand that the potential cooperating agencies are still working on their responses to information requests originally submitted to them in March 2006 by the Bureau of Indian Affairs' contractor, Malcolm Pirnie, Inc. Please note that we have revised the EIS Schedule (Attachment A to the MOU) to extend the time for the potential cooperating agencies to respond to the information requests, until June 19, 2006. Please let us know as soon as possible if the NYSDEC will not be able to complete its response by June 19<sup>th</sup>, specifically what information it will not be able to provide by that date, and the date by which it will complete its response. While the potential cooperating agencies work on their responses, we will continue to follow the EIS Schedule. We will not delay, for example, preparation of the Preliminary Draft EIS due to unresolved information requests.



If you have any questions, please call me at 202-208-5811 or Kurt Chandler, Regional Environmental Scientist, at 615-564-6832.

Sincerely,

A handwritten signature in black ink, appearing to read 'T.A. Blaser', with a horizontal line extending to the right.

Thomas A. Blaser  
Attorney-Advisor  
Division of Indian Affairs  
Branch of Trust Responsibility

Enclosure

cc: Thomas B. Mason, Zuckerman Spaeder LLP





**ZUCKERMAN SPAEDER LLP**

1800 M STREET, NW WASHINGTON, DC 20036-5802  
202.778.1800 202.822.8108 fax www.zuckerman.com

Thomas B. Mason  
(202) 778-1844  
tmason@zuckerman.com

June 30, 2006

*Via Facsimile and First Class Mail*

Thomas Blaser, Esquire  
Attorney Advisor  
U.S. Department of the Interior  
Division of Indian Affairs  
1849 C Street, N.W.  
6456 MS/MIB  
Washington, D.C. 20240

Dear Mr. Blaser:

Please find attached a copy of the Memorandum of Understanding concerning cooperating agency status executed by the Nation.

Sincerely yours,

Thomas B. Mason

TBM:gbh  
Enclosure

cc: Mr. Hugh M. Lordon (w/encl.) (via e-mail)  
Peter Carmen, Esquire (w/encl.) (via e-mail)  
Niels Holch, Esquire (w/encl.) (via e-mail)  
Eric F. Facer, Esquire (w/encl.) (via e-mail)  
David Berz, Esquire (w/encl.) (via e-mail)  
Michael R. Smith, Esquire (w/encl.) (via e-mail)



# **MEMORANDUM OF UNDERSTANDING**

between the

**UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Indian Affairs**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**ONEIDA COUNTY, NY**

**MADISON COUNTY, NY**

and

**ONEIDA INDIAN NATION OF NEW YORK**

concerning:

**Lead Agency and Cooperating Agency Coordination for an Environmental  
Impact Statement on the Proposed Fee-to-Trust Transfer of Land  
from the Oneida Indian Nation of New York to the United States**

The objective of this Memorandum of Understanding ("MOU") is to establish an agreement between the Bureau of Indian Affairs ("BIA"), the New York State Department of Environmental Conservation ("NYSDEC"), Oneida County, NY ("OC"), Madison County, NY ("MC"), and the Oneida Indian Nation of New York (the "Nation") regarding the roles and responsibilities of the BIA, NYSDEC, OC, MC, and the Nation in the development of the Environmental Impact Statement ("EIS") concerning the Nation's proposed fee-to-trust transfer of land. This MOU confirms the formal designation of the NYSDEC, OC, MC, and the Nation as cooperating agencies, and delineates the responsibilities and obligations of each agency with respect to the development of the EIS. Accordingly, the parties agree to the following:

## **I. Purpose.**

The Nation is applying to the BIA for a fee-to-trust transfer of 17,370 acres of land owned by the Nation (the "Proposed Action"). The Proposed Action is intended to help address the Nation's need for cultural and social preservation, political self-determination, self-sufficiency, and economic growth as a federally recognized Indian tribe. The federal government's trust relationship with Indian tribes is defined by treaties, statutes, Executive Orders, regulations, and judicial decisions. The BIA is required to review the proposed fee-to-trust acquisition under the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) ("NEPA"). Under NEPA, the BIA is the lead agency for the evaluation of the Proposed Action and alternatives consistent with Counsel on Environmental Quality ("CEQ") regulations, 40 C.F.R. §§ 1500-1508. In accordance with this MOU, NYSDEC, OC, MC, and the Nation



are designated cooperating agencies. The preparation of the EIS has been contracted to Malcolm Pirnie, Inc. ("Malcolm Pirnie"), a third party contractor to the BIA.

## **II. Authority.**

The agencies enter this MOU under the authority of NEPA, CEQ regulations, the July 28, 1999 CEQ Memorandum on Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of NEPA, the January 30, 2002 CEQ Memorandum on Cooperating Agencies in Implementing the Procedural Requirements of NEPA, Department of Interior Manual 516 DM 1-6, 10, and the BIA NEPA Handbook, 59 IAM 3-H (May 5, 2005).

## **III. Responsibilities and Obligations.**

A. Responsibilities of the Lead Agency – Among its statutory and regulatory obligations, the lead agency BIA shall be responsible for:

1. Drafting the NEPA documents to ensure that the EIS is in compliance with all applicable laws, policies, Executive Orders, and guidelines with respect to potential impacts resulting from the Proposed Action.
2. Through consultation with each cooperating agency, the BIA is responsible for selecting the alternatives for assessment in the EIS and, when desirable or appropriate, for the selection of a Preferred Alternative.
3. Approving the Draft EIS and the Final EIS prior to release to the public.
4. Preparing and approving a Record of Decision ("ROD").
5. Having the sole authority to manage and direct the actions of Malcom Pirnie.
6. Adhering to the schedule attached as "Attachment A." The BIA may modify timeframes and deadlines that apply to the cooperating agencies through consultation with each cooperating agency. The BIA may modify timeframes and deadlines that do not apply to the cooperating agencies without such consultation.
7. Designating those subject areas in the EIS upon which each cooperating agency will focus its evaluation and review of the environmental issues. These designations will be based upon the special expertise of each cooperating agency.
8. Participating in all phases of EIS preparation, including attending inter-agency coordination meetings, reviewing draft documents and public



notices, and participating in public scoping and Draft EIS public review meetings and hearings.

9. Receiving and reviewing all agency and public scoping comments, comments on the Draft EIS and the Final EIS, and preparing responses to comments.
10. Keeping cooperating agencies informed in general on the progress of the EIS and providing copies of documents relevant to the cooperating agencies' duties hereunder as determined in the discretion of the BIA. Such documents will include the scoping report, agency and public scoping comments, draft EIS, final EIS, and ROD.
11. Contributing to and maintaining a comprehensive mailing list for distribution of Proposed Action information and NEPA documents.
12. Designating a representative(s) to serve as the day-to-day liaison or point of contact for the Proposed Action.
13. Maintaining the federal Administrative Record of the preparation of the EIS and ROD.

B. Responsibilities of the Cooperating Agencies – NYSDEC, OC, MC, and the Nation shall be responsible for:

1. Participating in the EIS process, including attending meetings as requested by the BIA, reviewing draft documents, and participating in the scoping and Draft EIS public review processes.
2. Identifying significant environmental issues and providing assistance and information related to their areas of special expertise, as follows:
  - i. NYSDEC – shall provide such assistance and information related to its expertise concerning environmental and regulatory impacts of the Proposed Action within the jurisdiction of the NYSDEC as the BIA requests.
  - ii. OC – shall provide such assistance and information related to its areas of expertise concerning the economic, socioeconomic, environmental, land use, public health and safety, tax, and regulatory impacts of the Proposed Action within OC as the BIA requests.
  - iii. MC – shall provide such assistance and information related to its areas of expertise concerning the economic, socioeconomic, environmental, land use, public health and safety, tax, and regulatory impacts of the Proposed Action within MC as the BIA requests.



iv. Oneida Nation – shall provide such assistance and information as the BIA requests.

3. Adhering to the schedule attached as "Attachment A," commencing at the time upon which this MOU is entered into by the cooperating agency. The BIA may modify timeframes and deadlines that apply to the cooperating agencies through consultation with each cooperating agency. The BIA may modify timeframes and deadlines that do not apply to the cooperating agencies without such consultation.
4. Responding in a timely manner to data requests put forth by the BIA or Malcolm Pirnie.
5. Designating a representative to serve as the day-to-day liaison or point of contact for the Proposed Action.
6. Reviewing agency and public scoping comments, comments on the Draft EIS and Final EIS, and providing such assistance with preparing responses to comments as the BIA requests.
7. Contributing to a comprehensive mailing list for distribution of Proposed Action information and NEPA documents.
8. Maintaining and providing to the BIA copies of documents and correspondence for inclusion in the federal Administrative Record of the preparation of the EIS and ROD. Documents and correspondence not in the possession of the BIA may not be included in the Administrative Record.

The parties to this MOU understand that cooperating agency status does not confer to the cooperating agencies any special authority to change, edit, or veto all or part of the EIS, ROD, or other related NEPA documentation, which remains the ultimate responsibility of the BIA. In addition, the parties understand that veto or decision-making power does not accompany cooperating agency status. As the lead agency charged with carrying out the NEPA process, the BIA retains sole decision-making authority over the EIS and its process and the ROD.

#### IV. Administration.

- A. This MOU shall not enlarge or diminish the BIA's obligation to provide documents to the public under Federal law. In addition to those otherwise provided under Federal law, the rights of the cooperating agencies to documents pursuant to this MOU are set forth in Section III(A)(10).
- B. The parties agree to use their best efforts to resolve any substantive disputes. If any issue cannot be resolved, the BIA will be the final decision-maker. However,



the cooperating agencies retain the right to comment on all issues related to the EIS, including those in dispute, through the normal NEPA process available to any interested member of the public.

- C. The cooperating agencies agree not to employ the services of any representative or party having a financial or other interest in the outcome of the Proposed Action. The cooperating agencies will take all necessary steps to ensure that no conflict of interest exists with its consultants, counsel, or representatives employed in this undertaking.
- D. This MOU shall be incorporated into or referenced in the Draft and Final EIS for public review so that the signatories' respective roles may be understood.
- E. Any party may unilaterally withdraw from this MOU after 30 days written notice of their intention to do so to the other parties. During the intervening 30 days, the parties agree to actively attempt to resolve any outstanding disputes and disagreements.
- F. The BIA may terminate this MOU with respect to any cooperating agency(ies) at any time by providing 30 days written notice of the termination to the other parties, which notice shall identify reasons for the termination. During the intervening 30 days, the parties agree to actively attempt to resolve any outstanding disputes and disagreements. Grounds for termination include, but are not limited to, failure or unreasonable delay in meeting the responsibilities of Parts III.B or IV of this MOU. This MOU shall otherwise remain in effect for the remaining parties until the BIA has issued a Final ROD.
- G. This MOU may be amended with the written concurrence of all parties.
- H. This MOU does not obligate the BIA to provide funding for cooperating agency involvement in the preparation of the EIS, nor does it require the signatory agencies to obligate or expend funds in excess of available appropriations.
- I. The cooperating agencies agree not to seek recourse against the United States for any cause of action that may arise under this MOU. Provided, however, that neither this provision or anything else in this MOU shall be construed or deemed to waive, diminish, or otherwise affect the rights, claims, causes of action, counterclaims, or defenses the cooperating agencies, the State and its political subdivisions, may have under statute, rule, regulation, or common law to challenge all or a portion of the Final EIS or ROD, or both, for the Proposed Action, or the decision on the Proposed Action itself.
- J. Nothing herein shall be construed as obligating the government to expend, or as involving the United States in any contract or other obligation for the future payment of, money in excess of appropriations authorized by law and administratively allocated for this work.



V. Endorsements.

We have read the foregoing and by signing this MOU, agree to our intent to provide services as outlined above.

For Bureau of Indian Affairs:

James E. Cason  
Name (sign)

July 25, 2006  
Date

JAMES E. CASON  
Name (print)

Assoc. Deputy Secretary  
Title

For New York State Department of Environmental Conservation:

\_\_\_\_\_  
Name (sign)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title

For Oneida County, NY:

Joseph A. Griffo  
Name (sign)

8/8/06  
Date

Joseph A. Griffo  
Name (print)

County Executive  
Title

Approved As To Form  
ONEIDA COUNTY ATTORNEY  
By Harriet J. Donnell



For Madison County, NY:

Rocco J. DiVeronica  
Name (sign)

8/3/06  
Date

Rocco J. DiVeronica  
Name (print)

Chairman, Madison County Board of Supervisors  
Title

For Oneida Indian Nation of New York:

Wesley C. Lordon  
Name (sign)

6/27/06  
Date

Wesley C. Lordon  
Name (print)

CHIEF ADMINISTRATIVE OFFICER  
Title



V. Endorsements.

We have read the foregoing and by signing this MOU, agree to our intent to provide services as outlined above.

For Bureau of Indian Affairs:

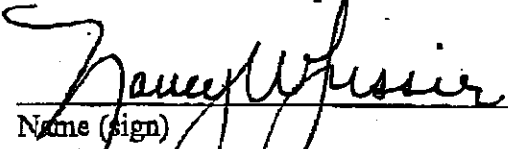
\_\_\_\_\_  
Name (sign)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)


\_\_\_\_\_  
Title

For New York State Department of Environmental Conservation:

  
\_\_\_\_\_  
Name (sign)

JUL 19 2006

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
DIRECTOR OF MANAGEMENT & BUDGET SVCS

\_\_\_\_\_  
Title

For Oneida County, NY:

\_\_\_\_\_  
Name (sign)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Title



## MOU Attachment A

### Schedule for NEPA EIS Fee-to-Trust Transfer of Land from the Oneida Indian Nation of New York to the United States

Key NEPA Process Steps	Start Date	End Date	Cooperating Agency Involvement
Notice of Intent (NOI)	12/23/2005	12/23/2005	
Scoping & Scoping Report Scoping Meetings (2)	Oneida County Madison County	1/10/2006 1/11/2006	Participate Participate
Cooperating Agency MOU Scoping Report (Draft) BIA Review Revisions BIA Approval Distribute Scoping Report	1/11/2006 1/12/2006 2/21/2006 3/20/2006 3/27/2006 4/3/2006	4/3/2006 2/20/2006 3/17/2006 3/24/2006 3/31/2006 4/3/2006	Review, Comment, Finalize
Prepare & Review Preliminary Draft EIS (PDEIS) Data Gathering (BIA, Cooperating Agencies) Document Preparation BIA Review Revisions	9/20/2005 4/3/2006 7/3/2006 8/7/2006	6/19/2006 6/30/2006 8/4/2006 8/25/2006	Areas of Special Expertise



Key NEPA Process Steps	Start Date	End Date	Cooperating Agency Involvement
<b>Prepare &amp; Review Draft EIS (DEIS)</b>			
Cooperating Agency Review	8/28/2006	9/29/2006	Areas of Special Expertise
Revisions	10/2/2006	10/20/2006	
BIA Approval	10/23/2006	11/3/2006	
Printing	11/6/2006	11/10/2006	
Distribution	11/13/2006	11/13/2006	
File with DOI and EPA	11/14/2006	11/14/2006	
Notice of Availability (Issued by EPA)	11/24/2006	11/24/2006	
BIA Public Notice	11/24/2006	11/24/2006	
Public Review & Comment (45 days)	11/25/2006	1/8/2007	
Public Hearing (held during comment period)	12/13/2006	12/14/2006	
<b>Prepare &amp; Review Final EIS (FEIS)</b>			
Compile Comments and Prepare Preliminary Final EIS	1/9/2007	2/23/2007	Participate
BIA Review	2/26/2007	3/30/2007	Participate
Revisions	4/2/2007	4/20/2007	
BIA Approval	4/23/2007	5/4/2007	
Printing	5/7/2007	5/11/2007	
Distribute FEIS	5/14/2007	5/14/2007	
File with DOI and EPA	5/15/2007	5/15/2007	
NOA (issued by EPA)	5/25/2007	5/25/2007	
BIA Public Notice	5/25/2007	5/25/2007	
FEIS Waiting Period (30 days from NOA)	5/26/2007	6/24/2007	