



NEW YORK STATE SENATOR

Michael F. Nozzolio

## Senator Nozzolio on Cayuga Land Trust: “Not Here, Not Now, Not Ever”

MICHAEL F. NOZZOLIO June 15, 2009

Continuing his aggressive efforts to protect Cayuga and Seneca property owners, State Senator Mike Nozzolio today called on the Federal Bureau of Indian Affairs to reject the Cayuga Indian Nation’s trust application.

In written testimony to Regional Director Franklin Keel and members of the Federal Bureau of Indian Affairs, Senator Nozzolio called the Environmental Impact Statement recently released by the Bureau “seriously flawed” and “totally without merit”.

“My message to you is very simple, clear, and direct: Not here, not now, not ever,” said Senator Nozzolio.

“Based on the Federal Bureau of Indian Affairs' assessment that there is no negative environmental impact on land the Cayugas want to place in Trust status, the federal government is giving blanket prior approval to the Cayuga Indian Nation to occupy, develop and reap the financial rewards from Cayuga and Seneca County land without any agreement to pay sales and property taxes like every other law abiding citizen in this Nation. The Federal Bureau of Indian affairs assessment is wrong and not acceptable to me, or the citizens of

Cayuga and Seneca Counties,” continued Senator Nozzolio. “No other entity at either the local, state or federal level would ever be allowed such blanket blind prior approvals....nor should the Cayuga Indians.”

Senator Nozzolio is also calling upon the area's federal representatives, United States Congressman Michael Arcuri, and United State Senators Kirstin Gillibrand and Charles Schumer to demand that before any decisions are made, the Federal Bureau of Indian Affairs representatives come and view first-hand the land impacted, and meet with local and state representatives, as well as the citizens who will be directly impacted by those decisions. It is not possible for federal bureaucrats living hundreds of miles away to make fair and appropriate decisions which affect the lives of our citizens.

Senator Nozzolio’s testimony is in response to a recent Environmental Impact Statement released by the Federal Bureau of Indian Affairs that concludes there will be no negative environmental impact if the 129 acres of land held by the Nation in Cayuga and Seneca Counties are placed into federal trust. The region has already seen the negative impact resulting from the sale of hundreds of acres of land to individuals who later disclosed that they were actually agents of the Cayuga Indian Nation. The Cayugas opened gas stations, convenience stores and other local businesses that drained local sales tax revenues sorely needed in this struggling economy.

Senator Nozzolio spoke out against the Cayuga Nation's request for trust status at a public hearing conducted by the Federal Bureau of Indian Affairs in March 2006 and enacted a formal New York State Legislative Resolution calling on the U.S. Department of the Interior to reject the application.

“What the state and federal courts have refused to order directly should not be forced upon the citizens of Cayuga and Seneca Counties indirectly by Washington bureaucrats who want to impose back door sovereignty and side step the laws of our State and Nation,” said Senator Nozzolio. “The Federal Bureau of Indian Affairs fails to take into account both the land directly impacted and our entire Finger Lakes Region if approval is given for the Cayuga Indian Nation's land in trust application and the land is later developed by the Cayuga Indian Nation.”

To contact the Federal Bureau of Indian affairs and support Senator Nozzolio's position opposing the Cayuga Indian Nation's Trust Application visit [www.doi.gov/bia/contact\\_us.html](http://www.doi.gov/bia/contact_us.html).

Below, please find Senator Nozzolio’s full testimony to Regional Director Franklin Keel and the Federal Bureau of Indian Affairs:

Regional Director Keel and members of the Federal Bureau of Indian Affairs:

As the State Senator representing Cayuga and Seneca Counties in the New York State Senate, it is with great concern that I state my strong and unequivocal opposition to any effort by the Cayuga Indian Nation, or the Federal Bureau of Indian Affairs - acting on their behalf - to approve the Cayuga Indian Nation's application for trust status from the United States government.

My message to you is very simple, clear, and direct: **"NOT HERE... NOT NOW.... NOT EVER!"**

It's the very same message I delivered to you personally in my testimony in March of 2006, when the Federal Bureau of Indian Affairs conducted a similar public hearing on the Cayuga Indian Nation's request for trust status.

What the state and federal courts have refused to order directly should not be forced upon the citizens of Cayuga and Seneca Counties indirectly by Washington bureaucrats who want to impose back door sovereignty and side step the laws of our State and Nation.

The Bureau of Indian Affairs' environmental assessment and negative declaration is seriously flawed. The Federal Bureau of Indian Affairs fails to take into account both the land directly impacted and our entire Finger Lakes Region if they approve the Cayuga Indian Nation's land in trust application and the land is later developed by the Cayuga Indian Nation.

We have already seen the sale of hundreds of acres of land to individuals who later disclosed that they were actually agents of the Cayuga Indian Nation. We have experienced the Cayugas' operating gas stations, conveniences stores and other local businesses that rob local taxpayers of state and local sales tax revenue sorely needed in this struggling economy. We have seen the results in increased property tax burdens for all the residents of Cayuga and Seneca Counties.

The Federal Bureau of Indian Affairs determination that the acquisition of thousands of acres of land by the Cayuga Indian Nation will have no environmental impact on Cayuga and Seneca County is totally without merit, and dismally fails to adequately address the obvious realities of property development and subsequent construction.

The Federal Bureau of Indian Affairs' determination blindly grants blanket prior approval for the Cayuga Indians to construct whatever building they desire to build now, or anytime in the future, on vacant property without adequately addressing that construction's impact on the property itself, on the neighborhood, on the community, and on the region.

The Federal Bureau of Indian Affairs' determination totally ignores the current local legal process as well as established local, state and federal laws that require every major construction project and virtually all smaller ones, full disclosure and transparency, environmental assessment, citizen review and government approval at every level of construction from issuing the building permit to approving the certificate of occupancy.

Local, state and Federal governments regulate the size and scope of building projects, and require inspections at every level of construction. And everyone knows all too well that property taxes are assessed on the completed construction...not solely and exclusively on the land it is built on.

Based on the Federal Bureau of Indian Affairs' assessment that there is no negative environmental impact on land the Cayugas want to place in Trust status, the federal government is giving blanket prior approval to the Cayuga Indian Nation to occupy, develop and reap the financial rewards from Cayuga and Seneca County land and without any agreement to pay sales and property taxes like every other law abiding citizen in this Nation. The Federal Bureau of Indian affairs assessment is wrong and not acceptable to me, or the citizens of Cayuga and Seneca Counties.

No other entity at either the local, state or federal level would ever be allowed such blanket blind prior approvals....nor should the Cayuga Indians.

The assessment by the Federal Bureau of Indian Affairs is seriously flawed and must be scrapped.

Thank you.

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