



***FINGER LAKES* TIMES ONLINE**

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Counties have 30 days to remark on Nation trust

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Seneca and Cayuga counties have 30 days to respond, now that the Cayuga Indian Nation has submitted its application to have its land there placed into federal trust.

Leaders in both counties were notified Monday by the federal Department of the Interior that the Cayugas' applications have been received by the Bureau of Indian Affairs, which will consider acquiring the land to put it in trust to benefit the Nation.

"It is interesting to see that, according to the Bureau of Indian Affairs, the proposed uses for the property are a campground and a gas station, not gambling," said Seneca County Attorney Steven Getman. "However, this does not mean the Cayugas have no intention of establishing a gambling operation at the site."

He said research has shown that some tribes apply to the BIA under a use that doesn't have gaming's stringent regulations, and then they convert the operations to gaming after the land is taken into trust.

Attorney Daniel French of the Syracuse law firm Green & Seifter, which filed the application in April, has made it clear gaming is in the Nation's plans.

"Once lands are taken into trust, they can be used for any lawful purpose the Cayugas wish to use them," he said. "The Cayugas have gaming facilities there and are going to continue to have gaming facilities there."

The Nation owns two businesses at Route 89 and Garden Street Extension in the town of Seneca Falls: LakeSide Trading, a gas station/convenience store, and LakeSide Entertainment, an electronic bingo facility it closed in early October.

The games were removed less than a week after the Seneca County Board of Supervisors passed a local law declaring illegal gaming a public nuisance.

The Nation decided not to fight the new law, but to wait for a decision on having its lands placed into federal trust which, if approved, will render them sovereign Indian country to be used anyway it wants.

The Nation also owns an adjacent campground it acquired early this year, plus similar but larger businesses in Union Springs, Cayuga County.

French said the Nation, by choice, will be conducting full environmental impact statements, with public hearings throughout the process.

"The Nation has chosen this course so that once the [environmental impact statement] is completed, there will be little room for challenge to the applications, which we fully expect the United States to accept," French said.

Getman said there are much greater limitations on land taken into trust if it is to be used by a tribal government for gaming purposes.

"The Indian Gaming Regulatory Act of 1988 ... prohibits gaming on off-reservation lands acquired in trust after 1988, unless the governor of the state concurs and [it's determined] that gaming would not be detrimental to the surrounding community," he said.

Getman said he has forwarded copies of the documents to Attorney Brian Laudadio at Harris Beach, Pittsford, the county's land claim counsel. The counties have been opposed to the trust applications all along.

Seneca County also has a Land into Trust task force, named Oct. 11 by Board Chairman Robert Shipley, to formulate its opposition strategy. It met in executive session Tuesday but took no action. Getman said it continues to gather information and discuss legal strategy for fighting the land into trust application.

Getman also noted that preliminary estimates show that county taxpayers lost about \$200,000 in tax revenue last year because of the Nation's refusal to remit sales taxes on gasoline and cigarette sales to non-Indians.

The Nation claims it is not subject to local jurisdiction or taxation.

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