



United States Department of the Interior

Office of the Assistant Secretary - Indian Affairs

Washington, DC 20240

Fact Sheet and Q&A:

March 29, 2023

Notice of Fee-to-Trust Acquisition for the
Cayuga Nation in Cayuga County, New York

Decision:

- On March 29, 2023, the Assistant Secretary – Indian Affairs made a final agency determination to acquire in trust approximately 113.96 acres in Cayuga County, New York for gaming and other purposes.

Background

- In 2005, The Cayuga Nation (Nation) submitted an application to the Bureau of Indian Affairs (BIA), requesting that the Secretary of the Interior transfer into trust approximately 129.14 acres of land in Seneca and Cayuga Counties, New York, for the benefit of the Nation. Following the Nation's withdrawal of certain lands from its application, including all lands in Seneca County, the Nation's application currently requests the transfer into trust of approximately 113.96 acres in Cayuga County. The Nation plans to continue the existing uses of the parcels, including a convenience store/gas station, small Class II gaming facility with electronic bingo, car wash, a vacant parcel, and an agricultural parcel. The Nation's use of the parcels will not change upon their transfer into trust.
- The BIA issued the Final EIS in 2010. In 2018, following the resolution of many years of administrative and legal proceedings in the Department, and before a federal court regarding the Nation's leadership, the Nation requested that the Department re-initiate its review of the Nation's application and issue a final decision.
- On June 16, 2020, the Nation sued the Department for failing to act on the Nation's application.
- On July 31, 2020, the Department disapproved the Nation's application. After the 2020 Decision, the Nation amended its complaint to challenge the denial. On November 8, 2021, as part of settlement negotiations, the Nation provided the Department with two memoranda supported by seventeen exhibits.
- On November 22, 2021, the Assistant Secretary – Indian Affairs decided to reopen the Nation's application and reconsider the July 31, 2020, denial of that application based on the newly submitted information.
- In 2022, while the Department was preparing a new technical memorandum, the Nation informed the Department that it was planning to construct a new building next to its operating gaming facility and that construction was independent of any Departmental action. In light of the new information provided by the Nation, the Department decided to prepare an Environmental Assessment to evaluate passage of time, and if the new circumstances represented a significant change, requiring the preparation of a Supplemental EIS. The Draft EA was published locally and sent to all listed interested parties. The EA supports a finding that the passage of time and the new developments since the 2010 EIS do not constitute a significant change, and therefore do not warrant the preparation and publication of a Supplemental EIS.

Q&A

Question: Does the publication of Decision Letter, ROD, and Notice of Trust Acquisition mean that the Department has approved the Nation's application to take land into trust?

Answer: Yes. The Nation's application has been favorably reviewed and has met all applicable legal requirements.

Question: What information does the ROD contain?

Answer: The ROD is the culmination of the BIA's analysis of the Nation's application under the National Environmental Policy Act. The ROD incorporates information from the FEIS, and information and analysis developed and updated in 2018, and in the Environmental Assessment.

Question: Will the Department implement the Preferred Alternative, as identified in the FEIS?

Answer: The ROD selects the Preferred Alternative (Alternative 1). Due to the Nation's withdrawal of all parcels in Seneca County, the Preferred Alternative will only be implemented in Cayuga County. Under the Preferred Alternative, the Department will transfer approximately 113.96 acres of land into trust in Cayuga County.

Question: Can the Nation conduct gaming on the properties now?

Answer: Yes. The Department previously determined that the properties are within the Nation's Reservation and are eligible for gaming pursuant to Section 20 of Indian Gaming Regulatory Act, 25 U.S.C. § 2719(a)(1). The Nation currently operates a small Class II gaming facility that offers electronic bingo. The Nation cannot operate a Class III gaming facility (casino gaming activities) unless it negotiates a Class III gaming compact with the State of New York.