

6. Consultation and Coordination

6.1 Consultation and Coordination

This section describes the consultation and coordination efforts conducted by the BIA in preparation of this Draft EIS. Opportunity for public and agency input was provided during the public scoping period and comment period on the Draft EIS. Consultation with state and Federal regulating agencies and meetings with cooperating agencies have taken place throughout the process.

Section 1502.25 (Environmental Review and Consultation Requirements) of the NEPA provides that:

- To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 V.S.C. Sec. 661 et seq., the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.), the Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), and other environmental review laws and executive orders.
- The Draft EIS shall list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a Federal permit, license or other entitlement is necessary, the Draft EIS shall so indicate.

At the time of preparation for the Draft EIS, the BIA is unaware that any Federal permit, license or other entitlement is necessary to consider the proposal by the Nation to convey their lands into trust status with the U.S. Department of the Interior. In addition, 30 BIA Manual (Section E) states that “(1) (i) Consultation and coordination should include a short narrative of relevant public involvement that has or will take place during the EIS development. It should also include agencies or individuals that provided significant information in relation to such requirements as the Fish and Wildlife Coordination Act, the Endangered Species Act and the National Historic Preservation Act. In addition, this section will identify a list of those entities receiving a copy of the document.” The Final EIS should have an “*” before those organizations or individuals that commented on the Draft EIS.

6.2 Scoping Process

Consistent with the requirements of the NEPA and Section 1506.6 of the CEQ’s Regulations implementing NEPA, public involvement was an integral part of the

preparation of the Draft EIS. A summary of the public involvement and agency consultation and coordination completed to date is provided below.

In the fall of 2005, the BIA selected an independent (third party) contractor (NEPA, 1506.5(c)) to assist the agency in preparing the EIS. As Lead Agency, the BIA elected to review the trust transfer proposal of 17,370 acres of land owned by the Nation under the more rigorous NEPA EIS requirements (1502 et. seq.) as well as their own requirements (30 BIAM, NEPA Handbook Section 6.0), rather than prepare an Environmental Assessment or issue a Categorical Exclusion. This decision was based on consultation within the BIA, other Federal agencies, and with the Nation. During the early phase of the EIS process, background data was collected, involved and cooperating agencies were contacted, issues and regulatory requirements were identified, and an outline of the Draft EIS was prepared. The Lead Agency information is provided below.

6.2.1 Lead Agency

U.S. Department of the Interior, Bureau of Indian Affairs,
Mr. Kurt G. Chandler, Regional Environmental Scientist
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN, 37214

Mr. Franklin Keel, Regional Director
Eastern Regional Office
545 Marriott Drive, Suite 700
Nashville, TN, 37214

During the scoping process, key agencies were identified and were invited by the BIA to be cooperating agencies. These agencies, which are identified below, include:

- New York State Department of Environmental Conservation
- Madison County, New York
- Oneida County, New York
- Oneida Indian Nation of New York

A Memorandum of Understanding regarding the roles and responsibilities of the BIA and cooperating agencies, and the schedule for the EIS was prepared by the BIA. The Memorandum of Understanding has been signed by all parties that requested cooperating agency status (see Appendix J).

The BIA held two initial public scoping meetings to formulate the issues and concerns for inclusion in the Draft EIS. One meeting was held on January 10, 2006 at the Vernon-Verona-Sherrill High School, and the second meeting was held on January 11, 2006 at Oneida High School. For both public scoping meetings in January, agencies, interested

persons and the public were informed by a public notice and newspaper advertisement 15 days in advance of the meetings. Two alternatives – the Proposed Action and No Action – were initially reviewed at these meetings. The meetings were documented through transcripts. Written and oral comments that were solicited at the meetings and during the scoping process were summarized and made available to the public in the EIS Scoping Report published on July 28, 2006.

6.3 Section 106 Consultation

The 106 consultation process has proceeded concurrently with the NEPA Environmental Impact Statement process and in accordance with Advisory Council regulations 36 C.F.R. 800. Consultation with the SHPO was initiated in summer 2005 by the BIA at an early stage of the NEPA process, with a request for a list of sites listed on or eligible for listing on the National Register of Historic Places. Additional consultation for information occurred in early 2006 including follow-up visits to the Peebles Island repository to review available information (see New York State Correspondence in Appendix J). In August 2006, the BIA transmitted its findings to the SHPO recommending that pursuant to 36 C.F.R. 800.4(d) (1) a finding of no historic properties affected by the Oneida Nation of New York trust action. On October 19, 2006 the SHPO responded with the conclusion that “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 the Historic Places” (see Federal Correspondence and New York State Correspondence in Appendix J).

6.4 Endangered Species Act and Fish and Wildlife Coordination Act Consultation

Section 7 of the Endangered Species Act directs all Federal agencies to utilize their authorities in furtherance of the purposes of the act by carrying out programs for the conservation of endangered or threatened species. Federal agencies are required to consult with the USFWS to ensure that any action authorized, funded or carried out by the agency does not jeopardize the continued existence of listed species or critical habitat. Consultation under Section 7 of the Endangered Species Act was initiated with the USFWS in early 2006 with a request for a list of species potentially within the project area (see Federal Correspondence in Appendix J). In accordance with the provisions of the Endangered Species act (ESA, 87 Stat. 884, as emended; 16 U.S.C. 1531 *et seq.*), the BIA requested consultation with the USFWS under Section 7 of the ESA to determine the potential impact(s) this action may have on protected species. For completeness, the NYSDEC (specifically the NYNHP) was also consulted in 2005 and 2006 to obtain information regarding New York State listed species (plants and animals), significant natural communities, and other significant habitats potentially occurring in the project area (see New York State Correspondence in Appendix J).

The Fish and Wildlife Coordination Act provides that whenever the waters or channel of a body of water are modified by a department or agency of the U.S., the department or agency first undertaking the Federal action (in this case the BIA) shall consult with the U.S. Fish and Wildlife Service and with the head of the agency exercising administration over the wildlife resources of the state where construction will occur, with a view to the conservation of wildlife resources. The Fish and Wildlife Coordination Act also provides that land, water and interests may be acquired by Federal construction agencies for wildlife conservation and development. Consultation with the USFWS is as described above. The Proposed Action (trust transfer of Nation lands to the U.S. Government) does not involve work in or modifications to regulated bodies of water (e.g., flood control, irrigation, or navigation) that could conflict with the goal of conserving fish and wildlife resources.

6.5 Agencies, Organizations, and Individuals Contacted During Scoping and Preparation of the EIS

The BIA, throughout the course of the development of this project, has actively consulted and coordinated with New York State, county, and local officials throughout the trust process. To date, there have been numerous consultations and on-site visits by both BIA officials as well as their third party contractor as part of the data collection effort.

In 2006, officials from both the Washington and Nashville offices of the BIA visited with local community officials on five occasions to tour the proposed trust lands as well as discuss the issues of concern with local government representatives. Moreover, several BIA officials attended the January 10 and 11, 2006 scoping meetings at two local high schools and then again on March 2, 2006 at the Trust Application informational meeting in Utica, New York to further explain the trust process and answer questions from members of the community. In August of 2006, three officials from the BIA's Eastern Area Office walked and inspected each parcel of proposed trust land, as required by Section 602 DM2(6) of the U.S. Department of Interior's Departmental Manual.

The bullet list below identified the site visits for technical data collection undertaken by the BIA's third party contractor.

- September 27 - September 29, 2006 – Land Use
- October 27 – October 29, 2005 - Living Resources
- May 22 – May 29, 2006 – Living Resources
- November 20 – November 22, 2005 – Land Use
- November 18, 2005 – Cultural Resources
- December 13 – December 15, 2005 – Cultural Resources
- December 19, 2005 – Cultural Resources

- October 19 and 20, 2005 – Land Use and Policy
- November 21 and November 22, 2005 – Noise Analysis and Land Use
- November 29 – December 8, 2005 – Noise Analysis
- May 11 – May 18, 2006 – Noise Analysis
- November 3 and November 4, 2006 – Cultural and Historical Research
- Throughout the months of November, 2005 – February, 2006 and in July and August of 2006 various field trips were undertaken for the traffic counts and analysis as the necessary conditions arose.
- Field analysis for the Phase 1 ESA of each parcel occurred from October 2005 to June of 2006
- Phase II ESA visits (Site Subsurface Investigations at Existing and Former Underground Fuel Storage Properties) occurred in May 2006

During the course of the planning effort for this project, the following agencies, organizations and individuals were contacted (see Appendix J):

6.5.1 Cooperating Agencies

Oneida Indian Nation of New York

New York State Department of Environmental Conservation

Oneida County, New York

Madison County, New York

6.5.2 Federal Agencies and Organizations

U.S. Department of the Interior

Bureau of Indian Affairs

Director Eastern Regional Office, Franklin Keel

U.S. Department of the Interior

Bureau of Indian Affairs

Regional Environmental Scientist, Kurt G. Chandler

U.S. Department of the Interior

Division of Indian Affairs

Attorney Advisor, Thomas Blaser, Esq.

U.S. Department of the Interior

Division of Indian Affairs

Office of the Solicitor, Dave Moran, Esq.

U.S. Department of the Interior

Division of Indian Affairs

Office of the Solicitor, Maria Wiseman, Esq.

U.S. Department of the Interior
Bureau of Indian Affairs, Division of Environmental & Cultural Resource Management
NEPA Specialist, Donald Sutherland

U.S. Department of the Interior
Bureau of Indian Affairs
Regional Archaeologist, David Saunders

U.S. Department of the Interior
Bureau of Indian Affairs
Budget Analyst, Linda Tatum

U.S. Department of the Interior
U.S. Fish and Wildlife Service
Field Supervisor, David Stilwell

U.S. Geological Survey
Office of the Regional Director
Eastern Regional Director, Suzette Kimball

Federal Emergency Management Agency
Office of the Regional Director
Acting Regional Director, Joseph F. Picciano

U.S. Environmental Protection Agency, Region 2
Regional Administrator, Alan J. Steinberg

U.S. Environmental Protection Agency, Region 2
Regional Indian Program Coordinator, Christine Yost

U.S. Department of Agriculture
NRCS, Cathy Keenan

6.5.3 New York State Agencies and Organizations

New York Natural Heritage Program
Peter Nye

New York State Canal Corporation
Director, Carmella Mantello
Supervisor, Dave Raylinsky
Syracuse Division, Steve Sweeney

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

New York State Department of State
Coastal Management Program
Director, George Stafford

New York State Department of Taxation and Finance
Commissioner, Andrew Eristoff

New York State Department of Transportation, Region 2
Regional Director, Supervisor, Mark Silo
PIO, Ann Ramonish

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

New York State Office of General Services
Bureau of Land Management
Commissioner, Daniel D. Hogan

New York State Thruway Department
Administrative Headquarters, John Buono
Records Officer, Jill Warner

New York State Police
Superintendent, Wayne Bennett

6.5.4 Local Agencies and Organizations

Oneida County Board of Legislators
Chairman, Gerald J. Fiorini

Oneida County
County Executive, Joseph Griffo

Madison County Board of Supervisors
Chairman, Supervisor Rocco DiVeronica

Madison County Planning Department
Paul Miller

City of Oneida
Mayor, Leo Matzke
City Clerk, Jane Mariani
Planning Director, Cassie Rose

City of Rome
Planning Department John Sorbello

City of Sherrill
Mayor, Joseph Shay
Mike Holmes, City Clerk

Town of Augusta
Supervisor, Suzanne Collins

Town of Cazenovia
Code Enforcement Officer, Roger Cook

Town of Fenner
Supervisor, Russell Cary
Town Clerk, Joanne Buyea

Town of Lenox
Supervisor, Rocco DiVeronica
Town Clerk, Charlene Barres

Town of Lincoln
Supervisor, Douglas Holdridge
Town Clerk, Roseanne Warner

Town of Smithfield
Supervisor, Richard Bargabos

Town of Stockbridge
Supervisor, Alexander Stepanski
Town Attorney, Steven Jones

Town of Sullivan
Town Clerk, Charlotte Ferstler
Supervisor, John Becker

Town of Vernon
Code Enforcement Officer, Jamie Foster, Ronald Yingling

Town of Verona
Town Clerk, Patricia Nestle
Code Enforcement Officer, John Fewer

Town of Westmoreland
Town Clerk, Beverly Merriman

Village of Canastota
Village Clerk, Catherine Williams

Village of Oneida Castle
Village Clerk, Jean Canada

Village of Sylvan Beach
Mayor, Tom Statkewicz

Village of Vernon
Mayor, William Sreca
Village Clerk, Karen Rizzo

Canastota Central School District
Superintendent, Supervisor, Frederick Bragan

Cazenovia Central School District
Superintendent, Supervisor, Robert S. Dubik

Madison Central School District
Superintendent, Mrs. Cynthia DeDominick

Morrisville-Eaton Central School District
Superintendent, Nelson Bauersfeld

Oneida City School District
Superintendent of Schools, Supervisor, Ron Spadafora

Stockbridge Valley Central School
Superintendent of Schools, Dr. Randy C. Richards

Vernon-Verona-Sherrill School District
Superintendent, Supervisor, Norman J. Reed

6.5.5 Individual Agencies and Organizations

Consolidated Rail Corporation

National Grid
Supervisor, Kenneth Tompkins
Vice President- Business Services

6.5.6 Tribal Organizations

Oneida Tribe of Indians of Wisconsin
P.O. Box 365
Oneida, WI 54155-0365

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

Tuscarora Nation
2006 Mt. Hope Road
Via: Lewistown, NY, 14092