

CAYUGA NATION OF NEW YORK APPLICATION FACTSHEET

Decision

The Tribe has proposed to develop a class III gaming facility in Seneca Falls, New York, seeking the acquisition of land in trust within its reservation in central New York.

The Tribe's application has not addressed all of the factors in the Department's regulations governing fee-to-trust, as well as gaming on lands acquired in trust after October 17, 1988.

The Department has not disapproved the Tribe's application but has removed the Tribe's application from consideration. The Tribe can submit a new application at a later date, when it is prepared to address all of the relevant factors in the Department's regulations.

Background

The Cayuga Nation of New York consists of approximately 475 tribal citizens. The Tribe's reservation is located in central New York. The Tribe does not own any trust lands within its reservation, and most of the Tribe's citizens reside on the Seneca Nation's reservations.

The Department cannot comment further on the Cayuga Nation's proposal to develop a gaming facility in central New York, because the Tribe's application is no longer pending before the Department. If the Cayuga submits a new application for the acquisition of land into trust for gaming, the Department will review that application pursuant to IGRA and our regulations.

The Department is working to process Indian gaming applications consistent with IGRA, Department regulations, and Department policy. The Department does not have a timeframe by which determinations will be made. Rather, the Department will continue its work in processing applications and make determinations as applications become ripe for decision.

Background on Department of the Interior Gaming Policy

- The Indian Gaming Regulatory Act (IGRA) prohibits gaming on lands acquired in trust after its enactment in 1988, except where those trust lands meet certain conditions explicitly specified in IGRA.
- IGRA contains three types of exceptions to this prohibition:
 - *Reservation Exceptions* – Newly-acquired lands that are: within or contiguous to the boundaries of the tribe's reservation; within the boundaries of former reservations; or, for Oklahoma tribes, within the boundaries of a former reservation.
 - *Equal Footing Exceptions* – These exceptions also potentially allow for gaming if the lands are taken into trust for one of the following three reasons: settlement of a land claim; the initial reservation of an Indian tribe acknowledged by the Secretary under the federal acknowledgment process; or the restoration of lands for a tribe that is restored to federal recognition.

- *Two-Part Determination Exception* – This exception requires that 1) the Secretary determine the proposed gaming establishment is in the best interest of the tribe and would not be detrimental to the surrounding community, as well as 2) the concurrence of the State’s Governor and negotiation of a Tribal-State Gaming Compact.
- This prohibition does not apply where the lands are acquired within the boundaries of a tribe’s reservation, as it existed on the date of IGRA’s enactment.

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