



# HAUDENOSAUNEE

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## TONAWANDA SENECA NATION

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October 4, 2021

Mark Masse  
Genesee County Economic Development Center  
99 MedTech Drive  
Batavia, NY 14020

Nya:wëh Sgëno, Mark,

The Tonawanda Seneca Nation, Council of Chiefs, send greetings to you and your associates and give thanks that all are in good health.

The Nation writes to provide comments on the draft “Cultural Resource Screening and Initial Assessment Wastewater Treatment Facility” (“WWTF Initial Assessment”) compiled by kta preservation specialists (“kta”) and dated August 2021.

Because the text of the WWTF Initial Assessment mirrors that of the Plug Power Initial Assessment, for which the Nation provided comments in August, the Nation hereby incorporates by reference its comments of August 31, 2021 (attached), with the following modifications:

- A. To the extent kta intends to revise the “Study Area” to include the Nation’s entire territory, the Nation requests that impacts on the revised Study Area be studied and analyzed prior to completion of a final draft WWTF Initial Assessment. For example, such study should take into account the uses of the Nation’s Territory by its citizens as demonstrated in publicly available sources. In addition, prior to completing the report, kta should visit the Territory. Actually seeing the Territory is necessary to developing any basic level of understanding of the Nation and its cultural resources. Physical presence on Nation Territory is also necessary to assess the presence of cultural and historic resources, WWTF Initial Assessment at 11, 33-34, which cannot possibly be identified solely through the use of CRIS or “Google Streets, aerial photography, or the Genesee County Web Mapping website.” *Id.* at 33, 34.
- B. The Nation strongly objects to characterizations of the Initial Assessment process as necessarily excluding any research or study potentially included in the Nation’s TCP study. (See, for example, the Letter of Adam Walter to David Witt, September 30, 2021, at 3, stating that “looking at the direct impact on the people who live on the Nation’s Territory... would necessitate research consistent with what is required in a TCP investigation, which is being

- handled solely by the Nation and is *entirely outside the scope of the Initial Assessment process laid out in the LOR.*" (emphasis added)). Nothing in the LOR limits the sources of information to be consulted or methods to be employed in preparing an Initial Assessment. Any such limit would be nonsensical, because the same sources would likely be useful to each inquiry and because the TCP Study has not yet been completed, meaning there has been no final determination what sources and methods will and will not be utilized as a part of it.
- C. Please disregard paragraph 3, which relates specifically to Plug Power
  - D. Certain page numbers changed as between the Plug Power Initial Assessment upon which the Nation's August 31, 2021 comments were based, and the WWTF Initial Assessment. References to Plug Power Initial Assessment page numbers in the Nation's August 31, 2021 comments should be translated as follows: 12 = 15-16; 15 = 18; 22 = 25; 23 = 26; 24 FN51 = 27 FN51; 30-31 = 33-34; 35 = 38.

In addition to the concerns the Nation has expressed about the approach taken by kta in the Initial Assessment about Plug Power, the Nation is very concerned about specific impacts to the Nation and its cultural resources from the Wastewater Treatment Facility. Specifically, there has been no assessment of how noise and odor from the WWTF might impact the Nation's citizens or the animals the Nation's citizens hunt in the Big Woods, which lies downstream and less than a mile from the WWTF. Nor has anyone examined how spillage from accidental leaks or overflow at the WWTF could impact the Nation's waters or the plants, animals, or people. The Nation calls on the GCEDC and the DEC to require a supplemental environmental impact survey that incorporates Nation participation to adequately assess any such impacts.

Da:h ne'ho,



Christine G. Abrams  
On behalf of the Council of Chiefs  
TSN Office Administrator  
Tonawanda Seneca Nation  
cc: DEC, SHPO