

# HAUDENOSAUNEE

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## TONAWANDA SENECA NATION

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January 31, 2023

Board of Directors  
GCEDC  
99 MedTech Drive, Suite 106  
Batavia, NY 14020

Nya:wěh Sgë:nö,

On behalf of the Tonawanda Seneca Nation, Council of Chiefs, I extend greetings to you and your associates and give thanks that all are enjoying good health.

The Nation learned on Friday, January 27, that the GCEDC Board intends to approve a SEQRA Resolution on February 2, 2023. We strongly object to approval of this Resolution, which is based on false, misleading and outdated information. We call on you to suspend consideration of the draft SEQRA Resolution.

The draft Resolution ignores a critical recent development: circulation by SHPO of a Draft Determination of Eligibility for listing of the Nation's Reservation Territory on the National Register of Historic Places. The Determination lays out substantive bases for eligibility that must be considered in assessment of project impacts on the Nation. For this reason, the proposed SEQRA Resolution should not be approved until the Determination is finalized and an adequate Cultural Resource Screening is produced that takes into account both the Determination and the Nation's repeated calls for fundamental reform of the seriously flawed Cultural Resource Screening process and template. Independent of the new draft Determination, false and misleading statements in the draft SEQR Resolution should preclude its approval at this time. Among other flaws:

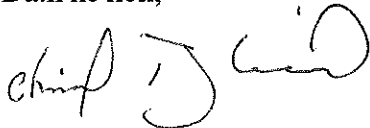
1. Contrary to the text of the Resolution, the Nation objected to GCEDC's taking lead agency status for SEQRA purposes on Monday, October 31, within the 30 day time period allowed by SEQRA.
2. Contrary to the text of the Resolution, GCEDC did not incorporate the Nation's comments into a revised SEQRA Resolution of August 2022. In fact, GCEDC refused to

take any of the actions requested by the Nation and promptly issued an “amended” SEQRA Resolution that merely added the dates of the Nation’s letters to a list of documents GCEDC purportedly considered.

3. Contrary to the Resolution, there has been no analysis of the impacts of the Scannell project, Edwards Vacuum, or the proposed Infrastructure on the Nation’s culture or as a disadvantaged community under the Climate Leadership and Community Protection Act (CLCPA), nor of the extent to which the proposed projects disproportionately impact the Nation. In fact, GCEDC’s token reference to disadvantaged communities in the draft Resolution shows precisely why this analysis both needed and required by law: the text invokes the greater good of “economic development” as a justification for impacts on the Nation, while omitting entirely the fact that the noise, light, and pollution burdens of the development will disproportionately affect the Nation, which lies downstream of and directly adjacent to STAMP.
4. The supposed “Cultural Resource Screening” produced for GCEDC by kta are insulting and racist. Like earlier iterations, the Screening produced for Scannell, Edwards, and the proposed infrastructure projects provides a history of the Nation that ends in 1857; intentionally “privilege[s] non-Indian perspectives” and intentionally excludes consideration of a wealth of publicly available information related to likely impacts on the Nation from proposed development at STAMP. There is no excuse for GCEDC’s continued refusal to take impacts on the Nation into account or to perpetuate the discredited and insulting practice of treating an Indian Nation’s “culture” like an historical artifact. The Nation is still here. Our culture and people are thriving despite hundreds of years of efforts by outsiders to destroy us; and our cultural resources include living creatures, the waters, the air, and the plants on and around our Territory. Industrial development on our doorstep will impact us.

Please contact the Nation at your earliest convenience to discuss this matter.

Da:h ne’hoh,



Chief Roger Hill  
Council of Chiefs  
Tonawanda Seneca Nation

cc: Mark Masse, Vice President