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Friday November 10, 2006

In land we trust

Wednesday, November 8, 2006 11:28 AM EST



D.K. Sprague



Tribe's land set to be placed into trust in January 2007

By [Bill Brown](#)
Editor

BRADLEY-The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, better known in Allegan County as the Gun Lake Tribe, can mark the date, Nov. 2, 2006, as a day to be remembered in their history. The U.S. government announced that, again, they will place the Tribe's 146-acre site in Wayland Township in trust for the construction of the Tribe's casino and entertainment center near Bradley.

The site is on the former AMPRO property, adjacent to US-131 North. The government has set a date early in January 2007 for the transaction to become official.

"It's nice to see this process finally beginning to work in our favor," said tribal chairman D.K. Sprague. "For more than five years we've been trying to provide a better future for our people and our neighbors in Allegan County. The federal government knows that MichGO's lawsuit is causing irreparable harm to the tribe.

"We applaud the actions of the federal government in their efforts to provide relief to the tribe and the local communities that are eager for the

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thousands of jobs and economic growth the casino will produce."

The Tribe released a federal document submitted by the U.S. Department of Justice informing the U.S. District Court of its decision to take land in trust on behalf of the tribe on Jan. 5, 2007. The DOJ also submitted an Oct. 27 letter to legal representatives of Michigan Gambling Opposition notifying them of the same action unless MichGO can persuade the Court to grant a preliminary injunction.

MichGO filed its lawsuit to delay the tribe's project in federal district court in Washington, D.C., more than a year ago and no action has been taken. Within the last 17 months, the district and appellate courts dismissed an identical lawsuit filed by MichGO's attorneys against the Pokagon Band. Last week the Pokagons installed the final foundation beam on its casino.

Rep. Peter Hoekstra (R-Holland) said he will continue his efforts to slow or stop gambling operations. He said he was very disappointed with the government's action in this matter.

Congwer News Service in Lansing reported on Nov. 3 that the Granholm administration has been in discussions with the Gun Lake Tribe on a compact to operate its casino, but official negotiations do not begin until the Tribe has land in trust on which to operate a casino.

But the timing of the planned trust agreement leaves it to the winner of the November election to officially begin negotiations and convince the legislature to support it, Congwer reported.

Tribal spokesman James Nye noted last week the federal government has authority to allow the casino to open without a state compact.

"There is no way the federal government will let the state say no only to the Gun Lake Tribe," Nye said. "That is why the Tribe is committed to moving forward with the construction of the facility."

Station Casino, headquartered in Las Vegas, is the Tribe's managing partner in the Gun Lake Casino. Station Casino president Lorenzo Fertitta said, "This action by the Department of Interior is a positive development that we believe could expedite the court's decision in the lawsuit that has unduly delayed this project."

The Congwer report, states Nye, said that under court rulings the state has 180 days to negotiate the compact once the land is in trust and the tribe requests negotiations.

The Tribe continues to seek a compact with Michigan but reiterated its intention to proceed with a Class III gaming facility with or without a state compact. In demonstrating its ability to do so, the Tribe released correspondence from U.S. Department of the Interior (DOI) dated Sept. 26, informing the State of Florida and the Seminole Tribe of Florida that the federal government will authorize Class III gaming for the Seminoles without a tribal-state compact, unless the two sovereign entities sign a compact within 60 days.

Under the DOI's procedures, the Seminoles will not be required to share casino revenues with the state or local governments and the state will have no regulatory oversight role at any of the Tribe's six casinos. States are required by federal law to negotiate gaming compacts with Tribes in good faith.

When a Tribe can demonstrate that a state has not negotiated in good

faith, the Secretary of the Interior can issue procedures that allow the tribe to go forward with a Class III gaming facility absent a state compact, which typically contains revenue sharing and oversight benefits to state and local communities

In September 2005, after the State of Wyoming refused to sign a compact with the Northern Arapaho Tribe, the DOI issued Secretarial Procedures authorizing Class III tribal gaming without a compact or revenue sharing.

Tribal-state gaming compacts set guidelines that may include number of casinos, local and state revenue-sharing payments, age requirement, state regulatory oversight, taxes and regulation of tobacco sales.

Gun Lake Tribe vice chairman John Shagonaby said, "The Tribe is close to regaining a piece of our homeland, so we need to educate Michigan's elected officials about the benefit of fairness, jobs and economic growth provided under a Class III compact."

The Tribe agreed to a compact approved by the Michigan Legislature in 2002 that contained a one-casino restriction while providing 8 percent of its slot revenues to the State and 2 percent to the local governments. The Tribe is willing to accept such an agreement, which is similar to the other 11 compacts the State previously negotiated and signed.

If an agreement is not reached the Tribe will petition the federal government to authorize Class III procedures.

"A Class III compact would be best for the Tribe, the state and surrounding communities. We are hopeful the Michigan Legislature and Governor understand that for the benefit of Michigan and its residents, the time has come to sign the Gun Lake Casino compact," Sprague said.

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