

June 29, 2009

The Honorable Ken Salazar  
Secretary of Interior  
U.S. Department of Interior  
1849 C Street, NW  
Washington, D.C. 20240

Dear Mr. Secretary:

We are writing to express our strong opposition to off-reservation gaming outside a Tribe's ancestral lands. We believe that numerous efforts currently underway by Tribes in several regions of the country undermine the Indian Gaming Regulatory Act (IGRA) and set a dangerous precedent for Indian gaming across the country.

In recent years, there has been an increase in the number of Tribes seeking off-reservation gaming under IGRA's Section 20 two-part determination and other statutory processes. Many of these applications are from Tribes who are seeking to establish casinos outside their ancestral lands and within the ancestral lands of another Tribe. In most cases, these Tribes have partnered with non-Indian developers to "reservation shop" for the best casino site, while cash strapped state and local governments eagerly encourage the process despite the harm to Indian gaming and Indian people.

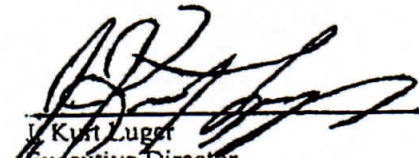
We firmly believe that Tribal gaming is government gaming. If the Department of the Interior were to allow the acquisition of lands for gaming outside of a Tribe's ancestral territories, it would undermine a basic premise of IGRA that gaming is intended to promote reservation economic development. This is what fundamentally separates Indian gaming from commercial gaming. Furthermore, the approval of any such projects would open the floodgates and would encourage Tribes to seek gaming facilities anywhere in any state where gaming is permissible regardless of whether it has historical or aboriginal connection to the lands. Without question, this would be a dangerous precedent that would undermine the success of IGRA.

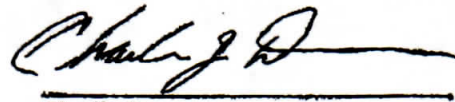
This is not only an issue that concerns Indian Country, but it was also the subject of extensive debate last year in the U.S. House of Representatives. On June 25, 2008, the U.S. House of Representatives considered legislation that would allow two Tribes in Michigan to take land into trust hundreds of miles from their reservations in order to settle a "proposed land claim." The debate over these bills essentially became a referendum on off-reservation gaming outside a Tribe's ancestral lands. These bills were opposed by over 70 Tribes across Indian Country, including some of the poorest Tribes in America. In the end, the legislation was soundly defeated by a bipartisan vote of 298-121. Since IGRA was passed in 1988, this has been the only vote in Congress on the issue of off-reservation gaming.

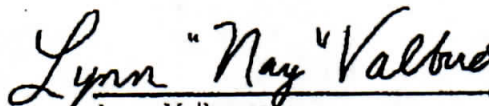
We believe it is critical that the Department of Interior reject all Section 20 applications, or applications based on other statutory processes, that are outside the ancestral lands of the Tribe seeking such approval. We would further request that the Department of Interior develop new regulations that would prohibit these egregious off-reservation gaming projects. Among other issues, these regulations must provide for comprehensive and meaningful consultations with Tribes who are affected by these off-reservation applications which the current regulations and the past practices of the Department do not protect. Finally, we would also request the opportunity to meet with you and your staff to discuss this issue in greater detail. We believe it is important that you hear directly from Indian Country on this important matter.

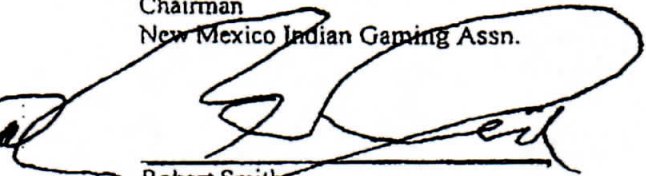
We want to thank you for your consideration of these requests and we look forward to working with you to improve the quality of life for Indian people.

Sincerely,

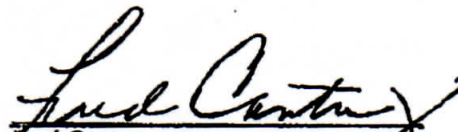
  
Kurt Luger  
Executive Director  
Great Plains Indian Gaming Assn.

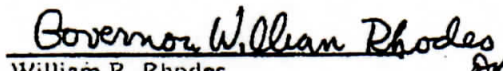
  
Charlie Dorame  
Chairman  
New Mexico Indian Gaming Assn.

  
Lynn Valbuena  
Chairwoman  
Tribal Alliance of Sovereign Indian  
Nations (TASIN)

  
Robert Smith  
Chairman  
California Tribal Business Alliance

  
John McCarthy  
Executive Director  
Minnesota Indian Gaming Assn.

  
Fred Cantu  
Chief  
Saginaw Chippewa Tribe of Michigan

  
William R. Rhodes  
Governor  
Gila River Indian Community



October 20, 2009

The Honorable David Hayes  
Deputy Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Deputy Secretary Hayes:

As elected leaders from across Indian Country, we respectfully request the opportunity to meet with you to discuss an issue that has tremendous consequences for Indian Country.

We have been working together with a number of tribal leaders and tribal organizations on the issue of off-reservation gaming. We believe that the proliferation of off-reservation gaming outside of ancestral territories threatens to undermine the broad support tribal gaming receives from the Congress and the American people.

Since his confirmation, we have had the opportunity to meet with Assistant Secretary EchoHawk and his team at the Bureau of Indian Affairs on this issue. We are impressed with Secretary EchoHawk's commitment to Indian Country and look forward to continue working with him on these critical issues as we move forward.

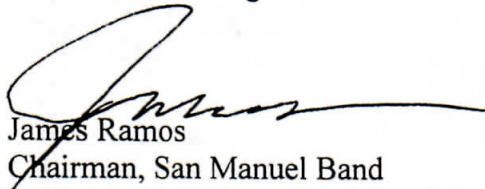
Knowing that this issue has drawn significant interest from many Members of Congress, we are concerned with the broader impact the Department's decisions on this issue will have for Indian Country. With this in mind, we request the opportunity to meet with you and other appropriate senior political staff members at the Department of Interior, including Assistant Secretary EchoHawk, to further discuss this issue.

We will be in Washington, D.C. on November 4<sup>th</sup> and 5<sup>th</sup> to participate in the historic meeting with President Obama, Secretary Salazar, and other members of the President's Cabinet. We would like to meet with you on Wednesday, November 4<sup>th</sup>, in the afternoon, if at all possible. Thank you for your consideration of this request.

Sincerely,



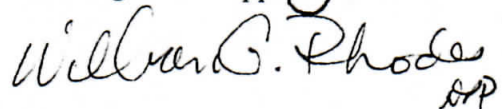
Mark Macarro  
Chairman, Pechanga Band



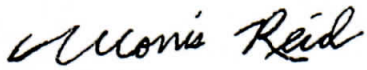
James Ramos  
Chairman, San Manuel Band



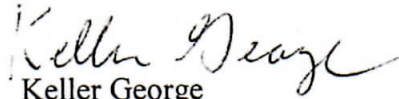
Fred Cantu  
Chief, Saginaw Chippewa Tribe



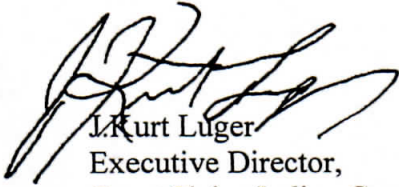
William G. Rhodes  
Governor, Gila River Indian  
Community



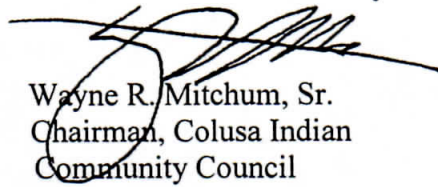
Morris Reid  
Chairman Picayune Rancheria



Keller George  
Wolf Clan Representative  
Oneida Nation of New York



J. Kurt Luger  
Executive Director,  
Great Plains Indian Gaming Assn.



Wayne R. Mitchum, Sr.  
Chairman, Colusa Indian  
Community Council

**Congress of the United States**  
Washington, DC 20515

**SUPPORT A COMMON SENSE APPROACH  
ON  
OFF-RESERVATION GAMING**

October 6, 2009

Dear Colleague:

The U.S. Department of Interior is currently preparing a new policy for the federal acquisition of lands for gaming purposes under the Indian Gaming Regulatory Act.

In recent years, there has been a significant rise in the number of Indian tribes who are seeking to acquire lands off their reservations and outside their ancestral and historic territories in order to open casinos. This trend has caused a tremendous amount of controversy among Indian tribes and state and local communities.

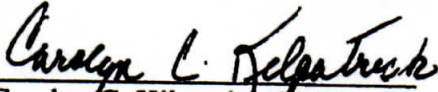
Simply put, we believe that tribes who acquire lands for gaming purposes should have an ancestral or historic tie to the land. This is a position that is widely supported by Indian tribes across the country. In fact, just recently a number of tribes and tribal organizations have written the Secretary of Interior requesting that the Department of Interior adopt a new policy that would require tribes to have an ancestral or historic tie to the land in which they desire to operate a casino.


We believe that this is a common sense approach to Indian gaming and is consistent with the intent and purpose of the Indian Gaming Regulatory Act.

We would urge you to join us in signing the enclosed letter to Secretary of Interior Salazar requesting that the Department of Interior adopt a new policy that would require tribes to have an ancestral or historic connection on lands which they intend to conduct gaming.

If you would like to sign this letter, please contact Mr. James M. Williams, Jr. in Congresswoman Kilpatrick's office at [JamesM.Williams@mail.house.gov](mailto:JamesM.Williams@mail.house.gov) or x52261 or Mr. Kyle Lombardi at [Kyle.Lombardi@mail.house.gov](mailto:Kyle.Lombardi@mail.house.gov) or X52915

Sincerely,

  
Carolyn C. Kilpatrick (D-MI)  
Member of Congress

  
Kevin McCarthy (R-CA)  
Member of Congress



**Congress of the United States**  
**Washington, DC 20515**

November 3, 2009

The Honorable Ken Salazar  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20241

Dear Secretary Salazar:


It has come to our attention that the Department of Interior is currently reviewing its administrative policies relating to federal acquisition of lands taken into trust for Indian gaming purposes. We are writing to express our concerns with existing Department policies that allows Tribes to acquire lands for gaming purposes outside their ancestral territory.

In recent years, there has been a significant increase in the number of Tribes seeking to acquire lands to build off-reservation casinos. Many of these applications are from Tribes seeking lands that are far from their existing reservations and outside their ancestral and historical territory. We believe this is contrary to an underlying purpose of the Indian Gaming Regulatory Act (IGRA), which was designed to encourage reservation-based economic development and the creation of local jobs for tribal communities. We understand that a large number of Indian Tribes from across the country share this view and have written you expressing their concern on this issue.

The Department's current interpretation of IGRA seems to allow this type of activity to occur. Thus, we strongly encourage you to review these policies and regulations in order to bring a more reasonable approach to federal land acquisition for Indian gaming purposes.

We thank you for your consideration of these requests and look forward to working with you on this important issue.

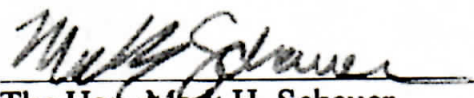
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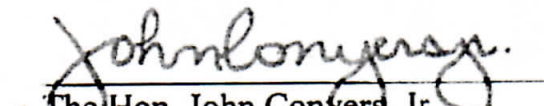
  
The Hon. Carolyn C. Kilpatrick

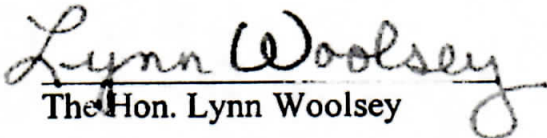
  
The Hon. Kevin McCarthy

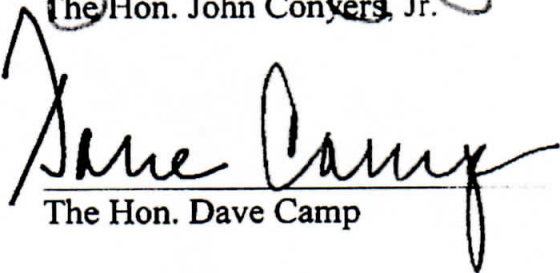
  
The Hon. Shelley Berkley

  
The Hon. Mike Rogers (MI)

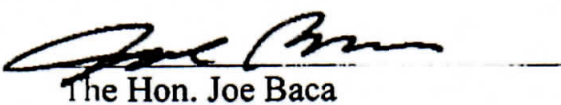
  
The Hon. Mark H. Schauer

  
The Hon. John Conyers, Jr.

  
The Hon. Lynn Woolsey

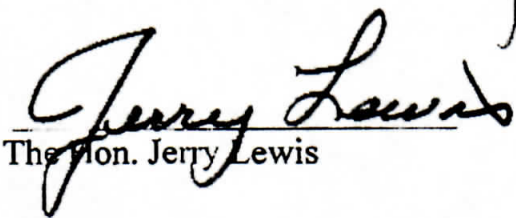
  
The Hon. Dave Camp

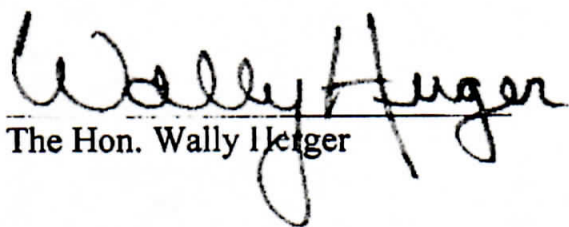
  
The Hon. Joe Courtney

  
The Hon. Joe Baca

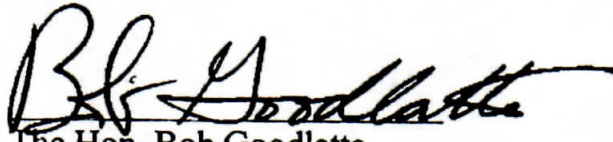
  
The Hon. Patrick Kennedy

  
The Hon. Darrell E. Issa

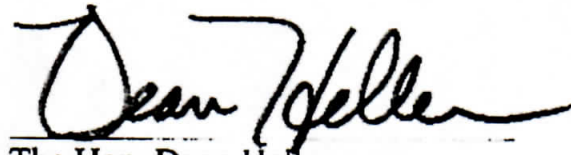
  
The Hon. Jerry Lewis

  
The Hon. Wally Herger

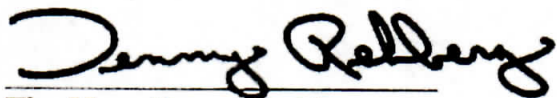
Secretary Salazar  
November 3, 2009  
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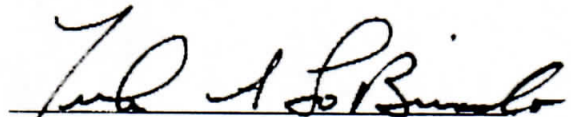
The Hon. Bob Goodlatte



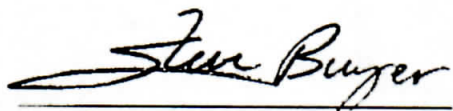
The Hon. Dean Heller



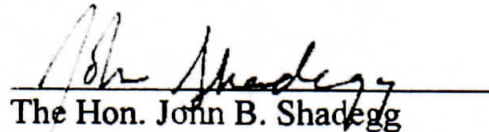
The Hon. Denny Rehberg



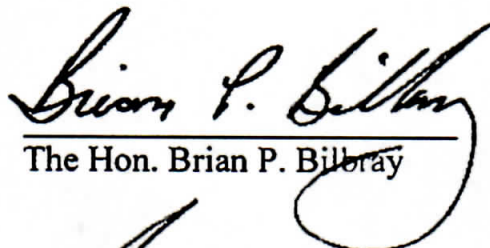
The Hon. Frank A. LoBiondo



The Hon. Steve Buyer



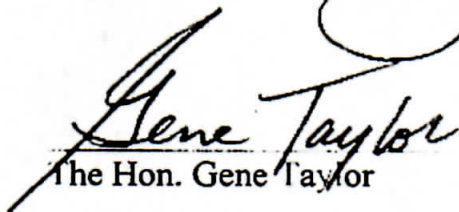
The Hon. John B. Shadegg



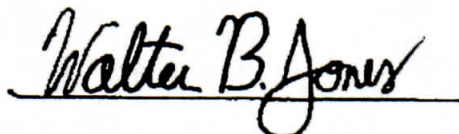
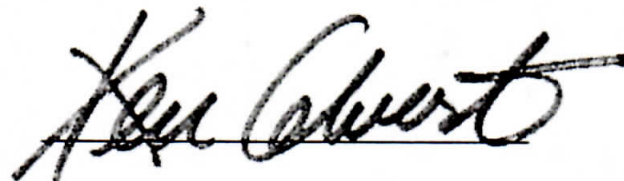
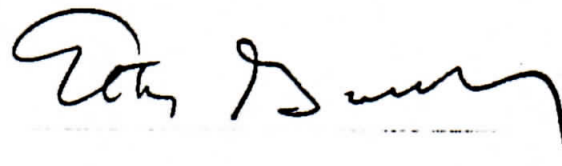
The Hon. Brian P. Bilbray



The Hon. Heath Shuler



The Hon. Gene Taylor





**LETTER TO THE HONORABLE KEN SALAZAR  
SECRETARY OF THE INTERIOR  
NOVEMBER 3, 2009  
LIST OF SIGNATORIES**

**Page Two**

The Hon. Carolyn C. Kilpatrick  
The Hon. Shelley Berkley  
The Hon. Mark H. Schauer  
The Hon. Lynn Woolsey  
The Hon. Joe Courtney  
The Hon. Patrick Kennedy  
The Hon. Jerry Lewis

The Hon. Kevin McCarthy  
The Hon. Mike Rogers (MI)  
The Hon. John Conyers, Jr.  
The Hon. Dave Camp  
The Hon. Joe Baca  
The Hon. Darrell E. Issa  
The Hon. Wally Herger

**Page Three**

The Hon. Bob Goodlatte  
The Hon. Denny Rehberg  
The Hon. Steve Buyer  
The Hon. Brian P. Bilbray  
The Hon. Gene Taylor  
The Hon. John Campbell  
The Hon. Walter B. Jones

The Hon. Dean Heller  
The Hon. Frank A. LoBiondo  
The Hon. John B. Shadegg  
The Hon. Heath Shuler  
The Hon. Elton Gallegly  
The Hon. Ken Calvert

# United States Senate

WASHINGTON, DC 20510

September 15, 2009

The Honorable Ken Salazar  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Salazar:

We understand that many tribes have petitioned you to take land into trust for many purposes, including for purposes of Indian gaming. As you know, we strongly oppose taking off-reservation lands into trust for gaming purposes. We do not believe this was envisioned when we passed the Indian Gaming Regulatory Act (IGRA).

While Indian gaming is permitted on Indian lands and in accordance with state and federal laws, we have serious concerns about the recent practice of tribes and municipalities seeking advantageous gaming opportunities on lands that are not traditionally tribal lands. This is an abuse of the land into trust process and violates the spirit of the IGRA.

As you begin to evaluate the Department's policies on Indian gaming, we hope you will support certain aspects of the Department's January 3, 2008 guidance on taking off-reservation land into trust for gaming purposes. Without diminishing previously established requirements that an application must follow, the Department's guidelines require greater scrutiny with respect to the distance between the identified parcel and the tribe's reservation. In addition, the 2008 guidelines placed a "greater weight" on state and local concerns and potential jurisdictional and tax concerns should land be taken into trust. We support this additional consideration to maintain comprehensive and coordinated governmental and regulatory patterns and control. Lastly, the guidelines also provide for a comprehensive analysis of whether the proposed gaming facility is compatible with the current zoning and land use requirements of the state and local governments in the area surrounding the proposed gaming facility. Incompatible uses might consist of land zoned or used for, among other things, schools and residential developments.

Frequently, off-reservation gaming opportunities are sought without thorough consultation with local governments, other Indian tribes, or area residents and without discussing the impacts of a casino on the environment, air quality, noise levels, community planning, and quality of life. Where a state and its tribes have a long history of Indian gaming and have carefully negotiated initial and subsequent gaming compacts, a new gaming enterprise, particularly one outside the petitioning tribe's ancestral or historical lands, can be more disruptive to existing land use plans and revenue-sharing agreements. These impacts should be

considered as part of any determination to take land into trust, and especially in the rare occurrence when trust lands are sought outside a tribe's reservation boundaries.

We support increased scrutiny of the practice of taking off-reservation land into trust for gaming purposes, as advocated by the Department's guidance document, and ask that you consider this view as you and Assistant Secretary of Indian Affairs Larry Echo Hawk develop your policies for Indian gaming and consider applications for land into trust for gaming purposes. To the extent that you believe that current regulations and guidelines are insufficient to adequately address this troubling trend of off-reservation gaming, please advise us as to your solution and whether legislation is necessary to affect policies supporting these principles.

We look forward to hearing from you.

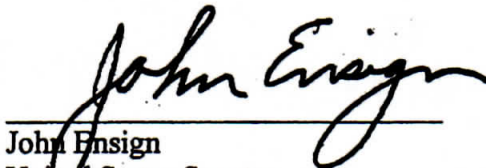
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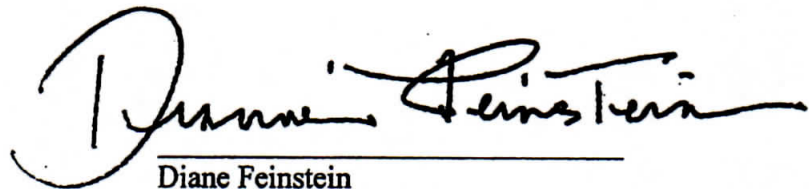
Jon Kyl  
United States Senator



Harry Reid  
United States Senator



John Ensign  
United States Senator



Diane Feinstein  
United States Senator



Barbara Boxer  
United States Senator