Indian Affairs - Office of Public Affairs

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WASHINGTON, D.C. – Assistant Secretary - Indian Affairs Kevin K. Washburn today issued a positive Secretarial Determination to the Menominee Indian Tribe of Wisconsin for an off-reservation class III gaming facility located on a 228-acre parcel in the City of Kenosha, Wisconsin. The land can be acquired in trust for gaming purposes only if the Governor concurs in the determination within one year.

Pursuant to Section 2719 of the Indian Gaming Regulatory Act (IGRA), the Assistant – Secretary can allow gaming on trust lands if it is determined that the Tribe's proposed gaming facility would be: 1) in the best interest of the Tribe and its members, and 2) not detrimental to the surrounding community.

"After an extensive review of the Tribe's gaming application it was determined that the application satisfies the rigorous standards contained in the Indian Gaming Regulatory Act," Washburn said. "The tribe demonstrated that it had an unmet need for economic development to supplement their tribal government services to their members, and a historical connection to the Kenosha area."

The proposed Kenosha gaming facility would be geographically located between two of the Menominee Tribe's existing satellite offices in Milwaukee and Chicago. The Tribe intends to establish another satellite office at the Kenosha site to provide services to the Menominee tribal members that currently live in the area. The proposed gaming facility is projected to create more than 3,000 jobs in Menominee and Kenosha Counties.

The Indian Gaming Regulatory Act (IGRA) prohibits Indian gaming on lands acquired in trust after the law's enactment in 1988, unless one of three explicitly crafted exceptions applies. The Menominee Indian Tribe of Wisconsin submitted its application under IGRA's "Secretarial Determination" exception, which requires the Secretary to determine the proposed gaming establishment is in the best interest of the tribe and its citizens, and would not be detrimental to the surrounding community, subject only to the Governor's concurrence.

This exception for an off-reservation gaming location was previously used in Wisconsin when the Forest County Potawatomi Community established a very successful gaming operation in Milwaukee in 1990 which was located more than 200 miles from its reservation in Forest County. The proposed Kenosha operation is located 162 miles from the Menominee Tribe's reservation headquarters in Menominee County.

Under IGRA, the Governor of Wisconsin has one year to concur in the Assistant Secretary's determination. If the Governor does not concur in the Assistant Secretary's determination, then the tribe may not conduct gaming on the proposed site.

Click here for the Menominee Indian Tribe of Wisconsin Gaming Decision

Click here for the Menominee Indian Tribe of Wisconsin Gaming Decision Fact Sheet