



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

SEP 24 1998

Memorandum

To: Area Director, Minneapolis Area Officee

From: Assistant Secretary - Indian Affairs *[Signature]*

Subject: Request of the Little River Band of Ottawa Indians for Trust Acquisition of 152.8 Acres of Land for Gaming Purposes

The Little River Band of Ottawa Indians' (Tribe) request to acquire 152.8 acres of fee land in trust for gaming and supporting documentation have been reviewed by the appropriate Bureau of Indian Affairs' offices within Central Office. The transaction documents were submitted to Central Office as required by a Secretarial directive dated July 19, 1990.

By memorandums dated December 10, 1997, and April 9, 1998, your office transmitted the Tribe's application and supporting documentation with a recommendation that the request receive approval.

The Tribe owns the property in fee simple. The parcel of land in Manistee County, Michigan, consists of 152.8 acres, more or less, and is described as follows:

The NE $\frac{1}{4}$, Section 28, Township 22 North, Range 16 West; excepting that part commencing at the Northeast corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, West 264 feet, South 1 degree 40' East 165 feet, East 264 feet, North 165 feet to the place of beginning. Also excepting the highway right-of-way for U.S. 31 in Liber 18, Page 180, and the highway right-of-way for M-22 in Liber 248, Page 18.

SUBJECT TO all easements, restrictions, covenants, reservations, responsibilities and requirements of record.

SUBJECT TO prior reservations of oil, gas, minerals, and related hydrocarbon interests, including the right to explore for, develop, and market the same; as recorded at Liber 310, Page 210; Liber 404, Page 46; Liber 404, Page 67, Liber 414, Page 796; Liber 414, Page 801; Liber 416, Page 460; Liber 425, Page 531; Liber 441, Page 923; Liber 473, Page 502; Liber 501, Page 94; all Manistee County Records.

Property I.D. #51-07-128-001-00

The review of the transaction documents was conducted in Central Office to assure compliance with applicable laws and regulations. All applicable laws and regulations have been complied with. It has been determined that the transaction comes within an exception to the prohibition on gaming on after-acquired lands contained in Section 20 of the Indian Gaming Regulatory Act because the lands are taken into trust as part of the restoration of lands for an Indian tribe (the Little River Band) that is restored to Federal recognition. In addition it has been determined that the trust acquisition is mandated under the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act, 25 U.S.C. §§ 1300k - 1300k-7 (1994).

You are authorized, pursuant to delegated authority in 209 DM 8, Secretarial Order No. 3150, as amended, and 10 BIAM 13, as amended, to approve the property conveyance to *The United States in Trust for the Little River Band of Ottawa Indians*, under the authority of Section 6 of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act, 25 U.S.C. § 1300k-4(b), subject to completion and certification of an updated contaminant survey, a copy of which must be submitted to Central Office, approval of all title requirements by the Field Solicitor, Twin Cities, and expiration of the thirty-day waiting period required under 25 CFR § 151.12. Please notify the Indian Gaming Management Staff when the contaminant survey and the title examination pursuant to 25 CFR § 151.13 are completed, and we will publish the FEDERAL REGISTER notice pursuant to 25 CFR § 151.12, a copy of which will be made available to you immediately following its publication.