



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240



~CERTIFIED MAIL - RETURN RECEIPT REQUESTED~

JUN 13 2001

Honorable Jean Buffalo-Reyes
Tribal Chairperson
Red Cliff Band of Lake Superior Chippewa
Indians of Wisconsin
P.O. Box 529
Bayfield, Wisconsin 54814

Honorable gaiashkibos
Tribal Chairperson
Lac Courte Oreilles Band of Lake Superior
Chippewa Indians of Wisconsin
13394 West Trapania Road, Bldg., No.1
Hayward, Wisconsin 54843

Honorable Roger McGeshick, Jr.
Tribal Chairman
Sokaogon Chippewa Community
of Wisconsin
Route 1, Box 625
Crandon, Wisconsin 54520

Dear Tribal Leaders:

Pursuant to the Settlement Agreement dated October 8, 1999, in the case *Sokaogon Chippewa Community, et al., v. Babbitt, et al.*, Case No. 95-C-659-C (W.D. Wis.), the Assistant Secretary - Indian Affairs agreed to resume consideration of the March 4, 1994, application of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of Wisconsin and the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (Tribes). The Tribes made application for a fee-to-trust transfer of a 55.82 acre parcel of land located in Hudson, Wisconsin, pursuant to 25 U.S.C. § 465 and 25 CFR Part 151, and for a Secretarial two-part determination pursuant to § 20(b)(1)(A) of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719(b)(1)(A). I must respectfully decline the request that we take this land into trust for gaming purposes.

Pursuant to § 20(b)(1)(A) of the IGRA and delegated authority, by letter dated February 20, 2001, I determined that the proposed gaming establishment was in the best interest of the Tribes and their members and that it would not be detrimental to the surrounding community. In the same letter, I also had requested the concurrence by the Governor of the State of Wisconsin (Governor) in my determination. The IGRA requires that the Governor concur in the determination. On February 20, 2001, my determination was sent by telefax to the Governor and to the Tribes, through their attorney, James Reeder. The administrative record also was sent to the Governor on February 20, 2001.

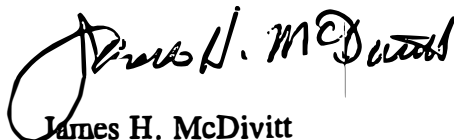
In a letter dated May 14, 2001, a copy of which is enclosed, the Governor declined to concur in that determination. In a letter dated May 15, 2001, the Tribes requested the Department hold this matter in abeyance until alternatives were considered.

Section 20 of the IGRA, 25 U.S.C. § 2719, generally prohibits gaming on trust lands acquired after October 17, 1988, unless certain exemptions apply. The exemption applicable here, 25 U.S.C. § 2719(b)(1)(A), establishes that gaming can be conducted if the Secretary makes a two-part determination that the gaming establishment is in the best interest of the Indian tribe and its members and would not be detrimental to the surrounding community "but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination." Congress has placed a limitation on the use of the land and IGRA does not authorize gaming on the proposed trust land without the concurrence of the Governor. Consequently, because the Governor declined to concur in the two-part determination, the land cannot be acquired in trust for the purpose of gaming.

We have considered the Tribes' request for abeyance and believe that this decision does not preclude the Tribes from considering alternative non-gaming uses for the land. The limitations imposed by Congress on the use of the land should not be interpreted as a prohibition against acquiring the land in trust for any other purposes. Therefore, if the Tribes desire to acquire the land for some non-gaming purpose, please reapply under the trust acquisition regulations at 25 CFR Part 151.

We regret that our decision could not be more favorable at this time. If you have any questions, please contact Nancy J. Pierskalla, Office of Indian Gaming Management at (202) 219-4066.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. McDivitt", written in a cursive style.

James H. McDivitt
Deputy Assistant Secretary - Indian Affairs
(Management)

Enclosure