



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, D.C. 20240

DEC 21 1992

Honorable Delores Pigsley  
Chairperson, Siletz Tribal Council  
P.O. Box 549  
Siletz, Oregon 97380

Dear Chairperson Pigsley:

Some time ago, the Siletz Tribe began the process for acquiring trust land for gaming in Salem, Oregon. We appreciate the great efforts this proposed acquisition required. We also appreciate the efforts the Tribe has made through correspondence and in meeting with the Secretary and others to inform us of the Tribe's views. I greatly regret, therefore, the necessity of declining the Tribe's request that we take this land in trust. The land will not be acquired in trust for gaming.

On November 6, 1992, pursuant to the Indian Gaming Regulatory Act (IGRA), the Secretary determined that the proposed gaming establishment on the land is in the best interest of the Siletz Tribe and that it would not be detrimental to the surrounding community. However, in a letter to the Secretary dated November 20, a copy of which is enclosed, the Governor of Oregon declined to concur in that determination.

While we do not necessarily agree that Governor Roberts' assessment is accurate, the Solicitor has advised that the IGRA does not authorize gaming on the proposed trust land without the concurrence of the Governor of the State. Section 20 of the Act, 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), 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 not 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." Therefore, Congress has placed a limitation on the use of the land, absent the Governor's concurrence. Consequently, since the Governor declined to concur, the land can not be acquired in trust for the purpose of gaming.

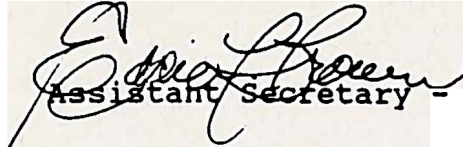
The limitation imposed by Congress on the use of the land should not be interpreted, however, as a prohibition against acquiring the land in trust for other purposes. Therefore, if the Tribe desires

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to acquire the land for some non-gaming purpose, it should reapply under the trust acquisition regulations, 25 C.F.R. Part 151.

We regret that our decision could not be more favorable.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric L. Brown", is written over a light beige rectangular background.

Assistant Secretary - Indian Affairs

Enclosure