

Indian Gaming Management
MS 2070-MIB

SEP 30 1994

Memorandum.

To: Ada E. Deer
Assistant Secretary -Indian Affairs

From: Deputy Commissioner of Indian Affairs /s/*Patrick A. Hayes*

Subject: Application of the Coushatta Tribe of Louisiana for Acquisition of Off-reservation Fee-to-trust Property for Gaming Use for the Coushatta Tribe of Louisiana

On or about July 1, 1992, the Coushatta Tribe of Louisiana (Tribe) submitted an application to the BIA Eastern Area Office (EAO) for the acquisition of certain parcels of land in trust for gaming purposes. (Book 3, Tab 115.) The Indian Gaming Management Staff (IGMS) Office has completed their review of the Tribe's application and by this memorandum are recommending approval of the Tribe's trust acquisition request.

The information provided in this memorandum describes the review process used to make the positive findings and conclusions to support our recommendation to acquire the property in trust for gaming purposes.

Because the use of the land is intended for gaming purposes, the application was first reviewed to determine compliance with Section 20 of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719 and secondly, to determine compliance with the land acquisition regulations found in 25 CFR Part 151 and the requirements of the National Environmental Policy Act (NEPA), P.L. 91-190, 83 Stat. 852, January 1, 1970.

As indicated, the Tribe's trust acquisition request was initially submitted to the EAO on July 1, 1992. On December 18, 1992, the Eastern Area Director (Area Director) transmitted the Tribe's application along with his recommendations to approve the request. (Book 7, Tab 27.) Our preliminary review of the Area Director's transmittal memorandum indicated that the Tribe's request had only been evaluated using the criteria of 25 CFR 151.10, without consideration of the requirements of Section 20 of the IGRA.

Consequently, there was little or no documentation to support a favorable determination required by Section 20 of the IGRA. Thus, on February 17, 1993, (Book 7, Tab 26), the IGMS provided written guidance to the Area Director of the additional requirements to be satisfied, including those requirements relative to the Section 20 consultation and determination. The Area Director conducted the required consultation and subsequently resubmitted the acquisition application with appropriate exhibits (Books 1 through 4) on or about March 25, 1993. (Book 7, Tab 24.) The IGMS completed its review of the revised application and prepared the required Secretarial findings to support the two-part determination. On June 30, 1993, (Book 5), the Secretary sent a letter requesting the Governor's concurrence in the two-part determination that the gaming facility on newly acquired land would be in the best interest of the Tribe and its members, and would not be detrimental to the surrounding community. The Secretary requested the Governor to concur no later than the close of business on July 23, 1993. (Books 5 and 6).

On July 22, 1993, the Executive Counsel to the Governor of the State of Louisiana responded advising that the Governor would not concur in the Secretary's determination, (Book 7, Tab 5.) By letter dated January 5, 1994, the Governor of the State personally confirmed that he would not concur in the Secretary's two-part determination. (Book 8, Tab 11.)

As a result of the Governor's nonconcurrence, the Tribe requested a meeting with the Department of the Interior to discuss prospective options to obtain approval of their request. A meeting was convened on July 27, 1993, between the Tribe and the Acting Deputy Commissioner, Woodrow Hopper, EAO Staff, Office of the Solicitor, Division of Indian Affairs (Solicitor) and the IGMS Office. At this time, the Tribe requested the Department to reconsider a December 3, 1993, Regional Solicitor's Opinion finding the parcels sought to be acquired in trust to be noncontiguous. (Book 7, Tab 28.) A finding that the subject parcels of land were contiguous under § 2719 (a) of Section 20 would negate the need for the Governor's concurrence. To strengthen such a finding, the Tribe indicated their intent to purchase an additional acre to widen the umbilical corridor of land at the point where the subject land touched the Tribe's reservation. The Department agreed to the Tribe's proposed solution.

On or about August 20, 1993, the Area Director submitted the additional information confirming the Tribe's addition of a one acre parcel of land to be included in the Tribe's initial request. (Book 8, Tab 1.) The "revised" application was forwarded to the Solicitor's office along with a request for reconsideration of the December 3, 1993, Regional Solicitor's Opinion. The Solicitor's office determined that the addition of one acre to widen the touching was not enough to make the parcels contiguous to the Tribe's reservation. (Book 7, Tab 4.) The Tribe continued to negotiate with the Department on the issue of contiguity for the next several months. The eventual outcome of these negotiations resulted in a further commitment by the Tribe to acquire an additional 53 plus acres of land to increase the corridor. On the basis of this commitment the Department gave a verbal assurance that the issue of contiguity would be resolved

provided other conditions were finally met. On March 15, 1994, the Tribe wrote the Department agreeing to the conditions and requested a written assurance that the contiguity issue was resolved.

On April 28, 1994, the Solicitor's office wrote the Tribe, (Book 8, Tab 7) providing the written assurance on behalf of the Secretary. The total acreage of land encompassed in the Tribe's trust acquisition application was now 531 acres identified on a survey Map submitted by the Tribe. [Revised February 24 (Added Acreage), Robert A. Fenstermaker, Registered Land Surveyor.] The map showed a land configuration consisting of 53.792 acres that the Tribe had an option on, 4.078 acres to be donated to the Tribe, 103.319 acres as originally purchased, the one acre adjacent to the reservation, and 368 acres of additional land optioned to the Tribe.

By memorandum dated July 14, 1994, the Area Director resubmitted the Tribe's application for the acquisition of 531 acres of land for gaming purposes. (Book 9, Tab 7.) The Area Director again recommended approval of the Tribe's request.

On the basis of the IGMS' review and analysis of the revised application, it is hereby recommended that the Tribe's application be approved. The findings and conclusions relative to this recommendation are as follows:

I. PROPERTY TO BE ACQUIRED

The property to be acquired consists of an irregular-shaped parcel of land (Book 9, Tab 7.), situated within Sections 7, 17, 18 and 20, of Township 6 South, Range 4 West, Allen Parish, Louisiana. (Book 9, Tab 7, 8-Attachment A.) The property is legally described by metes and bounds as follows:

Beginning at the Southeast Corner of Section Seventeen, Township Six South, Range Four West, Louisiana Meridian, Allen Parish, Louisiana, thence South $0^{\circ}53'40''$ East 208.7 feet; thence South $88^{\circ}09'20''$ West 208.7 feet; thence North $0^{\circ}53'40''$ West 208.7 feet; thence South $88^{\circ}09'20''$ West 3751.95 feet to the Southwest Corner of the Southeast Quarter of Southwest Quarter of Section Seventeen, Township Six South, Range Four West; thence North $0^{\circ}16'15''$ West 2649.16 feet; thence South $89^{\circ}01'Q6^{\circ}$ West 665.88 feet; thence North $0^{\circ}23'58''$ West 1329.51 feet; thence South $89^{\circ}26'37''$ West 669.2 feet; thence South $89^{\circ}25'40''$ West 1333.51 feet; thence North $0^{\circ}30'45''$ West 1331.34 feet; thence south $89^{\circ}17'39''$ West 1118.59 feet to the East right of way line of U.P. RR; thence North $28^{\circ}26'07''$ East along the East right of way line of said railroad 1530.71 feet; thence South $89^{\circ}06'50''$ West 229.9° feet to the West right of way line of U.S. Highway 165, thence North $0^{\circ}30'45''$ West 920.85 feet; thence North $60^{\circ}31'27''$ West 836.52 feet to the center of Section Seven, Township Six South, Range Four West; thence North $0^{\circ}29'13''$ West 1331.21 feet to the Northwest Corner of Northeast Quarter of the Southwest Quarter of Northeast Quarter; thence North $89^{\circ}23'34''$ East 2210.7 feet to

the West right of way line of said highway; thence South $28^{\circ} 06'07''$ West along the West right of way line 1816.30 feet; thence South $0^{\circ} 30'45''$ East 1081.36 feet; thence South $16^{\circ} 24'47''$ East 1824.53 feet; thence South $10^{\circ} 02'19''$ East 2317.49 feet; thence South $0^{\circ} 32'00''$ East 100.0 feet to the Southeast Corner of the Northwest Quarter of Northwest Quarter of Section Seventeen, Township Six South, Range Four West; thence East along the North line of the Southeast Quarter of Northwest Quarter and South Half of Northeast Quarter, Section Seventeen, to the Northeast Corner of the Southeast Quarter of Northeast Quarter being 4012 feet; more or less; thence south along the East line of the Southeast Quarter of Northeast Quarter to the Northwest Corner of the Northwest Quarter of Southwest Quarter of Section Sixteen, Township Six South, Range Four West, being 1332 feet, more or less; thence East along the North line of the Northwest Quarter of Southwest Quarter to the Northeast Corner of the Northwest Quarter of Southwest Quarter of Section Sixteen, being 1333.2 feet, more or less; thence South along the East line of Northwest Quarter of Southwest Quarter to the Southeast Corner of the Northwest Quarter of Southwest Quarter, being 1332 feet, more or less; thence West along the South line of Northwest Quarter of Southwest Quarter to the Northeast Corner of the Southeast Quarter of Southeast Quarter, Section Seventeen, Township Six South, Range Four West, being 1333.8 feet, more or less; thence South along the East line of the Southeast Quarter of Southeast Quarter to the Southeast Corner of Section Seventeen, and the point of beginning, being 1332 feet, more or less, all as per plat prepared by R.A. Fenstermaker, C.E., dated May, 1994. *NOTE: THIS DESCRIPTION TAKEN FROM THE GENERAL WARRANTY DEED FOUND AT BOOK 9, TAB 7, 7C.*

The lands to be acquired in trust are formerly agricultural (farming) land, and are now used as pasture for livestock. The lands lie to the west of U.S. Highway 165 with part of the property being located to the east of U.S. Highway 165 and consists of active and abandoned agricultural rice fields. The casino site is in the northern portion of the property to be acquired in trust.

II. TITLE TO THE PROPERTY

The *policy of title insurance* (Policy Number US 1074) dated May 25, 1994, for \$424,000 has been obtained and indicates that title to the previously-described 531 acres is vested in Coushatta Tribe of Louisiana, Grand Casinos of Louisiana, Inc. and the Kingrey Family Partnership. A preliminary title opinion on this policy was completed on June 28, 1994, by the Office of the Solicitor, Atlanta, Georgia.

Inasmuch as the title opinion is preliminary and conditioned on completion of certain, identified curative actions, approval of the trust transaction will not be final until the conditions are satisfied. The Tribe has agreed to satisfy the conditions by Resolution No. 94-07 Resolution. (Book 9, Tab 7, 6h.)

III. COMPLIANCE WITH LAND ACQUISITION REGULATIONS-15 CFR 151

In addition, IGMS has concluded that the criteria of 25 CFR 151.10 has been satisfied as indicated below:

A. 15 CFR 151.10(a) The existence or statutory authority for the acquisition and any limitation contained in such authority;

The statutory authority for the Tribe to acquire land in trust is the Indian Reorganization Act (IRA) of June 18, 1934 (40 Stat. 984). The Tribe is a federally recognized Indian tribe located in Southwestern Louisiana near the Town of Elton. The Tribe is organized under a State Charter of Incorporation (Book 9, Tab 7, 8-Reference D), and has a current membership of approximately 725.

On May 24, 1994, the Tribe enacted Resolution No. 94-06, to request that the previously-described 531 acres be taken in trust for the construction and operation of a Class III gaming facility. The resolution also authorized the Chairman to take all necessary steps to expeditiously have the property received into trust by the United States of America. The resolution was adopted by a unanimous vote of all four Council members present, with one member absent. (Book 9, Tab 7.)

The IRA authorizes the Secretary, in his discretion, to acquire interests in land for the purpose of providing land for Indians. Any land purchase made pursuant to the IRA, is taken in trust in the name of the United States of America in trust for the benefit of the applicant Indian tribe. Upon acquisition of such land in trust status, the lands are exempt from State and local taxation.

As a matter of policy, the Secretary may acquire land in trust status for a tribe when the acquisition is found to be necessary to facilitate tribal self-determination, economic development or Indian housing (25 CFR 151.3 (a)(3)). The Tribe's documents submitted in support of their application clearly support a finding that the proposed acquisition is necessary to enable the Tribe to achieve self-determination and economic self-sufficiency through the gaming operation.

B. 25 CFR 151.10(b) The need of the individual Indian or the tribe for additional land;

The Tribe has an existing land base of 153 acres divided into four separate parcels of 15, 20, 42 and 76 acres. This total acreage has remained the same for approximately 20 years. The Tribe has had limited opportunities to acquire additional lands. During the same 20-year period tribal enrollment has increased from 350 in number to the current number of 725. This increase in population has commensurately increased the need for tribal employment, housing and health care. The Tribe has determined that its present land base is insufficient to accommodate the development of a casino. The existing land base is also insufficient to permit for the expansion of existing housing or the construction of additional housing, recreational, and educational facilities. The acquisition of the

property will also end the Tribe's isolation by providing a new entrance from U.S. Highway 165 between the Tribe's reservation and the gaming complex. (Book 9, Tab 7, 8-page 2.)

The need of the Tribe to acquire the additional land is justified as follows:

- (1) the acquisition of additional land represents a physical means by which the Tribe's economic development can be facilitated and create jobs for the tribal populace;
- (2) the proposed use of the subject land represents the only economically feasible alternative for the Tribe to achieve economic sufficiency for the benefit its tribal members;
- (3) the Tribe's current trust landholdings are not suitable for the proposed development because:
 - (a) none of the land is visible or adjacent to any highways, streets, or interstates;
 - (b) the lands are serviced by local parish roads which see a minimum of maintenance and repair;
 - (c) the lands are divided and do not allow sufficient space for any economic development expansion; and,
 - (d) the land is maintained primarily for housing, health facilities, tribal government administration, cultural activities and in general a place for the tribe to raise families. [See Book 6.]

The Tribe, like many other Indian tribes, has determined that the economic potential of a gaming operation will provide the needed revenues to enable the Tribe achieve its goals. This acquisition of land will enable the Tribe to develop its economic base through the construction and operation of a Class m gaming facility. It is concluded that the Tribe has sufficiently justified the need for additional land and that the acquisition of this property in trust is needed to enable the construction and operation of the gaming facility as an economic development activity as well as to increase the trust land base of the Tribe.

C. 151.10(c) The purposes for which the land will be used;

The Tribe plans to build a Class III gaming facility on part of the subject property. The construction and overall development of the land will be undertaken in five planned phases. Phase I will consist of the construction of a 100,000 square foot building which will contain a gaming area, lounge, buffet, children's arcade and support areas. A parking area will be developed to provide parking for 1500 cars and 24 buses. The additional four phases are planned and although implementation dates are not firmly indicated, they are reasonably expected to be realized within the next five years. Phase II includes the addition of a RV park and a 150 room motel. Phase III will add an additional 28,800 square feet of gaming/bingo area, restaurant and an outdoor fun area.

Phase IV will include an additional 18,800 square foot expansion of the gaming area, a theater and convention center. Phase V will consist of an additional 11,000 square foot expansion for gaming and support facility. (Book 6, page 1.)

The Tribe also proposes to develop the remainder of the land for expansion of its existing tribal programs. This expansion will include the Tribe's existing agricultural and cattle production programs. The non-gaming development of the property will allow for optimum expansion capabilities for these important tribal operations.

In addition, the lack of adequate land for future housing developments is also a major concern of the tribal government. To alleviate this concern, the Tribe also intends to dedicate a portion of the property for the expansion of tribal housing. These plans also include the construction of a new road 2-1/2 miles in distance to the existing reservation lands from U.S. Highway 165. The road will allow egress from the gaming complex to the reservation without leaving Indian-owned land. (Book 9, Tab 7, 8 page 3.)

The Secretary of Interior has approved a Tribal-State Gaming Compact (Compact) between the State of Louisiana and the Tribe to authorize Class III gaming on a portion of this property. (Book 3, Tab 110.) The Tribe has entered into a Management & Construction Agreement, dated February 25, 1992, with the Grand Casinos of Louisiana, Inc., Coushatta for management and operation of the Tribe's gaming facility. (Book 2, Tab 106.)

We conclude that the Tribe's intended use of the property to be acquired in trust is in accord with the requirements of 25 CFR 151.10 (c) and will benefit both the Tribe and its members.

D. 25 CFR 151.10(e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivision resulting from the removal of the land from the tax rolls;

The expected impact on the parish as a result of removing the land from the tax roll is considered to be minimal primarily due to the fact that the taxes are nominally low and because the land is in an undeveloped rural area. This conclusion is supported by the written evidence provided by the Allen Parish Assessor in response to the Area Director's written notices to the State and local governments posted on February 18, 1993, and May 1994. The Allen Parish Assessor indicated that the amount of property taxes levied annually on the property was \$1,826.61. (Book 9, Tab 5, 5.)

The BIA provides notice to state and local governments of any proposal to remove fee land from the tax rolls of the particular state or local government. This notice is provided by the area director and allows for a 30-day comment period. The letter requests information on the annual amount of taxes assessed against the property, any other assessments, the services provided and any zoning matters requiring attention. Although,

the Area Director stated in his December 18, 1992, memorandum that notification letters had been sent to the State and county governments with no negative responses there was no documentation to confirm his statement other than the letter to the Tax Assessor. However, during the required Section 20 consultation phase, the State and city governments were notified of the tribe's proposal. All responses were generally positive and supportive of the Tribe's proposal. The governments did not indicate any adverse impacts as a result of removing the land from the tax rolls nor from the gaming facility. In fact, many of the letters gave assurances that issues of jurisdiction, law enforcement, zoning and other assessments would not be obstacles or problems.

The conclusion is that the local parish and government officials overwhelmingly support the Tribe's proposal because of the expected benefits to a highly improvised area. The impact of removing the land from the parish tax roll is secondary and of little consequence to the parish and local governments and is expected to be offset by the projected revenues and benefits expected from the casino.

E. 25 CFR 151.10(f) Jurisdictional problems and potential conflicts of land use which may arise;

Any jurisdictional problems and related conflicts are expected to be addressed by the Tribe and the State pursuant to the Compact. The Compact properly allocates criminal jurisdiction, as allowed by Section 11(d)(3)(C)(ii) of the IGRA, between the State and the tribe. The State is authorized to exercise criminal jurisdiction over non-Indians in situations where jurisdiction is not exclusive to the Federal Government or the Tribe pursuant to 18 U.S.C. 1166. The Compact also provides that the state's law enforcement officers will be cross-deputized as tribal law enforcement officers.

Therefore, we conclude there is no potential for jurisdictional or other land use conflicts arising from the acquisition use of the land for gaming purposes.

F. 25 CFR 151.10(g) If the land to be acquired is in fee status, whether the BIA is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status;

The EAO states that it is equipped and staffed to undertake any additional workload without additional manpower or equipment. The addition of this property to the jurisdiction of the EAO will not result in a significant increase in workload because the Tribe will be managing the property for its own enterprise. The gaming activities will be regulated by the terms of the Compact with oversight monitoring as necessary or appropriate by the National Indian Gaming Commission. (Book 9, Tab 7.)

VI. INDIAN GAMING REGULATORY ACT (IGRA)

As a general rule, gaming is prohibited on lands acquired in trust after October 17, 1988, the date the IGRA was enacted unless an exception applies pursuant to 25 U.S.C. § 2719.

Initially, the Tribe's application to overcome the prohibition against gaming on lands acquired in trust after October 17, 1988, was made under exception (b) of 25 U.S.C. § 2719. This exception permits gaming on lands acquired in trust after the IGRA enactment date "when the Secretary, after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be 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..."

As a result of the Governor's decision not to concur in the Secretary's determination of June 30, 1993, the exception in subsection (a)(1) of 25 U.S.C. § 2719 is the basis on which approval of this acquisition is sought. (Book 8, Tab 11.)

Under subsection (a)(1) gaming is permitted on lands acquired in trust after October 17, 1988, if the lands are within or contiguous to the Tribe's reservation as that reservation existed on the date of enactment of the IGRA.

As previously discussed, the Tribe has satisfied this requirement with the addition of land to the original request.

Therefore, the Department is satisfied that the requirements of subsection (a)(1) of 25 U.S.C. § 2719 have been satisfied. This conclusion is confirmed by the April 28, 1994, letter from the Solicitor's office to the Tribe indicating that the initial acreage plus the added acreage as indicated on a survey map dated February 1994 would be considered enough to find the lands contiguous to the Tribe's reservation

Accordingly, we conclude that the prohibition against gaming on land acquired after October 17, 1983, is overcome and the lands may be acquired in trust for the Tribe's gaming if such lands are contiguous to the Tribe's reservation as required by 25 U.S.C. 2719(a)(1).

II. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

The requirements of the NEPA, P.L. 91-130, 83 Stat. 852, January 1, 1970, have been satisfied. With the exception of the signing and publication of The Findings of No Significant Impact, this Environmental Assessment (EA) appears to satisfy the requirements of NEPA and other environmental law relevant to the proposed action. The results of the EA dated August 22, 1994, was prepared by C.H. Fenstermaker &

Associates, Inc., Civil Engineers, Environmental Consultants and land Surveyors of Lafayette, Louisiana. The EA was reviewed by the Environmental Specialist of the IGMS Office to determine whether the NEPA requirements had been complied with. The Environmental Specialist of the IGMS Office advised that the environmental documents adequately satisfied the requirements of the NEPA.

III. HAZARDOUS SUBSTANCES DETERMINATION

The hazardous survey from entitled The Level I Survey: Contaminant Survey Checklist of Proposed Real Estate Acquisitions, was completed on July 12, 1994, by the Area Environmental Coordinator and approved by the Area Director on July 13, 1994. The required survey is designed to determine whether hazardous substances are located on property to be acquired in trust. The completion of the survey, in this case, indicates there are no contaminants present on the property.

IV. OTHER CONSULTATION/REQUIREMENTS

In addition to compliance with NEPA, the documentation supports a finding of compliance with other related requirements. Compliance with such requirements has been determined by the conclusions and/or clearances provided by key or responsible governmental agencies.

Historical preservation and archeological sites: The State of Louisiana, Department of Culture, Recreation and Tourism, Office of Culture Development, has indicated in correspondence dated May 21, 1994, to the Coshatta Tribal Administrator that there are no indications that there are or were any known Native American Coshatta cultural resources, sacred land, burial sites, historical aspects, folklore, stories or signs of any archeological sites on the property in question.

Endangered species or wetlands: The Endangered Species Coordinator, U.S. Fish and Wildlife Services, Lafayette, Louisiana indicated in correspondence dated August 17, 1994, that the proposed activity would not significantly affect any listed or proposed threatened or endangered species.

The Tribe has complied with applicable Federal laws relating to archeological sites, endangered species and historic preservation.

V. OTHER NOTED CONCERNS

The only recorded opposition on this transaction comes from Bertney Langley, a member of the Coshatta Tribe. Mr. Langley, either acting alone or through his legal counsel has submitted several letters expressing his opposition to this proposal by the Tribal Council. (Book 8, Tab 5; Book 9, Tab 1, Book 9, Tab 2.) After reviewing Mr. Langley's stated

concerns, it has been determined that Mr. Langley's opposition is without substantial merit.

This determination is made on the basis of our position that intra-tribal disputes over governmental decisions are properly left to the discretion of the tribal government. The Tribe operates its government under the authority of the Coushatta Alliance Charter issued by the State of Louisiana and filed June 7, 1972, amended on March 10, 1973, and filed on April 13, 1973. Pursuant to its authority, the Tribe enacted Tribal Ordinance No. 1 establishing Election Rules and Procedures for the Coushatta Tribe of Louisiana. It is our opinion that these rules give the elected officials of the Coushatta Tribe full authority to conduct business for the Tribe. Any challenges to the authority of the elected officials to conduct business on behalf of the Tribe must be addressed within the established parameters of the Tribe's organic governing document.

V. AREA DIRECTOR RECOMMENDATION

The Area Director has provided his recommendation in support of the Tribe's request. He has recommended that the land be taken in trust by the United States of America for the benefit of the Tribe. This recommendation is based on his opinion that the requirements of the land acquisition regulations in 25 CFR Part 151 have been satisfied.

VII. RECOMMENDATION

Our findings and conclusion as a result of the review of the Tribe's application are that the requirements of 25 U.S.C. §2719 and 25 CFR Part 151 have been satisfied and the request for trust acquisition should be approved.

It is therefore the recommendation of this office that the property be taken in trust for the benefit of the Tribe. We recommend that the Area Director be authorized to approve the conveyance document to The United States of America in trust for the Tribe.

We have prepared the authorizing memorandum for transmission to the Area Director for approval and completion of the Tribe's request for acquisition of fee-to-trust property for gaming purposes. The authorizing memorandum stipulates that all title requirements must be satisfactorily approved pursuant to 25 CFR 151.12 by the Office of the Solicitor, Southeast Regional Office, prior to approval of the acquisition.

Attachment

cc: Eastern Area Office