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AQUINNAH PLAN TO START SMALL ON VINEYARD, SEEK COMPACT TALKS WITH GUV By Matt Murphy STATE HOUSE NEWS SERVICE STATE HOUSE, BOSTON, NOV. 12, 2013....Originally iced out of the state's plan for expanded gaming, the Wampanoag Tribe of Gay Head announced plans on Tuesday to open a small, temporary gaming parlor on the site of an unfinished community center on Martha's Vineyard after the federal government ruled that the tribe had not previously forfeited its gaming rights. The tribe has also petitioned the Patrick administration again to open negotiations for a state compact that would allow the tribe to expand the limited bingo, slots and poker parlor planned for the island into a full casino gambling operation, which tribal leaders hope will generate revenue to provide housing and services to its people. "We're in dire need to figure out how we're going to mitigate cuts and provide services to our people," Aquinnah Wampanoag Chairwoman Cheryl Andrews-Maltais told the News Service in a phone interview. "We couldn't continue to leave our destiny and economic self-sufficiency up to anybody but our community." The federal ruling that the tribe had the right to open a gaming facility on its island land upset an already shaky landscape for expanded gaming in Massachusetts, where a number of communities have rejected proposed casinos and the Gaming Commission is weighing whether to wait for another tribe - the Mashpee Wampanoag - to get land in trust in Taunton or issue a commercial casino license in southeastern Massachusetts. The announcement appeared to catch many state

leaders off guard on Tuesday. The Patrick administration by late Tuesday still had no response to the request to begin negotiations for a compact, and Senate Majority Leader Stan Rosenberg, one of the architects of the 2011 expanding gaming law, was floored by the news. "This is a real big curveball," Rosenberg said. "This is definitely a big curveball. Oh, my goodness. I have to go do some reading really fast. I could not have anticipated this. Today is not April Fool's right? May we live in interesting times," Rosenberg said. Andrews-Maltais said the tribe has had a number of potential partners come forward willing to work with the Aquinnah to establish gaming on the island, and continues to explore its options. Of the 485 acres of tribal land on Martha's Vineyard, the tribe has set aside about 26 acres for economic and business development in Aquinnah where it plans to develop the casino facility. "We want to start immediately and grow to expand in a way that meets our needs. We're not going to get ahead of ourselves," she said, calling it "not a matter of years but a matter of months" before the small gaming parlor could open. Though the tribe is interested in negotiating for rights to open a full casino, complete with blackjack, roulette and other casino games, Andrews-Maltais said it would not try to build a resort on par with what has been proposed in other parts of the state if the market doesn't exist to support it. "We'll build to match what we feel the market can bear and is conducive to the island. It would be nice to have something extravagant, but that's not where our focus has been," Andrews-Maltais said, adding that the tribe also wants to limit its debt from the project. Once a more permanent gaming facility can be built, the chairwoman said, she hopes to revert the community center back to its intended purpose. The Patrick administration in March rejected the Aquinnah's request to open negotiations for a compact to open a tribal casino, contending that the tribe forfeited its gaming rights afforded under the Indian Gaming Regulatory Act when it entered into a land settlement agreement in the early 1980s with the state for its Vineyard tribal lands. The Aquinnah challenged that interpretation, and on Oct. 25 Eric Shepard, acting general counsel for the National Indian Gaming

Commission, overruled the administration. In the opinion, Shepard concluded that the Aquinnah tribe possessed "sufficient legal jurisdiction over its settlement lands" to allow the IGRA to apply. Under the IGRA, the tribe has the right to operate a Class II gaming facility, which includes "a variety of machine games, bingo and poker." In order to run a broader Class III facility with full table and card games, the tribe must negotiate a compact with the Patrick administration. Scott Crowell, an attorney for the tribe with Crowell Law Offices-Tribal Advocacy Group of Arizona, said if the administration refused again to negotiate, the tribe can file a lawsuit in federal court to try to force the state into arbitration. "If he gives us another cold shoulder, we'll sit down with counsel and discuss the timing of filing a legal action against the state," Crowell said, referring to Gov. Deval Patrick. Crowell also said he did not believe that the Aquinnah's pursuit of a gaming compact would impact the Mashpee Wampanoag's bid to build a resort casino in Taunton or the amount of gaming revenue the sister tribe would share with the state. The House and Senate on Tuesday finalized a compact negotiated by Patrick with the Mashpee tribe that calls for the tribe to share 21 percent of its gaming revenue with the state if it is the only casino in Massachusetts, 17 percent if it is one of two or more casinos, or nothing if another casino is licensed in the southeast region. The Mashpee tribe has won approval for its casino project from Taunton voters, but is still waiting for federal approval to take land in trust in Taunton. Crowell said he did not think the Aquinnah project would force the state to forfeit all revenue from the proposed Taunton casino because the Aquinnah are not seeking a Category 1 casino license under state law, but rather a compacted casino under the federal IGRA. "We support Mashpee's right to game the same as we support our rights to game," Andrews-Maltais said. A spokeswoman for the Mashpee Wampanoag said the tribe had no comment on the Aquinnah developments. About 300 Aquinnah Wampanoag live on the island of Martha's Vineyard, and another 900 live on mainland Massachusetts, concentrated in the southeast region of the state, according to the tribe. With year-round work on the

island limited and federal sequestration cuts hurting the tribe's federal funding stream, Andrews-Maltais said making an immediate profit off gaming is the tribe's number one priority to continue providing housing and other services for its people. -END- 11/12/2013