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U.S. NEWS

# Tribe Says It Can Open Casino Near Cape Cod

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By **JON KAMP** [CONNECT](#)

Updated Nov. 12, 2013 7:42 p.m. ET

A Native American tribe said Tuesday it has won federal approval to open a small casino on tribal land on Martha's Vineyard, an island long-known as a summertime playground for presidents and affluent vacationers.

In an unexpected development, the Wampanoag Tribe of Aquinnah said its two-decade push for a casino was cleared by a legal opinion from the National Indian Gaming Commission, a federal agency that regulates gambling on tribal lands. The tribe has been at loggerheads with officials over a 1983 land settlement, but tribal Chairwoman Cheryl Andrews-Maltais said it now has the necessary approval for a facility that includes machine games, bingo and poker.

The tribe provided an Oct. 25 letter from Eric Shepard, acting general counsel at the gaming commission, stating the tribe has "sufficient legal jurisdiction over its settlement lands." A commission spokesman wasn't available for comment.

If the tribe's path remains clear, its casino could become the first in Massachusetts.

According to the tribe, as envisioned now the casino would be modest, occupying an unfinished community center in the tiny town of Aquinnah, which used to be called Gay Head.

But the tribe said it is seeking to negotiate with the state on a deal to expand gambling on the island off the coast of Cape Cod, which could potentially lead to a larger facility with different types of gambling.

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Kate Cook, chief legal counsel for Democratic Gov. Deval Patrick, said the administration will review this renewed request "closely and in good faith."

A 2011 state law allows for three resort casinos and a slot-machine parlor, and several companies are slowly working through the approval process. A state regulator's decision on the slots license is expected by the end of the year, and decisions on two resort casinos could come in April. The tribal facility wouldn't count toward the total allowed under the law.

The roughly 1,200-member tribe has long explored building a casino on the mainland or the island. But the push on Martha's Vineyard has been stymied by the three-decade old land settlement with the town. Ms. Cook said that settlement preserved the state's authority to regulate gambling on the tribe's land, and the tribe needed a commercial gaming license.

Though the federal decision appears to override the settlement, Aquinnah Town Counsel Ronald Rappaport said, "I disagree with that."

It was unclear Tuesday if the matter could end up in court.

The announcement came as a surprise to many. Tim Madden, a Democratic state representative whose district includes Martha's Vineyard, said it has been a controversial idea there. "I think people on the island would be very concerned if there was a gaming facility," he said.

Other Massachusetts casinos are still in the planning stages, and some proposals, including a plan for a \$1 billion casino at Boston's old Suffolk Downs thoroughbred racetrack, have been derailed by local voters. The racetrack's management is now working with the neighboring city of Revere, where part of the property sits, to possibly build just there.

Meantime, the casino on Martha's Vineyard could be "up in a matter of months," Ms. Andrews-Maltais said.

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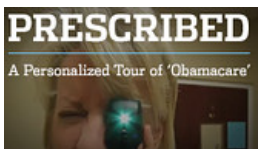
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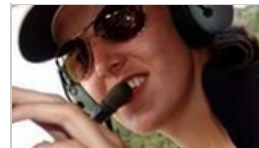
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