



**MARCH 31, 2006**

### **CARS PROPOSES IGRA RULES TO PROTECT LOCAL, STATE INTERESTS**

Citizens Against Reservation Shopping (CARS) has joined four other community groups in three states to petition the Secretary of Interior to propose formal rules on one of the main provisions in the Indian Gaming Regulatory Act (IGRA). The rules proposed by the coalition, which are included in CARS' submission, are intended to protect states, local governments and communities from the uncontrolled spread of tribal casinos. CARS specifically asked the U.S. Department of Interior (DOI) to consider local and state interests when creating regulations to govern the designation of lands for tribal gaming purposes.

As Vancouver, Wash.-based CARS and other opposition groups have found, without established regulations and standards, these decisions on trust lands for tribal gaming are often made out of the public eye. At stake is the application of the so-called two-part determination process, which requires state and local consultation and findings on detrimental impacts by the Secretary of the Interior and the Governor, and the exceptions that allow tribes to circumvent this process. The rulemaking petition filed today makes the case that the current inconsistent process by which these exceptions are determined does not ensure fairness, consistency and objectivity, nor does it ensure consideration of the rights and concerns of state and local governments or communities.

Feb. 1, George Skibine, director of the DOI's Office of Indian Gaming Management, testified before the Senate Indian Affairs Committee that DOI was working on regulations concerning the designation of Indian lands for gaming purposes. He said the draft regulations would be circulated to tribal officials but made no mention of involving state or local officials, or citizens groups, in the discussion. The petition and proposed rules submitted by CARS are intended to ensure that non-tribal interests are also considered as, for the first time, DOI establishes regulations on Section 20 of the 17-year-old IGRA.

“When a tribe sets its sights on a community as a possible casino site—which we all know will bring more than its share of impacts—that community has a right to know, to comment and to have a role in the discussion,” said Ed Lynch, CARS chairman.

CARS' interest in establishing IGRA regulations emerges from its opposition of the casino-resort proposed by the Cowlitz Tribe of Washington, which has openly sought to avoid the two-part determination under IGRA. The tribe, which wants to establish a casino at the Interstate 5-La Center interchange, applied for the initial reservation status in 2004 after signing an agreement with Clark County, which gave its approval under the good-faith understanding that the tribe wanted to have land taken into trust—not establish it as its initial reservation, a designation that would allow a casino.

Then, in March 2005, the tribe quietly applied for restored lands status. No notice or opportunity for public participation was provided, and neither local governments nor community groups were able to confirm the application until October, a month before the National Indian Gaming Commission (NIGC) was scheduled to issue its opinion. Although local governments and citizens groups hurriedly submitted documentation demonstrating why a restored lands ruling is not appropriate for the La Center property, it was too late to make a difference. The NIGC issued an opinion that the property at the Interstate 5-La Center interchange qualifies as restored lands.

The citizens groups' proposed rules, submitted with the petition, require that public notice be provided within a month of a tribe's submission of an initial reservation or restored lands request, that public comment be mandatory, and that a tribe demonstrate it has a significant historical and cultural connection to the land in question. The proposed regulations also call for a moratorium on pending decisions until new regulations are implemented, and for initial reservation and restored lands determinations to be appealable.

Although IGRA was enacted more than 17 years ago, there are to date no regulations governing it. As tribal gaming has increased exponentially in recent years, so have controversy and conflict between tribes seeking lands for casinos and the communities where they wish to site them.

IGRA prohibits gaming on lands acquired in trust after 1988 unless the lands meet an exception listed in Section 20 of the law. One exception, known as the two-part determination, requires the Secretary of the Interior to consider the detrimental effects a casino would have on surrounding communities and gives the state's Governor the authority to override the Secretary's pro-gaming decision. Two alternate exceptions, which eliminate the consideration of community detriment and the Governor's input, are the initial reservation and restored lands designations.

“In light of the importance of the two-part determination,” states the petition, “decisions regarding its applicability should be thoroughly and openly considered, with input from state and local governmental entities and the public. Standards must be in place to guide the decision-making process and to ensure that such decisions are made fairly, consistently, and objectively.”

CARS hopes that thoughtful regulations incorporating concerns of all interested parties will prevent such biased opinions and decisions from being made in the future.

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Read the [letter sent by the five-group coalition](#), and the [petition for rulemaking](#) submitted to the Secretary of Interior.