

Congress of the United States  
Washington, DC 20515

May 12, 2016

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C St. NW  
Washington, D.C. 20240

Dear Secretary Jewell:

This letter is to express our concerns about the proposed acquisition of land to be taken into trust for the use and benefit of the Coquille Indian Tribe, with the intention to operate a Class II gaming facility in Medford, Oregon. In addition to several of our Oregon congressional colleagues, the City of Medford, the Jackson County Board of Commissioners, and Oregon Governor Kate Brown oppose this proposal.

Many Oregonians have raised legitimate questions about the expansion of casino gaming in Oregon. The original authors of the law on which the Coquille tribe bases its application have raised significant questions as well. Opposition from the state, city, and county to a casino far-removed from the Coquille ancestral lands (and their restored lands reservations) should give the agency great pause about this application.

As you consider the application before you, we request that you carefully and thoughtfully study the concerns from the local community and state and federal officials.

Sincerely,

  
Suzanne Bonamici  
Member of Congress

  
Earl Blumenauer  
Member of Congress

  
Kurt Schrader  
Member of Congress

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# United States Senate

WASHINGTON, DC 20510

October 21, 2013

Kevin K. Washburn  
Assistant Secretary  
Indian Affairs  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Assistant Secretary Washburn,

We are writing in regard to the Coquille Indian Tribe's application for land to be taken into trust by the Secretary of the Interior for the purposes of Class II gaming in Jackson County, Oregon. While we applaud the Coquille Indian Tribe in their efforts to build their economy and become ever more self-sufficient, and while we naturally respect the tribe's sovereignty and support the ideals of tribal self-determination, this application has far reaching effects for the State of Oregon.

In Oregon, we have a long history of striking a balance between the pursuit of gaming revenues, which benefits tribal members enormously, and the risks associated with a significant increase in the number of gaming facilities which would have negative consequences in many of our communities.

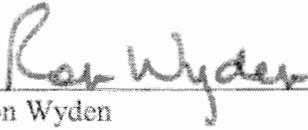
Before voters authorized a state-run lottery in 1984, the only gambling legally permitted in the state was in the form of well-controlled *pari-mutuel* (race track) gambling and occasional locally-permitted charity events. Oregon's Governor, John Kitzhaber, who has negotiated many of the current tribal compacts with federally-recognized tribes in order to support tribal self-sufficiency, has long adhered to the policy of "one casino per tribe." The precedent of a second significant gaming facility for any one tribe, whether it is a Class II or Class III, is a clear expansion of that policy and would have serious implications for further expansions to be made by other tribes. Oregon's careful balance between producing gambling revenues and a focus on the public good of our citizens could be seriously compromised.

In addition, the situation is greatly complicated by the evolving technology of gaming. In the past, a Class II gaming facility was essentially a bingo hall. Now, however, modern computer technology enables Class II facilities to include machines that do not have much distinction from those in Class III facilities. We are concerned that what the Coquille tribe is proposing would in reality turn out to be more akin to what is contemplated when establishing a Class III facility in Oregon, rather than a Class II facility.

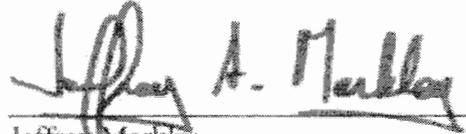
Noting that you have already received communications regarding this issue from the Governor of Oregon, the Jackson County Board of Commissioners and the City of Medford, we join them in

opposing this application. If you have questions regarding this issue, please contact Cisco Minthorn at 202-224-4971 in Senator Wyden's office and Elizabeth Cooney at 202-224-7967 in Senator Merkley's office.

Sincerely,



Ron Wyden  
U.S. Senator



Jeffrey Merkley  
U.S. senator

cc: Sally Jewell, Secretary of the Interior  
Stanley M. Speaks, Bureau of Indian Affairs Northwest Regional Director

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CLERK OF THE SENATE

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# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

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The Honorable Ron Wyden  
United States Senate  
Washington, DC 20510

The Honorable Jeffrey Merkley  
United States Senate  
Washington, DC 20510

Dear Senator Wyden and Senator Merkley:

Thank you for your joint letter dated October 21, 2013, expressing your opposition to the Coquille Indian Tribe's (Tribe) request to acquire 2.4 acres of land in trust in the City of Medford, Jackson County, Oregon, for construction and operation of a class II gaming facility. Your letter indicates that in Oregon, the State has adhered to the policy of "one casino per tribe," and that a second casino for any tribe in Oregon would upset the balance in the State between producing gaming revenues and a focus on the public good for citizens of the State.

Your letter states that a second significant gaming facility for any one tribe, whether class II or class III, is a clear expansion of the "one casino per tribe" policy. The operation of a class II facility would not, however, represent an expansion of "casino" gaming. Class II games, as defined in IGRA, consist of games of chance including bingo and card games. *See* 25 U.S.C. § 2703 (7)(A). Class II games do not include slot machines or banking card games such as blackjack. *See id.* at § 2701 (7)(B). Such games are classified as class III games and are casino-type games. *See id.* at § 2703 (8). Accordingly, the Tribe's class II gaming facility would not be an expansion of casino gaming in the community.

Our review of the Tribe's application is in its earliest stages. The Tribe has submitted its request to the Bureau of Indian Affairs' Northwest Regional Office asking that the Department acquire the land in trust for gaming and non-gaming purposes. In January of this year, the Office of Indian Gaming received a request from the Tribe seeking an opinion whether or not the land will be eligible for gaming under the Indian Gaming Regulatory Act as "restored lands." *See* 25 U.S.C. § 2719 (b)(1)(B)(iii). Review of the Tribe's requests is underway.

As we conduct our review, the comments of state and local governments and the public will be solicited during the preparation of an environmental impact statement pursuant to the National Environmental Policy Act. We will review and address these comments prior to issuing a final decision on the Tribe's application.

Thank you for your interest in this matter.

Sincerely,

A handwritten signature in black ink that reads "Paula L. Hart". The signature is written in a cursive style with a large initial 'P' and a long horizontal stroke at the end.

Paula L. Hart  
Director, Office of Indian Gaming



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

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The Honorable Earl Blumenauer  
House of Representatives  
Washington, D.C. 20515

Dear Representative Blumenauer:

Thank you for your letter dated September 11, 2013, expressing opposition to the Coquille Indian Tribe's (Tribe) request to acquire 2.4 acres of land in trust in the City of Medford, Oregon, for construction and operation of a class II gaming facility.

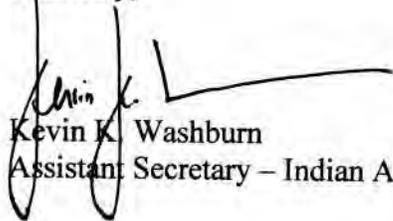
We are still in the early stages of reviewing the Tribe's application. The analysis of the land's eligibility for gaming authorized by the Indian Gaming Regulatory Act (IGRA) is separate from the analysis for trust acquisition under the Indian Reorganization Act and its associated National Environmental Policy Act (NEPA) inquiry. The IGRA generally prohibits gaming on land acquired by the Secretary in trust for the benefit of an Indian tribe after the date IGRA was enacted, October 17, 1988 (25 U.S.C. § 2719(a)). One exception to this general prohibition is when "lands are taken into trust as part of...the restoration of lands for an Indian tribe that is restored to Federal recognition." *Id.* § 2719(b)(1)(B)(iii).

As explained in the Department's regulations implementing IGRA, one way a tribe may establish that its land qualifies as restored land it by showing "[t]he legislation [restoring the tribe] requires or authorizes the Secretary to take land into trust for the benefit of the tribe within a specific geographic area and the lands are within the specific geographic area." 25 C.F.R. § 292.11(a)(1). It is this method for establishing restored land that the Coquille Indian Tribe argues applies to its Medford parcel. We have not made a determination as to whether this exception applies to the Medford parcel.

The comments of State and local governments and the public will be solicited for the fee-to-trust application during the preparation of an environmental impact statement pursuant NEPA. We will review and address these comments prior to issuing a final decision on the Tribe's application.

Thank you for your interest in this matter.

Sincerely,

  
Kevin K. Washburn  
Assistant Secretary – Indian Affairs

EARL BLUMENAUER  
Third District, Oregon  
COMMITTEE ON WAYS AND MEANS  
COMMITTEE ON BUDGET



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Portland, OR 97232  
(503) 231-3000  
Fax: (503) 230-4413

Website: blumenauer.house.gov

Congress of the United States  
House of Representatives  
Washington, DC 20515

September 11, 2013

The Honorable Sally Jewell  
Secretary  
Department of the Interior  
1849 C Street, NW  
Washington D.C. 20240

Dear Secretary Jewell:

I write to express my opposition to the proposed acquisition of land to be taken into trust for the use and benefit of the Coquille Indian Tribe to operate a Class II gaming facility in Medford, Oregon. My understanding is that, in addition to significant legal questions remaining about the application, there are deep apprehensions about the proposed expansion of casino gaming in the community. I share those concerns and would also note that the City of Medford, the Jackson County Board of Commissioners, and Oregon Governor John Kitzhaber also oppose the proposal.

As you consider this decision, I urge you to closely evaluate the concerns raised by the local community, and ultimately reject this proposal.

Sincerely,

*Earl Blumenauer*  
Earl Blumenauer  
Member of Congress

*I look forward to  
our next meeting!*

Post-It® Fax Note	7871	Date	9.12.13	Page	1
To	Andrey Hossins	From	Hillary Barbour		
Co./Dept.	Interior	Co. Rep.	Earl Blumenauer		
Phone #		Phone #	503-231-2300		
Fax #	202-205-5533	Fax #			

# Congress of the United States

Washington, DC 20510

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January 25, 2016

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OFFICE OF THE  
SECRETARY

The Honorable Sally Jewell  
Secretary  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Jewell,

We write concerning the legislative history of the land acquired by the Coquille Indian Tribe under the Coquille Restoration Act (CRA) of 1989. Some clarification of that legislative history may be relevant to current deliberations within the Department.

Currently, the Coquille Indian Tribe operates a Class III casino in North Bend, Oregon and has proposed to build a Class II casino in Medford, Oregon. The Coquille Indian Tribe is basing its decision to expand its casino operations on an authority given to the Secretary under the CRA. As two of the three original authors of the CRA, we wanted to clarify the history of the act as it relates to tribal gaming in Oregon.

When first introduced, the CRA authorized the blanket acquisition of land in trust for Coquille within its service area – which included Coos, Curry, Douglas, Jackson, and Lane Counties in Oregon, and it did not include a reference to Indian Reorganization Act (IRA) land acquisition. However, before the CRA passed, the House Natural Resources Committee amended the bill to clarify that the Secretary of the Interior “shall accept any real property located in Coos and Curry Counties not to exceed one thousand acres,” and “may accept any additional acreage in the Tribe’s service area pursuant to his authority under the [Indian Reorganization] Act of June 18, 1934 (48 Stat. 984).” (emphasis added). This discretionary language was added to ensure that the Secretary could use the authority under the IRA to take land into trust for the Coquille Indian Tribe, the same way it can for other Oregon tribes, to be in addition to the original one thousand acres of restored lands that were taken into trust under the CRA.

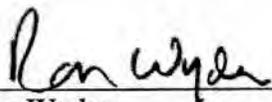
When it comes to gaming, tribes must follow the requirements of the Indian Gaming Regulatory Act (IGRA), which says that a casino can only be built on lands that are part of a settlement of a land claim, the initial reservation of the tribe, or the restoration of lands for a tribe restored to Federal recognition. This last requirement, the restored tribe and restored lands requirement, cannot be read to give an advantage to restored tribes to game on any lands within its service area, but rather it ensures that restored tribes are treated equally to tribes recognized earlier. According to IGRA, if the land to be taken into trust is not “restored land,” the tribe must get the

permission from the Secretary and the State where the lands are located in order to take land into trust for the purposes of gaming.

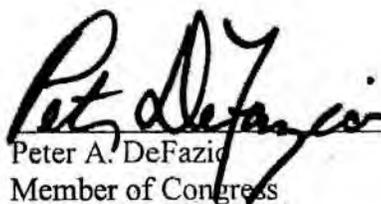
We understood the above to be the existing law, and did not intend the establishment of a multi-county service area for the Coquille Indian Tribe in the CRA to supersede the requirements of IGRA. The inclusion of Secretarial discretion for future expansions of the Coquille Indian Tribe reservation under the authority of the IRA, makes that clear.

As the authors of the CRA, we ask that you keep in mind the purpose and intent of our legislation as you work through the Coquille Indian Tribe trust application. Please do not hesitate to contact us if we can provide any further context for the passage of the CRA or answer any of your questions.

Sincerely,



Ron Wyden  
United States Senator



Peter A. DeFazio  
Member of Congress

Cc: Kevin Washburn  
Assistant Secretary for Indian Affairs