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MICHIGAN

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109th Congress

Congress of the United States
House of Representatives

COMMITTEES:

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SELECT COMMITTEE ON INTELLIGENCE
CHAIRMAN**

**HOUSE COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE**

May 13, 2005

The Honorable Gale A. Norton
Secretary
Department of Interior
1849 C Street, NW, Room 6156
Washington, D.C. 20240-0002

Dear Secretary Norton:

I am writing to once again express my strong opposition to the decision by the Bureau of Indian Affairs (BIA) to approve the land-in-trust application of the Match-E-Be-Nash-She-Wish-Band (Gun Lake Tribe) of Pottawatomini Indians for the purpose of a casino development in Wayland Township.

Today's Federal Register announcement allows 147.48 acres in Allegan County to be placed into trust for the Gun Lake Tribe no sooner than 30 days from the date of the announcement. I am requesting an extension of the waiting period for action for an additional 90 days to ensure that the public and surrounding communities receive sufficient time to consider and respond to the impact of a casino on West Michigan.

I would also like to take this opportunity to share with you my frustration and disappointment with the manner in which BIA has conducted the land-in-trust process. Repeatedly, over the last several years, the residents of West Michigan have expressed their concerns and opposition to the federal government about the Gun Lake Tribe imposing a casino on our community. Echoing those concerns, my colleagues and I have participated in numerous meetings with BIA officials and have sent many letters articulating our objections and the need for a rigorous review of this project. Unfortunately, the BIA has ignored those pleas.

The first egregious act occurred on November 26, 2002, when the Midwest Regional Office of the BIA announced a 30-day public comment period for the Environmental Assessment (EA) that predicts the impacts of the proposed trust acquisition of land for gaming purposes in Wayland Township. For an issue as complex and controversial as a new casino development, prudence would suggest that the communities impacted would be provided with sufficient time to review and respond to a proposal that will fundamentally change the economic and social dynamic of an area. However, the BIA determined that a public comment period that initiated on the first Monday after Thanksgiving and concluded the day after Christmas was sufficient. Only after pressure from my office and other colleagues did the BIA announce on December 19 that it would extend the public comment period for an additional 30 days.

Not surprisingly, the BIA underestimated the amount of public interest in the proposal. The printed copies of the EA were exhausted at the Allegan Public Library and Henika District Library in the city of Wayland. Much to my dismay, the BIA directed interested citizens to view the EA on the Gun Lake Tribe's Web site as opposed to posting it on the Department of the Interior's Web site. This was yet another poor decision that only reinforced my belief that this was clearly a closed and biased process.

During the public comment period on the EA, in a letter dated December 12, 2002, I requested that you require an Environmental Impact Statement (EIS) for the proposed casino project. Not only did I issue this request because I felt it was inappropriate that the federal government would make a decision based on an EA conducted by a



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consulting firm in California and paid for by the Gun Lake Tribe, but because my constituents and the surrounding communities deserve a thorough review of this project. On February 5, 2002, I forwarded to the Midwest Regional Office letters I received from constituents in opposition to the EA in addition to the countless other letters that the Regional Office received from citizens, businesses and community leaders in opposition to the EA.

On February 13, 2003, I received a letter from Director Morris of the Department of the Interior, Midwest Regional Office, who wrote, "We assure you that the EA will be thoroughly analyzed with regard to the indirect and other impacts to determine whether a Finding of No Significant Impact (FONSI) is appropriate or whether an environmental impact statement is appropriate." Unfortunately, on February 27, 2004, the Department of the Interior accepted the EA that was bought and paid for by the Gun Lake Tribe and issued the FONSI. The Gun Lake Tribe was made aware of this decision at the time the FONSI was issued, and my Congressional office received an untimely notification of this decision via U.S. mail nearly a month later. However, my constituents and I were able to learn of the decision by BIA through a press release issued by the Gun Lake Tribe.

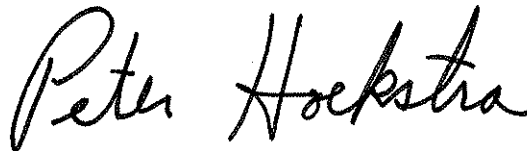
Despite the unfortunate decisions and handling of the EA process by the Midwest Regional Office, I remained hopeful that once the EA decision was sent from the Regional Office to headquarters in Washington, D.C., you would share in the opinion that an EIS was appropriate. In a letter dated August 27, 2004, I repeated my opposition to the land-in-trust application and requested that an EIS be conducted. Again, many residents of West Michigan expressed their concern with the proposed development in letters written to your office.

To my dismay, on April 18, 2005, a memorandum was sent by the Acting Associate Deputy Director, James Cason, to the Regional Director of the Midwest Region approving the property conveyance to the Gun Lake Tribe. Not only do I wholeheartedly disagree with this action, I find it inconceivable that a decision with such far-reaching implications could be made by a department riddled with vacancies in its most high-level appointed positions.

Because of these failings, and the impact of this decision on West Michigan, I request that your office extend the final decision period by an additional 90 days. In doing so, this will ensure that the public and surrounding communities are finally provided with sufficient time to consider and respond to the potential impacts of a casino on West Michigan.

Thank you for your immediate attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Pete Hoekstra". The signature is written in a cursive, slightly slanted style.

Pete Hoekstra
Member of Congress