

KEWEENAW BAY INDIAN COMMUNITY

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Governor Snyder once again refuses to concur in the Keweenaw Bay Indian Community's request to develop a Regional Hospitality/Entertainment Complex at the former Marquette Airport property.

In 2000, the Keweenaw Bay Indian Community (KBIC) commenced a lengthy application process to have the United States Department of Interior take into trust land owned by the Tribe – land on which the former Marquette County Airport was located. If the land were taken into trust for the purpose of gaming, KBIC intended to move its current Marquette County gaming facility to the new site, and develop there a regional hospitality and entertainment complex. The Secretary of the Interior carefully reviewed KBIC's request, and ultimately determined in 2012 that the land should be taken into trust. The Secretary based his decision on a test established under federal law:

the Secretary, after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community . . .

Under federal law, however, for the land to be taken into trust, the Governor of the State of Michigan had to concur in the Department of Interior's determination that allowing the project would be in the best interest of KBIC and not detrimental to the surrounding community. By failing to concur within a certain timeframe, the Governor could stop the land from being taken into trust and kill the development. In 2013, Governor Snyder refused to concur, the land was not taken into trust, and KBIC was prevented from moving forward with its development plans.

As the economy in the Upper Peninsula has continued to struggle since 2013, KBIC remains interested in pursuing this development, not just for its own economic benefit and that of its members, but for the economic benefit of the entire surrounding Marquette community. Because Governor Snyder refused to concur in 2013, in order to pursue the development plan, KBIC would have to once again commence a costly and time-consuming application process with the Department of the Interior. And once again, even if the Secretary of Interior determined that the land should be taken into trust, the Governor would have to concur for the project to move forward. In an effort to avoid the same result as last time, in a letter dated April 8, 2016 President Swartz of KBIC asked Governor Snyder if he would concur in a decision by Interior to take the land into trust so that the project could proceed.

While waiting for a response from Governor Snyder, KBIC received an incredible amount of support for the proposed project. The support came from numerous elected officials and citizens from all over the Upper Peninsula and especially those in Marquette County. All believed that this type of development is needed and would complement the growing population in Marquette County. Many of these same people advised the Governor's office of their support through phone calls and emails.

Governor Snyder did not respond himself to President Swartz's letter. Instead, on April 22, Governor Snyder's lawyer Dan Nyberg sent an email to President Swartz. Once again, Governor Snyder refused to concur in KBIC's proposed development. Instead, Mr. Nyberg vaguely indicated that the Governor might be willing to enter into a "common agreement" that, according to Mr. Nyberg, would mutually benefit KBIC, the State and the citizens of Marquette County.

This so-called "common agreement" is the same tactic that Governor Snyder used in 2013 in killing KBIC's development. In reality, the "common agreement" was a series of demands for concessions by KBIC in a blatant attempt by Governor Snyder to sell his concurrence to KBIC. These concessions included the Tribe agreeing to (i) reduce its exclusive gaming area that the Tribe and the State had agreed to in the 1993 Gaming Compact, (ii) collect taxes from KBIC's Tribal members and nontribal customers; and (iii) stop the construction of a Tribal gas station in Marquette.

KBIC rejected the demand for concessions in 2013 because the Governor was acting in bad faith. As described above, under federal law, the only question for Governor Snyder in 2013 was whether he concurred in the Department of Interior's determination that taking the land into trust was in the best interest of the Tribe and not detrimental to the surrounding Marquette community. There can be no dispute as to the benefits of the project. Development of the entertainment and gaming complex would mean increased revenues for the Tribe, allowing it to provide more government services to its members and to non-members residing on the Tribe's reservation and trust lands. It would mean new jobs for citizens of the Upper Peninsula during the construction of the facility, and even more jobs when the facility opens for business. It would mean increased revenue for other business owners in the area, due to services needed for the facility and increased tourism. Clearly the project would benefit the Tribe and the community. Governor Snyder's concession demands in 2013 had nothing to do with these benefits but instead

were designed to achieve his own political interests. The same is true today; through his lawyer he speaks of a “common agreement” that would benefit the Tribe and the citizens of Marquette County and the surrounding area – but revenues from economic development is what would really benefit the Tribe and citizens of Marquette County, not to mention the increase in 8% payments required to be made to the Michigan Economic Development Corporation.

It is no secret that Governor Snyder has issues with the Keweenaw Bay Indian Community and the fact that it is a sovereign nation. The Keweenaw Bay Indian Community has been in existence since before Michigan was created and has treaties with the United States of America. KBIC is not bound by the laws of the State of Michigan.

But Governor Snyder should not let these issues stand in the way of progress and economic development in the Upper Peninsula. By refusing to concur in the project, he once again has missed an opportunity to create jobs and to expand economic growth in the Upper Peninsula and most importantly, Marquette County.