

STATE REPRESENTATIVE
14th LEGISLATIVE DISTRICT

CHRIS CORRY
ASSISTANT MINORITY
FLOOR LEADER

State of
Washington
House of
Representatives



APPROPRIATIONS
RANKING MINORITY MEMBER
CONSUMER PROTECTION
& BUSINESS

05/02/2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: **NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos**

Dear Regional Director Mercier:

As a Washington State Representative, I believe that tribes are an integral part of this country's history, culture, and future. It is important to remember that Tribal Nations are sovereigns, each with their own peoples, histories, cultures and territories. Today, I write to express concern about the Confederated Tribes of the Colville Reservation's ("Colville") intent to establish and operate a gaming facility in Pasco, Washington, 165 miles south of their reservation and within another sovereign Nation's Treaty-defined Territory. I believe by granting the Colville their petition to establish and operate a casino in another Tribe's territory sets a very harmful precedent for expanding gaming beyond the State's intention to regulate gaming in a safe and respectful manner and enter into careful compact negotiations with federally recognized Tribes both within the State, and if this Colville petition is granted, potentially with those out of State Tribes whose ceded areas include Washington.

As I understand it, with the Treaty with the Yakamas of June 9, 1855, 12 Stat 951 ("Treaty of 1855"), the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") ceded certain rights to millions of acres of tribal land to the United States Government in exchange for the establishment of the Yakama Reservation and preservation of rights throughout the ceded lands. Article I of the Treaty of 1855 defines the scope of the Yakama Nation's ceded lands, their "Treaty Territory." The City of Pasco lies within this area. Colville does not have rights within this area or outside its reservation.¹ Nor does Colville have rights under the Treaty of 1855.²

I share the Yakama Nation's concern and join in their opposition to another Tribe operating a casino in their Treaty Territory. Regardless of the Tribes involved, one Nation should not operate a gaming facility in another Nation's territory without the affected Nation's prior consent to do so. To allow this would go against the express intent of Congress. The Compacts entered into by the State and the Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.

¹ *Antoine v. United States*, 420 U.S. 194, 205 (1975).

² *United States v. Oregon*, 29 F.3d 481, 486 (9th Cir. 1994).

STATE REPRESENTATIVE
14th LEGISLATIVE DISTRICT
CHRIS CORRY

State of
Washington
House of
Representatives



APPROPRIATIONS
CAPITAL BUDGET
EDUCATION
HUMAN SERVICES &
EARLY LEARNING
RULES

The process for establishing a new Tribal gaming facility is intended to consider the economic benefit to the impacted community and to the governance of the individual Tribe. This is recognized in our State's laws as well as under the Indian Gaming Regulatory Act. Washington is proud of its history. Allowing the Colville Tribe to expand gaming beyond its own territory into another Tribe's territory heralds the coming of the day and the potential for any Tribe to do so. This goes against Washington's history of regulating gaming and the State's history of respecting individual Tribal sovereigns in the compacting process.

This is not about supporting Colville or the Yakama Nation. Rather, this is about the precedent that would be set if Colville is permitted to establish and operate a casino over 100 miles away from their headquarters and in the Yakama Nation's Treaty Territory without their consent. Although I do not oppose Colville opening a new casino, I respectfully recommend that they do so within their own territory.

Thank you for your attention to this vital matter of tribal sovereignty and economic development. Please contact me if you would like to discuss this further.

Sincerely,

Washington State Representative
District #14

Cc:

Governor Jay Inslee
Kathryn Leathers, Governor General Counsel
Craig Bill, Director, Governor's Office of Indian Affairs (craig.bill@goia.wa.gov)
Alysia Levy, Chair of the Washington State Gaming Commission
Deb Harland, Secretary of Interior
Bryan Newland, Assistant Secretary for Indian Affairs
Bryan Mercer, Northwest Regional Director Bureau of Indian Affairs