

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**DEVAL L. PATRICK**  
GOVERNOR

**TIMOTHY P. MURRAY**  
LIEUTENANT GOVERNOR

August 31, 2012

Honorable Ken Salazar  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Mr. Secretary:

On behalf of the Commonwealth of Massachusetts, I join with the Honorable Cedric Cromwell, Chairperson of the Mashpee Wampanoag Tribe, in urging you to approve the Mashpee Wampanoag Tribe-Commonwealth of Massachusetts Tribal-State Compact ("Compact"), which the Tribe is submitting today for federal approval pursuant to the Indian Gaming Regulatory Act ("IGRA").

Our Compact reflects a fair, comprehensive bargain struck between the Tribe and the Commonwealth in what we believe is the unique context of the Commonwealth's newly enacted legislation to authorize commercial gaming while recognizing the rights of a federally recognized tribe to conduct tribal gaming. The Compact also reflects a good balance of concessions made on the part of both the Commonwealth and the Tribe.

The concessions the Commonwealth made to the Tribe offer the Tribe significant, meaningful and valuable benefits related to the operation of a tribal casino in southeastern Massachusetts. These include:

- enactment of legislation authorizing the Governor to enter into early and expedited compact negotiations with the Tribe for the operation of a tribal casino in southeastern Massachusetts;

- compact negotiation, ratification and submission for federal approval under IGRA before the Tribe was in possession of gaming-qualified Indian lands;
- geographic gaming exclusivity for the Tribe in southeastern Massachusetts;
- an opportunity for the Tribe to enter the gaming market alongside commercial gaming applicants in the rest of the Commonwealth;
- support from the Office of the Governor for the Tribe's request for ratification of the Compact by the Commonwealth's Legislature;
- support from the Office of the Governor for federal approval of the Compact;
- support from the Office of the Governor, in response to the request for comment by the Secretary pursuant to the federal trust land acquisition regulations, for the Tribe's request for federal approval of its application for its land to be accepted in trust by the United States as its initial reservation for both gaming and governmental purposes;
- commitment by the Office of the Governor to engage in discussions to resolve the Tribe's aboriginal hunting and fishing rights; and
- commitment by the Office of the Governor to engage in discussions to resolve the Tribe's land claims.

In addition, the Tribe has agreed to allocate a portion of its gross gaming revenue to the Mashpee Tribal Gaming Fund maintained by the Commonwealth to address the mitigation of impacts of the Tribe's gaming on the Commonwealth. Addressing directly-related gaming impacts is consistent with the purposes of IGRA because the Commonwealth's use of revenues from the Mashpee Tribal Gaming Fund will help respond to the Tribe's operation of gaming activities. As set forth in the Compact, the Commonwealth will establish the Fund specifically to mitigate the

effects of the Tribe's operation of gaming activities in the Commonwealth.

All of the concessions made by the Commonwealth, which are valuable and, in some cases, invaluable, provide substantial economic benefits to the Tribe in a manner that justifies the revenue sharing allocated under the Compact. We are aware of no other occasion in which a state has recognized the rights of a federally recognized tribe to conduct tribal gaming at the same time the state authorized commercial gaming elsewhere in the state. This generates substantial economic value to the Tribe and alone justifies the revenue sharing agreement it has reached with the Commonwealth.

I wish to emphasize one crucial concession that, in and of itself, is invaluable in the context of recent U.S. Supreme Court jurisprudence on the authority of the Secretary to accept land in trust for an Indian tribe. The Commonwealth willingly, knowingly and voluntarily offered to negotiate and ratify a compact with the Tribe before the Tribe held land upon which it may lawfully conduct tribal gaming under IGRA, and before a Commonwealth law deadline of July 31, 2012. Otherwise, the Expanded Gaming Act of 2011 would have allowed the Commonwealth to issue a commercial license in southeastern Massachusetts, charge a minimum of \$85 million to the commercial licensee, and receive 25% of gross gaming revenues from the commercial licensee in addition to substantial income, sales and real estate taxes and other fees.

Instead, recognizing the Tribe's sovereign rights under IGRA, the Commonwealth has agreed to partner with the Tribe and actively support the Tribe's opportunity to offer both Class II and Class III gaming in southeastern Massachusetts, including providing unprecedented support for the Tribe's land in trust application for both gaming and governmental purposes. In combination, these concessions have substantial economic value for the Tribe.

The Commonwealth was not required to make these concessions. The economic benefits to the Tribe are manifestly clear. If this carefully negotiated Compact does not obtain federal approval in the next 45 days, there is no guarantee that the Massachusetts Legislature will approve any changes to this delicately

balanced Compact. Federal disapproval would substantially delay, if not forever deny, the Tribe's entry into the expanded gaming market in the Commonwealth and its ability to pursue this economic development opportunity to provide vital tribal governmental services to its members.

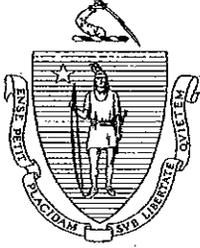
For all of the foregoing reasons, I join with Chairperson Cromwell in urging you to approve our Compact.

My staff and I will be pleased to make ourselves available to answer any questions you may have, and provide any more information you may require, as you analyze our Compact and conduct your review. My Chief Counsel Mark Reilly (617-725-4030; [Mark.A.Reilly@state.ma.us](mailto:Mark.A.Reilly@state.ma.us)) will serve as the Commonwealth's point of contact. We would appreciate any opportunity we may have to join with our partner, the Mashpee Wampanoag Tribe, in further conversations with you and your staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reilly", written over a large, loopy scribble.

cc: Hon. Cedric Cromwell, Chairperson, Mashpee Wampanoag Tribe  
Del Laverdure, Assistant Secretary - Indian Affairs (Acting)  
Paula Hart, Director, Office of Indian Gaming  
Jodi Gillette, White House Domestic Policy Advisor



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Honorable Ken Salazar  
Secretary  
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1849 C Street, N.W.  
Washington, DC 20240

Dear Mr. Secretary:

I certify that pursuant to Part 2, c. 2, § 1, Art. I of the Massachusetts Constitution and Section 91 of Chapter 194 of the Massachusetts Acts of 2011, I, as Governor of the Commonwealth of Massachusetts, with the approval of the Massachusetts Legislature, have the requisite authority to enter into the Mashpee Wampanoag Tribe-Commonwealth of Massachusetts Tribal-State Compact ("Compact"). Following the execution of the Compact on July 12, 2012, the Legislature approved the Compact on July 26, 2012 as evidenced by the attached "Resolve Relating to the Tribal-State Compact between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts," which I signed into law on July 30, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a large, stylized flourish.

Chapter 1

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Twelve

RESOLVE RELATING TO THE TRIBAL-STATE COMPACT BETWEEN THE MASHPEE WAMPANOAG TRIBE AND THE COMMONWEALTH OF MASSACHUSETTS.

Resolved, That pursuant to section 91 of chapter 194 of the acts of 2011, the general court hereby approves and ratifies the Mashpee Wampanoag Tribe-Commonwealth of Massachusetts tribal-state compact, as appearing in House document numbered 4260, between the Mashpee Wampanoag Tribe and the Commonwealth of Massachusetts.

House of Representatives, July 26, 2012.

Passed,

*Paul Donato* Speaker.

In Senate, July 26, 2012.

Passed,

*Thomas H. Haney* President.

30 July, 2012.

Approved,

*Deval Patrick* Governor.