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The _____ MICHIGAN GAMING _____ Newsletter



MGCB Public Meeting Scheduled for Tuesday, February 15

The Michigan Gaming Control Board ("MGCB") will hold a regular public meeting on Tuesday, February 15, 2022, at the MGCB's Cadillac Place Office, 3062 W. Grand Boulevard, Suite L-700, Detroit, 48202-6062. Masks must be worn in the building and during the meeting. The meeting will begin at 9:30 AM and will also be accessible via Zoom.

The MGCB will consider approval of occupational licenses, supplier licenses, supplier license renewals, and the approval of some acknowledgements of violations among other issues. The full agenda for the February meeting may be found [here](#).

The meeting is open to the public, and comments from the public are welcomed and encouraged during the public comment portion of the meeting.

The meeting will also be accessible to the public via Zoom at this [link](#).

National Council on Problem Gambling is Celebrating 50 Years!

Celebrate 50 years of National Council on Problem Gambling (NCPG) with an individual membership for only \$50. NCPG is offering a \$30 discount off the regular price to kick off their 50th-anniversary celebration. This rate is available to new and current members until February 28, 2022. You can join today using this [link](#).

Some of the benefits for individual memberships are:

- Discounted Individual Membership Rate
- Members only Quarterly Zoom networking sessions

- Members only Quarterly 'Ask the Expert' webinars
- Discount on NCPG National Conference
- Early access to National Conference registration
- Early access to the limited seats for our Pre and Post Conference Workshops
- Full voting rights in Board of Directors election
- Monthly free webinar on topics in responsible gambling and problem gambling
- Membership certificate and digital membership badge

Additional information to learn more about NCPG and what a difference you can make by getting involved and becoming a member can be found

Federal Appeals Court Rules Against the Sault Ste. Marie Tribe of Chippewa Indians in Case Involving Romulus Parcel of Land

The U.S. Court of Appeals for the District of Columbia ruled 2-1 on February 4th in favor of the U.S. Department of Interior, which found in 2017 that the Romulus property near Detroit could not be considered an "enhancement" of the Tribe's existing lands in the Upper Peninsula. Thus, the court held that the land couldn't be held in trust by the Department of Interior.

The opinion, authored by Judge Neomi Rao, with concurrence from Judge David Sentelle, noted that the "mere acquisition" of 71 acres of land "does not constitute an enhancement of tribal lands."

The case stems from the Sault Ste. Marie Tribe of Chippewa Indians' purchase of about 71 acres in Romulus in 2015. The tribe bought the land using interest from its "self-sufficiency fund" for the "enhancement of tribal lands" with plans to build a casino on the property. The self-sufficiency fund includes money given to the tribe by the federal government and distributed through the Michigan Indian Land Claims Settlement Act ("MILCSA"), which specifies permitted uses for the money. The permitted uses include dividends for members, educational or social welfare, charitable purposes, and "consolidation or

enhancement of tribal lands."

Under the MILCSA, land acquired with the fund interest can be "held in trust" by the Department of Interior. However, the Department of Interior determined that the land was not an "enhancement" that could be taken into trust because the tribe couldn't prove how the parcel would enhance or improve existing tribal lands hundreds of miles away in the Upper Peninsula.

The tribe appealed the Department of Interior's initial decision, and the federal district court sided with the tribe, finding that the MILCSA imposed a "mandatory duty" on the Department of Interior to accept the land into the trust.

On appeal, the Court of Appeals specifically stated, "in exercising that authority, Interior correctly determined that 'enhancement of tribal lands' does not include an acquisition that merely increases the tribe's landholding. Rather, to enhance tribal lands, an acquisition must improve the quality or value of the tribe's existing lands." The majority went on to say that "[t]he tribe's board decided to use fund interest to purchase the Sibley Parcel, and it did so without Interior's approval," and "Interior has an independent sovereign obligation to evaluate whether the lands were legitimately acquired using fund interest before taking them into trust".

Judge Karen Henderson dissented, arguing that the Department of Interior's power is limited to determining whether lands were purchased with fund interest, not whether their purpose qualifies them for the trust. If the land is purchased with fund interest, she dissented, Interior is required to be hold the land in trust. Judge Henderson specifically noted that state law gives the Tribe the ability to use its fund income and interest "as it sees fit." She considered the language to be unambiguous: the Department of Interior shall hold in trust any lands "acquired using amounts from interest or other income of the fund," and "there is no second condition."

The Sault Tribe said it was reviewing its options following the decision and "intends to protect its legal rights under the Michigan Indian Land