

United States Senate

WASHINGTON, DC 20510

December 1, 2023

Secretary Deb Haaland
United States Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Haaland,

We write today to urge you to reject the Coquille Indian Tribe's application to have land taken into trust under the restored lands exception to the Indian Gaming Regulatory Act (IGRA), for the development of a new Class II casino in Medford, Oregon.

Congress carefully drafted and passed IGRA to strike a balance between supporting Tribal communities through the pursuit of gaming revenues, while limiting the risks associated with gaming in communities across the country. Allowing the Coquille Indian Tribe to use the Medford land for gaming undermines that balance and is indisputably contrary to IGRA. Consideration of this application under the restored lands exception threatens the economic self-sufficiency and sovereignty of numerous Tribal governments and will lead to a harmful explosion of gaming in Oregon and across the region. Therefore, we urge you to reject this application. It must instead be subjected to a two-part determination, through which local governments and communities will have a voice in the process, as Congress intended.

The purpose of the restored lands exception is to ensure restored Tribes are treated equally to Tribes who already had property in trust when IGRA was passed, not to unfairly benefit certain Tribes to the detriment of others. Accordingly, when Congress passed the Coquille Restoration Act (CRA) – shortly after passing IGRA - it allowed the Coquille Indian Tribe to open one gaming facility, in Coos or Curry Counties, pursuant to the restored lands exception. The Tribe opened its Mill Casino in Coos County in 1995 and continues to operate the casino successfully today. A decision allowing the Coquille Indian Tribe to operate a second casino in Medford under the restored lands exception would run directly counter to the legislative intent of both IGRA and the CRA. Nothing in the CRA supersedes the requirements of IGRA, which requires the Department of the Interior to apply a two-part determination process to the Coquille Indian Tribe's application regarding a second casino. To suggest that it was the intent of Congress to allow the Coquille Indian Tribe to open a second casino in Medford requires willful disregard of the legislative history of the CRA and abuse of the restored lands exception. Accepting the Coquille Indian Tribe's application for the Medford property under the restored lands exception, when the Coquille Indian Tribe has already established a casino in Coos County, undermines Congressional intent and will harm numerous other Tribes.

According to economic analysis included in the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project Draft Environmental Impact Statement, a casino in Medford will irreparably

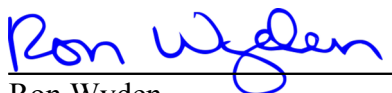
deprive at least three other Tribes of significant gaming revenues from their existing casinos, which will directly impair their ability to provide critical services to their Tribal members. As a result, the devastating economic impact of this decision would pit some of our country's most marginalized communities against each other, forcing them to compete in a "race to the bottom" and setting back progress in State-Tribal relations by decades.

Approving this application under the restored lands exception would not only harm Tribes but set a precedent that could lead to a deeply harmful proliferation of gaming in Oregon and across the region. An unfettered expansion of gaming would upset a careful balance that has been struck in Oregon and undoubtedly harm communities, particularly socially-disadvantaged communities, and communities of color.

Under your leadership, this Administration has taken historic steps to support Tribal Nations and Native communities. We appreciate your commitment to upholding the federal government's trust and treaty responsibilities and commitment to advancing equity—both for and among Tribes. A decision to give an advantage to one restored Tribe at the expense of so many other Tribes would stand in stark contrast to that commitment.

We urge you to continue your leadership in upholding the promises made to Tribal Nations and Native communities by not providing one Tribe unfair treatment to the detriment of Tribes and communities across the country—and to immediately reject this application under the restored lands exception.

Sincerely,



Ron Wyden
United States Senator



Jeffrey A. Merkley
United States Senator

cc: Bryan Newland
Assistant Secretary - Indian Affairs