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November 12, 2013

The Honorable Deval Patrick
Governor of the Commonwealth of Massachusetts
Massachusetts State House
Room 280
Boston, MA 02133

Dear Governor Patrick:

**Re: Wampanoag Tribe of Gay Head (Aquinnah) Renewed and Restated Formal Notice
under the Indian Gaming Regulatory Act Requesting Negotiations for a Class III
Gaming Compact**

On March 5, 2012, the Wampanoag Tribe of Gay Head (Aquinnah) (the “Tribe”) officially requested to enter into formal gaming compact negotiations with the Commonwealth of Massachusetts under the requirements of § 2710(d)(3)(A) of the Indian Gaming Regulatory Act (“IGRA”). Your Administration denied the Tribe’s request on the stated grounds that the Tribe’s existing trust lands in Dukes County did not qualify for gaming under IGRA.

The Tribe has since asked for and received an opinion from the National Indian Gaming Commission regarding Aquinnah’s rights to govern gaming activities on its Indian lands under IGRA. Attached is a copy of that opinion, issued October 25, 2013 (attached as Exhibit A), which concludes without equivocation that Aquinnah has the right to conduct gaming activities under IGRA. Additionally, the NIGC on August 28, 2013 approved amendments to the Tribe’s gaming ordinance that are specific to the Tribe’s Indian lands in Dukes County (attached as Exhibit B), and on October 22, 2013, acknowledged the Facility license for the Tribe’s Class II gaming facility on the Tribe’s existing Indian lands.

Accordingly, Aquinnah restates and renews its March 5, 2012 request to enter into formal gaming compact negotiations with the Commonwealth of Massachusetts under the requirements of § 2710(d)(3)(A) of the IGRA. The IGRA provides that a tribe seeking to conduct Class III gaming may request that the state “enter into negotiations for the purpose of entering into a Tribal–State compact.” § 2710(d)(3)(A). “Upon receiving such a request, the State shall negotiate with the Indian tribe in good faith to enter into such a compact.” *Id.*

The Tribe specifically reserves its right to game under HR 3807, “An Act Establishing Expanded Gaming in the Commonwealth” (“Act”). Furthermore, nothing in this letter is intended to be a waiver of the Tribe’s sovereign immunity.

With the question of the eligibility of our lands qualifying under IGRA resolved, we hope that our two governments can now return to the negotiation table and work out a fair agreement under applicable federal law.

In Balance, Harmony and Peace,



Chairwoman Cheryl Andrews-Maltais
The Wampanoag Tribe of Gay Head (Aquinnah)
The Aquinnah Wampanoag Gaming Corporation

Attachments as stated

cc: Martha Coakley, Massachusetts Attorney General
Henry Buffalo, Jacobson, Buffalo, Magnuson, Anderson & Hogen, PC
Jerome Levine, Holland & Knight
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Lael Echo-Hawk, Garvey Schubert Barer
John Duffy, Steptoe and Johnson