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Feds reject gaming compact negotiated by Patrick, Mashpee Wampanoag



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By Matt Murphy

Posted Oct. 15, 2012 @ 12:01 am
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Burlington

.The federal government has rejected the state's gaming compact with the Mashpee Wampanoag Tribe that would have helped clear the way for the tribe to pursue a casino in Taunton, forcing Gov. Deval Patrick and tribal leaders back to the negotiating table.th

The Bureau of Indian Affairs, in a letter to both the governor and the tribe, objected to balance of concessions made by the state to justify a revenue sharing agreement that would have sent 21.5 percent of net casino revenue back to Massachusetts. The government also ruled that the administration overstepped its bounds in seeking to include hunting and fishing rights in the gaming compact, and for trying to exert authority over non-gaming issues, such as the regulation of suppliers and entertainment services.

Patrick, in a statement released late Friday afternoon, Oct. 12, called the Department of Interior's approach to the compact "outdated" and charged that the government was substituting its judgment for that of the tribe.

"Today's decision by the U.S. Department of Interior is deeply disappointing on a number of levels. For starters, we negotiated in good faith with the Tribe, and the carefully bargained Compact was extraordinarily fair to both sides. Its terms rightly recognized and respected the sovereign rights of the Mashpee Wampanoag Tribe while remaining consistent with the goals and principles of the Expanded Gaming Act - namely bringing jobs and economic development to every region of the state," said Patrick, who was in North Carolina Friday afternoon campaigning for President Barack Obama.

The Interior Department and Bureau of Indian Affairs, which also control the tribe's application for land in-trust necessary for a casino, said its ruling was based on the need to keep compact focused solely on gaming to prevent tribes from being forced into agreements for "political expediency."

Both Patrick and the tribe have lauded the compact as fair for both sides, but the bureau said it considers the exclusive casino rights for the region to be the only "meaningful concession" made by the state, discounting the administration's pledged political support for the tribe's land in-trust application and other agreements as outside the scope of gaming.

"While we have approved varying revenue sharing schemes in exchange for tangible benefits to tribes for over 20 years, the revenue sharing provisions in this Compact go beyond those permitted by the Department and (Indian Gaming Regulatory Act)," read the letter.

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Patrick said the market, not the Interior Department, should set the value of the casino license in southeastern Massachusetts, and that potential profits created by allowing the tribe to enter the Bay State gaming market early justified the relatively high revenue sharing agreement.

"This is a setback on what has been a long journey, but we are not done. The Tribe has persevered before and it will again with the Commonwealth at its side. I commend Chairman Cedric Cromwell and Vice Chair Aaron Tobey for their passionate and able leadership of the Tribe. We remain partners," Patrick said in the statement.

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