

**Congress of the United States**  
**Washington, DC 20515**

January 6, 2012

The Honorable Tracie L. Stevens  
Chairwoman  
National Indian Gaming Commission  
1441 L Street NW, Suite 9100  
Washington, DC 20005

Assistant Secretary Larry Echo Hawk  
Office of Indian Affairs  
United States Department of the Interior  
1849 C Street, N.W., MS-4141-MIB  
Washington, DC 20240

Dear Chairwoman Stevens and Assistant Secretary Hawk:

We write to make you aware that thousands of residents in Oklahoma are gravely concerned with the proposed location of the Kialegee Tribal Town's Class III casino in Broken Arrow, Oklahoma. In an effort to get a better understanding of the status and processes used to determine the legality of this proposed casino, we write to respectfully request written answers to the following questions below no later than January 17, 2012.

- To date, has the National Indian Gaming Commission or the Bureau of Indian Affairs (BIA) determined that the proposed location of the Kialegee Tribal Town casino in Broken Arrow qualifies as "Indian lands" under the Indian Gaming Regulatory Act?
  - If no determination has been made, what issues are raised with respect to making an "Indian lands" determination with respect to the proposed location of the Kialegee Tribal Town casino?
- To date, has the NIGC been provided by BIA or the Department of the Interior Counsel with any legal memoranda proposing a finding or discussing the issues raised with respect to an "Indian lands" determination regarding the proposed location of the Kialegee Tribal Town casino?
- To date, has NIGC or BIA determined whether the Kialegee Tribal Town "exercises governmental power," as required by IGRA for gaming to occur on the land in question on the site of the Kialegee Tribal Town casino in Broken Arrow?
- What documentation, if any, has the NIGC or BIA received verifying the exercise of tribal jurisdiction by the Kialegee Tribal Town over the land in question? If such documentation includes a transfer of jurisdiction from the Muscogee Creek Tribe owners of the land proposed for the site of the Kialegee Tribal Town casino, what legal authority supports such a transfer of jurisdiction?

What legal authority supports any transfer of jurisdiction from the Muscogee Creek Tribe to the Kialegee Tribal Town or the ability of the Muscogee Tribe and the Kialegee Tribal Town to *share* tribal jurisdiction over land owned by or held in restricted status by the United States for the benefit of Muscogee Tribe members?

Do NIGC and BIA currently recognize *any* land within the state of Oklahoma held for the benefit of the Kialegee Tribal Town or individual members of that tribe in trust by the United States or subject to restriction by the United States against alienation?

According to the mandates outlined in the National Environmental Policy Act of 1969 (NEPA) regarding required actions by the Secretary of the Interior, does NIGC or BIA have knowledge or documentation of any official request made by the Secretary of the Interior for an Environmental Impact Statement (EIS) of the proposed Kialegee Tribal Town casino facility?

If a request has been made on the part of the Secretary of the Interior for an EIS from the Kialegee Tribal Town regarding the proposed casino facility in Broken Arrow, has it been presented to the Secretary of the Interior to date? If no such request has been made, why has there been no such request?

If there has been no EIS presented by the Kialegee Tribal Town to the Secretary of the Interior, what response, if any, has the Kialegee Tribal Town given for this delay?

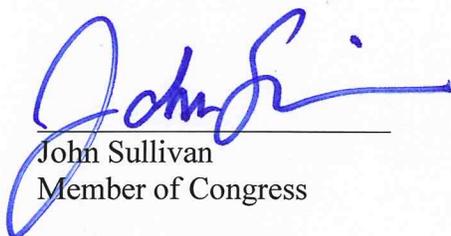
Once a decision has been made by both BIA and NIGC, what will be the process for the public to appeal this decision?

How can the public and interested parties appeal the process for classifying "Indian land"?

In the days since construction began on this casino, we have personally met with residents of Broken Arrow who subsequently presented a petition signed by close to 2,000 residents strongly opposed to the new Kialegee Tribal Town casino where active construction continues. Their concerns include proposed casino's close proximity to public facilities, like schools; growing strain placed on public resources including public safety, roads and increased traffic through the city; and the perceived "below the radar" path this development has taken to date.

Again, we appreciate your consideration of this request and we look forward to your response to these questions.

Sincerely,

  
John Sullivan  
Member of Congress

  
Tom Coburn, M.D.  
United States Senator