

## SLCCG Update on Casino Status – Jan 28, 2018

It is nearing the end of January 2018 and you might be wondering “Anything happening with the casino?” Here is a quick recap:

- A. **COUNTY LEVEL:** As we reported previously:
- On 08/22/2017, the OTC Board of Commissioners determined that an Environmental Impact Statement (EIS) is required.
  - On 09/05/17 the OTC Board of Commissioners provided an Estimate of the EIS Scoping Costs (\$29,525). The estimated scoping costs must be paid by the developer before any EIS scoping work can begin. To date, this has not been done (i.e. costs have not been paid, therefore no EIS scoping work has begun).
  - “If the scoping fee is paid”, OTC and developer are required to follow state procedures for the EIS. These rules include a timeline to keep the process moving. If the developer decides to move forward and pays the EIS scoping fee, the timeline prescribes up to 350 days from payment of the fee to complete the EIS.
- B. **FEDERAL LEVEL:** Late in 2017, SLCCG filed an FOIA (Freedom of Information Act) request to the U.S. Army Corps of Engineers (USACE) seeking copies of all correspondence between USACE, the developer, and all other concerned agencies regarding the proposed project on Star Lake. The response, obtained by the FOIA request, provided the following relevant information:

On 11/20/17 ACE sent a letter to the WEN tribal attorney which advised among other things, the following:

- Regarding their “Dredge & Fill” permit application, *additional information is required regarding on-site alternatives.*
- That *“By law, the Least Environmentally Damaging Practicable Alternative is the only alternative which can be permitted by USACE”.*
- That *“Your project does not require access to, or proximity to, or sitting within a wetland to fulfill its purpose.”*
- That *“If we do not hear from you within 60 days of this letter, we will assume you are no longer interested in obtaining this permit, and we will close our file”.*

As of Jan 19, 2018, there has been no response from the developer regarding the above.

- On 11/29/17 the MN Pollution Control Agency (MPCA) advised USACE that the attorney for the developer had submitted a letter withdrawing the 401-permit application, (i.e., the “Dredge & Fill” permit); this permit cannot be completed until the EIS is completed. MPCA also advised that an “Antidegradation Assessment” will most likely be required.

For more information, there is a link to the full FOIA response on the SLCCG website.

C. **TRIBAL LEVEL:** There have been numerous second-hand reports that there is discussion/controversy among the people of the White Earth Nation and its Tribal Council regarding the proposed Star Lake Casino, as well as many other important tribal issues. The results of the June 2018 Tribal Election will hopefully provide all concerned a clearer vision of what is to be.

How all the above plays out remains to be seen. For now, the casino project appears to be at a standstill.

SLCCG will continue to monitor the situation, continue to prepare for the EIS Scoping Decision, and continue to keep you informed.

In the meantime, we would ask you to stay alert and to be prepared to offer your input as needed on the EIS Scoping Process. Thank you for your continued support!

**“IT IS NOT A DONE DEAL!!”**