

MEDIA RELEASE

FOR IMMEDIATE RELEASE: 09-05-18

SAULT STE. MARIE, Mich.

Contact: Aaron Payment, aaronpayment@saulttribe.net

Sault Tribe sues DOI over trust land application denial

SAULT STE. MARIE, Mich. — The Sault Ste. Marie Tribe of Chippewa Indians filed a lawsuit on Aug. 30, 2018, in U.S. District Court for the District of Columbia against Secretary of the Interior Ryan Zinke and the U.S. Department of Interior.

The lawsuit challenges the department's decision to deny the tribe's application seeking trust status for lands acquired by the tribe in Huron Township, just southwest of Detroit Metro Airport and in downtown Lansing.

The lawsuit alleges the decision to withhold trust status for these lands was arbitrary and capricious and violated his mandatory duty under the Michigan Indian Land Claims Settlement Act, a federal law intended to redress unconscionable actions that stripped the tribe of its land base in the nineteenth century. The act created a "self-sufficiency fund" and authorized the tribe to use the interest from that fund for "the consolidation or enhancement of tribal lands" or for the "social welfare" of tribal members. It specified that any lands purchased by the tribe under this provision "shall be held in trust by the Secretary."

The tribe plans to use these lands for casino gaming facilities and, potentially, for other tribal business and governmental activities. It is expected these projects will each generate hundreds of good paying jobs and will make a very substantial economic contribution to their respective local communities. The projects have enjoyed strong support from the affected local governments, both of which entered into government-to-government agreements with the tribe dealing with such matters as law enforcement jurisdiction and revenue sharing.

Sault Tribe Chairperson Aaron Payment said, "The tribe remains confident of its right to acquire land under the Michigan Indian Land Claim Settlement Act and is determined to protect that right in court."

The department's written decision was issued on July 24, 2017. In the decision, Department of the Interior Associate Deputy Secretary James E. Cason concluded the tribe failed to meet its burden of demonstrating that its acquisition of the parcels would effect an "enhancement" of tribal lands as necessary to trigger the mandatory land-into-trust provision of the Michigan Indian Land Claims Settlement Act.

The tribe spent the subsequent 12 months actively weighing its legal options assuring all potential avenues short of litigation have been exhausted, and making sure the resources necessary to carry this fight to the finish line have been secured.

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