

Bold Kewadin Lansing Casino plan awaits judge's ruling

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The \$245 million Kewadin Lansing Casino project in downtown Lansing would be adjacent to the Lansing Center and be owned and operated by the Sault St. Marie Tribe of Chippewa Indians. Officials say the \$245 million project would create an estimated 1,500 permanent jobs. (Photo: Courtesy photo)

LANSING — An Upper Peninsula American Indian tribe's plans for a \$245 million, 125,000-square foot downtown casino aren't dead, despite an ongoing legal dispute with Michigan Attorney General Bill Schuette's office.

The Sault Ste. Marie Tribe of Chippewa Indians is "firmly convinced" it has the legal right to pursue the [Kewadin Lansing Casino](#) project adjacent to the Lansing Center, and is optimistic the U.S. Department of the Interior will approve its application to have the site taken into trust.

"We remain committed to it and intend to do everything we have to do to stand up against the opposition," said John Wernet, the tribe's lawyer. "We look forward to being successful — however long it takes."

Department of Interior spokeswoman Nedra Darling couldn't provide an update Wednesday on the tribe's application status when reached by phone. Darling also didn't respond to emailed questions from the Lansing State Journal after she requested them.

A hearing was held Wednesday in Grand Rapids' U.S. District Court before Judge Robert Jonker to review a lawsuit Schuette's office intends to pursue against individual tribal officials.

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Schuette sued in 2012 to stop the Sault Ste. Marie tribe from building the casino in Lansing. He argued the tribe has to get revenue-sharing agreements with other Michigan tribes before it can open.

"We are awaiting the judge's decision, and when we receive it we will determine what our next steps are," said Andrea Bitely, a Schuette spokeswoman.

The Sault Ste. Marie tribe agreed in December [not to stop the state from suing tribal leaders.](#) In exchange, a federal judge dismissed four counts of Schuette's lawsuit.

The U.S. Supreme Court ruled last year that tribes themselves are immune from lawsuits in a case involving the Upper Peninsula's Bay Mills Indian Community and an off-reservation casino it opened in Vanderbilt. The court ruled that states instead can deny gaming licenses or file criminal charges against tribal or casino employees in the event a casino opens.

Lansing Mayor Virg Bernero said years of casino delays haven't diminished his enthusiasm for the project. He expects the casino to create 1,500 permanent jobs, 700 construction jobs and funding for the Lansing Promise college scholarship program.

After meetings about two months ago with White House officials, Bernero is optimistic the Sault Ste. Marie tribe's application with the Department of Interior will be approved by year's end.

"I feel like once that comes through, that's the tale of the tape," Bernero said. "It's the beginning of the end for the opponents."

Under the casino proposal, the facility's annual revenue payments to Lansing would help fund four-year college scholarships for Lansing School District graduates. In 2012, the city estimated the casino would generate about \$6 million or more a year in revenue sharing.

The current Lansing Promise program gives scholarships equivalent to an associate's degree

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(up to 60 credits) at Lansing Community College or \$5,000 at Michigan State University.

Plans for the casino, at Michigan Avenue and Cedar Street on property adjacent to the Lansing Center, would include up to 3,000 slot machines, 48 table games and several bars and restaurants. The project would also have two parking decks with about 2,900 spaces.

Two Michigan Indian tribes, the Saginaw Chippewa and Nottawaseppi Huron Band of Potawatomi, oppose the Sault Ste. Marie tribe's Lansing casino because they claim the proposal violates the 1997 Michigan Indian Land Claims Settlement Act.

Wernet, the Sault Ste. Marie tribe's attorney, said that law contains a provision specific to the tribe that allows land to be held in trust if it's purchased with interest or income from a particular tribal fund.

"If this was such a valid legal theory, why did the Sault tribe wait 15 years to pursue a casino (in Lansing) under the act?" said James Nye, a spokesman for the opposing tribes.

The Saginaw Chippewa tribe owns Soaring Eagle Casino & Resort in Mount Pleasant; the Nottawaseppi Huron Band of Potawatomi owns FireKeepers Casino Hotel in Battle Creek.

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