



## Analysis: Mashpee tribe poised to lose certain bet

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When the Mashpee Wampanoag Tribe gained federal recognition in 2007 — an important legal requirement for an Indian casino — state leaders took notice and renewed the call to legalize expanded gambling.

Four years later, in 2011, three casinos and a single slot parlor were approved with one set aside for the tribe, assuming it worked out a deal with Gov. Deval Patrick.

Now, the tribe's path to a \$500 million casino in Taunton faces more hurdles than its casino efforts did in 2007. That includes an increasingly impatient Massachusetts Gaming Commission that wants to respect the tribe's federal rights while making sure Southeastern Massachusetts doesn't fall too far behind in the sweepstakes for jobs and revenue.

To put it in football terms, the tribe is at the two-minute warning with its opponent threatening to score and take the lead.

"The control that seemed to be in their grasp appears to be slipping away," state Rep. Randy Hunt, R-Sandwich, said Wednesday.

Middleboro Selectman Allin Frawley, a casino critic, pointed out the ironic twist for the tribe, which was often billed as being the catalyst for casino legislation.

"Someone gave them the impression they were driving the bus, and now they're getting run over by it," Frawley said. "All the false bravado is starting to catch up to them."

The tribe made an initial deal with Middleboro, but walked away amid a leadership scandal and concerns of the tribe's new leaders about \$225 million that the Mashpee Wampanoag had committed to make infrastructure improvements there.

It signed a deal with Taunton in May that promises as much as \$13 million a year in revenue and \$33 million in infrastructure.

But in October, the federal Bureau of Indian Affairs rejected the tribe's proposed compact with Patrick, saying the Wampanoag were giving away too much to the state. That prompted this week's review by the gaming commission.

Through it all, tribal council Chairman Cedric Cromwell has said an Indian casino is "inevitable."

He repeated the tribe's "inevitable right" in a prepared statement on Wednesday reacting to the gaming commission's discussion of possibly accepting commercial applications in Southeastern Massachusetts.

"The fact of the matter is we are ahead of every other potential development in Massachusetts," he said. "We already have a site under our control. We have negotiated an intergovernmental agreement with the city of Taunton. The residents of Taunton have overwhelmingly approved our project in a referendum. We have made a \$1.5 million initial payment to the city."

Cromwell also cited the tribe's "great working relationship with Patrick" and the Bureau of Indian Affairs's ongoing review of the tribe's application to have land taken into trust for the project. "We have assurance that they are moving on this expeditiously, and we hope to have a positive determination in 2013," he said. "So, even with these steps that must be taken on the federal side, we are still in great position and absolutely positive that we'll continue to move forward and be successful."

Cromwell was at a summit at the White House on Wednesday, where tribe leaders from across the country are pushing for federal legislation to settle a 2009 U.S. Supreme Court ruling known as the Carciari decision. That ruling, which calls into question the Department of the Interior's authority to take land into trust for tribes recognized after 1934, is one of the hurdles complicating the tribe's application to have 146 acres in Taunton taken into federal trust.

On Wednesday, the Patrick administration issued a statement saying a tribe casino for the region remains a priority. "The Expanded Gaming Act calls for a tribal facility to be the first option in Southeastern Massachusetts and the Massachusetts Gaming Commission's preliminary discussions don't change that fact," Jason Lefferts, a spokesman for the state's Executive Office of Housing and Economic Development, said. "Our goal is to create jobs and economic development in the region as soon as possible, and we continue to work with the Mashpee Wampanoag Tribe and the Department of Interior on an agreement that is fair to all sides."

Next week, the commission is expected to consider concrete proposals that could allow a parallel processes — the tribe seeking its federal approvals while the commission begins review of potential commercial applicants.

"It's very encouraging what we heard from the gaming commission," state Rep. Antonio Cabral, D-New Bedford, said Wednesday. "We think it's important that (the region) not stay behind."

He suggested extending the deadline of Jan. 15 for prequalifying applications so that potential developers in all three state gaming regions could compete for licenses at the same time.

Clyde Barrow, a casino expert at the University of Massachusetts Dartmouth, said the commission should set a deadline for the tribe, or companies might not apply.

Not only would a commercial bidder have to pay a \$400,000 application fee, but they are also required to come up with a host community agreement, pay for a referendum vote and develop plans that would cost upward of \$5 million, he said.

"They'll be reluctant to go in that deep if it could be pulled out from under them," Barrow said.

"I think the commission should give the tribe until September."

## **Familiar names in W. Mass. casino proposal**

In the competition for the Western Massachusetts casino license, a player is emerging with past ties to the Mashpee Wampanoag Tribe.

Len Wolman and his brother, Mark, of Waterford Group in Connecticut, are working on a deal with Holyoke businessman Eric Suher for a proposed casino, Scott Ferson, a spokesman for the project, said.

Wolman teamed with Sol Kerzner as investors on the Mashpee Wampanoag Tribe's \$1 billion casino proposed for Middleboro in 2007. Ferson was a spokesman for the tribe at that time.

That deal fell through amid a tribe leadership scandal. A year later, new leaders severed their ties with Wolman, Kerzner and Ferson.

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