



OFFICE OF THE SECRETARY
**U.S. Department
of the Interior**

www.doi.gov

News Release

Office of the Assistant Secretary – Indian Affairs

FOR IMMEDIATE RELEASE
May 24, 2013

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Washburn Issues Secretarial Determination on Gaming Application for Kaw Nation of Oklahoma

WASHINGTON – Assistant Secretary – Indian Affairs Kevin K. Washburn issued a positive Secretarial Determination for a tribal gaming application for the Kaw Nation of Oklahoma. The determination now goes to the State of Oklahoma for their consideration.

Pursuant to Section 2719 of the Indian Gaming Regulatory Act (IGRA), the Assistant Secretary approved a proposed gaming application finding on May 17 that the acquisition of approximately 21 acres of land in the Town of Braman, Kay County, Oklahoma, for the Kaw Nation for gaming purposes would be in the best interest of the Kaw Nation and would not be detrimental to the surrounding community. A positive Secretarial Determination is required in order for the Kaw Nation to game on the proposed site.

“After a careful and thorough review of the Kaw Nation’s gaming application, the tribe’s application satisfies the rigorous standards contained in the Indian Gaming Regulatory Act and our regulations,” Washburn said. “The tribe has had a presence in north-central Oklahoma since its relocation there from Kansas in 1872 and this decision will assist them to build their economy for the benefit of their tribal members and the surrounding communities.”

The proposed gaming site is located near the Town of Braman, Oklahoma, approximately 29 miles from the Kaw Nation’s headquarters in Kaw City, Oklahoma. The property is owned in fee by the Kaw Nation and is currently operating as a travel plaza that provides refueling to interstate traffic and food and retail services.

Section 2719 of IGRA also requires that the governor of the State of Oklahoma concur in the Secretarial Determination in order for the Kaw Nation to conduct gaming on the proposed site. If the Governor concurs, a subsequent determination on the Kaw Nation’s request to acquire the Braman site in trust pursuant to section 465 of the Indian Reorganization Act will be made. The Department has forwarded the request to Governor Mary Fallin of the State of Oklahoma.

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Section 2719 of IGRA generally prohibits gaming on lands acquired in trust after October 17, 1988, subject to several exceptions. One exception known as the “Secretarial Determination” or “two-part determination” permits a tribe to conduct gaming on lands acquired in trust after 1988 where the Secretary, after consultation with the Indian tribe and appropriate state and local officials, including officials of other nearby tribes, determines: 1) that a gaming establishment on newly acquired lands would be in the best interest of the Indian Tribe and its members, and 2) that gaming on the newly acquired lands would not be detrimental to the surrounding community.

In December 2012, Assistant Secretary Washburn issued notice of a decision to take approximately 127 acres of land into trust for a gaming operation for the Tonkawa Tribe of Oklahoma, also in Kay County.

The Assistant Secretary – Indian Affairs has responsibility for fulfilling the Interior Department’s trust responsibilities and promoting self-determination on behalf of the 566 federally recognized American Indian and Alaska Native tribal governments. The Assistant Secretary also oversees the Bureau of Indian Affairs and Bureau of Indian Education as well as the Office of Indian Gaming, which is responsible for implementing gaming-related activities assigned to Indian Affairs under the Indian Gaming Regulatory Act and other Federal laws.

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