



United States Department of the Interior

OFFICE OF THE SECRETARY


Washington, D.C. 20240

JUL 31 2002



Memorandum

To: Regional Director, Midwest Region

From: Assistant Secretary - Indian Affairs 

Subject: Request by the Nottawaseppi Huron Band of Potawatomi Indians for Trust Acquisition of 79 Acres

The Nottawaseppi Huron Band of Potawatomi's request to acquire 79 acres of fee land in trust for gaming and supporting documentation have been reviewed by the appropriate Bureau of Indian Affairs' offices within Central Office. The transaction documents were submitted to Central Office as required by a Secretarial directive dated July 19, 1990.

By memorandum dated February 22, 2002, your office transmitted the Band's application and supporting documentation with a recommendation that the request receive approval.

The Band owns the property in fee simple. The parcel of land, known as the Sackrider Property, in Emmett Township, Calhoun County, Michigan, consists of 79 acres, more or less, and is described as follows:

Part of the W ½ and Part of the SW 1/4 NE 1/4, Section 13 T02S-R07W

Commencing at the West 1/4 post of Section 13, T2S-R7W, THENCE N00°03'28" along the West line of said section, 46.99 feet to the Southerly line of the Exit Ramp for I-94, as recorded in Liber 898, Page 004 in the Office of the Register of Deeds for Calhoun County, MI; THENCE N89°06'09"E, along said Southerly line, 214.69 feet; THENCE 362.37 feet along the arc of a curve to the left whose radius measures 362.00 feet and whose chord bears N60°25'31"E, 347.43 feet; THENCE N31°44'56"E, 263.62 feet; THENCE N59°52'54"E, 81.39 feet to the place of beginning; THENCE continuing N59°52'54"E, 181.87 feet; THENCE S78°01'12"E, 472.30 feet; THENCE S76°27'00"E, 1662.72 feet; THENCE S00°04'24"W, 35.27 feet; THENCE N89°58'25"W, 297.00 feet to a point 99 feet North of the Northwest corner of Lot 21 of the Supervisor's Plat of Wagner Acres, as recorded in Liber 11 of Plats, Page 21 in the office of the Register of Deeds for Calhoun County, MI; THENCE S00°04'24" west along the west line of said Plat, 2091.58 feet to the centerline of Michigan Avenue; THENCE N55°29'21"W, along said centerline, 2350.98 feet; THENCE N00°03.28"E, 1191.07 feet to the place of beginning.

The review of the transaction documents were conducted in Central Office to assure compliance with applicable laws and regulations. *See* attached memorandum from Director, Office of Indian Gaming Management. It has been determined that all applicable laws and regulations have been complied with, and that the transaction comes within an exception to the prohibition on gaming on after-acquired lands contained in Section 20 of the Indian Gaming Regulatory Act (IGRA) because the “lands are part of the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process” within the meaning of Section 20 of IGRA and the Sackrider property is included as part of the Band’s initial reservation.

You are authorized, pursuant to delegated authority in 209 DM 8, Secretarial Order No. 3150, as amended, and 3 IAM 4.1G, as amended, to approve the property conveyance to ***The United States in Trust for the Nottawaseppi Huron Band of Potawatomi Indians of Michigan***, under the authority of Section 5 of the Indian Reorganization Act of 1934, (25 U.S.C. 465) subject to completion and certification of an updated contaminant survey, approval of all title requirements by the Field Solicitor and expiration of the thirty-day waiting period required under 25 C.F.R. § 151.12. Please notify the Office of Indian Gaming Management when the contaminant survey and the title examination pursuant to 25 C.F.R. § 151.13 are completed, and the Office of Indian Gaming Management will publish the FEDERAL REGISTER notice pursuant to 25 C.F.R. § 151.12(b), a copy of which will be made available to you immediately following its publication.

Attachment

cc: Chairperson, Nottawaseppi Huron Band of Potawatomi Indians
Field Solicitor, Midwest Region