



**United States Department of the Interior**  
**BUREAU OF INDIAN AFFAIRS**  
**SOUTHWEST REGIONAL OFFICE**  
1001 Indian School Road, N.W.  
Albuquerque, New Mexico 87104



IN REPLY REFER TO:  
420 - Division of Real  
Estate Services

MAY 15 2012

**CERTIFIED MAIL / RETURN RECEIPT REQUESTED**

The Honorable Susana Martinez  
Governor, State of New Mexico  
490 Old Santa Fe Trail  
Room 400  
Santa Fe, New Mexico 87501

Dear Governor Martinez:

The Fort Sill Apache Tribe (Tribe) has informed the Secretary of the Interior it wishes to begin the process of developing/operating a Class III Gaming Facility on its property located in Akela, Luna County, State of New Mexico (Property). This notice is being sent to you in accordance with the Indian Gaming Regulatory Act of 1988 (IGRA), 25 USC §§2701 et seq. The Office of Indian Gaming Management has determined that no further restrictions to gaming exist on the property. The Bureau of Indian Affairs is now prepared to initiate the consultation process required to support the requisite two-part determination under Section 20 of the IGRA, 25 USC §2719(b)(1)(A) and Title 25 Code of Federal Regulations Part 292.19. This letter serves as the Southwest Region's formal request to commence the two-part consultation process to allow the Tribe to conduct on-reservation gaming activities on the 30.00 acres of tribal trust land.

The Property was acquired in trust on behalf of the Tribe pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 985; 25 USC §465). The land is located approximately 19 miles east of the Town of Deming, Luna County, New Mexico. The Property is described in metes and bounds, within Section 11, Township 24 South, Range 6 West, New Mexico Principal Meridian, of the U.S.G.L.O. Surveys. Section 20(a) of the IGRA prohibits gaming on land acquired in trust after October 17, 1988, subject to certain exceptions. One of the exceptions to the prohibition appears at §2719(b)(1)(A) which provides as follows:

"...the Secretary, after consultation of the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian

tribe and its members and would not be detrimental to the surrounding community, but only if the governor of the state in which the gaming activity is to be conducted concurs in the Secretary's determination;..."

For the purposes of the above section, the BIA will treat the 30.00-acre tribal trust land as "newly acquired lands". Accordingly, the Secretary of the Interior must complete the above-stated two-part determination consultation by addressing the following criteria:

25 CFR §292.20(a)(1) Describe or show the location of the proposed gaming establishment:  
A 30.00-acre tract of land located east of Deming at the northwest corner of Interstate 10 and County Road 8049, Luna County, New Mexico, in Section 11, Township 24 South, Range 6 West, New Mexico Principal Meridian, of the U.S.G.L.O. Survey.

25 CFR §292.20(a)(2) Provide information on the proposed scope of gaming:  
The property will be used for the development and operation Class III gaming within a 30,000 square-foot building.

25 CFR §292.20(a)(3) Include other information that may be relevant to a specific proposal, such as the size of the proposed gaming establishment, if known:  
The site will consist of a 30,000 square-foot building that will house all gaming operations. Approximately 650 slots, 7 table games, one full service restaurant and a cultural center will be located on-site. Parking will be available for 600 cars, 40 RV's, trucks and employees. The casino and associated operations will employ between 280 and 300 individuals.

Within sixty (60) days after you receive this letter, we are asking you to submit your comments, if any, on the following seven areas:

- 25 CFR §292.20(b)(1) Information regarding environmental impacts on the surrounding community and plans for mitigating adverse impacts;
- 25 CFR §292.20(b)(2) Anticipated impacts on the social structure, infrastructure, services, housing, community character, and land use patterns of the surrounding community;
- 25 CFR §292.20(b)(3) Anticipated impact on the economic development, income, and employment of the surrounding community;
- 25 CFR §292.20(b)(4) Anticipated costs of impacts to the surrounding community and identification of sources of revenue to mitigate them;
- 25 CFR §292.20(b)(5) Anticipated costs, if any, to the surrounding community of treatment programs for compulsive gambling attributable to the proposed gaming establishment;
- 25 CFR §292.20(b)(6) Any other information that may assist the Secretary in determining whether the proposed gaming establishment would or would not be detrimental to the surrounding community; and

- Any other information that may assist the Secretary in determining whether to approve the gaming facility/operation.

Please address the information and comments to:

Regional Director  
Southwest Regional Office  
Attention: Division of Real Estate Services  
Bureau of Indian Affairs  
1001 Indian School Road, N.W.  
Albuquerque, New Mexico 87104

Any comments or request for consultation received within sixty (60) days of the date of receipt of this letter at the above address will be considered. You may be granted an extension of time to furnish comments provided you submit a written justification requesting such extension within sixty (60) days of receipt of this letter. An extension of thirty (30) days may be granted. Your comments will be made available to the applicant.

If you have questions or need further information, please contact Mike Anspach, Realty Specialist, at (505) 563-3335.

Sincerely,



Regional Director

cc: The Honorable Jeff Houser, Chairman, Fort Sill Apache Tribe