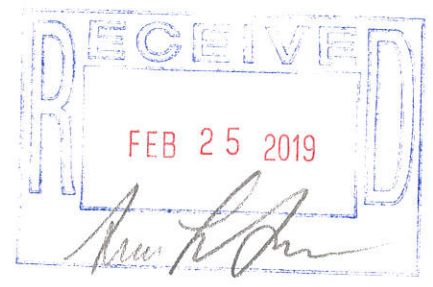


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20 Black Brook Road
Aquinnah, MA 02535

Phone: 508-645-9265
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February 22, 2019

Adam Turner, Executive Director
Paul Foley, DRI Coordinator
Martha's Vineyard Commission
Box 1447
Oak Bluffs, Massachusetts 02557

Re: Correspondence dated February 20, 2019

Dear Mr. Turner and Mr. Foley:

Thank you for your letter of February 20, 2019.

The Aquinnah Wampanoag Tribe (a/k/a Wampanoag Tribe of Gay Head (Aquinnah))("Tribe") and Aquinnah Wampanoag Gaming Corporation ("AWGC") are aware of the Town of Aquinnah's ("Town") letter to the Martha's Vineyard Commission ("MVC") asking the MVC to consider the Tribe's gaming facility as a "Development of Regional Impact" and assert jurisdiction over the Tribe's gaming project. Prior to your letter of February 20, 2019, we were unaware of the Town of Chilmark's referral. It is unfortunate that the Town has involved the MVC (and now the Town of Chilmark) in an attempt to further the Town's long-standing agenda of interference with the Tribe's exercise of its rights under federal law to have a gaming facility on its tribal lands on the Island. We appreciate your acknowledgment that the Tribe represents the original islanders. The Tribe appreciates the work of the MVC and we share several common goals.

Attached is a copy of the Tribe's letter to the Town setting out the Tribe's position regarding the Town's referral to the MVC. As you likely know, the Town, together with the AGHCA and the Commonwealth, filed a lawsuit seeking a determination that the Tribe was unable to operate a gaming facility without first obtaining approvals from the Commonwealth or its political subdivisions. The Tribe prevailed at the United States Court of Appeals for the First Circuit, which decision became final and binding upon the Supreme Court's denial of the Town's petition for review. *Massachusetts v. Wampanoag Tribe of Gay Head (Aquinnah)*, 853 F.3d 618 (1st Cir. 2017), *cert denied*, 138 S.Ct. 639 (2018).

If the MVC embraces that court decision and acknowledges that the MVC lacks jurisdiction over the gaming project, the Tribe is more than happy to engage in a government-to-government dialogue with the MVC. The Town likely failed to inform the MVC that the Tribe's own building codes are at least as stringent as other building codes on the Island and within the Commonwealth. The Town likely failed to

inform the MVC that the Tribe's building inspectors are highly qualified, state-certified and subject to the oversight of both the Aquinnah Tribal Gaming Commission and the federal government's National Indian Gaming Commission ("NIGC"). The Tribe has an agreement to develop the gaming facility with the Chickasaw Nation's Global Gaming Solutions ("GGS"), a Tribal entity which has successfully constructed and operates numerous gaming facilities, including the United States' largest casino resort at WinStar World Casino & Resort. GGS was chosen, in large part, because of its track record and reputation for excellence. The Tribe has expressed to the Town and now expresses to the MVC a commitment to pay the Tribe's fair share for any needed services such as police, fire and EMS services, regardless of whether those services are provided by the Town or others. The Town likely failed to inform the MVC of the Tribe's assurances that the design of the gaming facility will be tasteful and in keeping with the architecture of the Island. Quite simply, any legitimate concerns about public health and safety, which are backed up by science rather than personal preference (or insidious opposition), can be met through a respectful government-to-government dialogue between the Tribe and the MVC. But only the Tribe and its political subdivisions (including its building inspectors and the Gaming Commission), together with the NIGC, have jurisdiction over matters integral to the gaming operation.

The Tribe has advised the Town that any repeated efforts by the Town (including using the MVC in an attempt to do indirectly what the Town cannot do directly) to stop the Tribe's gaming operation will be countered with an aggressive legal defense by the Tribe. If the Town or any other political subdivision of the Commonwealth interferes with matters integral to the Tribe's exercise of its gaming rights, the Tribe will seek a judgment terminating and enjoining any and all Commonwealth or local jurisdiction over the Tribe's lands and affairs.

There are countless examples where initial local skepticism and opposition were set aside, and great community partnerships were forged, because of tribal gaming facilities. That is what we desire and expect to happen here. To summarize, the Tribe is willing to meet with the MVC in the context of a government-to-government dialogue to discuss issues of mutual concern, and to inform the MVC of the Tribe's efforts to provide a tasteful design congruous with the Island's architecture. The assertion of MVC jurisdiction, demands that the Tribe halt the project, or discussion of the application and scope of the DRI process, however, have no place in such a proper and respectful government-to-government dialogue.

In Balance, Harmony and Peace,



Cheryl Andrews-Maltais, Chairwoman
Wampanoag Tribe of Gay Head (Aquinnah)
Aquinnah Wampanoag Gaming Corporation

Attachment as stated

cc: Town of Aquinnah
Town of Chilmark
Ronald Rappaport