



Mashpee Wampanoag Tribe

Shawn W. Hendricks, Sr., Tribal Chairman

September 2, 2008

Honorable Deval Patrick
Governor
Commonwealth of Massachusetts
Room 360
Boston, MA 02133

Re: Tribal-State Compact
Dear Governor Patrick:

I write to you in my capacity as Chairman of the Tribal Council of the Mashpee Wampanoag Tribe to request that we commence negotiations at the earliest mutually convenient date for a tribal-state compact which would permit the Tribe to conduct Class III gaming (as that term is defined in the Indian Gaming Regulatory Act, 27 USC, §2701 et seq.) on land located in the Town of Middleborough, Massachusetts and to simultaneously reach agreement on certain other important matters as are more fully discussed below.

Over the last year, we have observed the great care with which you and your team have studied the question of gaming expansion in our Commonwealth. We are gratified by your support for the concept of destination resort gaming as an economic development tool for Massachusetts. The Tribe wholeheartedly agrees. We are also gratified by your support for the Mashpee Wampanoag Tribe. We also recognize that your proposed legislation calling for three commercial destination resorts did not gain majority support in the House of Representatives nor did legislation calling for slot machines at the racetracks succeed. Accordingly, we make this request at this time because we believe that the immediate commencement of compact negotiations, in view of our pending land in trust application and advanced stage of project planning, will enable all stakeholders to have a thoughtful and collaborative discussion which will lead to a positive result for Massachusetts and her citizens. Please allow me to articulate several reasons why we believe the immediate commencement of compact negotiations makes sense, as follows:

- The Tribe, with the support of its development consultant, has assembled over 500 acres of land in beautiful and centrally located Middleborough with easy access to I-495.

- The Tribe has entered into Intergovernmental Agreements with both the Town of Middleborough and the Town of Mashpee. Both agreements were approved by the majority of voters at Town Meetings. Both the Town of Middleborough and the Town of Mashpee have provided written support for the Tribe's land into trust application. We expect that you will receive a letter from the Town of Middleborough supporting this request. We ask that representatives of the Town sit in on negotiations when issues affecting the host community are discussed consistent with the understandings set forth in the Intergovernmental Agreement between the Tribe and the Town
- The Tribe has already filed an application with the Bureau of Indian Affairs, United States Department of the Interior, to put both the Middleborough land and its land in Mashpee in trust. That application is proceeding on schedule and we are confident of an approval in the first or second quarters of 2009. We believe that this schedule could be expedited with state support.
- Our expectation of a fast track decision is grounded in reality and precedent. The BIA has concluded its local scoping hearings in the EIS process and the Tribe has submitted extensive documentation prepared by a nationally respected anthropologist substantiating its cultural and historic ties with the Town of Middleborough. Most importantly, the BIA has never rejected an application for an Initial Reservation.
- The Tribe has entered into a Development Services Agreement with TCAM LLC, which includes affiliates of Kerzner International, Starwood Capital and the Waterford Group. These highly respected companies have both the capital and expertise to enable the Tribe to build a world leading casino resort, as they have previously done elsewhere. Leading investment banks have expressed strong interest in facilitating and financing the project.
- The Tribe has already publicly committed to substantive matters of importance to the citizens of Massachusetts including developing a project of sufficient scope to create a positive economic development impact for our Commonwealth, thousands of well paying construction and permanent jobs, union labor, infrastructure improvements, mitigation of environmental impacts, local community approval and high standards of operational integrity.
- The Tribe is planning for the development of a Class II gaming facility which requires no Commonwealth approval or payments to the Commonwealth. Nevertheless, the Tribe believes that it would be better for both it and the Commonwealth to develop a Class III facility. Of course, that requires a compact.
- A compact at this time will enable planning for an improved Route 44 to proceed (an approximately \$170 million investment by the Tribe) and would facilitate expedited resolution of all planning issues in a public/private partnership mode as was done with the improvement of roads to serve the Gillette stadium complex. Nothing prevents the

Tribe and the Commonwealth from entering into a Tribal/State compact at this time even though we acknowledge that final approval will not come until after the land is taken into trust or simultaneously therewith.

We believe that a Mashpee Wampanoag tribal casino can and will produce superior results for Massachusetts, as is being proven every day in Connecticut.

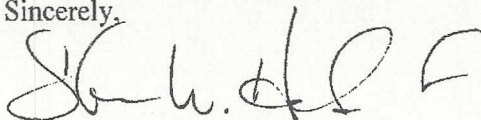
Again, as stated above, we believe that the immediate commencement of negotiations involving you and your designees together with designated legislative leadership will prove advantageous for both the Tribe and the Commonwealth since it will facilitate a collaborative, fact based analysis of the issues among the requisite decision makers. We think that such an approach will lead to the best result for all. We believe that this is the exact type of decision making that the people of Massachusetts want.

No matter what ultimately happens with the negotiations, please know that it is the Tribe's intent to operate America's most successful casino resort in Middleborough. We hope that we can do so in a manner which benefits all of us to the fullest extent possible.

Please also note that the Tribe has a pressing need for face-to-face negotiations with the Commonwealth of Massachusetts on certain non-gaming matters. Specifically, we need to clarify how we handle child custody cases for Native American children consistent with the Indian Child Welfare Act and how to handle police, fire and EMS service for tribal lands. These important issues are unresolved and we respectfully ask for your help in rectifying that situation. Reaching an agreement on these questions would be a first tangible manifestation of the strong relationship between the Commonwealth and the Tribe which we are committed to building.

Again, please accept our thanks for your thoughtful leadership on this critical public policy issue. We look forward to hearing from you at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn W. Hendricks, Sr.", with a stylized flourish at the end.

Shawn W. Hendricks, Sr.

Cc: Lt. Governor Tim Murray

Speaker Salvatore DiMasi

Senate President Therese Murray