

The Michigan Attorney General's office has ordered Bay Mills Indian Community to close the casino it opened Nov. 3 in Vanderbilt -- a move that could affect the tribe's gaming plans in Port Huron.

A letter e-mailed Thursday to Kathryn Tierney, the tribe's lawyer, says state

officials disagree with Bay Mills' claim the casino is on tribal land and therefore requires no approval from the state and federal governments. The property should be considered tribal land, Bay Mills has argued, because it was bought with money from the Michigan Indian Land Claims Settlement Act.

The act "does not indicate Congressional intent to vest Bay Mills with broad and unconstrained authority to buy land anywhere within the State to be held" as property over which the government has no control, S. Peter Manning, chief of the attorney general's environment, natural resources and agriculture division, wrote in the letter. "...

Even if the Vanderbilt casino were located on Indian lands ... Bay Mills' use of this property for class III gaming violates the prohibition against gaming on property acquired by a tribe after October 17, 1988 ...," Manning wrote.

The letter indicates Bay Mills had argued the prohibition applies only to land held in trust -- a category of property in which tribes have prevailing interest, but the title is held by the federal government. The Attorney General's office disagrees with that position.

The Vanderbilt casino must close immediately or the state "will compel closure," the letter reads.

Officials at the Attorney General's office made the order public at the close of business Thursday. They and officials with Bay Mills, in Brimley, could not be reached for comment Thursday evening.

Lawyers watching the issue have said the Vanderbilt casino is a test for opening a facility in Port Huron without government approval.

The same day the casino opened, the tribe paid Acheson Ventures \$100,000 for 16 acres of property that include the former post office at 1300 Military St.

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