

NATIONAL CONGRESS OF AMERICAN INDIANS

June 11, 2008



Attn: Meade County Auditor
Meade County Commissioners
1425 Sherman St.
Sturgis, SD 57625
Fax: 605-347-5925
Email: meade@meadecounty.org

RE: Alcohol License Application of Broken Spoke Campground, L.L.C.

Dear Meade County Commissioners,

The National Congress of American Indians (“NCAI”) opposes the Malt Beverage alcohol license application submitted by Broken Spoke Campground, L.L.C. Both the location and the character of the applicant are unsuitable for any alcohol licenses. In addition, NCAI recommends that the County Commissioners use their broad discretion over alcohol licenses to begin government-to-government consultation with affected local Indian tribes to establish notification and consultation procedures for decisions that affect religious practice at Bear Butte and all American Indian sacred sites.

NCAI is the oldest and largest American Indian organization, representing more than 250 Indian and Alaskan Native tribal governments. The membership of NCAI has enacted several resolutions strongly advocating for the protection of American Indian sacred sites as an urgent priority. Effective public policy protecting native sacred places requires zero tolerance for desecration, damage, or destruction of sacred places. In addition, early and meaningful consultation with traditional religious leaders and spiritual leaders is essential. NCAI also advocates for notice requirements for proposed development within aboriginal territory of Native nations and encourages agreements for native management or co-management of or access to sacred places. To that end, NCAI Resolution No. SD-02-27 is attached to this letter for your reference. The federal government has already committed itself to consultation with tribes generally and more specifically whenever federal undertakings would affect historic properties of religious or cultural significance through an Executive Order titled *Indian Sacred Sites* and the National Historic Preservation Act. Furthermore, on September 13, 2007, the United Nations adopted the Declaration on the Rights of Indigenous Peoples. Article 12 of that Declaration provides that indigenous peoples have “the right to maintain, protect, and have access in privacy to their religious and cultural sites....”

Just as city, county, village, state, and federal governments often work together to address issues of joint concern, Meade County can and should work

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cooperatively with affected Indian tribal governments to address the matter of alcohol licenses near Bear Butte and other sacred places in a manner that respects religious and cultural beliefs, ensures involvement and input from all affected governments, and builds positive relationships.

With regard to the specific application recently filed by Broken Spoke Campground, L.L.C., neither the applicant nor location are suitable. This Board previously denied license renewals to Jay Allen for the same property due to unsuitable character of the **person** of Mr. Allen who had failed to pay his construction debts related to this same property. Although the name of the company has changed and there is the suggestion that ownership will soon change, Jay Allen is still an integral part of the operation. Mr. Allen posts a personal blog on the Broke Spoke Campground website (www.brokenspokecampground.com/blog.cfm), clearly continuing to use his name and persona to run the business. The application by the manager of Broken Spoke Campground, L.L.C. is unsuitable due to the continued association and business involvement of the **person** of Mr. Allen.

In addition, as many local residents and tribal members have stated, this **location** is not suitable for alcohol-related activities and the noise, congestion associated with such operations. The location is quite close to Bear Butte (as the crow flies, as the eye sees, and as noise travels). Broken Spoke Campground even uses this proximity to Bear Butte to sell its product (www.brokenspokecampground.com/maps.cfm). Broken Spoke Campground has announced that its facility will now be open year-round with new amenities available. These associated activities will continue to increasingly and more regularly interfere with the tranquility needed for ceremonial, spiritual, and recreational enjoyment of Bear Butte as has been explained more eloquently by local citizens. Although the Board has previously approved an alcohol license at this location, the South Dakota Supreme Court has made clear in the *Woodruff* case that a previous approval does not mean that a location will always remain suitable. The Board should consider the suitability of this application in relation to the large number of establishments now operating with alcohol licenses in the area as well as Broken Spoke Campground's recently expressed plan for increased development and year-round operations and the effect of such plans on both Indian and non-Indian residents.

The National Congress of American Indians respectfully requests that the Meade County Commissioners deny the new malt beverage license to Broken Spoke Campground, L.L.C. and begin consultation with local tribes on these matters.

Sincerely,



Joe A. Garcia