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Photo by Richard Uhlhorn

Seen from Highway 150, Mill Bay Resort on Lake Chehalis looks like a pleasant and exclusive RV park. Owners of the park are under extreme pressure to sell out so a new casino/hotel can be built on the shores of the lake.

Mill Bay Resort jurisdiction battle goes to tribal court

BY RICHARD UHLHORN
STAFF WRITER

On August 13, the Colville Tribal Court in Nespelem will hear oral arguments on jurisdictional issues regarding the legal case of Mill Bay Resort.

For nearly a year, members of Mill Bay RV Resort have been in a legal battle with Chief Evans, Inc. The jurisdictional issue at hand is whether the state or Confederated Tribes of the Colville has legal jurisdiction over the campground.

In 1984, the Bureau of Indian Affairs gave the go-ahead for the recreational vehicle camping resort at Mill Bay. It was planned to have 735 camping spots when built out. Today, Mill Bay Resort and its members are engaged in a legal battle to save their campground from becoming the new location of Mill Bay Casino and resort hotel.

The legal battle over the resort came about in June 2001 when the resort's management said they were closing the resort down by October because of major financial losses. By August it was apparent that the membership at the resort could not open any reasonable

lines of communication with the management and its attorney. By August 25, it was determined that the only recourse was to file individual complaints with the Washington State Attorney General's Office in order to protect their investments.

In its brief, the Attorney General's office has asked the tribal court "decline to exercise jurisdiction as to the camping club members, even if the court concludes it possesses such jurisdiction" over the land. The Attorney General's office asserts that camping club memberships were created and sold, beginning in 1984, by a Washington limited partnership and then by a Washington chartered corporation. The Attorney General's office also asserts that the petitioner's predecessors-in-interest (Chief Evans, Inc.) provided that Washington law would control the campground, and made no mention of tribal law or tribal jurisdiction.

In 1998, Bill Evans (Chief of the Wapato Tribe) and his attorney, Jack Doty, allowed the registration of the state chartered corporation to lapse and continue running the campground under the name of the tribal chartered corporation. The name didn't change and resort owners argue that they

were not informed of this change and had no vote or say in it.

The Attorney General's office concluded that since the contract clearly establishes that Washington law applies, tribal court would need to apply and enforce Washington law as the substantive law of the case.

Since that time, Mill Bay Resort has apparently changed a number of rules at the resort which make it very uncomfortable for the owners. In addition, Chief Evans, Inc. has offered a contract buyout of \$2,500 to the "regular" members of the resort and \$25,000 to the "expanded" members of the resort. The letter offering the contract buyout states: "If the Park does continue operation, the resort sites will be relocated to a site above the (MA-8) golf course."

As one owner wrote on the Mill Bay Resort website (millbayresort.org): "If Indians are allowed to make contracts with U.S. and Washington State citizens and then go and void these contracts in tribal court, the implications are tremendous in all areas. In essence, wouldn't this mean that contracts with Native Americans could be worthless?" (Tom Simpson to Mill Bay members on July 31, 2002).