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## Arundel concered over tribe's plan for landfill

BY CHILDS WALKER

SUN STAFF

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An Oklahoma Indian tribe is the latest group interested in developing a landfill on a 481-acre parcel near Odenton - a project neighbors and Anne Arundel officials have opposed for more than a decade.

County officials said they're also concerned the tribe might attempt to open a gambling facility on the land, though the Delaware Nation of Anadarko, Okla., has not indicated any such plans.

County Executive Janet S. Owens sent a letter to the federal Bureau of Indian Affairs last week criticizing the proposed purchase by the Delaware Nation. Owens called the purchase a "transparent" attempt to skirt county and state land-use laws by National Waste Managers Inc., the company that has long sought to build the landfill. She did not document any connection between National Waste Managers and the tribe.

Owens said the county would resist any attempts to build a gambling facility.

"Anne Arundel County strongly opposes any type of gaming or gambling institution being placed upon the property in question at any time," she wrote. "The close proximity of the property to many thousands of residences causes it to be a wholly inappropriate location for any gaming institution."

Attempts to obtain comment from the tribe's president, Bruce Gonzalez, and an attorney representing the tribe were unsuccessful.

The tribe applied for federal government permission to buy the land in October, stating an intention to use the property for a landfill. In recent years, the Delaware Nation has tried to buy 315 acres in Forks Township, Pa., to open a casino there. The tribe has a federal suit pending against state and local officials in Pennsylvania to obtain control of that land.

Warren E. Halle, the Silver Spring developer whose companies include National Waste Managers, refused to comment yesterday. Halle has been seeking state permission to build the landfill.

### Pollution fears

The landfill would be near Wilson Town, a historic African-American community. The Forks of the Patuxent Improvement Association, which includes Wilson Town residents,

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has opposed the waste disposal project since it was proposed, expressing fears that pollution from the landfill could leak into the Patuxent and Little Patuxent rivers and might contaminate nearby residential wells.

Neighbors have also said they're concerned that truck traffic to and from the landfill could clog local roads and create clouds of dust.

G. Macy Nelson, a Towson attorney representing the improvement association, said he knew nothing about the Delaware Nation's plans for the property but said his clients would not necessarily oppose the purchase. He said that if the tribe purchases the land, his clients would try to meet with tribal leaders and seek assurances about the use of the property.

Neighbors are awaiting a county Board of Appeals ruling on Halle's request for an extension of the special exception that would allow him to build the landfill. They're also hoping the Maryland Department of the Environment will deny him a permit.

But Indian land is not necessarily subject to the same local and state laws.

"We're concerned that the involvement of the nation is an attempt by the developer to sidestep environmental regulations," said Hamilton F. Tyler, assistant county attorney.

The land would not immediately become exempt from state and local laws if the Delaware Nation purchased it, said Lindsay Robertson, a professor at the University of Oklahoma College of Law.

The tribe first has to petition the federal government to put the land in trust, as it does all Indian reservation property. Anne Arundel officials would have an opportunity to raise concerns about the property before the government puts the land in trust, Robertson said.

### **Unusual case**

If the land went into federal trust, most state and local laws would cease to apply, but the property would be subject to federal environmental regulations, Robertson said. He said it's not unusual for Indian tribes to operate landfills, but added that he had not heard of a tribe obtaining land in another state for that purpose.

Halle won the right to open a landfill and gravel pit near Odenton in 2001 despite moves by elected officials to exclude the project from the county's solid-waste management plan. The project has since been added to the plan.

Last year, the county granted Halle a two-year extension on existing land-use variances.

### **Land trust**

Federal law allows Indian tribes to acquire land in trust when the Department of the Interior determines that the purchase would facilitate economic development for the tribe.

But Owens questioned why an Oklahoma tribe would show sudden interest in Maryland

land that is unlikely to generate many jobs.

"The only economic development is that the tribe will be paid monies by the developer for acting as a front in order to possibly permit the developer to avoid or reduce its local and state environmental and land-use responsibilities," she wrote.

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