INDIAN
GAMING
COMMISSION

April 18, 2000

Christopher A. Karns
Dorsey & Whitney LLP
1001 Pennsylvania Ave., N.W.
Suite 300 South
Washington, DC 20005

Dear Mr. Karns:

This letter responds to the submission of the Organized Village of Kake's ("OVK") Class II Gaming Ordinance received by the National Indian Gaming Commission ("NIGC") on January 19, 2000. The Gaming Ordinance was adopted by OVK Resolution No. 99-08. Under the Indian Gaming Regulatory Act ("IGRA") and NIGC regulations, the Chairman has 90 days to review a new ordinance and either approve the ordinance or notify the tribe of specific areas of noncompliance with the requirements of 25 C.F.R. Part 522. This letter shall serve as formal notification that the OVK's Gaming Ordinance submission is hereby approved.

IGRA and NIGC regulations require that gaming be conducted on "Indian lands." The OVK has identified 14.81 acres of land, which the United States holds in trust for its benefit, as the site on which it will conduct class II gaming activities. A letter dated July 2, 1998, from the Associate Solicitor, Division of Indian Affairs, Department of the Interior, Derril Jordan confirms that the identified tract of land is "held in trust by the United States for the benefit of the Organized Village of Kake." In analyzing the trust parcel, the Associate Solicitor noted that the Secretary of the Interior acquired the parcel in trust for OVK on February 15, 1950, pursuant to the Indian Reorganization Act; that the deed states on its face "to the United States of America in trust for the Organized Village of Kake, Alaska;" and that the trust deed was recorded in Petersburg, Alaska, on April 19, 1950. The 14.81 acres of lands were originally taken into trust in support of the OVK's fish processing enterprise.[1]

After careful review and consideration, we conclude that the OVK trust land qualifies as Indian lands as defined by IGRA and NIGC regulations. Therefore, the OVK's Gaming Ordinance submission is hereby approved and the OVK may lawfully conduct class II gaming on its trust lands pursuant to the IGRA.

[1]The Secretary of the Interior originally acquired 15.9 acres of trust land for the Organized Village of Kake. However, 1.09 acres was subsequently conveyed by the United States to the Organized Village of Kake in fee.

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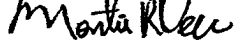
Thank you for submitting the Class II Gaming Ordinance of the OVK for review and approval. The NIGC staff and I look forward to working with you and the OVK in implementing the IGRA and NIGC regulations. If you have any questions or wish to discuss this matter further, please contact Todd J. Araujo, Staff Attorney at (202) 632-7003.

Sincerely yours,,



Montie R. Deer
Chairman

Cc: Executive Director
Organized Village of Kake
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