United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

JUN 2 9 1996

Honorable Joyce C. Dugan
Principal Chief
Eastern Band of Cherokee Indians
Qualla Boundary - P.O. Box 455
Cherokee, North Carolina 28719

Dear Chief Dugan:

On May 29, 1996, we received the Amendment to the Tribal-State Compact between the Eastern Band of Cherokee Indians (Tribe) and the State of North Carolina (State), dated May 28, 1996, (Amendment). We have completed our review of this Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility. Therefore, pursuant to Section 11(d)(8)(A) of the IGRA, 25 U.S.C. § 2710(d)(8)(A) and delegated authority in 209 DM 8.1, we approve the Amendment. The Amendment shall take effect when the notice of our approval, pursuant to Section 11 (d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)(B), is published in the FEDERAL REGISTER.

We wish the Tribe and the State success in their economic venture.

Sincerely,

/S/ Ada E. Deer

Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosures
Identical Letter Sent to: Honorable James B. Hunt, Jr.
Governor of North Carolina
State Capitol
Raleigh, North Carolina 27611

cc: Eastern Area Director w/copy of approved Amendment
Supt., Cherokee Agency w/copy of approved Amendment
National Indian Gaming Commission w/copy of approved Amendment
SE Regional Field Solicitor w/copy of approved Amendment
Eastern Dist., North Carolina U.S. Attorney w/copy of approved Amendment

AMENDMENT TO TRIBAL - STATE COMPACT
BETWEEN THE EASTERN BAND OF CHEROKEE INDIANS
AND THE STATE OF NORTH CAROLINA

This **AMENDMENT** made and entered into this the 28th day of May, 1996, to that **TRIBAL - STATE COMPACT** executed by the parties in August 1994 which was approved by the Secretary of the Interior on September 22, 1994, by and between the Eastern Band of Cherokee Indians, a federally recognized Indian tribe (hereafter "Tribe"), acting through its Principal Chief, the Honorable Joyce C. Dugan, and the State of North Carolina (hereafter "State"), acting through its Governor, the Honorable James B. Hunt Jr.;

WITNESSETH:

WHEREAS, the Eastern Band of Cherokee Indians and the State of North Carolina entered into a Compact to regulate Class III gaming conducted by the Tribe within the State as provided by the Indian Gaming Regulatory Act, P.L. 100-497, 25 U.S.C. 2701 et seq., which was approved by the Secretary of Interior September 22, 1994, and the approval published in the Federal Register on October 3, 1994; and,

WHEREAS, as a result of experience from the Eastern Band of Cherokee Indians operation of lawful Class III gaming activities since the approval of the Compact, both the Tribe and the State have recognized a need to make certain technical amendments to the original Compact in order to clarify certain terms and conditions in the Compact and carry out more clearly the intent of the Tribe and the State in the operation and oversight of these tribal gaming activities; and,

WHEREAS, the Tribe and the State have mutually agreed that the following technical amendments to the Compact will benefit the Eastern Band of Cherokee Indians and the State of North Carolina consistent with the objectives of the Indian Gaming Regulatory Act;

NOW, THEREFORE, THE EASTERN BAND OF CHEROKEE INDIANS and the STATE OF NORTH CAROLINA do enter into these Amendments to the Tribal - State Compact as provided herein.

The Compact previously entered between the Tribe and State shall be and is hereby amended by mutual consent and agreement of the parties in the following respects:

RECEIVED
5/24/96
RH

First Amendment:

Section 6. (0) shall be amended as follows:

1. Insert a new paragraph between the first and second paragraphs to read as follows:

The initial commissioners shall serve initial terms as follows: The appointee of the Principal Chief shall serve until September 30, 1997; the appointee of the Governor shall serve until September 30, 1998 and the joint appointee of the Governor and the Principal Chief shall serve until September 30, 1999. The initial commissioners shall be eligible for reappointment to a full term. Following the staggered terms provided for the initial commissioners as set forth above, the full term of a commissioner shall be for five (5) years and until a successor is appointed or until removal by his or her appointing authority.

2. Delete the fourth and last paragraph, consisting of one sentence.

3. Add a new fourth paragraph to read as follows:

The Certification Commission shall be authorized to retain independent legal counsel to advise the Commission on legal issues and matters presented to the Commission on an as needed basis with the request for such services and compensation to be approved by the Tribal Council.

4. Add a new fifth paragraph to read as follows:

The Commission members shall be compensated by the Tribe for their services. The Commission shall be compensated at a rate to be established by the Tribal Council.

5. Add a new sixth paragraph to read as follows:

Modifications of the following technical features on video games already approved for play by the Certification Commission may be approved by letter signed by the Chairman when the independent testing laboratory has notified all commissioners in writing of successful testing under the terms of the Compact of the following hardware modifications: coin or bill acceptor modifications, progressive modifications, security features involving software functions, none of which will affect skill or dexterity features or the play of the game as originally approved by the Commission and will otherwise meet the standards and requirements of the Compact.

Second Amendment:

Section 6. (J) shall be amended as follows:

Replace the comma in the fourth sentence with a period and strike the remaining words in the sentence so that the sentence shall read:

> The Tribe may continue to operate at pre-existing gaming facilities with complying equipment without meeting the facility restrictions set forth in Section 5 (D) until thirty (30) days after the opening of the tribal facility as set forth in Section 5 (D).

Third Amendment:

Section 13. (A) shall be amended as follows:

The sentence shall be rewritten to read as follows:

> The duration of this Compact shall be for a period of seven (7) years from the issuance of a Certificate of Completion for the facility authorized in Sec. 5 (D) by the Architect of Record. In no event shall this term exceed ten (10) years from the execution of this amendment.

Fourth Amendment:

Section 8. (B) shall be amended as follows:

Delete the semicolon following the word "by."

IN WITNESS WHEREOF, the State of North Carolina and the Eastern Band of Cherokee Indians have hereunto set their hands and seals.

Dated: 5-16-96
STATE OF NORTH CAROLINA

By: _____
James B. Hunt Jr.
Governor

Dated: 5-28-96
EASTERN BAND OF CHEROKEE INDIANS

By: _____
Joyce C. Dugan
Principal Chief

CERTIFICATE
OF
EASTERN BAND OF CHEROKEE INDIANS

I, Gerard Parker, do hereby certify that:

1. I am duly elected Vice-Chief of the Eastern Band of Cherokee Indians (the "Tribe").

2. The foregoing is a true and correct copy of the Amendment To Tribal - State Compact, which was duly adopted by the Tribe, is in full force and effect on the date hereof, and has been in effect since May 28, 1996.

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of November, 1996.

Gerard Parker

Attest:

By: Janice H. Faulkner
Janice H. Faulkner
Secretary of State

Approved as to form and procedure for the State:

Michael F. Easley
Attorney General

Approved as to form and procedure for the Tribe:

Ben Oshel Bridgers
Tribal Attorney

Approved this the 28th day of June, 1996.

By: Ada E. Deer
Ada E. Deer
Assistant Secretary of the Interior
Indian Affairs