United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 26 1996

Honorable Jeff C. Mitchell
Chairman
The Klamath Tribes
P.O. Box 436
Chiloquin, Oregon 97624

Dear Chairman Mitchell:

On November 20, 1996, we received Amendment II to the Tribal-State Compact for regulation of class III gaming between The Klamath Tribes (Tribe) and the State of Oregon (State), dated November 13, 1996. 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 my delegated authority and Section 11 of the IGRA, 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,

ELIZABETH LOHAH HOMER, SGN

Acting for Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosure

Identical Letter Sent to: Honorable John Kitzhaber
Governor of Oregon
254 State Capitol
Salem, Oregon 97310

cc: Portland Area Director w/copy of approved Amendment
Supt., Chiloquin Sub-Agency w/copy of approved Amendment
National Indian Gaming Commission w/copy of approved Amendment
Pacific NW Regional Field Solicitor w/copy of approved Amendment
Portland United States Attorney w/copy of approved Amendment

970113-0037

The Klamath Tribes

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RESOLUTION 96-63

EXECUTIVE COMMITTEE RESOLUTION AUTHORIZING AMENDMENT II TO THE TRIBAL STATE COMPACT FOR REGULATION OF CLASS III GAMING BETWEEN THE KLAMATH TRIBES AND THE STATE OF OREGON

WHEREAS, The Klamath and Modoc Tribes and Yahooskin Band of Snake Indians signed the Treaty of 1864 establishing the Klamath Reservation; and

WHEREAS, The General Council of the Klamath membership is the Governing body of the Klamath Tribes, by the authority of the Constitution and By-laws of the Klamath Tribes (Article V, VI, Section IV E) as approved and/or adopted on April 10, 1982; and

WHEREAS, The Klamath Tribal Executive Committee is elected by the General Council to act on its behalf for execution of the day-to-day Government and business of the Klamath Tribes; and

WHEREAS, The Klamath Indian Tribe Restoration Act of August 27, 1986 (P.L. 99-398) restored federal recognition of the sovereign Government of the Tribes' Constitution and By-laws; and

WHEREAS, The Klamath Tribes in its desire to construct and develop a Gaming Facility on lands within the Tribes' former reservation, within the State of Oregon, so as to increase Tribal revenues and to enhance Tribal economic self-sufficiency, self-government and employment opportunities of Tribal members, negotiated a Tribal-State Compact with the State of Oregon; and

WHEREAS, The Tribal-State Compact with Amendment I stated an extension of time would be negotiated if the land was not in Trust by December 31, 1996; and

WHEREAS, The parcel of land identified as the gaming site in the Tribal-State Compact, will not be held in Trust by the United States for the benefit of the Klamath Tribes on December 31, 1996.

NOW THEREFORE BE IT RESOLVED, that the Klamath Tribes' Executive Committee empowered the Tribal Chairman to execute, on November 13, 1996, on behalf of the Klamath Tribes, Amendment II to the Tribal-State Compact between the Klamath Tribes and the State of Oregon.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Klamath Tribes, hereby certify that at a regularly scheduled Executive Committee meeting held on the 23rd day of December, 1996, where a quorum was present, the Executive Committee duly adopted this Resolution by a vote of 6 for, Ø opposed, and Ø abstaining.

Jeff C. Mitchell
Chairman
The Klamath Tribes

Barbara J. Kirk
Secretary
The Klamath Tribes

AUG 1 1 1998

TRIBAL-STATE COMPACT FOR REGULATION OF CLASS III GAMING BETWEEN THE KLAMATH TRIBES AND THE STATE OF OREGON

AMENDMENT II

This amendment is made to the Class III Gaming Compact between the Klamath Tribes and the State of Oregon executed on December 16 1994, and approved by the Secretary of the Interior on February 24, 1995. The terms of this amendment are in addition to and, except as specifically provided herein, do not supersede any of the provisions of the original compact.

WHEREAS, the Class III Gaming Compact between the Klamath Tribes and the State of Oregon provides that the operation of the compact is dependent upon the Secretary of the Interior taking certain land into trust for the Tribes by December 31, 1995; and

WHEREAS the Tribes have made all reasonable efforts to have the land taken into trust; and

WHEREAS the land has not been taken into trust for reasons beyond the control of the Tribes; and

WHEREAS the Tribes have requested an extension of the deadline for taking the land into trust; and

AND WHEREAS, the State agrees that the circumstances justify this Amendment;

NOW THEREFORE, the Tribes and the State hereby approve the following amendments to the Compact:

I. Section 13.F as amended by Amendment I to the Compact is further amended to read:

F. <u>Location Eligible for Class III Gaming.</u> The State has negotiated and executed this Compact pursuant to the process established under 25 USC § 2710(d)(3), with knowledge that the Gaming

Location identified in Exhibit II is not currently held in trust by the United States for the benefit of the Klamath Tribes. This compact is effective only at the time the United States takes the land described in Exhibit II to this Compact into trust for the Tribes. Operation of this Compact is dependent upon the described land being taken into trust as a result of the Bureau of Indian Affairs fee-to-trust process. Operation of this Compact is further dependent upon the described land being taken into trust no later than [~~December 31, 1996~~] **July 1, 1997**. Operation of this Compact is further dependent upon a determination by the Secretary of the Interior, in connection with review and approval of this Compact, that the Gaming Location is eligible to be used by the Tribes for the purpose of gaming as described in 25 USC § 2719. If at any time it is determined by the Secretary or other competent authority that the Gaming Location is not eligible to be used by the Tribes for the purpose of gaming as described in 25 USC § 2719, this Compact shall no longer authorize gaming at that location.

EXECUTED as of the date and year below.

STATE OF OREGON

John Kitzhaber, Governor

Date: 13 Nov. 1996

THE KLAMATH TRIBES

Jeff Mitchell, Chairman

Date: 11/13/96

APPROVED BY THE SECRETARY OF THE INTERIOR

By:_____

Date:_____