United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JAN 21 1999

Honorable Apesanahkwat
Chairman
Menominee Indian Tribe of Wisconsin
P.O. Box 910
Keshena, Wisconsin 54135

Dear Chairman Apesanahkwat:

We are in receipt of the Amendments to the Menominee Indian Tribe of Wisconsin (Tribe) and the State of Wisconsin (State) Gaming Compact of 1992 dated November 25, 1998. We have completed our review of these Amendments and conclude that they do 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 IGRA, 25 U.S.C. § 2710(d)(8)(A) and delegated authority in 209 DM 8.1, we approve the Amendments. The Amendments 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 note that the Amendments (Section XXXIV of the Compact) memorialize that the Tribe and State agree to discuss modification of the Compact should the State enact a law which purports to impose a tax, fee, assessment or other charge directly on the Tribe's Class III gaming revenues, or a tax on winnings generated at a Class III gaming facility. Our approval of these Amendments should not be construed as, and is not, authorization for the State to impose such taxes, fees, assessments or charges.

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

Sincerely,

/Sgd/ Elizabeth Homer

Acting Assistant Secretary - Indian Affairs

Enclosure

Identical Letter Sent to: Honorable Tommy G. Thompson
Governor of Wisconsin
Madison, Wisconsin 53707

cc: Minneapolis Area Director w/copy of approved Amendment
National Indian Gaming Commission w/copy of approved Amendment
Field Solicitor w/copy of approved Amendment
United States Attorney w/copy of approved Amendment

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendments to Approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Amendments to the Menominee Indian Tribe of Wisconsin and the State of Wisconsin Gaming Compact, which were executed on November 25, 1998.

DATES: This action is effective February 1, 1999.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: January 21, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

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BILLING CODE 4310–02–P

AMENDMENTS TO THE MENOMINEE INDIAN TRIBE OF WISCONSIN AND THE STATE OF WISCONSIN GAMING COMPACT OF 1992

This Agreement is entered into by and between the Menominee Indian Tribe of Wisconsin ("Tribe") and the State of Wisconsin ("State").

WHEREAS, Section XXXI of the Menominee Indian Tribe of Wisconsin and the State of Wisconsin Gaming Compact of 1992 (Compact) provides that it may be amended upon the written agreement of both parties; and Whereas both parties wish to extend the expiration date of the current Compact to allow for a continuing dialogue regarding the terms and conditions under which the Compact may be extended for a longer period of time; and Whereas the parties feel the terms and conditions contained herein serve the best interest of both the State and the Tribe,

The State and the Tribe do hereby agree to amend the Compact as set forth below:

1. Section XXVI.A. of the Compact is deleted in its entirety and replaced with the following: "This Compact shall expire on September 3, 1999."

2. Section XXVI.B. is amended by inserting the words "as amended" after the phrase: "...not less than one hundred eighty days prior to the expiration of the original term of this Compact"

3. Section XXXIII of the Compact entitled "PAYMENT TO THE STATE" is created as follows:

   A. The Tribe shall make a payment to the State for the period June 3, 1999 through September 3, 1999 in the amount of $186,843.

   B. In the event a change in State law is enacted to permit the operation of electronic games of chance, or other Class III games, as defined in and authorized by this Compact, by any person other than a federally recognized Tribe under the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et. seq., or the State Lottery as authorized by Ch. 565 Wis. Stats., the Tribe shall be relieved of its obligation to pay this amount. If a subsequent agreement regarding Class III gaming substantially and adversely affects the Tribe's Class III gaming revenues, the State and the Tribe shall meet to discuss a reduction of the amount required pursuant to Section XXXIII.A.

   C. Method of Payment. The Tribe shall make the payment required by Subsection A on or before September 31, 1999.

   D. The parties may modify this obligation to pay pursuant to a subsequent agreement.

4. Section XXXIV of the Compact is created as follows:

   A. In the event that the amendments contained herein are disapproved, in whole or in part, by the Secretary of the Interior, either party may serve on the other a demand for renegotiation of such portion of the Compact amendments of November 1998 as are impacted. The parties shall meet to negotiate revisions to address such objection as may be raised. If a mutually satisfactory solution is not achieved within thirty (30) days of the Secretary's action, either party may during the fifteen (15) day period thereafter serve upon the other a notice of nonrenewal of Compact. The Compact shall then expire 180 days after service of a notice of nonrenewal of Compact pursuant to this section.

   B. In the event that a court of competent jurisdiction holds any or all of the amendments to the Compact contained herein to be unenforceable or invalid within six (6) months of the execution of said amendments, either party may serve on the other a demand for renegotiation of such portion of the Compact amendments of November 1998 as are impacted. The parties shall meet to negotiate revisions to address such objection as may be raised. If a mutually satisfactory solution is not achieved within thirty (30) days of the court's holding, either party may during the thirty (30) day period thereafter serve upon the other a notice of nonrenewal of Compact. The Compact shall then expire thirty (30) days after service of a notice of nonrenewal of Compact pursuant to this section.

   C. In the event that a court of competent jurisdiction holds any or all of the amendments to the Compact contained herein to be unenforceable or invalid later than six (6) months after the execution of these Compact amendments, the parties shall meet to negotiate terms to replace those affected by the decision of the court.

5. The Tribe, along with other Wisconsin Indian Tribes, agrees to propose the development of a plan by February 1999 for the creation of a revenue sharing system among the Tribes so that monies would be directed by the Tribes within Wisconsin having the greatest gaming revenues to the Tribes having the least gaming revenues. The Tribe agrees to make its best efforts to develop such a plan in consultation with other Wisconsin Indian Tribes by February 1999.

MENOMINEE INDIAN TRIBE
OF WISCONSIN

By: Apesanahkwat
Apesanahkwat
Tribal Chairman

Date Signed: Nov. 25 1998

STATE OF WISCONSIN

By: Tommy G. Thompson
Tommy G. Thompson
Governor

Date Signed: November 25, 1998

Consistent with 25 U.S.C.A. Sec. 2710 (d)(8), the Amendments to the Tribal-State Compact for Class III Gaming between the Menominee Indian Tribe of Wisconsin and the State of Wisconsin dated November 25, 1998, is hereby approved on this 21st day of January, 1999, by the Assistant Secretary - Indian Affairs, United States Department of the Interior.

UNITED STATES DEPARTMENT OF THE INTERIOR

Kevin Gover

Kevin Gover
Assistant Secretary - Indian Affairs