United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

OCT 08 1998

Honorable Paula Lorenzo
Chairperson
Rumsey Indian Rancheria
P.O. Box 18
Brooks, California 95606

Dear Chairperson Lorenzo:

On August 25, 1998, we received the Tribal-State Compact between the State of California (State) and the Rumsey Indian Rancheria (Tribe), dated July 13, 1998. We have completed our review of this Compact and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility. Therefore, pursuant to delegated authority and Section 11 of IGRA, we approve the Compact. The Compact 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.

Notwithstanding our approval of the Compact, Section 11 (d)(1) of IGRA, 25 U.S.C. § 2710(d)(1), requires that tribal gaming ordinances be approved by the Chairman of the National Indian Gaming Commission (NIGC). Regulations governing approval of Class II and Class III gaming ordinances are found in 25 C.F.R. §§ 501.1-577.15 (1997). Pursuant to IGRA and the regulations, even previously existing gaming ordinances must be submitted to the NIGC for approval when requested by the Chairman. The Tribe may want to contact the NIGC at (202) 632-7003 for further information to determine when and how to submit the ordinance for approval by the NIGC.

In addition, if the Tribe enters into a management contract for the operation and management of the Tribe's gaming facility, the contract must likewise be submitted to, and approved by the Chairman of the NIGC pursuant to Section 11 (d)(9) of IGRA, 25 U.S.C. § 2710(d)(9) and the NIGC's regulations governing management contracts. The Tribe may want to contact the NIGC for information on submitting the ordinance and the management contract for approval by the NIGC.

Finally, although we believe that the Counsel to the Governor may be correct in asserting, in his October 5, 1998, letter to the Acting Director of the Indian Gaming Management Staff, that a change in the Tribe's allocation of lottery devices set out in an addendum to the Compact may not require Secretarial approval under Section 11(d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)(B), to become effective, we recommend that such approval be sought to eliminate any uncertainty regarding this issue.

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

Sincerely,

/s/ Kevin Gover

Assistant Secretary - Indian Affairs

Enclosure

Identical Letter Sent to: Honorable Pete Wilson
Governor of California
Sacramento, California 95814

cc: Sacramento Area Director w/copy of approved Compact
Supt., Central California Agency w/copy of approved Compact
National Indian Gaming Commission w/copy of approved Compact
Pacific SW Regional Field Solicitor w/copy of approved Compact
California United States Attorney w/copy of approved Compact