United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

DEC 0 7 1993

Honorable Stanley G. Jones, Sr.
Chairman, Tulalip Tribes of Washington
6700 Totem Beach Road
Marysville, Washington 98270

Dear Chairman Jones:

We reviewed the Second Amendment (Amendment) to the October 3, 1991, Tribal/State Compact for Class III Gaming Between the Tulalip Tribes of Washington (Tribe) and the State of Washington (State), and conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), other Federal law or our trust responsibility. The Amendment was submitted more than 45 days ago. Therefore, the Amendment is considered to be approved to the extent it is consistent with the provisions of the IGRA.

We note that Section 11(d)(1) of the 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). On July 8, 1993, the NIGC published in the FEDERAL REGISTER proposed regulations to govern approval of Class II and III gaming ordinances. The final regulations were published on January 22, 1993 (58 Fed. Reg. 5802), and became effective on February 22, 1993. Under the statute and 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.

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

Sincerely,

/S/ Ada E. Deer

Ada E. Deer
Assistant Secretary - Indian Affairs

Enclosures

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RECEIVED
12/22/93
NIGC

Identical Letter to: Honorable Mike Lowry
Governor of Washington
State Capitol
Olympia, Washington 95804

cc: Portland Area Office w/copy of Approved Amendment
Puget Sound Superintendent w/copy of Approved Amendment
National Indian Gaming Commission w/copy of Approved Amendment
Portland Regional Solicitor's Ofc w/copy of Approved Amendment
Western Dist. - WA, U.S. Attorney w/copy of Approved Amendment

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming; Tulalip Tribes of Washington and State of Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), 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) gaming on Indian reservations. The Second Amendment was submitted more than 45 days ago. Therefore, the Amendment to the September 25, 1991, Tribal/State Compact for Class III Gaming Between the Tulalip Tribes of Washington and the State of Washington executed on September 21, 1993, is considered approved to the extent it is consistent with the provisions of the Indian Gaming Regulatory Act.

DATES: This action is effective December 20, 1993.

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

Dated: December 7, 1993.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 93–30959 Filed 12–17–93; 8:45 am]

BILLING CODE 4310–02–P

SECOND AMENDMENT TO TRIBAL/STATE COMPACT FOR CLASS III GAMING BETWEEN THE TULALIP TRIBES OF WASHINGTON AND THE STATE OF WASHINGTON

WHEREAS, on August 2, 1991 the Governor of the State of Washington and the Chairman of the Tulalip Tribes of Washington executed a Compact pursuant to the Indian Gaming Regulatory Act of 1988, P.L. 100-497, codified at 25 USC Section 2701-2721 and 18 USC Section 1166-1168, and

WHEREAS, pursuant to the Indian Gaming Regulatory Act of 1988 and by action of the Department of the Interior, Bureau of Indian Affairs on September 25, 1991, said Compact became effective October 3, 1991, and

WHEREAS, said Compact by First Amendment of May, 1992 has been amended as to Section 9(c), and

WHEREAS, the parties wish to amend Section 3 of said Compact to accelerate the authorization for use on the gaming floor within the facility of 32 stations, provide for certain gaming revenues to support non-profit and charitable organizations and their activities within the State of Washington, and memorialize and clarify the agreement existing between the parties regarding the operating hours for the gaming operation,

NOW, THEREFORE, and pursuant to Section 15(d)(i) of said Compact, Section 3(f), (g) and (h) of said Compact shall be and hereby are amended to read and state as follows:

(f) Size of Class III Gaming Operation. The number of gaming stations authorized for use on the gaming floor within the facility shall not exceed twenty-three (23) stations. The maximum number of Blackjack stations shall be nineteen (19). After ~~eighteen (18)~~ twelve (12) months of continual operation of the Class III gaming facility, the number of gaming stations may be increased to ~~thirty one (31)~~ thirty two (32) with up to a maximum of ~~twenty six (26)~~ twenty seven (27) blackjack tables provided none of the following have occurred: violations of the provisions of the Compact which have resulted in sanctions imposed by the Federal District Court; substantial and repeated violations of Sanctions 3 and 4 of this Compact against the gaming facility; or material adverse impacts on the public safety or welfare of the surrounding communities in the nature of criminal activities directly related to the operation of the Class III gaming facility~~.~~; provided the proceeds from one (1) of the gaming stations shall be dedicated to support non-profit and charitable organizations and their activities within the State of Washington. For the purpose of the determination of "proceeds" from the non-profit station, only, proceeds shall mean the pro rata net profit of one (1) station. Such proceeds from the non-profit station are not subject to the calculation for the community contribution under Section 14(c) of this Compact. Provided further, such expansion shall

not occur while a state initiated action in Federal District Court or a dispute under Section 12(c) is pending on this issue.

(g) Wagering Limitations. The maximum wager authorized for any thirteen (13) of the gaming stations shall not exceed ten (10) dollars per wager. The remaining ten stations shall not exceed a maximum of wager of twenty-five (25) dollars. The Tribe may offer sports pools, on regularly scheduled athletic contests, of one hundred (100) squares wherein each square is sold for not more than ten (10) dollars and all proceeds are awarded to winners as prizes. Provided, should the State Gaming Agency increase the wagering limits currently in play for licensed fund raising events and card games, upon thirty days written notice to the State Gaming Agency from the Tribe, the Tribe may authorize the same wagering limits. At the end of ~~eighteen (18)~~ twelve (12) months continual operation, if the size of he gaming operation is increased in accordance with Section 3(f), up to ~~thirteen (13)~~ fourteen (14) of the ~~thirty one (31)~~ thirty-two (32) stations may utilize a maximum of twenty-five (25) dollars per wager and one (1) station may utilize a maximum of one hundred (100) dollars per wager. If a dispute arises, it shall be resolved pursuant to Section 12(c) of this Compact.

(h) Hours of Operation. The maximum number of operating hours for the gaming operation shall not exceed an average of eighty (80) hours per week~~.~~ on an annualized basis. The Tribe shall schedule the hours to best comply with market conditions and may operate any day of the week. The gaming operation and gaming facility shall be closed to the public form 2:00 a.m. until 6:00 a.m. each day of operation. The Tribal Gaming Agency will provide to the State Gaming Agency, on a quarterly basis, a schedule indicating the hours of operation of the Class III facility.

TULALIP TRIBES OF WASHINGTON

By Stanley G. Jones Sr. Dated: 11th day of Sept, 1993.
Stanley G. Jones, Sr.
Chairman

STATE OF WASHINGTON

By Mike Lowry Dated: 21st day of Sept., 1993.
Mike Lowry
Governor

Ada E. Deer

Ada E. Deer
Assistant Secretary - Indian Affairs

DEC 0 7 1993
Date