AUG 6 2002

Clifford Lyle Marshall, Chairman
Hoopa Valley Tribal Council
Attention: Darcy Baldy, Executive Secretary
P.O. Box 1348
Hoopa, California 95546

RE: Title 31, Hoopa Valley Tribal Code

Dear Chairman Marshall:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for the review and approval of the amendment to the Hoopa Valley Tribal Council's (Tribe) tribal gaming ordinance submitted on June 13, 2002. The amendment to the ordinance was adopted by the Tribe on June 6, 2002. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). Such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe exercises jurisdiction.

Thank you for submitting the amendment to the tribal gaming ordinance of the Hoopa Valley Tribe for review and approval. The NIGC staff and I look forward to working with you and the Tribe in implementing the IGRA. If you have questions or require further assistance, please contact the NIGC at 202/632-7003.

Sincerely yours,

Montie R. Deer
Chairman

NATIONAL HEADQUARTERS 1441 L St. NW, Suite 9100, Washington, DC 20005 Tel: 202.632.7003 Fax: 202.632.7066 WWW.NIGC.GOV

REGIONAL OFFICES Portland, OR; Sacramento, CA; Phoenix, AZ; St. Paul, MN; Tulsa, OK

Hoopa Valley Tribal Council

HOOPA VALLEY TRIBE

Regular Meetings on the First and Third Thursday of Each Month

P.O. Box 1348 • HOOPA, CALIFORNIA 95546 • Phone 625-4211 • Fax 625-4594

Clifford Lyle Marshall, Sr.
Chairman

June 13, 2002

JUN 19 2002

Montie Deer, Chairman
National Indian Gaming Commission
1441 L Street, NW, 9th Floor
Washington, D.C. 20005

RE: Notice of Amendments to Tribal Gaming Ordinance

Dear Chairman Deer:

On June 6, 2002, the Hoopa Valley Tribal Council adopted the following amendments to **Title 31, Hoopa Valley Tribal Code, Section 31.11 of The Tribal Gaming Ordinance**:

31.11 Establishment of Commission. The Hoopa Valley Tribal Council hereby establishes the Hoopa Valley Tribal Gaming Commission composed of ~~five (5)~~ three (3) members appointed by a majority vote of the Council as follows: A Commissioner shall serve for two (2) years. ~~and may be removed from office prior to the end of the Commissioner's term with or without cause and the 2/3 by majority vote of the entire membership of the Council at a regular meeting thereof.~~ In order to establish an annually staggered Commission appointment schedule, the first Commission shall be appointed by the Council as follows: two (2) Commissioners shall serve a two (2) year term; ~~three (3)~~ one (1) Commissioners shall serve a ~~three (3)~~ one (1) year term, for their initial terms only. Thereafter, all successive terms of appointment for a Commissioner shall run for two (2) years. Vacancies on the Commission shall be filled within thirty (30) days by a majority vote of the Council. The Commission shall select annually, from its membership, a Commission Chairman.

The primary effect of the amendments adopted was to reduce the number of Tribal Gaming Commissioners from 5 to 3 for economic reasons. Deletion of the language in Section 31.11 will have no substantive effect on the Tribal Ordinance because Section 31.11.7 which remains unamended provides:

"31.11.7 All members of the Hoopa Valley Tribal Gaming Commission serve at the will of the Hoopa Valley Tribal Council and may be removed with or without cause, upon a majority vote of the Hoopa Valley Tribal Council at a regular meeting thereof."

Also on June 6, 2002, the Hoopa Valley Tribal Council adopted the following amendments to **Title 31, Hoopa Valley Tribal Code, Section 31.28.5 of The Tribal Gaming Ordinance**:

JUN 19 2002

"31.28.5 Cancellation or Suspension. Licensees and Applicants shall be legally responsible for any violation of this Code, any relevant License provisions, the Rules, the Compact or IGRA. Any License issued hereunder may be canceled, limited, revoked, suspended, terminated or modified by the Commission for the breach of any of the provisions of the License, this Code, or Rules. In addition:

(a) unless otherwise stated in this Code or the Rules, a Licensee's spokesperson has the right to be present and to participate in the hearing concerning the cancellation, limitation, revocation, suspension, termination or modification of a License;

(b) in the event of serious misconduct which amounts to a criminal act by a Licensee a License may be summarily suspended, without a prior hearing but in such event a Licensee shall receive a hearing pursuant to 31.29 following the summary suspension; and

(c) all decisions of the Commission regarding the cancellation, limitation, revocation, suspension, termination or modification of Licenses shall be final, unless appealed as provided in Section 31.~~24~~30 of this Code. No Gaming shall be conducted by the Licensee after cancellation, even during the pendency of an appeal."

The amendments to Section 31.28.5(b) are intended to assure that use of summary suspension of a license without prior hearing does not occur without a clear showing of serious misconduct. The Amendment of Section 31.28.5(c) corrects a typographical error in which reference to Section 31.24 (gaming devices) was misleading because the Section of the Ordinance providing for hearing and procedures is actually Section 31.30.

No other amendments to the Tribal Gaming Ordinance were adopted by the Tribal Council at the meeting.

In compliance with **25 C.F.R. Section 522.3(a)** please accept this submission for your approval. The Hoopa Valley Tribe respectfully requests your approval of the above amendments within 90 days or understands that the provisions of **25 C.F.R. Section 522.9**

will result in approval of the Amendments. The Hoopa Valley Tribe Gaming Ordinance on file with your office in its entirety was adopted March 5, 1998 and amended once previously on September 11, 2000.

I certify that the amendments contained in this letter are authentic language changes duly made to the Hoopa Valley Tribe Gaming Ordinance by the Hoopa Valley Tribal Council at a duly called public meeting June 6, 2002.

Sincerely yours,

HOOPA VALLEY TRIBAL COUNCIL

Darcy A. Baldy

Darcy Baldy, Executive Secretary
Hoopa Valley Tribal Council

CC: Hoopa Valley Tribal Council
Clifford Lyle Marshall, Chairman