



FEB 15 2001

Honorable Johnny Wauqua
Chairman, Comanche Tribe of Oklahoma
P.O. Box 908
Lawton, Oklahoma 73502

Dear Chairman Wauqua:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for the review and approval of the amendments to the Comanche Tribe's (Tribe) gaming ordinance submitted on December 15, 2000. The Tribe, by Resolutions Nos. 102-00 and 103-00, on December 2, 2000, adopted the amendments to the ordinance. Resolution No. 102-00 purports to clarify that the Tribe maintains jurisdiction over original Comanche allotments remaining in trust. Resolution No. 103-00 clarifies that Class II or Class III gaming within the Tribe's jurisdiction is a violation of the Ordinance unless conducted at a gaming facility of the Tribe.

The Chairman of the NIGC approved the original Ordinance on April 10, 1996. 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.

This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA) of the amendment adopted by Resolution No. 103-00.

However, the amendment adopted by Resolution No. 102-00 purports to address by unilateral Tribal action a complex jurisdictional issue where such action is not appropriate. Subpart (3) of the proposed amendment indicates that the Tribe has jurisdiction "over lands originally allotted to the Comanche Nation or its members that are held in trust by the United States, regardless of the tribal affiliation of the owner (whether an individual or tribe), unless the Comanche Nation has expressly authorized in writing the relinquishment of such land from its jurisdiction."

The provisions of Subpart (3) are contrary to recent determinations by the Department of the Interior concerning the acquisition in trust by the Fort Sill Apache Tribe of a parcel originally allotted to a member of the Tribe located within the boundaries of the former Kiowa, Comanche, and Apache reservation. The Associate Solicitor, Division of Indian Affairs, in an opinion dated March 29, 1996 (enclosed), determined that it was not

necessary for the Fort Sill Apache Tribe to seek the consent of the other three tribes prior to taking the parcel in trust. Further, the Associate Solicitor determined that the Fort Sill Apache Tribe has jurisdiction over the transferred parcel. In reliance on this opinion, the transfer to the Fort Sill Apache Tribe was accomplished, culminating in the execution of the deed on March 24, 1999 (see enclosures). The NIGC corresponded with you concerning this matter by letter dated September 1, 1999 (enclosed).

Since the provisions of Subpart (3) of the amendment proposed by Resolution No. 102-00 concern land having status comparable to that of the Fort Sill Apache acquisition, this amendment is disapproved.

Thank you for submitting the amendments to the tribal gaming ordinance of the 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 Ms. Frances Fragua at 202/632-7003.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Montie R. Deer". The signature is written in a cursive, slightly slanted style.

Montie R. Deer
Chairman

Enclosures

cc: William R. Norman, Jr., Hobbs, Straus, Dean & Walker, Norman, Oklahoma



COMANCHE TRIBE
RESOLUTION NO. 103-00

DEC 18 2000

RESOLUTION

WHEREAS, The Comanche Tribe is a federally recognized Indian Tribe with a constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, educational, and health status of its members; and

WHEREAS, The Comanche Business Committee is the duly elected official body designated to conduct business for and on behalf of the Comanche Indian Tribe; and

WHEREAS, The Comanche Indian Tribe has continuously owned and operated a High Stakes Indian Bingo (Class II) since July 22, 1983; and

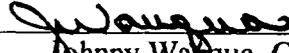
WHEREAS, The Comanche Indian Tribe has committed itself to promote, protect, and preserve the general welfare and interest of Indian gaming tribes through the passage of the Comanche tribal gaming ordinance and the development of sound policies and practices with respect to the conduct of gaming activities in Comanche Indian Country within the Kiowa, Comanche and Apache Reservation;

NOW THEREFORE BE IT RESOLVED, That the Comanche Business Committee hereby approves the attached amendment to Section 15(a) the Comanche Tribe of Oklahoma's Tribal Gaming Ordinance, and

BE IT FURTHER RESOLVED, That the Comanche Business Committee having exercised its legislative authority and duly enacted the attached amendment, submits said amendment, pursuant to the Indian Gaming Regulatory Act and 25 CFR Part 522, to the National Indian Gaming Commission for approval by the Chairman of the Commission.

CERTIFICATION

The foregoing resolution was fully adopted at a regular meeting of the Comanche Business Committee held on the 2 day of December, 2000, at the Comanche Tribal Complex, Lawton, Oklahoma, by a majority vote of 5 for, 0 against, and 0 abstaining, a quorum being present.



Johnny Watqua, Chairman

ATTESTED:



Thomas Chibitty, Secretary/Treasurer

Proposed Amendment to Section 15(a) of the Comanche Nation Gaming Ordinance

Existing Section 15 to be amended to add at the end of subsection (a) "of the Comanche Nation Games." Thereafter, Section 15(a) should read as follows:

"It shall be a violation of this Ordinance for any person to:

- (a) Conduct or participate in any Class II or Class III gaming operation within Comanche Nation jurisdiction other than at the gaming facilities of the Comanche Nation Games."