



MAR 30 2010

Darwin "Joe" McCoy, Chairman
Sault Ste. Marie Tribe of Chippewa Indians
523 Ashmun St.
Sault Ste. Marie, MI 49783

Dear Chairman McCoy:

This letter responds to your request for approval of an amendment to Chapter 42 of the Tribal Code, the Tribe's gaming ordinance. By final approval of Resolution No. 2010-29, dated January 26, 2010, the Tribe amended its ordinance to include a specific parcel, described in Section 42.801(3)(c), in the definition of Indian lands eligible for gaming.

The Federal District Court for the Western District of Michigan considered the particular parcel described in the ordinance and held that it is eligible for gaming under the "contiguous to a reservation" exception to the general prohibition of gaming on trust lands acquired after 1988 found at 25 U.S.C. 2719(a)(1). *Sault Ste. Marie Tribe v. United States*, 576 F. Supp 2d 838 (W.D. Mich. 2008). As the ordinance is consistent with the requirements of the Indian Gaming Regulatory Act (IGRA) and this agency's regulations, it is hereby approved.

Thank you for submitting the ordinance for review and approval. The NIGC staff and I look forward to working with you and the Sault Ste. Marie Tribe on future gaming issues. If you have any questions, please contact Staff Attorney Jennifer Ward at (202) 632-7003.

Sincerely,

A handwritten signature in black ink, appearing to read "G. T. Skibine", written over a horizontal line.

George T. Skibine
Acting Chairman



RESOLUTION NO: 2010-29

AMENDING TRIBAL CODE: CHAPTER 42

NOW, THEREFORE, BE IT RESOLVED, that Tribal Code Chapter 42: is amended as attached.

Min Waban Dan

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**Government
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**Membership
Services**

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 26 day of January 2010; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 10 members for, 2 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.



Darwin "Joe" McCoy, Chairman
Sault Ste. Marie Tribe of
Chippewa Indians



DJ Hoffman, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

42.801 Permitted Activity.

Class II and III gaming conducted in conformity with this Chapter is permitted at tribally owned licensed gaming establishments located on the following lands:

(1) Indian Lands as defined by the Indian Gaming Regulatory Act and Part 42.217 of this chapter, unless prohibited by 25 USC § 2719(a); or

(2) Indian lands acquired by the Secretary of the Interior in trust on or before October 17, 1988; or

(3) land which is acquired by the Secretary of the Interior in trust for the benefit of the Tribe after October 17, 1988 and the land:

- (a) is located within or contiguous to the boundaries of the reservation as they existed on October 17, 1988; or
- (b) otherwise meets the requirements of 25 USC § 2719(b)(1) or (b)(2).
- (c) Includes, but is not limited to, the parcel of Indian lands known as Lot 2, Section 19, Town 41 North, Range 3 West, and the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 19, Town 41 North, Range 3 West, lying Southerly of a line described as beginning at a point 650 feet Northerly along the centerline of Mackinac Trail and South line of Section 19, thence Northeasterly to the Southeast corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 19, Town 41 North, Range 3 West, Michigan Meridian, Michigan located at 3015 Mackinac Trail, St. Ignace, Michigan.