AGREEMENT AND AUTHORIZATION UNDER SECTION 4(B) OF THE TRIBAL-STATE COMPACT BETWEEN THE EASTERN BAND OF CHEROKEE INDIANS AND THE STATE OF NORTH CAROLINA

This Agreement and Authorization is made and entered into this the 8th day of July 2002 under Section 4(B) of the **Tribal-State Compact** executed by the parties in August 1994 which was approved by the Secretary of the U.S. Department of Interior on September 22, 1994 and first amended on May 28, 1996 and subsequently amended on November 14, 2000, by and between the Eastern Band of Cherokee Indians, a federally recognized Indian tribe (hereafter "Tribe"), acting through its Principal Chief, the Honorable Leon D. Jones, and the State of North Carolina (hereafter "State") acting through its Governor, the Honorable Michael F. Easley;

WITNESSETH:

WHEREAS, the Tribe made application under Section 4(B) of the Tribal-State Compact for authorization to operate games that are not expressly enumerated under Section 4(A) of the Compact; and,

WHEREAS, the Tribe made this request to clarify the operation and play of particular games which falls outside the jurisdiction of the Certification Commission granted to it under the original Compact; and,

WHEREAS, the proposed gaming activities are permitted under the laws of the State of North Carolina, and are in accordance with the Indian Gaming Regulatory Act at 25 U.S.C. § 2701 *et. seq.*, and § 71A-8 of the North Carolina General Statutes; and,

WHEREAS, existing regulatory controls and criminal sanctions are adequate to fulfill the policies and purposes set forth in the Compact.

NOW THEREFORE, THE EASTERN BAND OF CHEROKEE INDIANS is hereby authorized by THE STATE OF NORTH CAROLINA under Section (4)(B) of the Tribal-State Compact to conduct the following games:

- Electronic Bingo games which comply with the statutory definition of bingo in N.C.G.S. § 14-309.6.
- Electronic Raffle games which comply with the statutory definition of raffles in N.C. G.S. § 14-309.15(b).

All such games may be played and operated within the Tribe's facility, provided that the Tribe shall first receive the Tribal Gaming Commission's game approval as well as Gaming Laboratories International certification as stated in the original Compact prior to placing any game into operation.

In accordance with Section 4(B)(3) of the Compact, this writing shall be incorporated into and made part of the Tribal-State Compact upon signature of the parties.

IN WITNESS WHEREOF, the State of North Carolina and the Eastern Band of Cherokee Indians have hereto set their hand and seals.

Dated this 8th day of July, 2002.

STATE OF NORTH CAROLINA

BY: _____

Michael F. Easley
Governor, State of North Carolina

EASTERN BAND OF CHEROKEE INDIANS

BY: _____

Leon D. Jones
Principal Chief, Eastern Band of Cherokee Indians

ATTEST:

Elaine F. Marshall

Elaine F. Marshall
Secretary of State, State of North Carolina

Approved as to form and Procedure for the State

BY: _____

Roy A. Cooper, III
Attorney General, State of North Carolina

Approved as to form and Procedure for the Tribe:

BY: Patrick H. Lambert

Patrick H. Lambert
Attorney for Tribe and
Executive Director,
Tribal Gaming Commission