

FIRST AMENDMENT
TO THE
COMPACT BETWEEN
THE RENO-SPARKS INDIAN COLONY
AND THE STATE OF NEVADA
GOVERNING CLASS III GAMING

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This First Amendment is made by and between the RENO-SPARKS INDIAN COLONY (Tribe) and the STATE OF NEVADA (State), pursuant to Public Law 100-497, the Indian Gaming Regulatory Act, codified at 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168.

RECITALS

WHEREAS, the Tribe and the State as separate sovereigns, each recognizing and respecting the laws and authority of the other, entered into a Tribal-State Gaming Compact (Compact) which became effective on February 6, 1996, a copy of which is attached and made a part hereof, to provide a regulatory framework for the operation of certain Class III gaming on the Indian lands of the Tribe; and

WHEREAS, Article XI of the Compact provides that “[t]his Compact may be amended only with the consent of both parties and only by written instrument signed by both parties. If applicable law is amended in a substantial way affecting the provisions contained in this Compact, the parties agree to negotiate in good faith to amend this Compact so as to achieve the objectives provided for and to ensure compliance with all applicable laws.”; and

WHEREAS, the Tribe and the State invoke the authority provided within Article XI and amend Article IX of the Compact, so that the Compact will have a total effective period of five (5) years, instead of the four (4) years that is currently provided for within Article IX; and

WHEREAS, the Tribe and the State agree and provide that except as provided herein for the amendment of Article IX, all of the terms, conditions, requirements and obligations of the Compact as it was originally executed and became effective on February 6, 1996, shall remain in full force and effect.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the parties agree as follows:

1. The RENO-SPARKS INDIAN COLONY and the STATE OF NEVADA as separate sovereigns, hereby invoke the authority set forth within Article XI of the Tribal-State Gaming Compact, which provides for the operation of certain Class III gaming on the Indian lands of the RENO-SPARKS INDIAN COLONY, and amend the Compact so that Article IX provides as follows: "[t]his Agreement shall take effect upon approval by the Secretary of the Interior (or his designee) and shall remain in effect for a period of five (5) years from commencement of gaming operations or until modified or terminated by mutual agreement. If during the term of this Agreement the Tribe develops plans for a full scale casino operation that involve long term commitments from lenders, the State and the Tribe may mutually

agree to extend the term of this Agreement to be coterminous with the term of the financing agreement. Such agreement to extend the term of this Agreement shall not be an amendment requiring federal approval. In the event the State and Tribe fail to mutually agree to extend the term of the Agreement to be coterminous with the term of the financing agreement, and the Tribe believes the State is not acting in good faith in such deliberations, the Tribe reserves the right to assert that the State has not negotiated in good faith as required by the Indian Gaming Regulatory Act.”; and

2. All of the other and remaining terms, conditions, requirements and obligations set forth within the Tribal-State Compact as originally agreed upon by the RENO-SPARKS INDIAN COLONY and the STATE OF NEVADA, which became effective on February 6, 1996, shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto have caused this First Amendment to the Tribal-State Compact to be duly executed.

RENO-SPARKS TRIBE COLONY



ARLAN D. MELENDEZ, Chairman

Dated: 10-19-04



PATRICK SMITH, Tribal Counsel

Dated: _____

STATE OF NEVADA

Dennis Neilander

DENNIS NEILANDER, Gaming Control Board Chairman

Dated: 11/8/04

Kenny Guinn
KENNY GUINN, Governor

Dated: 12/7/04

Brian Sandoval
BRIAN SANDOVAL, Attorney General

Dated: 11-10-04

Michael E. Wilson
MICHAEL E. WILSON, Assistant Chief Deputy Attorney General

Dated: 12/7/04

Tom P. Conroy
BOARD OF EXAMINERS

Dated: 12-2-04

DEPARTMENT OF THE INTERIOR

Assistant Secretary, Indian Affairs

State of Nevada
Carson City

This instrument was acknowledged before me on December 7, 2004, by Michael E. Wilson, as Assistant Chief Deputy Attorney General.

Melissa Mendoza
Notary Public

