United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MAR 30 2001

Honorable Earl Barbry, Sr.
Chairman
Tunica-Biloxi Tribe of Louisiana
Post Office Box 331
Marksville, Louisiana 71351

Dear Chairman Barbry:

On March 26, 2001, we received the Extension of the Tribal-State Compact for the conduct of Class III Gaming between the Tunica-Biloxi Indian Tribe (Tribe) and the State of Louisiana (State), executed on March 23, 2001. We have completed our review of this Compact and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility.

Previously the Tribe submitted a Class III gaming compact with the State of Louisiana to the Department of the Interior for approval on December 1, 2000. Upon receipt of that compact, we informed the Tribe and the State that we needed additional documentation to justify a provision of the compact that required the Tribe to make a payment of six percent (6%) of net revenues from the conduct of Class III gaming activities to offset and defray the expenses of local governments resulting from the conduct of the Tribe's gaming activities. We are writing to inform you that we have determined that it will no longer be necessary for either the Tribe or the State, when submitting a Class III gaming compact that contains a provision for payments of net revenues to local governments for impact costs, to also submit additional documentation to justify such payments. We will however, continue to review all compacts to ensure they are in regulatory and statutory compliance with IGRA.

Therefore, pursuant to delegated authority and Section 11 of IGRA, we approve the Compact. The Compact shall take effect when the notice of our approval, pursuant to Section 11 (d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)(B), is published in the FEDERAL REGISTER. We wish the Tribe and the State success in their economic venture.

Sincerely,

/sgd/ James McDivitt

Deputy Assistant Secretary - Indian Affairs
(Management)

Enclosure

Similar Letter Sent to: Honorable Murphy J. Foster, Jr.
Governor, State of Louisiana
Baton Rouge, Louisiana 70804

cc: Eastern Region Office w/copy of approved Compact
National Indian Gaming Commissioner w/copy of approved Compact
Louisiana US Attorney w/copy of approved Compact

EXTENSION OF THE TRIBAL-STATE COMPACT FOR THE CONDUCT OF CLASS III GAMING BETWEEN THE TUNICA-BILOXI INDIAN TRIBE OF LOUISIANA AND THE STATE OF LOUISIANA

WHEREAS: in 1988, the Congress of the United States of America enacted the Indian Gaming Regulatory Act, which provided a statutory basis for the operation and regulation of gaming by Indian Tribes; and

WHEREAS: pursuant to the Indian Gaming Regulatory Act, the Tribal-State Compact for the conduct of Class III Gaming Between the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana** was executed and signed by Chairman Earl J. Barbry, Sr. on September 23, 1992 (and as amended on November 6, 1992) and by Governor Edwin W. Edwards on September 8, 1992 (and as amended on November 4, 1992); and became effective upon publishing of approval by the Secretary of the Interior of the United States of America, in the *Federal Register* on November 18, 1992;

WHEREAS: in accordance with the relevant provisions of this Compact, the **State of Louisiana,** through Governor Murphy J. Foster, Jr., gave the **Tunica-Biloxi Indian Tribe of Louisiana** notice of non-renewal of the Compact on its present terms;

WHEREAS: the original compact was previously extended several times by the mutual agreement of the parties with the approval of the Secretary of the Interior, and was duly published in the *Federal Register;*

WHEREAS: on December 27, 2000, the Secretary of the Interior approved a seven year extension of the original compact submitted by both parties, but disapproved the renewal of section 12(c) of that original compact;

WHEREAS: without further action, the seven year compact extension approved by the Secretary of the Interior on December 27, 2000 will expire, under the terms of that extension, six months after that date because of the Secretary's disapproval of section 12(c);

WHEREAS: as provided for in the seven year extension approved on December 27, 2000, the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana** have negotiated in good faith to reach an agreement on section 12(c) which is mutually acceptable to each of them; and

WHEREAS: the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana** believe that it is in each of their best interests to extend the original compact, including the original section 12(c), until 5:00 o'clock P.M. Central Standard Time, on the 21st day of March, 2008, without any alteration or interruption in the terms of the Compact as originally agreed to by the parties, approved by the Secretary of the Interior, and published in the Federal Register;

NOW THEREFORE WE, the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana**, by virtue of the authority vested through the Constitution and laws of the United States of America and of the **State of Louisiana**, and of the laws and Resolutions of the Tribal Council of the **Tunica-Biloxi Indian Tribe of Louisiana,** and in order to preserve and protect the health, safety, and welfare of our people, do hereby extend the original and hereinabove described Tribal-State Compact for the conduct of Class III gaming, until 5:00 o'clock P.M. Central Standard Time, on the 21st day of March, 2008. This extension of the original compact specifically includes section 12(c) of that original compact as that section was originally written. This agreement is entered into solely for the purpose of extending the original compact, including section 12(c) of that original compact, for the time specified in this agreement. If the Secretary of the Interior disapproves any provision of the Compact or if any provision of the Compact is deemed to be invalid by the Secretary, by the Tribe, or by any court of competent jurisdiction, then the remaining provisions of the Compact shall continue in effect for a period of six months from the date that notice of such invalidity is given to the State and the Tribe. During that six month period, the Tribe and the State shall continue to negotiate in good faith to agree upon a revision of the provision which has been deemed invalid which is both agreeable to the parties and acceptable to the Secretary. If at the end of the six month period no such revision has been agreed upon, this Compact shall terminate. The Tribe and the State desire for this Compact to continue in effect exactly as if no notice of non-renewal had been given under the provisions of Section 15 (C) of the Compact.

IN WITNESS WHEREOF, as duly authorized representatives of the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana**, we have hereunto set our hands officially and caused to be affixed the Great Seals of the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana**.

TUNICA-BILOXI INDIAN TRIBE OF LOUISIANA

EARL J. BARBRY, SR.
TRIBAL CHAIRMAN
DATE: 03/23/01

STATE OF LOUISIANA

MURPHY J. FOSTER, JR.
GOVERNOR
DATE: March 22, 2001

UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR

JAMES H. MCDIVITT
DEPUTY ASSISTANT SECRETARY - INDIAN AFFAIRS (MANAGEMENT)
DATE: 3/30/01

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact extension.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact Extension Between the Tunica-Biloxi Tribe of Louisiana and the State of Louisiana, which was executed on March 23, 2001.

DATES: This action is effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: March 30, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–9800 Filed 4–19–01; 8:45 am]

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