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Vernon Hill, Chairman
Eastern Shoshone Business Council
P.O. Box 538
Fort Washakie, WY 82514

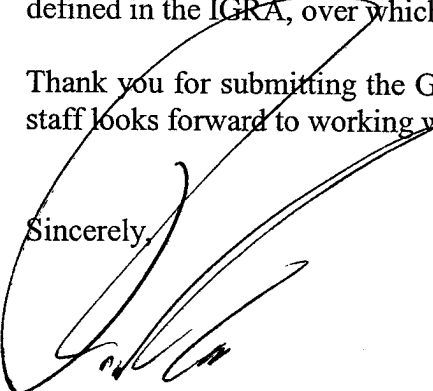
Re: Eastern Shoshone Tribe of the Wind River Reservation Tribal Gaming Code

Dear Chairman Hill:

This letter is in response to your request for the National Indian Gaming Commission (NIGC) to review and approve the Eastern Shoshone Tribe of the Wind River Reservation (Tribe) Gaming Code. The Code was received in this office on December 11, 2003. The Tribe adopted the Code by Resolution No. 2003-8708 on November 21, 2003. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). It is important to note that the Gaming Code is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe has jurisdiction.

Thank you for submitting the Gaming Code for review and approval. The NIGC staff looks forward to working with you and the Tribe on future gaming issues.

Sincerely,



Philip N. Hogen
Chairman



Eastern Shoshone Business Council
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**RESOLUTION
of the
SHOSHONE TRIBE
WIND RIVER INDIAN RESERVATION**

DEC 11 2003

RESOLUTION NO. 2003-8708

A RESOLUTION APPROVING THE EASTERN SHOSHONE TRIBE'S GAMING CODE.

WHEREAS, the Shoshone Business Council ("SBC") of the Eastern Shoshone Tribe ("Tribe") is the governing body duly authorized by the General Council to conduct business on behalf of the Tribe; and

WHEREAS, the Shoshone General Council established and adopted a Gaming Code for the Eastern Shoshone Tribe; and

WHEREAS, the Shoshone General Council, the supreme governing body of the Tribe, composed of enrolled members, 18 years and older, approved the Eastern Shoshone Tribe's Gaming Code in a General Council meeting on September 17, 2003 by the vote of two hundred forty-two (242) for and five (5) against; and

BE IT FINALLY RESOLVED, that the Chairman or Co-Chairman of the Shoshone Business Council are directed and authorized to execute any documents necessary to implement this resolution.

CERTIFICATION

I, THE UNDERSIGNED, of the Shoshone Business Council hereby certify that in a meeting of the Shoshone Business Council, which is composed of six (6) members, of whom four (4) members of the Shoshone Business Council, constituting a quorum, were present at a meeting duly and specially called, noticed, convened, and held this 21st day of November, 2003; that the foregoing resolution was adopted by the affirmative vote of four (4) members of the Shoshone Business Council, and that the said resolution has not been rescinded or amended in any way.

Done at Fort Washakie, Wyoming this 21st day of November, 2003


Vernon Hill, Chairman
Shoshone Business Council

Attest:


Barbara K. Mireau, Executive Secretary
Shoshone Business Council

EASTERN SHOSHONE TRIBE GAMING CODE

CHAPTER 1 GENERAL PROVISIONS

Section 1.01 Authority

The Business Council of the Eastern Shoshone Tribe is authorized under tribal law to promulgate tribal codes. This Gaming Code is enacted pursuant to the Tribe's inherent sovereign powers, tribal law, and the Indian Gaming Regulatory Act.

Section 1.02 Purpose

(a) The Business Council of the Eastern Shoshone Tribe of the Wind River Reservation hereby enacts this Gaming Code to:

- (1) Authorize, license, and regulate gaming activities within the jurisdiction of the Eastern Shoshone Tribe;
- (2) Promote tribal economic development;
- (3) Enhance employment opportunities for tribal members;
- (4) Strengthen the economy of the Wind River Indian Reservation;
- (5) Generate revenue for use in improving the health, education, and general welfare of Reservation residents; and
- (6) Establish a foundation for the educational and recreational needs of children.

Section 1.03 Ownership of Gaming

(a) Sole Proprietary Interest. The Tribe shall have the sole proprietary interest and responsibility for the conduct of any gaming activity on Indian lands, except as specified in paragraph (b) of this section.¹

(b) Individually Owned Gaming. The Tribe hereby authorizes individually owned gaming in accordance with 25 U.S.C. §2710(b)(4) and any regulations promulgated thereunder.²

Section 1.04 Authorized Gaming

(a) Class I Gaming. Class I gaming, as defined in the Indian Gaming Regulatory Act and any regulations promulgated thereunder, is hereby authorized.

(b) Class II Gaming. Class II gaming, as defined in the Indian Gaming Regulatory Act and any regulations promulgated thereunder, is hereby authorized.

(c) Class III Gaming. Class III gaming, as defined in the Indian Gaming Regulatory Act and any regulations promulgated thereunder, is hereby authorized, provided that any Class III Gaming shall be operated pursuant to an approved Tribal-State compact as required by the Indian Gaming Regulatory Act.

Section 1.05 Use of Gaming Revenue

(a) Use of Net Revenues. Net revenues from any form of gaming authorized by this Gaming Code shall be used only for the following purposes:

- (1) To fund tribal government operations or programs;
- (2) To provide for the general welfare of the Tribe and its members;
- (3) To promote tribal economic development;
- (4) To donate to charitable organizations; or
- (5) To help fund operations of local government agencies.³

(b) Per Capita Payments. If the Tribe elects to make per capita payments to its members, it shall authorize such payments only in accordance with a revenue allocation plan submitted to and approved by the Secretary of the Interior under 25 U.S.C. §2710(b)(3).

Section 1.06 Audit

(a) Independent Audit. An independent audit of all gaming operations shall be conducted on an annual basis. The results of such audit shall be submitted to the National Indian Gaming Commission.⁴

(b) Purchases in Excess of \$25,000. All gaming related contracts that result in purchases of supplies, services, or concessions in excess of \$25,000 in any year (except contracts for professional legal or accounting services) shall be specifically included within the independent audit.⁵

Section 1.07 Protection of the Environment and Public Health and Safety

All gaming facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the public health and safety.⁶

CHAPTER 2 DEFINITIONS

For purposes of this Gaming Code, the following terms shall have the following meanings.

(a) "Business Council" means the Business Council of the Eastern Shoshone Tribe of the Wind River Reservation.

(b) "Class I gaming" means Class I gaming as defined in 25 U.S.C. §2703(6), and any regulations promulgated thereunder.

(c) "Class II gaming" means Class II gaming as defined in 25 U.S.C. §2703(7), and any regulations promulgated thereunder.

(d) "Class III gaming" means Class III gaming as defined in 25 U.S.C. §2703(8), and any regulations promulgated thereunder.

(e) "Gaming Agency" means the Gaming Agency of the Eastern Shoshone Tribe of the Wind River Reservation established by this Gaming Code.

(f) "Gaming Code" means this Gaming Code of the Eastern Shoshone Tribe of the Wind River Reservation, including any amendments.

(g) "IGRA" means the Indian Gaming Regulatory Act, 25 U.S.C. §2701 *et seq.*

(h) "Indian lands" means:

- (1) All lands within the exterior boundary of the Wind River Reservation;
- (2) Any lands title to which is held in trust by the United States for the benefit of the Tribe or any individual, and over which the Tribe exercises governmental power; or
- (3) Any lands title to which is held by the Tribe or any individual subject to restriction by the United States against alienation, and over which the Tribe exercises governmental power.⁷

(i) "Key Employee" means:

- (1) A person who performs one or more of the following functions:
 - (i) Bingo caller;
 - (ii) Counting room supervisor;
 - (iii) Chief of security;

- (iv) Custodian of gaming supplies or cash;
- (v) Floor manager;
- (vi) Pit boss;
- (vii) Dealer;
- (viii) Croupier;
- (ix) Approver of credit; or
- (x) Custodian of gambling devices including persons with access to cash and accounting records within such devices.

(2) If not otherwise included, any other person whose total cash compensation is in excess of \$50,000 per year.

(3) If not otherwise included, the four most highly compensated persons in the gaming operation.⁸

(4) The Gaming Agency may designate any other employee or classes of employees as a Key Employee for licensing or any other purposes.

(j) "Net revenues" means net revenues as defined in 25 U.S.C. §2703(9), and any regulations promulgated thereunder.

(k) "NIGC" means the National Indian Gaming Commission.

(l) "Primary Management Official" means:

- (1) The person having management responsibility for a management contract;
- (2) Any person who has authority to hire and fire employees or to set up working policy for the gaming operation; or
- (3) The chief financial officer or other person who has financial management responsibility.⁹

(m) "Tribe" means the Eastern Shoshone Tribe of the Wind River Reservation.

**CHAPTER 3
EASTERN SHOSHONE GAMING AGENCY**

**Article 1
Organization**

Section 3.01 Establishment of the Eastern Shoshone Gaming Agency

The Eastern Shoshone Gaming Agency is hereby established for the purpose of regulating all gaming on Indian lands.

Section 3.02 Composition

The Eastern Shoshone Gaming Agency shall consist of three (3) Commissioners ("Commissioners") appointed by a majority of the Business Council, one of whom shall be designated to serve as the Chair. Commissioners of the Gaming Agency must be enrolled members of the Tribe, and shall be selected based upon their educational background, relevant experience, and integrity. Members of the Business Council may not simultaneously serve as Commissioners of the Gaming Agency.

Section 3.03 Terms of Office

The Commissioners of the Gaming Agency shall serve staggered three-year (3) terms of office. The initial Commissioners shall be appointed to terms as follows: the Chair shall serve an initial term of three (3) years; one Commissioner shall serve an initial term of two (2) years; and one Commissioner shall serve an initial term of one (1) year. Thereafter, all appointments to the Gaming Agency shall be three (3) years in length, or until successors are duly appointed and installed.

Section 3.04 Removal

Commissioners of the Gaming Agency may only be removed from office before the expiration of their term for neglect of duty, misconduct, malfeasance, or any acts that would render them unsuitable for the position. Such removal must be by a vote of four (4) or more Members of the Business Council.

