



April 9, 2012

By First Class Mail

Russell Attebery, Chairman
Karuk Tribe of California
64236 Second Avenue
Post Office Box 1016
Happy Camp, CA 96039

Re: Approval of Karuk Tribe of California ordinance amendment

Dear Chairman Attebery:

This letter responds to your request for the National Indian Gaming Commission to review and approve an amendment to the Karuk Tribe of California (Tribe) tribal gaming ordinance. The Second Amendment to the Karuk Tribal Gaming Ordinance was approved by Resolution No. 11-R-121 on October 14, 2011.

The amendment authorizes gaming on four parcels of land totally 200.2 acres known as the "Yreka Property" acquired by the Tribe on April 28, 1997 and accepted into trust on March 27, 2001. This amendment required the NIGC to conduct a legal analysis of the applicability of IGRA's restored lands for a restored tribe provision, 25 U.S.C. § 2719(b)(1)(B)(iii), in order to determine whether the Tribe is allowed to conduct gaming activities on the site.

The NIGC's Office of General Counsel (OGC) has provided me with a legal opinion, dated April 3, 2012, modifying an OGC legal advisory opinion, dated October 12, 2004. The April 3 legal opinion concludes that the Tribe was restored to Federal Recognition and that the Yreka Property qualifies as restored land. The Department of the Interior Solicitor reviewed the opinion and concurs in the legal analysis and conclusion. The record supports the opinion, and I adopt the analysis and conclusion provided herein. Therefore, the tribal gaming ordinance amendment is hereby approved.

If you have any questions, please feel free to contact Senior Attorney John Hay at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink that reads "Stevens".

Tracie L. Stevens
Chairwoman

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Karuk Tribe



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**RESOLUTION OF THE
KARUK TRIBE**

Resolution No: 11-R-121
Date Approved: October 14, 2011

A RESOLUTION TO ADOPT THE SECOND AMENDMENT TO THE KARUK TRIBAL GAMING ORDINANCE AND SUBMIT THE SAME TO THE NATIONAL INDIAN GAMING COMMISSION FOR REVIEW AND APPROVAL

WHEREAS; the Karuk Tribe is a Sovereign Aboriginal People, that have lived on their own land since long before the European influx of white men came to this continent; and

WHEREAS; the members of the Karuk Tribe have approved Article VI of the Constitution delegating to the Tribal Council the authority and responsibility to exercise by resolution or enactment of Tribal laws all the inherent sovereign powers vested in the Tribe as a Sovereign Aboriginal People, including negotiating and contracting with federal, state, Tribal and local governments, private agencies and consultants; and

WHEREAS; the members of the Karuk Tribe have approved Article VIII of the Constitution assigning duties to the Chair, Vice Chair, and Secretary/Treasurer including signing and executing all contracts and official documents pertaining to the Karuk Tribe; and

WHEREAS; the Karuk Tribe is a federally recognized Tribe and its Tribal Council is eligible to and is designated as an organization authorized to Contract pursuant to P.L. 93-638 on behalf of the Karuk Tribe; and

WHEREAS; the Tribal Executive Council adopted the Karuk Tribal Gaming Ordinance on May 4, 2003, to authorize, permit and otherwise regulate gaming on the Tribe's Indian lands; and

WHEREAS, in furtherance of the Tribe's primary goals and objectives and pursuant to the Section XVII of the Tribal Gaming Ordinance authorizing Amendments to the Ordinance, the Tribal Executive Council has decided to amend the Tribal Gaming Ordinance of May 4, 2003, to ensure that at least one potential gaming site is clearly and unequivocally identified for the purposes of securing a full and fair debate of such issues as may legitimately be raised and appropriate mitigation measures implemented in accordance with applicable state and federal authority; and

WHEREAS; that the Tribal Executive Council has developed the Second Amendment to the Karuk Tribal Gaming Ordinance in order to authorize, permit and otherwise regulate gaming on specific lands now held in trust by the United States for the benefit of the Tribe; and

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NOW, THEREFORE, BE IT RESOLVED, that the following First Amendment to the Karuk Tribal Gaming Ordinance is hereby adopted by amending Section III of the Karuk Tribal Gaming Ordinance to read as follows:

III. Gaming Authorized

Class II gaming as defined at 25 U.S.C. § 2703(7)(A), and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.3, and Class III gaming as defined at 25 U.S.C. § 2703(8), and by the regulations promulgated by the National Indian Gaming Commission at 25 C.F.R. § 502.4 (as published in the Federal Register at 57 FR 12382-12393, April 9, 1992) are hereby authorized to be conducted on "Indian Lands" as defined at 25 U.S.C. §§2703(4) and 2719, including the property identified as the "Yreka Property" in the letter dated October 12, 2004, to former Karuk tribal attorney Bradley G. Bledsoe Downes from the [former] Acting General Counsel of the National Indian Gaming Commission, Penny J. Coleman. This land consists of four parcels acquired by the Tribe on April 28, 1997, and accepted into trust on March 27, 2001. The total acreage of these four parcels is 200.2 acres and the prior owner of each is identified as "Holm" -- the four parcels contain, respectively, 20 acres, 60.2 acres, 100 acres and 20 acres, and they are located within the "Karuk Tribal Housing Authority Land" at Yreka, California. Three additional parcels were identified in the Coleman advisory opinion letter of October 12, 2004, but they will not be used for gaming. They were accepted into trust on March 27, 2001, and are described as follows: Bowers parcel of 0.77 acres, acquired by the Tribe on July 24, 1997; Bowers/Borg parcel of 0.87 acres, acquired by the Tribe on September 12, 1997; and, Bowers parcel of 0.86 acres, acquired by the Tribe on September 12, 1997.

BE IT FURTHER RESOLVED, that the Tribal Chairman is hereby further authorized to take such additional steps on behalf of the Tribe as may be required including execution of all documents necessary to implement this Resolution and the forwarding of this Ordinance to the National Indian Gaming Commission for regulatory review and approval.

BE IT FURTHER RESOLVED, that the language in the First Amendment to the Karuk Tribal Gaming Ordinance shall in no way be construed as a waiver of the Karuk Tribe's sovereign immunity.

BE IT FURTHER RESOLVED, that the Tribe's attorneys at the law firm of DICKINSON WRIGHT PLLC are directed to submit the First Amendment to the Tribal Gaming Ordinance to the National Indian Gaming Commission for review and approval.

THEREFORE BE IT FINALLY RESOLVED; that the Chairman of the National Indian Gaming Commission is hereby requested to review and approve the Second Amendment to the Karuk Tribal Gaming Ordinance hereby adopted.

CERTIFICATION

I, the Chairman, hereby certify the foregoing resolution 11-R-121 which was approved by phone vote on October 14, 2011, and was duly adopted by a vote of 8 AYES, 0 NOES, 0 ABSTAIN, and said resolution has not been rescinded or amended in any way. The Tribal Council is comprised of 9 members of which 8 voted.

Arch Super

Arch Super, Chairman

10/14/11

Date