



JUL ' 7 2000

Denny Hurtado, Chairman  
Skokomish Indian Tribe  
N. 80 Tribal Center Road  
Shelton, WA 98584

Dear Chairman Hurtado:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for the review and approval of the amendment to the Skokomish Indian Tribe's tribal gaming ordinance submitted on May 22, 2000. The amendment to the ordinance was adopted by the Tribe by Resolution No. 00-51 on May 18, 2000. The original Ordinance was approved by the Chairman of the NIGC on April 30, 1996. This letter constitutes approval of your amendment under the Indian Gaming Regulatory Act (IGRA).

Thank you for submitting the amendment to the Tribe's gaming ordinance. If you have questions or require further assistance, please contact Lillian Sparks or Todd Araujo at (202)632-7003.

Sincerely yours,

/s/

Montie R. Deer  
Chairman

# Skokomish Indian Tribe

Tribal Center (360) 426-4232

N. 80 Tribal Center Road

FAX: (360) 877-5943

Shelton, WA 98584

MAY 22 2000

## SKOKOMISH TRIBAL COUNCIL RESOLUTION NO. 00- 51

*A RESOLUTION AMENDING THE GAMING CODE OF THE SKOKOMISH INDIAN TRIBE OF WASHINGTON STATE TO PERMIT GAMING ACTIVITIES AND FACILITIES ON INDIAN LANDS IN CONFORMITY WITH THE PROVISIONS OF THE INDIAN GAMING REGULATORY ACT*

**WHEREAS**, the Skokomish Tribal Council is the governing body of the Skokomish Indian Tribe pursuant to the Constitution of the Skokomish Indian Tribe, approved by the Secretary of the Interior, March 17, 1980; and

**WHEREAS**, the Skokomish Indian Tribal Council recognizes the need to enhance and strengthen the development of the Tribe's human and natural resources, and encourages development of the Reservation, supporting community values and goals for achieving complete self-determination as a Nation; and

**WHEREAS**, on May 25, 1995, the Skokomish Indian Tribe and the State of Washington executed a Class III Gaming Compact pursuant to the Indian Gaming Regulatory Act of 1988, Pub.L.100-497, codified at 25 U.S.C. Section 2701 *et seq.* And 18 U.S.C. Section 1166-1168; and

**WHEREAS**, pursuant to Resolution No. 95-73 dated July 31, 1995, the Skokomish Tribal Council approved the Class III Gaming Compact, and such compact has been approved by the Secretary of the Interior and is in full force and effect; and

**WHEREAS**, on February 28, 1996, the Skokomish Tribal Council enacted the Gaming Code of the Skokomish Indian Tribe of Washington State, approved by the National Indian Gaming Commission on April 30, 1996; and

**WHEREAS**, the Indian Gaming Regulatory Act (IGRA), Public Law 100-497, 102 Stat. 2426, 25 U.S.C. §§ 2701-2721 (1988), as amended, governs the conduct of gaming on Indian lands; and

**WHEREAS**, 25 U.S.C. § 2710 authorizes Class II and Class III gaming activities on Indian lands and 25 U.S.C. § 2703(4) defines "Indian lands" as:

- (A) all lands within the limits of any Indian reservation; and
- (B) any lands title to which is either held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power; and

WHEREAS, 25 U.S.C. § 2719, provides that gaming shall not be conducted on lands taken into trust after October 17, 1988 unless (in pertinent part), "the lands are located within or contiguous to the boundaries of the reservation . . . on October 17, 1988"; "the lands are taken into trust as part of a settlement of a land claim"; or the Secretary of the Interior and the governor of the state, after consultation with the tribe and state and local officials concur in a determination "that a gaming establishment on newly acquired lands would be in the best interest" of the tribe and its members and "would not be detrimental to the surrounding community"; and

WHEREAS, § 14.2.220 of the Gaming Code defines "Indian lands" to mean:

- (1) land within the limits of an Indian Reservation; or
- (2) land over which an Indian tribe exercise governmental power and that is either:
  - (a) held in trust by the United State for the benefit of any Indian tribe or individual; or
  - (b) held by an Indian tribe or individual subject to restriction by the United States against alienation.

WHEREAS, § 14.5.070(1) of the Gaming Code unduly restricts the location of Tribal gaming facilities contrary to the provisions of IGRA to the following lands:

- (1) The proposed gaming activity or facility is to be located on land which was held in trust for the Tribe prior to October 17, 1988 or on trust lands which were located within or contiguous to the boundaries of the Reservation on October 17, 1988 or on lands taken into trust after October 17, 1988 as settlement of a claim.

NOW THEREFORE BE IT RESOLVED, the Skokomish Tribal Council hereby strikes the former provision and amends § 14.5.070(1) of the Gaming Code to read as follows:

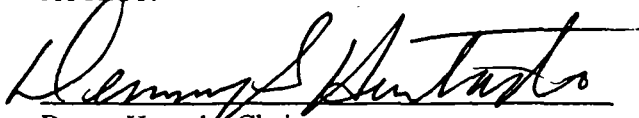
- (1) **The proposed gaming activity or facility is to be located on "Indian lands" as defined under § 14.2.220 of this Code and 25 U.S.C. § 2703(4), and shall be in compliance with 25 U.S.C. § 2719.**

BE IT FURTHER RESOLVED, that the Skokomish Tribal Council authorizes Debra Rosenbaum, Skokomish Tribal Manager, or her designee, and/or Richard Guest, Skokomish Tribal Attorney, or his designee, to sign any and all letters, reports, amendments or other documents necessary to the enactment and implementation of this amendment.

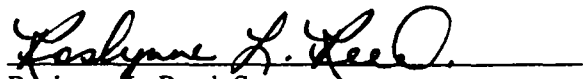
\*\*\*CERTIFICATION\*\*\*

I, Denny Hurtado, Chairman of the Skokomish Tribal Council, do hereby certify that the foregoing Resolution No. 00-51 was adopted at a regular meeting of the Skokomish Tribal Council held on May 18, 2000 at which a quorum was present by a vote of 4 FOR 0 AGAINST 0 ABSTAINING.

ATTEST:



Denny Hurtado, Chairman  
Skokomish Tribal Council



Roslyne L. Reed, Secretary  
Skokomish Tribal Council

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