

NATIONAL  
INDIAN  
GAMING  
COMMISSION

JAN 23 1998

Joseph Little  
General Counsel  
Pueblo of Pojoaque  
Route 11, 21-B  
Santa Fe, NM 87501

Dear Mr. Little:

This letter responds to your request to review and approve the proposed change to the Pueblo of Pojoaque's tribal gaming ordinance submitted by letter dated October 24, 1997. The change had the effect of assigning to the Pueblo of Pojoaque Gaming Commission the authority and responsibility to promulgate regulations for the regulation of the Pueblo's gaming operations and compliance with "the Act" (presumably the Indian Gaming Regulatory Act [IGRA] 25 U.S.C. § 2701 et seq) and the compact with New Mexico. The valid ordinance was approved by the Chairman of the National Indian Gaming Commission (NIGC) on June 13, 1994. The proposed change to the ordinance which you have submitted does not require approval by the NIGC because the document addresses issues not raised in the IGRA or the NIGC's regulations.

While I view with concern Rule 14 of the Pueblo Gaming Commission Rules and Regulations, providing for substantial payments to the State of New Mexico, those provisions are beyond the scope of the Chairman's statutory review. Under the IGRA and the regulations of the NIGC, the Chairman is directed to review ordinances and amendments with respect to the requirements of the IGRA and the implementing regulations. Thus, the scope of the Chairman's review and approval is limited to the requirements of the IGRA and the NIGC regulations. Provisions other than those required under the IGRA or the NIGC regulations that may be included in a tribal ordinance are not subject to review and approval. Similarly, given an approved tribal ordinance, implementing regulations would not be subject to any such review and approval.

Thank you for submitting the Pueblo of Pojoaque's proposed changes for review. If you have questions or require further assistance, please contact the NIGC at (202) 632-7003.

Sincerely yours,

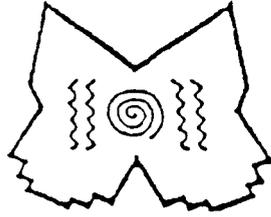


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SECRETARY  
Linda Sarmiento

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## PUEBLO OF POJOAQUE

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SANTA FE, NEW MEXICO 87501  
GOVERNOR'S OFFICE: (505) 455-3901

### PUEBLO OF POJOAQUE TRIBAL COUNCIL RESOLUTION 97-69

#### AMENDING THE PUEBLO OF POJOAQUE GAMING ORDINANCE TO COMPLY WITH THE TRIBAL STATE CLASS III GAMING COMPACT WITH THE STATE OF NEW MEXICO

WHEREAS, the Pueblo of Pojoaque and the State of New Mexico have entered into a Tribal-State Class III Gaming Compact and Revenue-Sharing Agreement, which Compact and Revenue-Sharing Agreement are expected to go into effect on or before September 29, 1997; and

WHEREAS, the Compact and Revenue-Sharing Agreement impose various requirements on the Tribe with respect to the operation and regulation of its Class III gaming activities; and

WHEREAS, the Pueblo of Pojoaque Tribal Council has previously adopted Ordinance 10-8-1, as amended (1994), by which it created the Pueblo of Pojoaque Gaming Commission, and empowered that Commission to oversee and regulate all gaming activity within Pojoaque lands, and specifically, among other things, empowered the Commission to promulgate regulations to govern the operation and management of any such gaming activity; and

WHEREAS, it is the opinion of the Tribal Council that the regulatory measures mandated by the compact recently entered into by and between the Tribe and the State of New Mexico should be imposed by the Pueblo of Pojoaque Gaming Commission, through its existing regulatory authority, and that such regulations would have the force of law within the Pueblo of Pojoaque; and

WHEREAS, it would be appropriate to amend Ordinance 10-8-1 so as to clarify the Commission's authority in this regard;

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Pueblo of Pojoaque, as follows:

1. Section 10-8-6 B. Powers and Duties of the Pueblo of Pojoaque Gaming Ordinance, as amended, is hereby amended by deleting the existing language of said Section 10-8-6 B (1), and inserting in lieu thereof the following:

10-8-6 B (1) The Pueblo of Pojoaque Gaming Commission shall promulgate any and all regulations it deems necessary or appropriate for the regulation of gaming activity within the Pueblo of Pojoaque, so as to fulfill the purposes of this Ordinance, and in particular shall promulgate any and all regulations necessary or appropriate to assure full compliance by the Pueblo and its gaming enterprise with any and all provisions of the Act and of the Compact that is in effect, and all such regulations properly promulgated by the Commission within the scope of its powers granted herein shall have the full force of law within the Pueblo of Pojoaque.

2. The Governor of the Pueblo and the Tribe's attorneys are hereby authorized and directed to see that this amendment is submitted to the National Gaming Commission for approval in accordance with the provisions of the Indian Gaming Regulatory Act.

### CERTIFICATION

The foregoing Resolution was duly adopted by the Pojoaque Pueblo Tribal Council, at a duly-called meeting on the 19 day of Sept. 1997, by the affirmative vote of 18 to 0.

By Jacob Viarrial  
Jacob Viarrial, Governor

By Linda S. Diaz  
Linda S. Diaz, Secretary