

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

Dated: January 14, 1999.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 99-1924 Filed 1-27-99; 8:45 am]

**BILLING CODE 4310-02-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of amendment to approved Tribal-State Compact.

**SUMMARY:** Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, 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 (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Amendment to the Tribal-State Compact for Class III Gaming between the Squaxin Island Tribe and the State of Washington, which was executed on November 25, 1998.

**DATES:** This action is effective January 28, 1999.

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

Dated: January 8, 1999.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 99-1932 Filed 1-27-99; 8:45 am]

**BILLING CODE 4310-02-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of amendment to approved Tribal-State Compact.

**SUMMARY:** Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, 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 (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the First Amendment to the Tribal-State Compact for Class III Gaming between the Suquamish Tribe and the State of Washington, which was executed on November 30, 1998.

**DATES:** This action is effective January 28, 1999.

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

Dated: January 14, 1999.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 99-1930 Filed 1-27-99; 8:45 am]

**BILLING CODE 4310-02-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of amendment to approved Tribal-State Compact.

**SUMMARY:** Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, 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 (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Third Amendment to the Tribal-State Compact for Class III Gaming between the Swinomish Indian Tribal Community and the State of Washington, which was executed on November 25, 1998.

**DATES:** This action is effective January 28, 1999.

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

Dated: January 14, 1999.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 99-1925 Filed 1-27-99; 8:45 am]

**BILLING CODE 4310-02-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of amendment to approved Tribal-State Compact.

**SUMMARY:** Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, 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 (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Fourth Amendment to the Tribal-State Compact for Class III Gaming between the Tulalip Tribes of Washington and the State of Washington, which was executed on November 25, 1998.

**DATES:** This action is effective January 28, 1999.

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

Dated: January 14, 1999.

**Kevin Gover,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 99-1928 Filed 1-27-99; 8:45 am]

**BILLING CODE 4310-02-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Indian Gaming

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of amendment to approved Tribal-State Compact.

**SUMMARY:** Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, 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 (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Third Amendment to the Tribal-State Compact for Class III Gaming between the Upper Skagit Tribe and the State of Washington, which was executed on November 25, 1998.

**DATES:** This action is effective January 28, 1999.



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

**JAN 14 1999**

Honorable Bennie J. Armstrong  
Tribal Chairman  
The Suquamish Tribe  
P.O. Box 498  
Suquamish, Washington 98394

Dear Chairman Armstrong:

On December 1, 1998, we received the First Amendment to the Tribal-State Compact for Class III Gaming between the Suquamish Tribe (Tribe) and the State of Washington (State), dated November 30, 1998 (Amendment). We have completed our review of this Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility. Therefore, pursuant to delegated authority and Section 11 of IGRA, we approve the Amendment. The Amendment 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 approve the enclosed Amendment in spite of the language in Section 14.2, which apparently requires the Tribe to make charitable donations. IGRA provides that no State shall impose any tax, fee, charge, or other assessment upon an Indian tribe engaged in class III gaming activities, unless said tax, fee, charge, or other assessment is necessary to defray the cost of regulating class III gaming activities. 25 U.S.C. § 2710(d)(3)(C)(iii) and (d)(4). We believe that the charitable donations provision does not violate IGRA for several reasons. First, it appears that the Tribe has voluntarily entered into the agreement to make charitable donations, which are permissible payments under IGRA. 25 U.S.C. § 2710(b)(2)(B)(iv). There is nothing in the record that indicates that the State has required the Tribe to agree to Section 14.2 as a condition for negotiation of this Amendment. Had the record indicated otherwise, we would have had serious questions about whether Section 14.2 constituted a tax, fee, charge or other assessment in violation of IGRA.

Second, the Tribe maintains considerable discretion as to the charities to which it will make donations. Although, Section 14.2 does not expressly state the methodology for determining the recipients of charitable donations, the Tribe's original compact provides that the Tribal gaming ordinance shall set forth the

regulations concerning the types of bonafide nonprofit organizations or types of projects of such organizations that will benefit from the Tribe's charitable donations. The Amendment appears to ensure that the Tribe has great latitude in determining the organizations to which it will contribute. This factor also weighs heavily in favor of concluding that the contributions are voluntary in nature.

Third, Section 14.4.2 of the Amendment provides that the Tribe does not have to make charitable donations if the Tribe does not realize a profit from class III gaming. Moreover, Section 14.2 establishes the charitable donation rate as .5 percent of the Tribe's net win. Taken together, these two provisions ensure that any charitable donations made in a given year will not threaten the viability of the Tribe's gaming establishment.

We wish the Tribe and the State success in their economic venture.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Jones". The signature is written in a cursive style with a large, sweeping initial "K".

Assistant Secretary - Indian Affairs

Enclosure

Identical Letter Sent to: Honorable Gary Locke  
Governor of Washington  
Olympia, Washington 98504

FIRST AMENDMENT TO THE TRIBAL/STATE COMPACT  
FOR CLASS III GAMING  
BETWEEN  
THE SUQUAMISH TRIBE  
AND THE STATE OF WASHINGTON

WHEREAS, on January 26, 1995, the State of Washington and the Suquamish Tribe executed a Class III Gaming Compact pursuant to the Indian Gaming Regulatory Act of 1988, P.L. 100-497, codified at 25 USC Section 2701 et seq. and 18 USC Section 1166-1168, and

WHEREAS, the Class III Gaming Compact executed by the State and the Tribe was approved by the Secretary of the Interior and is in full force and effect (hereinafter referred to as the "Compact"), and

WHEREAS, pursuant to negotiations conducted in accordance with the Order dated September 26, 1997 in State of Washington v. The Confederated Tribes of the Chehalis Reservation, et al., No. C-95-1805-FVS (W.D. Wa.), the State and Tribe have agreed to amend Section III. and to add Appendix X to the Compact to authorize the Tribal Lottery Systems as described in Appendix X.

NOW, THEREFORE, the Compact shall be and hereby is amended to read and state as follows:

1. Section III.A. is hereby amended by the addition of the following:

"III. NATURE, SIZE AND SCOPE OF CLASS III GAMING

"A. Scope of Class III Gaming Activities. A Tribal Gaming Operation may utilize in its Gaming Facility, subject to the provisions of this Compact, any or all of the following Class III activities:

"1. Blackjack;

" ...

"24. Tribal Lottery Systems. Notwithstanding anything in this Compact which could be construed to be to the contrary, Tribal Lottery Systems operated in conformity with Appendix X are hereby authorized."

2. Appendix X is added in the form attached hereto and is hereby incorporated by reference.

**IN WITNESS WHEREOF**, the Suquamish Tribe and the State of Washington have executed this amendment to the Compact.

SUQUAMISH TRIBE

BY: Bennie J. Armstrong  
Bennie J. Armstrong, Chairman

Dated: 11-30, 1998.

STATE OF WASHINGTON

BY: Gary Locke  
Gary Locke, Governor

Dated: 11-23, 1998.

Consistent with 25 U.S.C.A. Sec. 2710 (d)(8), the First Amendment to the Tribal-State Compact for Class III Gaming between the Suquamish Tribe and the State of Washington dated November 30, 1998, is hereby approved on this 14<sup>th</sup> day of January, 1999, by the Assistant Secretary - Indian Affairs, United States Department of the Interior.

**UNITED STATES DEPARTMENT OF THE INTERIOR**

Kevin Gover  
Kevin Gover  
Assistant Secretary - Indian Affairs