United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

APR 0 9 1998

Honorable gaiashkibos
Chairman, Lac Courte Oreilles
Tribal Governing Board
Route 2, Box 2700
Hayward, Wisconsin 54843

Dear Chairman gaiashkibos:

On February 27, 1998 we received the Amendments to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and the State of Wisconsin Gaming Compact of 1991 (Amendment), dated February 13, 1998. We have completed our review of the Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility. The payment to the State under the amendment appears to be reasonable compensation to preserve the exclusive (excepting other compacted facilities) right to conduct the forms of Class III gaming authorized by the Compact. Therefore, pursuant to Section 11(d)(8)(A) of IGRA, 25 U.S.C. §2710(d)(8)(A), and delegated authority in 209 DM 8.1, 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 wish the Tribe and the State success in their economic venture.

Sincerely,

Kevin Gover
Assistant Secretary - Indian Affairs

Enclosure

Identical letter sent to: Honorable Tommy G. Thompson
Governor of Wisconsin
State Capitol
Madison, Wisconsin 53707

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Amendment to 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 amendments to Tribal-State Compacts for the purpose of engaging in Class III (casino) gaming on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Amendments to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and the State of Wisconsin Gaming Compact of 1991, which was executed on February 13, 1998.

DATES: This action is effective April 20, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy J. Pierskalla, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: April 9, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–10261 Filed 4–17–98; 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 Approved Amendment to 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 amendments to Tribal-State Compacts for the purpose of engaging in Class III (casino) gaming on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Amendments to the Sokaogon Chippewa Community and the State of Wisconsin Gaming Compact of 1991, which was executed on February 20,1998.

DATES: This action is effective April 20, 1998.

FOR FURTHER INFORMATION CONTACT: Nancy J. Pierskalla, Acting Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4068.

Dated: April 9, 1998.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 98–10260 Filed 4–17–98; 8:45 am]

BILLING CODE 4310–02–P

AMENDMENTS TO THE LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS AND THE STATE OF WISCONSIN GAMING COMPACT OF 1991

This Agreement is entered into by and between the Lac Courte Oreilles Band of Lake Superior Chippewa Indians ("Tribe") and the State of Wisconsin ("State").

WHEREAS, Section XXX of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and the State of Wisconsin Gaming Compact of 1991 provides that it may be amended upon the written agreement of both parties; and Whereas both parties wish the Compact to continue and believe the amendments to the Compact contained herein serve the best interest of both the State and the Tribe,

The State and the Tribe do hereby agree to amend the Compact as set forth below:

1. The term of the Compact shall, pursuant to Section XXV.B, be renewed for a term of five (5) years, from August 16, 1998 to August 16, 2003, subject to further extensions as provided therein.

2. Section XXXII of the Compact entitled "PAYMENT TO THE STATE" is created as follows:

   A. The Tribe shall make an annual payment to the State for the period August 16, 1998 through August 16, 1999 in the amount of $420,000. Each twelve (12) month period beginning August 16, 1999 and ending on August 16, 2003 shall be considered a base year for purposes of this section. The Tribe shall make annual payments in the amount of $420,000 for each base year of the Compact extension, which payments shall be supplemented by the following amount:

      1. For every percentage increase in the net win at the Tribe's Class III gaming facilities, the Tribe shall pay to the State an additional $4,200. Net win shall mean the total amount wagered less winnings paid.
      2. The increases in net win shall be measured by comparing the net win at the Tribe's Class III gaming facilities in the base year for which the payment applies, with the net win at the Tribe's Class III gaming facilities in the immediately preceding base year. The amount shall be reported to the State by the Tribe within sixty (60) days of the close of the base year and shall be subject to verification by the State.

   B. In the event a change in State law is enacted to permit the operation of electronic games of chance, or other Class III games, as defined in and authorized by this Compact, by any person other than a federally recognized Tribe under the provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et. seq., or the State Lottery as

authorized by Ch. 565 Wis. Stats., the Tribe shall be relieved of its obligations to pay these amounts.

C. Method of Payment. The Tribe shall pay the first payment required by Subsection A on or before July 1, 1999, and each subsequent payment within 120 days of the end of the base year.

D. The parties may modify this obligation to pay pursuant to a subsequent agreement.

3. Section XXXIII of the Compact entitled "ADDITIONAL BENEFITS TO TRIBE" is created as follows:

Should the State and any other compacting Tribe within Wisconsin amend a current gaming compact or adopt a new gaming compact with terms that are more favorable to the compacting Tribe or to the State than are the terms of this Compact, upon request by Tribe the parties shall meet to negotiate the incorporation of substantially similar provisions into the Compact and, if applicable and agreeable to the parties, substantially similar provisions shall be incorporated into the Compact.

4. Section XXXIV of the Compact is created as follows:

The Tribe shall utilize in its Class III gaming operations minimum internal control standards at least as restrictive as those adopted by the National Indian Gaming Association. To effectively monitor the minimum internal control standards, the Tribe shall, upon demand by State, furnish State with slot accounting reports no later than on the following day. In the event any provision of the minimum internal controls conflicts with the provisions of this Compact, the terms of the Compact shall control.

5. Section XXXV of the Compact is created as follows:

A. In the event that the amendments contained herein are disapproved, in whole or in part, by the Secretary of the Interior, either party may serve on the other a demand for renegotiation of such portion of the Compact amendments of February 1998 as are impacted. The parties shall meet to negotiate revisions to address such objection as may be raised. If a mutually satisfactory solution is not achieved within thirty (30) days of the Secretary's action, either party may during the sixty (60) day period thereafter serve upon the other a notice of nonrenewal of compact. The Compact shall then expire 180 days after service of a notice of nonrenewal of compact pursuant to this section.

B. In the event that a court of competent jurisdiction holds any or all of the amendments to the Compact contained herein to be unenforceable or invalid within six (6) months of the execution of said amendments, either party may serve on the other a demand for renegotiation of such portion of the Compact amendments of February 1998 as are impacted. The parties shall meet to negotiate revisions to address such objection as may be raised. If a mutually satisfactory solution is not achieved within thirty (30)

days of the court's holding, either party may during the sixty (60) day period thereafter serve upon the other a notice of nonrenewal of compact. The Compact shall then expire 180 days after service of a notice of nonrenewal of compact pursuant to this section.

C. In the event that a court of competent jurisdiction holds any or all of the amendments to the Compact contained herein to be unenforceable or invalid later than six (6) months after the execution of these Compact amendments, the parties shall meet to negotiate terms to replace those affected by the decision of the court.

6. The Tribe, along with other American Indian Tribes in Wisconsin, have proposed the development of a plan for a multi-year revenue sharing agreement with the State whereby the Tribes cumulatively pay to the State an annual sum to be agreed on by the State with the Tribes for the establishment of an economic development fund to assist tribal governments that wish to develop non-gaming businesses, promote tourism within Wisconsin and pay local governments for services to tribal casinos. The State agrees to work with the Tribes on the development of this plan.

7. The Tribe, along with other American Indian Tribes in Wisconsin, have proposed the development of a plan for the creation of a revenue sharing system among the Tribes so that monies would be directed by the Tribes within Wisconsin having the greatest gaming revenues to the Tribes having the least gaming revenues. The State agrees to work with the Tribes on the development of this plan.

8. Nothing contained in these amendments shall infringe the right of the Tribe to commence an action in United States District Court pursuant to Section XXV.E.2, or otherwise affect rights granted to either party pursuant to Section XXV.E.

9. Section XXXVI of the Compact is created as follows:

By July 1, 1999 the Tribe shall have entered into written agreements with all units of local governments providing services to a Class III gaming facility of the Tribe, to reimburse those units of local governments for such services.

LAC COURTE OREILLES BAND OF
LAKE SUPERIOR CHIPPEWA INDIANS

By: Gaiashkibos
gaiashkibos
Chairman, Tribal Governing Board

Date Signed: 2-13-98

STATE OF WISCONSIN

By: Tommy G. Thompson
Tommy G. Thompson
Governor

Date Signed: February 13, 1998

Consistent with 25 U.S.C.A. Sec. 2710 (d)(8), the Amendments to the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and the State of Wisconsin Gaming Compact of 1991 dated February 13, 1998, is hereby approved on this 9th day of April, 1998, by the Assistant Secretary - Indian Affairs, United States Department of the Interior.

UNITED STATES DEPARTMENT OF THE INTERIOR

Kevin Gover
Assistant Secretary - Indian Affairs