DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Approved Tribal-State Compact Extension.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), 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 gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact Extension Between the Tunica-Biloxi Tribe of Louisiana and the State of Louisiana, which was executed on November 9, 2000.

DATES: This action is effective upon date of publication.

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

Dated: December 27, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–1262 Filed 1–16–01; 8:45 am]

BILLING CODE 4310–02–P

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

DEC 27 2000

Honorable Murphy J. Foster, Jr.
Governor
State of Louisiana
Baton Rouge, Louisiana 70804

Dear Governor Foster:

We have completed our review of the Tribal-State Compact Extension for the conduct of Class III Gaming between the Tunica-Biloxi Tribe of Louisiana (Tribe) and the State of Louisiana (State), executed on November 9, 2000. We are approving the Extension of the Compact, with the exception of Section 12(C) of the Compact. Section 12(C) provides that the "Tribe shall make quarterly financial contributions of six percent (6%) of the Tribe's net revenues from the conduct of Class III gaming to the local governmental authorities of Avoyelles Parish, Louisiana. These contributions shall be used to offset and defray the expenses of those local governmental authorities resulting from the conduct of Class III gaming."

In order for us to approve such a provision, the amount of payments must be based on either an accounting that establishes the local government's actual costs, or a reasonable estimate of the costs of the programs or services necessitated as a direct result of the Class III gaming activities under the Compact. The Compact does not include any information to enable us to determine that Section 12(C) is authorized under 25 U.S.C. §2710(d)(3)(C)(vii).

On December 19, 2000, we received a copy of an Impact Study Report dated October 2, 2000, prepared by all Avoyelles Parish official government entities. However, we do not believe that the information submitted adequately identifies impact costs associated with the operation of the Tribe's gaming facility, as requested in our December 1, 2000, letter. In the absence of an adequate justification for the 6% quarterly contributions, such payments to Avoyelles Parish may only be viewed as a tax, fee, charge, or other assessment that Congress has prohibited under 25 U.S.C. § 2710(d)(4). Our responsibility under the Indian Gaming Regulatory Act (IGRA) mandates disapproval of such a contribution.

The Extension makes it clear that if one provision of the compact violates IGRA, Federal law, or our trust responsibility, and therefore is disapproved, the remainder of the compact shall remain in effect. Therefore, notwithstanding our determination that Section 12(C) is unlawful, the remainder of the Compact remains lawful by its terms upon approval.

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

Sincerely,

Assistant Secretary - Indian Affairs

Enclosure

Similar Letter Sent to: Honorable Earl Barbry, Sr.
Chairman
Tunica-Biloxi Tribe of Louisiana
Marksville, Louisiana 71351

EXTENSION OF THE TRIBAL-STATE COMPACT FOR THE CONDUCT OF CLASS III GAMING BETWEEN THE TUNICA-BILOXI INDIAN TRIBE OF LOUISIANA AND THE STATE OF LOUISIANA

WHEREAS: in 1988, the Congress of the United States of America enacted the Indian Gaming Regulatory Act, which provided a statutory basis for the operation and regulation of gaming by Indian Tribes; and

WHEREAS: pursuant to the Indian Gaming Regulatory Act, the Tribal-State Compact for the conduct of Class III Gaming Between the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana** was executed and signed by Chairman Earl J. Barbry, Sr. on September 23, 1992 (and as amended on November 6, 1992) and by Governor Edwin W. Edwards on September 8, 1992 (and as amended on November 4, 1992); and became effective upon publishing of approval by the Secretary of the Interior of the United States of America, in the *Federal Register* on November 18, 1992;

WHEREAS: in accordance with the relevant provisions of this Compact, the **State of Louisiana,** through Governor Murphy J. Foster, Jr., gave the **Tunica-Biloxi Indian Tribe of Louisiana** notice of non-renewal of the Compact on its present terms;

WHEREAS: the original compact was previously extended several times, most recently until November 17, 2000, by the mutual agreement of the parties with the approval of the Secretary of the Interior, and was duly published in the *Federal Register;*

WHEREAS: the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana** desire to extend the existing and original Tribal-State Compact, which had previously been extended until November 17, 2000, which extension will expire at 5:00 p.m. on that date, for a period of an additional seven (7) years, without any alteration or interruption in the terms of the Compact as originally agreed to by the parties, approved by the Secretary of the Interior, and published in the Federal Register; and

WHEREAS: the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana,** having engaged in a number of negotiations directed at amending and extending the original Compact, now agree that it is in their mutual best interest to simply extend the original and existing Compact, without change, for an additional seven (7) year period;

NOW THEREFORE WE, the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana**, by virtue of the authority vested through the Constitution and laws of the United States of America and of the **State of Louisiana**, and of the laws and Resolutions of the Tribal Council of the **Tunica-Biloxi Indian**

Tribe of Louisiana, and in order to preserve and protect the health, safety, and welfare of our people, do hereby extend the existing, and hereinabove described Tribal-State Compact for the conduct of Class III gaming, until 5:00 o'clock P.M. Central Standard Time, on the 9th day of November, 2007. This agreement is entered into solely for the purpose of extending the existing compact, for the time specified in this agreement. If the Secretary of the Interior disapproves any provision of the Compact or if any provision of the Compact is deemed to be invalid by the Secretary, by the Tribe, or by any court of competent jurisdiction, then the remaining provisions of the Compact shall continue in effect for a period of six months from the date that notice of such invalidity is given to the State and the Tribe. During that six month period, the Tribe and the State shall continue to negotiate in good faith to agree upon a revision of the provision which has been deemed invalid which is both agreeable to the parties and acceptable to the Secretary. If at the end of the six month period no such revision has been agreed upon, this Compact shall terminate. The Tribe and the State desire for this Compact to continue in effect exactly as if no notice of non-renewal had been given under the provisions of Section 15 (C) of the Compact.

IN WITNESSS WHEREOF, as duly authorized representatives of the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana**, we have hereunto set our hands officially and caused to be affixed the Great Seals of the **Tunica-Biloxi Indian Tribe of Louisiana** and the **State of Louisiana**.

TUNICA-BILOXI INDIAN TRIBE OF LOUISIANA

Earl J Barbry Sr.

EARL J. BARBRY, SR.
TRIBAL CHAIRMAN

DATE: 11/9/00

STATE OF LOUISIANA

MURPHY J. FOSTER, JR.
GOVERNOR

DATE: 11/9/00

UNITED STATES OF AMERICA

Kevin Gover

KEVIN GOVER
ASSISTANT SECRETARY-INDIAN AFFAIRS

DATE: DEC 27 2000