



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUN 20 2001

Honorable Olney Patt, Jr.
Chairman
Confederated Tribes of the Warm Springs
Reservation of Oregon
1233 Veterans Street
Warm Springs, Oregon 97761

Dear Chairman Patt:

On May 7, 2001, we received [REDACTED] to the Tribal-State Gaming Compact for Regulation of Class III Gaming between the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe) and the State of Oregon (State), dated May 4, 2001. 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 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 continued success in their economic venture.

Sincerely,

/s/ James McDivitt

James H. McDivitt
Deputy Assistant Secretary - Indian Affairs
(Management)

Enclosure

Similar Letter Sent to: Honorable John Kitzhaber
Governor of Oregon
Salem, Oregon 97310

CONFIDENTIAL

**TRIBAL STATE COMPACT FOR REGULATION OF
CLASS III GAMING BETWEEN THE
CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION
OF OREGON AND THE STATE OF OREGON**

AMENDMENT IX

This amendment is made to the Class III Gaming Compact between the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribes) and the State of Oregon (the State) executed on January 6, 1995, and approved by the Secretary of the Interior on March 6, 1995. The terms of this amendment are in addition to and, except as specifically provided herein, do not supersede any of the provisions of the original compact, or Amendments 1, 11, 111, IV, V, VI, VII and VIII thereto.

WHEREAS, the Tribes wish to extend the terms of Amendment VIII to the Compact which provide for regulation of house banked blackjack at the gaming facility, and

WHEREAS, the State agrees that the circumstances justify this Amendment, and

NOW THEREFORE, the Tribes and the State hereby approve the following amendment to the Compact:

I. Section I of Amendment VIII is amended as follows:

Paragraph IV of Amendment I expires on ~~May 1, 2001~~ **December 31, 2001**. Unless an extension of this amendment or a permanent amendment governing the operation of house-banked blackjack has been negotiated and executed before the expiration of this amendment, the Tribes agree to terminate blackjack games at the gaming facility until a new agreement has been negotiated and executed. In the event that a compact amendment is under negotiation, the Tribes may replace blackjack tables with video lottery terminals at the ratio of eight terminals per blackjack table.

II. This amendment is effective as an extension under Paragraph IX of Amendment 11 and Paragraph VI of Amendment I Subsection G of Section 4 of the Compact, upon execution by the State and the Tribes, and submission to the Secretary of the Interior. It is the intent of both the State and the Tribes that this Amendment be fully enforceable as between the parties to it from and after the date it is executed and submitted to the Secretary of the Interior.

III. Section 7A4a is amended as follows:

4. a. The Tribes shall forward the applicant information to the State, along with the State required portion of the application fee as described in subsection C of this Section. The Oregon State Police shall conduct a background investigation on all prospective Primary Management Officials and High Security Employees, and provide a written report to the Tribal Gaming Commission within a reasonable period of time, but in no event shall such background checks exceed ~~thirty (30)~~ **sixty (60)** days without notice to and consent of the Tribes. **Upon agreement of the Oregon State Police and the Tribal Gaming Commission, the Tribal Gaming Commission may perform the background investigations. In the event that the Tribal Gaming Commission conducts a background investigation, it shall submit the completed report to the Oregon State Police within sixty (60)**

days, including the investigative report, criminal history report, credit report, one photograph, and available relevant tribal court records.

IV. Section 9132 is amended as follows:

2. **Access to Records.** The State is authorized hereby to review and copy, during normal business hours, and upon reasonable notice, all records maintained by the Tribal gaming operation; provided, that any copy thereof and any information derived therefrom, shall be deemed confidential and proprietary financial information of the Tribes to the extent provided under ORS 192.410 TO 192.505. Any records or copies removed from the premises shall be returned to the Tribes after use. Only the State employee(s) formally designated by the State, and approved by the Tribes, shall be authorized to access Tribal gaming records pursuant to this subsection. Nothing in this subsection precludes the State or the Tribes from disclosing information subject to the Rules of Civil Procedure or Evidence in connection with litigation, a prosecution or a criminal investigation.
 - (a) The Tribe and the State agree that the Oregon State Police shall be permitted and allowed to inspect and copy, during normal business hours, and upon reasonable notice, any and all Tribal records pertaining to the operation, management, or regulation of Class III Gaming by the Tribe, including but not limited to all Tribal Gaming Commission reports related to Class III gaming, all Class III related gaming contracts and documents related to employee or contractor license applications and background investigations, whether those records are prepared or maintained by the Tribe, the Tribal Gaming Commission or the Tribal Gaming Operation.
 - (b) The Oregon State Police shall return to the Tribes copies of tribal documents related to background investigations within 60 days of obtaining the copies. The Oregon State Police shall be entitled to retain copies of the following: the Tribal Gaming Commission investigative report, a photograph of the applicant, and information release forms. The Oregon State Police will not retain records of information regarding applicants developed by the Tribal Gaming Commission solely from tribal records which are not accessible in any other manner.
 - (c) The State acknowledges that records created and maintained by the Tribe, the Tribal Gaming Commission or the Tribal Gaming Operation, including Tribal arrest and conviction records of applicants for a gaming license, belong to the Tribe and are not otherwise subject to disclosure by the Tribe. The Tribe agrees that, in order to facilitate the State in carrying out its Statewide oversight functions, it shall require applicants for a Tribal gaming license to specifically agree and consent to disclosure of all Tribal records to the State.”
 - (d) The Tribe acknowledges that any records created or maintained by the State, including any records created or maintained in connection with the performance of the State's duties and functions under this Compact, other than copies of records obtained by the Oregon State Police in accordance with the foregoing sections, belong to the State and may be subject to the

State Public Records Law, ORS 192.410 to 192.505. Information about the Tribe's Class III gaming activities, whether obtained from the Tribe or from any other source, that is included in a document prepared, owned, used or retained by the State in connection with its duties and functions under this Compact may be subject to disclosure under ORS 192.410 to 192.505 unless the State would be permitted to withhold that information from disclosure under ORS 192.410 to 192.505.

Examples of the kind of information that may be withheld from disclosure by the State under appropriate circumstances include:

- (1) "Trade secrets" as defined in ORS 192.501(2);**
- (2) Investigatory information compiled for criminal law purposes as described in ORS 192.501(3);**
- (3) Information submitted in confidence, as provided in ORS 192.502(3);**
- (4) Any information the disclosure of which is specifically prohibited by state or federal law.**

The parties agree that any dispute as to the State's disclosure of documents to third parties is governed by ORS 192.410 to 192.505.

- (e) Applications submitted to and retained by the Oregon State Police for Class III gaming licenses are State records and may be subject to disclosure under ORS 192.410 to 192.505 unless the State would be permitted to withhold that information from disclosure under ORS 192.410 to 192.505.**
- (f) The Tribe has agreed to allow the Oregon State Police access to sensitive financial, security and surveillance information that the Tribe considers confidential. The State acknowledges that the Tribe has voluntarily given the State access to this information and that the Tribe would not otherwise be required by law to do so. The State acknowledges that this information should be considered confidential. To the extent such information is included in any State records that are subject to disclosure, the State hereby obliges itself not to disclose this information when the public interest, including the public interest in maintaining the honesty, integrity, fairness and security of the Tribe's Class III gaming activities, would suffer by such disclosure.**
- (g) The State agrees to notify the Tribe promptly of any request for disclosure of documents containing information about the Tribe's Class III gaming activities. If the State is required to release any documents that contain information about the Tribe's Class III gaming activities, the State will notify the Tribe at least five (5) working days before any disclosure is made.**

(h) Nothing in this subsection precludes the State or the Tribe from disclosing information pursuant to state, tribal or federal rules of civil procedure or evidence in connection with litigation, a prosecution or a criminal investigation.

EXECUTED as of the date and year below.

STATE OF OREGON

John A. Kitzhaber, M.D., Governor

Date: _____

CONFEDERATED TRIBES OF THE
WARM SPRINGS RESERVATION OF
REGO

Olney Patt, Jr.
Olney Patt, Jr., Chairman
Warm Springs Tribal Council

Date: May 4, _____

APPROVED BY THE SECRETARY OF THE INTERIOR

By: James H. McDermott
DEPUTY ASSISTANT SECRETARY - INDIAN AFFAIRS
(MANAGEMENT)

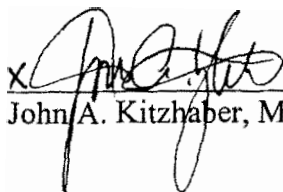
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(h) Nothing in this subsection precludes the State or the Tribe from disclosing information pursuant to state, tribal or federal rules of civil procedure or evidence in connection with litigation, a prosecution or a criminal investigation.

EXECUTED as of the date and year

below. STATE OF OREGON

CONFEDERATED TRIBES OF
THE WARM SPRINGS
RESERVATION OF OREGON



John A. Kitzhaber, M.D., Governor

Olney Patt, Jr., Chairman
Warm Springs Tribal Council

Date: 5/4/2001

Date: _____

APPROVED BY THE SECRETARY OF THE INTERIOR

By: _____

Date: _____