



APR 1 2009

Via Facsimile and First Class Mail

Lana Page, Esq.
Confederated Salish and Kootenai Tribes of the Flathead Reservation
P.O. Box 278
Pablo, MT 59855
FAX: 406-675-4665

RE: Gaming ordinance amendment of the Confederated Salish and
Kootenai Tribes of the Flathead Reservation.

Dear Ms. Page:

This letter responds to your request on behalf of the Confederated Salish and Kootenai Tribes of the Flathead Reservation (Tribes) for review and approval of three amendments to the Tribes' gaming ordinance. The amendments to the gaming ordinance were adopted by the Tribal Council on October 5, 2004; April 13, 2006; and October 19, 2006, via Amendment Nos. 6, 7, and 8, respectively.

The amendments relate to the ownership, licensure, and audit responsibilities of gaming operations. Amendment No. 6 provides that the Tribal Government shall be the exclusive operator of Class II gaming. Despite the Tribes' exclusivity in Class II gaming, the compact with Montana was in place at the time the amendments were passed, and prior to its expiration, the Tribes did allow individual licensees to own Class III gaming. Amendment Nos. 7 and 8 refer to those Class III licensees. Amendment No. 7 prohibits tribal members, whether individually or in partnership, from obtaining a gaming facility license. Amendment No. 8 requires each licensed facility to pay its share of the annual audit.

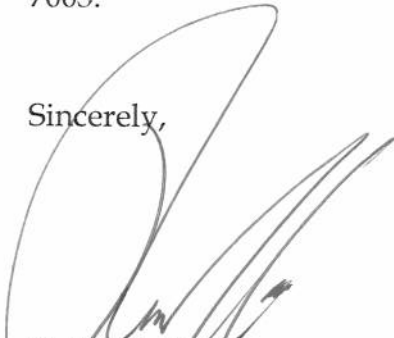
This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the referenced amendments as they are consistent with IGRA and this agency's regulations.

I must note that the amendments were adopted several years ago, and submitted for NIGC approval on March 18, 2009. This is in contravention of the

NIGC's implementing regulations, which require a tribe to submit amendments for the Chairman's approval within 15 days after adoption. 25 C.F.R. § 522.3(a). Please be mindful of this requirement when submitting future amendments.

Thank you for submitting the amendment for review and approval. If you have any questions, please contact Staff Attorney Jennifer Ward at (202) 632-7003.

Sincerely,



Philip N. Hogen
Chairman

ORIGINAL

Ordinance 92D
Amendment 8

**ORDINANCE
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, MONTANA**

MAR 18 2009

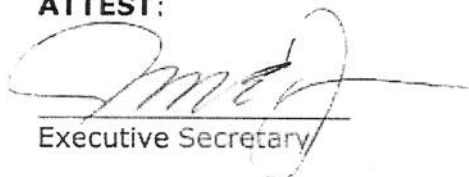
BE IT ENACTED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT AMENDMENT NUMBER EIGHT SHALL AMEND ORDINANCE 92D AS FOLLOWS:

- Section 6.01 Gaming License Required. Shall be amended to include the new subsection (a) which is stated below and the previously numbered subsection (a) shall become (b) and the previously numbered section (b) shall become (c).
- (a) No license may be issued to an enrolled member of the Salish and Kootenai Tribes, individually or doing business under a fictitious business name, or to a partnership in which one or more of the partners is a tribal member; provided, however, licenses may be issued to corporations duly established and limited liability companies duly established under tribal or state law. Such corporations or limited liability companies may be owned by one or more enrolled members of the Confederated Salish and Kootenai Tribes.

CERTIFICATION

The foregoing Amendment 8 to Ordinance 92D was adopted by the Tribal Council on October 19, 2006, with a vote of 9 for; 0 opposed; and 0 not voting, pursuant to authority vested in it by Article VI, Section 1 (i), (n) and (u) of the Tribes' Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

ATTEST:


Executive Secretary


Chairman, Tribal Council

ORIGINAL

ORDINANCE 92-D
AMENDMENT 6

ORDINANCE
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, MONTANA

MAR 18 2005

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH
AND KOOTENAI TRIBES THAT AMENDMENT NUMBER SIX SHALL AMEND
ORDINANCE 92-D AS FOLLOWS:

Section 5.01, Licensing and Regulation of Non-Tribal Gaming, is renamed to Licensing
and Regulation; Section 5.01 (3) will remain and be renumbered to Section 5.01 (2); and
Section 5.01 (1) and (2) are rescinded in their entirety and replaced with the following:

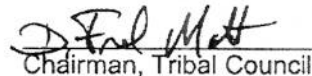
- (1) Class II gaming shall be exclusively operated by Tribal Government owned gaming facilities pursuant to the rules and regulations to be adopted by the Tribal Gaming Commission.

CERTIFICATION

The foregoing Amendment 6 to Ordinance 92-D was adopted by the Tribal Council on October 5, 2004, with a vote of 10 for; 0 opposed; and 0 not voting, pursuant to authority vested in it by Article VI, Section 1 (i), (n) and (u) of the Tribes' Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

ATTEST:


Executive Secretary


Chairman, Tribal Council

ORIGINAL

Ordinance 92D
Amendment No. 7

ORDINANCE
OF THE GOVERNING BODY OF
THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, MONTANA

MAR 18 2009
MAR 18 20

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT AMENDMENT NUMBER SEVEN SHALL AMEND ORDINANCE 92D AND AMENDMENT ONE AS FOLLOWS:

Replace Section 10.03(c). Added Subsection:

Each and every person, place, facility or entity, having been issued a Class II or Class III gaming license, shall pursuant to the time lines and rules promulgated by the Commission, conduct and pay for the audits of their own gaming operations. Any corrective actions or fines resulting from such audits shall be paid for or corrected by the gaming licensee.

with the following:

Section 10.03(c). Added Subsection:

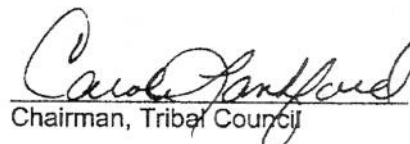
Each and every person, place, facility or entity, having been issued a Class II or Class III gaming license, shall, pursuant to the time lines and rules promulgated by the Gaming Commission, pay their share of the annual audit. Cost of the audit will be distributed on an equitable basis among all licensed facilities based on the following formula:
(Revenue received by each facility divided by the Total Revenue collected for all facilities = Percent of revenue per facility multiplied by the Cost of Audit). The Gaming Commission will hire an independent auditing firm to conduct the annual audit.

CERTIFICATION

The foregoing Amendment 7 to Ordinance 92D was adopted by the Tribal Council on April 13, 2006, with a vote of 7 for; 0 opposed; and 0 not voting, pursuant to authority vested in it by Article VI, Section 1 (l), (n) and (u) of the Tribes' Constitution and Bylaws; said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

ATTEST:


Executive Secretary


Chairman, Tribal Council