

FEB 8 2007



VIA FACSIMILE & REGULAR MAIL

Dennis Ramirez  
Chairman  
Mechoopda Indian Tribe of Chico Rancheria  
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RE: Gaming Ordinance Amendment of the Mechoopda Indian Tribe of Chico Rancheria

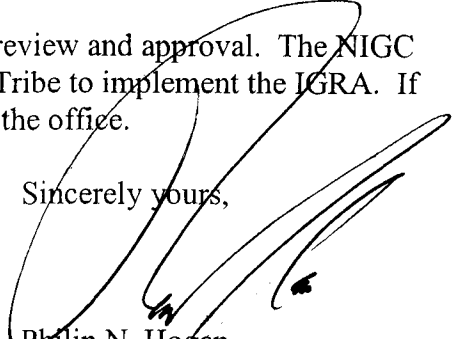
Dear Chairman Ramirez and Mr. Anderson:

This letter responds to Mr. Anderson's request to the National Indian Gaming Commission (NIGC) on behalf of the Mechoopda Indian Tribe of Chico Rancheria to review and approve the Tribe's newly enacted amendment to their gaming ordinance. The amendment to the gaming ordinance was adopted by the Tribal Council via Resolution No. 06-62 on December 20, 2006.

This letter constitutes approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, of the enclosed amendment to the Tribe's gaming ordinance. As you know, approval does not constitute approval of specific games. Furthermore, the approved ordinance, and the newly approved amendment, is approved only for gaming on Indian Lands as defined under the IGRA; lands over which the Tribe possesses jurisdiction and exercises governmental power. Furthermore, I wish to draw your attention to Title II § 16.1.1 of the Tribe's amendment to the gaming ordinance. This section incorrectly references 25 C.F.R. § 572.5. This section should instead reference 25 C.F.R. § 575.5. Finally, please also note that the original ordinance, as approved by this office on December 3, 2001, refers to a Class III Gaming Compact with the State of California in Title I § 1.1.7 and 1.3.5. This office is aware that no such compact currently exists. Please bear in mind that no class III gaming may occur within your facilities until a compact is signed and approved by the Secretary of the Interior.

Thank you for submitting the amendment for review and approval. The NIGC staff and I look forward to working with you and the Tribe to implement the IGRA. If you need further assistance, do not hesitate to contact the office.

Sincerely yours,



Philip N. Hogen  
Chairman

THE MECHOOPDA INDIAN TRIBE OF CHICO RANCHERIA, CALIFORNIA

RESOLUTION 06-62

**Subject:** **A Resolution to Amend Title II of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001, and to Submit Same to the National Indian Gaming Commission for Review and Approval**

**WHEREAS**, the Mechoopda Indian Tribe of Chico Rancheria is a sovereign federally recognized Tribe as established pursuant to the Constitution of the Mechoopda Indian Tribe, approved by the Secretarial Election on February 1, 1988; and

**WHEREAS**, the Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria is the governing body of the Tribe pursuant to Article IV of the Tribal Constitution; and

**WHEREAS**, the Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria is authorized by Article VIII, Section 3(a) of the Tribal Constitution to promulgate and adopt ordinances for the Tribe; and

**WHEREAS**, We, the duly elected Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria, are entrusted with preserving the cultural values and promoting the general welfare of the Mechoopda Indian Tribe; and

**WHEREAS**, the protection, safety, and welfare of all persons, which includes, but is not limited to, promoting educational, economic and employment opportunities and preserving the cultural and natural resources of the Mechoopda Indian Tribe, are primary goals and objectives of the Tribal Council; and

**WHEREAS**, in furtherance of its primary goals and objectives, the Tribal Council has determined to amend Title II of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001, entitled "Regulation of the Environment for Class III Gaming," to ensure that mitigation measures as may be set forth in an approved FONSI are implemented in compliance with applicable authority;

**NOW THEREFORE, BE IT RESOLVED**, that Section 2, "Definitions," of Title II of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001 is amended to add:

- 2.1 "Applicable Mitigations" means those mitigation measures described in an Applicable FONSI or EA.*
- 2.2 "Applicable FONSI or EA" means a FONSI or EA prepared by the Tribe and submitted to and approved by the Secretary of the Department of Interior. Secretary of the Department of Interior. In the event the National Indian Gaming Commission ("NIGC") determines that an Environmental Impact Statement*

*("EIS") is warranted and a Record of Decision ("ROD") is therefore prepared rather than a FONSI, each reference to FONSI in this Ordinance shall be read to include ROD."; and*

**BE IT FURTHER RESOLVED**, that all other sub-sections in Section 2, "Definitions," of Title II of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001 are re-numbered accordingly; and

**BE IT FURTHER RESOLVED**, that Title II of the Mechoopda Indian Tribe of Chico Rancheria Gaming Ordinance of 2001 is further amended to insert the following section after current Section 15, "Notice of Determination":

***"SECTION 16. ENFORCEMENT AND COMPLIANCE***

*16.1 The Tribal Council shall insure compliance with the mitigation measures and conditions set forth in the Finding of No Significant Impact and the Revised Environmental Assessment related to the Trust Acquisition on behalf of the Tribe of two parcels in Butte County, California totaling 630-acres (the "Proposed Parcel") as well as the Finding of No Significant Impact related to the approval of a management contract by the National Indian Gaming Commission.*

*16.1.1 This Section sets forth a process to ensure compliance with environmental conditions and approvals. The Tribe acknowledges the NIGC enforcement power regarding compliance with the Finding of No Significant Impact related to the approval of a management contract. The NIGC approves tribal gaming ordinances, including this title and has the ability to enforce provisions set forth in this title pursuant to 25 C.F.R. 572.5 and 573.1 (Part 573) as well as has the authority to monitor any mitigation measures for compliance with the Finding of No Significant Impact under 40 C.F.R. 1505.3.*

*16.1.2 If the National Indian Gaming Commission notifies the Tribal Council that it believes a condition or mitigation measure as set forth in the Environmental Assessment related to the Trust Acquisition of the Proposed Parcel as well as the Finding of No Significant Impact related to the approval of a management contract by the National Indian Gaming Commission is not in compliance, then the Tribal Council shall investigate the matter and provide a response within 45 days and clearly state how the violation will be remedied and the timeframe in which it must be remedied.*

*16.1.3 If any local, state, or federal government authority other than the National Indian Gaming Commission believes a condition or mitigation measure as set forth in the Environmental Assessment related to the Trust Acquisition of the Proposed Parcel as well as the Finding of No Significant Impact related to the approval of a management contract by the National Indian Gaming Commission is not in compliance, such authority may file a petition for review with the Tribal Council.*

- 16.1.4 *The Tribal Council shall investigate the matter and provide a response to the petitioner within 45 days. A copy of the response shall be provided to the National Indian Gaming Commission.*
- 16.1.5 *The response shall set forth the determination as to whether a condition or mitigation measures is in violation of the Finding of No Significant Impact and the Environmental Assessment related to the Trust Acquisition of the Proposed Parcel or the Finding of No Significant Impact related to the approval of a management contract by the National Indian Gaming Commission. If a violation exists the Tribal Council shall clearly state how the violation will be remedied and the timeframe in which it must be remedied.*
- 16.1.6 *If the petitioner is not satisfied with the Tribe's response, it may seek redress through the NIGC. If the NIGC concurs with petitioner's claim that a violation has occurred, the Tribal Council will provide to the NIGC a report detailing how the violation will be remedied and the timeframe in which it must be remedied within 15 days of receiving notice from the NIGC.*
- 16.2. *Annual Mitigation Report. No later than January 31<sup>st</sup> of each calendar year the Tribe shall prepare a report on the status and implementation of all required mitigation measures as set forth in an Applicable FONSI or EA as of the close of the preceding calendar year (the "Reporting Period").*
- 16.2.1 *The Annual Mitigation Report shall set forth the following information:*
- (a) a list of Applicable Mitigations fully implemented in the Reporting Period;*
  - (b) a list of Applicable Mitigations partially but not fully implemented during the Reporting Period;*
  - (c) a list of Applicable Mitigations that remain to be implemented, including a description and timetable for their implementation.*
- 16.2.2 *A copy of the Annual Mitigation Report shall be filed with the office of the NEPA compliance officer of the NIGC by January 31<sup>st</sup> of each year."; and*

**BE IT FURTHER RESOLVED**, that the Tribal Chairperson is hereby authorized to execute all documents necessary to implement this Resolution; and

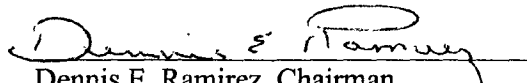
**BE IT FURTHER RESOLVED**, that the language in the Mechoopda Indian Tribe of Chico Rancheria Tribal Gaming Ordinance, including all Titles, shall in no way be construed as a waiver of the Mechoopda Indian Tribe's sovereign immunity; and

**BE IT FURTHER RESOLVED**, that the Tribe's attorneys, Monteau & Peebles, LLP, are directed to submit the amended Tribal Gaming Ordinance to the National Indian Gaming Commission for approval.

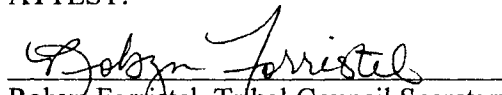
**C E R T I F I C A T I O N**

**This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Mechoopda Indian Tribe of Chico Rancheria, duly called on the 20th day of December, 2006, and was adopted by a vote of 4 for, 0 against, and 0 abstentions. A quorum of 5 was present.**

Dated this 20th day of December, 2006

  
Dennis E. Ramirez, Chairman  
Mechoopda Indian Tribe of Chico Rancheria

ATTEST:

  
Robyn Forristel, Tribal Council Secretary  
Mechoopda Indian Tribe of Chico Rancheria