



September 20, 2004

Ms. Laura Razo, Assistant Attorney General
Pasqua Yaqui Tribe of Arizona
Office of the Tribal Attorney
4725 W. Calle Tetakusim, Bldg. B
Tucson AZ 85746

Re: Approval of amendment to Title 6, Gaming Ordinance, miscellaneous amendments

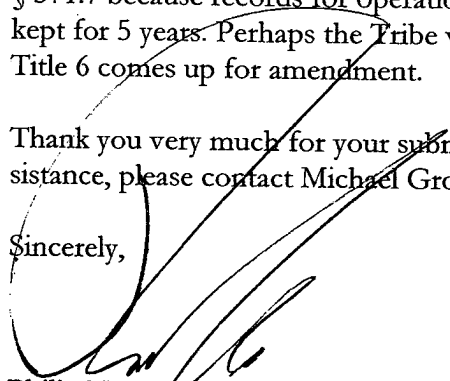
Dear Ms. Razo:

This is in response to your June 24, 2004, letter seeking review and approval of the amendments to the Pasqua Yaqui Tribe's gaming ordinance, enacted pursuant to Tribal Council Resolution C06-84-04. The amendments generally consist of technical corrections necessary to implement the Tribe's gaming compact with the State of Arizona and are hereby approved.

I note that while your compact requires the retention of gaming records for 1 year past the ten-year duration of the compact, 25 U.S.C. § 571.7 requires retention of records for 5 years. This, I suppose, raises the distant, future possibility of noncompliance with that section. For example, the Tribe might permit the disposal of all gaming records 12 years after the compact's effective date. While not offending the compact, that would be inconsistent with § 571.7 because records for operations years 8, 9, and 10 under the compact must each be kept for 5 years. Perhaps the Tribe would consider addressing this possibility the next time Title 6 comes up for amendment.

Thank you very much for your submission. If you have any questions or require further assistance, please contact Michael Gross, Staff Attorney, at 202-632-7003.

Sincerely,



Philip N. Hogen
Chairman

PASCUA YAQUI TRIBE

RESOLUTION NO. 06-84-04

RESOLUTION OF THE PASCUA YAQUI TRIBE AMENDING TITLE 6 OF THE PASCUA YAQUI CODE, GAMING ORDINANCE, TO MAKE TECHNICAL AMENDMENTS.



WHEREAS, Article VI, Section 1(t) of the Constitution of the Pascua Yaqui Tribe provides that the Tribal Council shall have the power to enact ordinances regulating gambling and gaming; and

WHEREAS, the Tribal Council approved and authorized the execution of a new gaming compact between the Pascua Yaqui Tribe and the State of Arizona on December 23, 2002 ("Gaming Compact") which was approved by the Secretary of the Interior and published in the Federal Register on February 5, 2003; and

WHEREAS, it is necessary to amend the Gaming Ordinance, which is codified as Title 6 of the Pascua Yaqui Code, to make technical corrections and fully implement the provisions of the Gaming Compact; and

WHEREAS, the Tribal Gaming Office and the Office of the Attorney General have drafted a revised Title 6, Gaming Ordinance, dated June 15, 2004, which is hereby incorporated by this reference, to make such corrections.

NOW, THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE PASCUA YAQUI TRIBE that it hereby amends Title 6 of the Pascua Yaqui Code as set forth in the revised Gaming Ordinance dated June 15, 2004.

BE IT FURTHER RESOLVED THAT the revised Gaming Ordinance dated June 15, 2004 shall supercede and replace all prior versions of Title 6, Gaming Ordinance.

BE IT FURTHER RESOLVED THAT the Tribal Council repeals the Casino Tort Claims Act of 2000, as adopted November 9, 2000 and amended by Resolution No. C08-68-01, as the essential provisions of the Act are now incorporated into Title 6 of the Pascua Yaqui Code.

BE IT FINALLY RESOLVED THAT the Office of the Attorney General is directed to revise and reprint Title 6 of the Pascua Yaqui Code in accordance with the foregoing amendments within ten (10) days following the certification of this Resolution and forward the amended Title 6, Gaming Ordinance, to the National Indian Gaming Commission, the Arizona Department of Gaming and the Tribal Gaming Office.

CERTIFICATION

THE FOREGOING was on **June 15, 2004**, duly adopted by a vote of 11 in favor, 0 opposed, and 0 abstained, by the Tribal Council of the Pascua Yaqui Tribe pursuant to authority vested in it by Article VI, Section 1(o), (t), and (w) of the Constitution of the Pascua Yaqui Tribe on January 26, 1988 and approved by the Secretary of the Interior on February 8, 1988 pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).



CHAIRWOMAN OF THE PASCUA YAQUI TRIBE



SECRETARY OF THE TRIBAL COUNCIL

