



OCT 3 2001

Honorable Dee Ketchum
Chief, Delaware Tribe of Indians
220 N.W. Virginia
Bartlesville, Oklahoma 74003

RE: Approval of Amendment to the Delaware Tribe of Indians Gaming Act

Dear Chief Ketchum:

This letter responds to your request to the National Indian Gaming Commission (NIGC) for the review and approval of the amendment to the Delaware Tribe of Indians (Tribe) Tribal Gaming Act submitted on September 18, 2001. The Tribe by Resolution No. 2001-39 adopted the Tribal Gaming Act on September 17, 2001. The Chairman of the NIGC approved the original Tribal Gaming Act on August 19, 1999. This letter constitutes approval of your submission under the Indian Gaming Regulatory Act (IGRA). Such approval does not constitute approval of specific games. It is important to note that the gaming ordinance is approved for gaming only on Indian lands, as defined in the IGRA, over which the Tribe exercises jurisdiction.

Thank you for submitting the amendment to the Tribal Gaming Act of the Delaware Tribe of Indians for review and approval. The NIGC staff and I look forward to working with you and the Community in implementing the IGRA. If you have questions or require further assistance, please contact Penny Coleman at 202/632-7003.

Sincerely yours,

A handwritten signature in cursive script that reads "Montie R. Deer".

Montie R. Deer
Chairman

SEP 25 2001



DELAWARE TRIBE OF INDIANS

220 N.W. VIRGINIA • BARTLESVILLE, OKLAHOMA 74003
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**A RESOLUTION OF THE TRIBAL COUNCIL
of the
DELAWARE TRIBE OF INDIANS
regarding
amendment to Delaware Indian Gaming Act
Resolution 2001- 39**

- WHEREAS,** The Delaware Tribal Council is authorized by Article V of the Constitution and Bylaws of the Delaware Tribe (1982) to represent the Delaware Tribe and act in all matters that concern the general welfare of the tribe; and
- WHEREAS,** The Delaware Tribe of Indians having its principal seat of government in the City of Bartlesville, Oklahoma, is recognized and eligible to receive services from the United States by virtue of its status as an Indian tribe (61 Fed. Reg. 58212 (1996)); and,
- WHEREAS,** On June 15, 1999, the Delaware Tribal Council adopted the Delaware Indian Gaming Act by Resolution 99-22; and,
- WHEREAS,** By letter of August 19, 1999, the Chairman of the National Indian Gaming Commission officially approved the tribe's gaming act pursuant to the Indian Gaming Regulatory Act (IGRA); and,
- WHEREAS,** The Tribe finds that it is necessary to amend the Act to include a provision requiring each tribal gaming facility to pay an annual licensing fee to reimburse the tribe's costs for regulating each facility.

NOW THEREFORE BE IT RESOLVED, by the Delaware Tribal Council that Section 5 of the Delaware Indian Gaming Act is hereby amended by adding the following sub-section (c) as indicated by the underlined language:

Section 5. Class II and Class III Gaming Authorized; Ownership Restrictions; and Gaming Facility Licenses.

(a) Generally....

(b) Tribal Gaming Operations Licenses....

(c) Licensing Fee. Prior to the issuance of the Tribal Gaming Operations License, and each year thereafter upon the anniversary of the issuance of the initial license, the gaming facility or operation shall remit to the Tribal Council a Gaming Operations Licensing Fee to help defray the expense incurred by the Tribe in licensing and regulating the facility under federal and tribal law. Said fee shall be set by the Tribal Council each year based upon the relative size of the facility; provided,

SEP 25 2001

said annual fee shall not exceed \$ 300,000.00 per license.

NOW THEREFORE BE IT RESOLVED, that the above described amendment shall only become effective upon submission and approval of the Chairman of the National Indian Gaming Commission.

CERTIFICATION

I hereby certify that the foregoing was considered by the Tribal Council of the Delaware Tribe of Indian and adopted this 17th day of Sept 2001, with a vote of 7 yes, 0 no, and 0 abstaining.



DEE KETCHUM, CHIEF



PAULA PECHONICK, SECRETARY