



JUN 4 2008

Donald Juneau
Attorney and Counselor at Law
P.O. Box 1857
Hammond, Louisiana
70404-0046

Dear Mr. Juneau:

This is in response to your February 27, 2008 request that the National Indian Gaming Commission (NIGC) review the Credit Agreement (Agreement) between the Tunica-Biloxi Tribe of Louisiana (Tribe) and Deutsche Bank Trust Company Americas (Bank). The purpose of our review is to determine whether the Agreement is a management contract or an agreement collateral to a management contract and therefore subject to the NIGC Chairman's review and approval under the Indian Gaming Regulatory Act ("IGRA"). We conclude that the Agreement is not a management contract or document collateral to a management contract and, as a result, does not need to be submitted for the Chairman's review and approval.

In your letter you also assert that 25 U.S.C. § 81 and principles of contract law render the Agreement void and without legal effect. The Secretary of the Interior's authority under § 81 was transferred to the NIGC Chairman under 25 U.S.C. § 2711(h), but only as it relates to management contracts. Further, IGRA empowers the NIGC Chairman to void a contract only if it is found to violate the provisions of IGRA pertaining to management contracts. Because the Agreement between the Tribe and Bank is not a management agreement, the Chairman cannot render it void. As such, any decision as to whether the contract is void pursuant to 25 U.S.C. § 81 must be made by the Department of the Interior.

A copy of this letter, your correspondence, and the Agreement will be forwarded to the Office of Indian Gaming of the U.S. Department of the Interior for its review. If you have any questions, please contact NIGC Attorney Michael Hoenig at (202) 632-7003.

Sincerely,

A handwritten signature in black ink that reads "Michael Gross". The signature is written in a cursive style.

Michael Gross
Associate General Counsel, General Law

cc: George Skibine, Director, Office of Indian Gaming (w/ enclosure)
Earl J. Barbry, Sr., Chairman, Tunica-Biloxi Tribe of Louisiana