



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY - 1 2013



Ms. Janice Prairie Chief-Boswell
Cheyenne-Arapaho Tribes
Office of Tribal Council
P.O. Box 38
Concho, Oklahoma 73022

Dear Ms. Prairie Chief-Boswell:

On April 8, 2013, our office received a proposed Settlement Agreement (Agreement) between the State of Oklahoma (State) and the Cheyenne-Arapaho Tribes (Tribes). The letter from the Tribes' attorney covering the Agreement states that "neither Party believes it must be approved pursuant to the Indian Gaming Regulatory Act," while also stating "that the Agreement is being treated by the Parties as an Addendum to the Compact." In looking over the Agreement, it appears that its terms are intended to amend the Tribes' existing Class III gaming compact approved by the Department on March 16, 2005 (Compact). See Letter to Honorable William Blind, Chairman, Cheyenne-Arapaho Tribes from George T. Skibine, Deputy Assistant Secretary - Policy and Economic Development; see also Notice of Approved Tribal-State Compacts, 70 Fed. Reg. 18041 (April 8, 2005). In particular, the Agreement provides for substantive modifications to the Compact involving revenue sharing and expanded scope of gaming to include Internet gaming, in addition to other technical changes. Unfortunately, we are returning the Agreement to you because it is incomplete due to the lack of accompanying documentation required by the Department's regulations at 25 C.F.R. Part 293 governing submission and review of gaming compacts and amendments.

The Indian Gaming Regulatory Act, 25 U.S.C. 2701-2721 (IGRA), gives the Secretary 45 days to review and approve proposed compacts. 25 U.S.C. § 2710 (d)(8)(C). The Department has applied the same review and approval requirements to compact amendments since the enactment of IGRA. In 2008, we codified this long-standing policy at 25 C.F.R. § 293.4 by providing that "all amendments, regardless of whether they are substantive compact amendments or technical amendments, are subject to review and approval by the Secretary." In order to insure that all compacts or amendments we receive have been "entered into" by the responsible party, our regulations require that both a tribal approval resolution and certification from the state that its representative was authorized to enter into the agreement be included with all submissions. 25 C.F.R. §§ 293.8 (b) and (c).


We were unable to locate a tribal resolution or other document stating that the Tribe has approved the amendment in accordance with applicable tribal law. Similarly, we did not find a certification or other explanation from the State indicating that the Governor is empowered under the laws of the State of Oklahoma to bind the state to the proposed amendment. We find that the Agreement, as submitted without accompanying documentation required by our regulations, is

not properly before us and the 45-day review period provided by IGRA was not triggered on April 8, 2013, the date of its receipt by the Office of Indian Gaming.

We are returning the Agreement to the Tribe in order to allow the Tribe and the State to submit a complete set of documents in compliance with the requirements of 25 C.F.R. Part 293. We look forward to the opportunity to review the Agreement in the future.

A similar letter is being sent to the Honorable Mary Fallin, Governor, State of Oklahoma.

Sincerely,

for 
Paula L. Hart
Director, Office of Indian Gaming