



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

DEC 20 2021

The Honorable Lawrence Solomon  
Chairman, Lummi Tribe  
of the Lummi Reservation  
2665 Kwina Road  
Bellingham, Washington 98226

Dear Chairman Solomon:

On November 5, 2021, the Lummi Tribe of the Lummi Reservation (Tribe) and the State of Washington (State) submitted the Memorandum of Incorporation of Most Favored Nation Amendments to the Tribal-State Compact for Class III Gaming between the Lummi Nation and the State of Washington (Amendment), providing for the regulation of class III gaming activities by the Tribe. The Amendment lowers the gambling age in Section III.L of the Compact to permit persons that are eighteen (18) years or older to patronize and participate in Class III gaming activities offered by the Nation at its gaming facility.

We have completed our review of the Amendment and conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. 25 U.S.C. § 2710(d)(8)(B). Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approve the Amendment. 25 U.S.C. § 2710(d)(8)(A). The Amendment takes effect when the notice of this approval is published in the Federal Register. 25 U.S.C. § 2710(d)(3)(B).

A similar letter is being sent to the Honorable Jay Inslee, Governor, State of Washington.

Sincerely,

Bryan Newland  
Assistant Secretary – Indian Affairs

Enclosure

MEMORANDUM OF INCORPORATION of  
MOST FAVORED NATION AMENDMENTS  
to the  
TRIBAL-STATE COMPACT  
FOR CLASS III GAMING  
Between the  
LUMMI NATION  
and the  
STATE OF WASHINGTON

INTRODUCTION

The Lummi Nation ("the Nation") and the State of Washington ("the State") entered into a Tribal-State Compact for Class III Gaming ("the Compact") on September 21, 1995, which was amended four times by mutual agreement.

Section XV.D.8 of the Compact (the "Most Favored Nation clause") provides:

Notwithstanding any other provision of this Compact to the contrary, if after the signing of this Compact, the Secretary of the Interior approves a compact with any Washington Tribe west of the Cascade Mountains, or an amendment thereto, and such compact gives such tribe more Gaming Stations, higher wager limits, other Class III gaming activity, and/or more hours of operation or otherwise approves a compact or amendment to a compact which gives such Tribe an expansion of terms other than those identified above, or if the Secretary of the Interior approves a compact with a Washington Tribe east of the Cascade Mountains, or an amendment thereto and the Nation can demonstrate that such levels have resulted in an adverse economic impact on the Class III gaming operation, then this Compact shall be amended automatically to maintain equality. Provided, either party shall have the right to take the issue to dispute resolution under the provisions of Section XII.LC of this Compact if a dispute arises regarding the applicability of this automatic amendment provision to a particular term approved in another compact.

The Nation automatically updated Section III. L related to age limitations with a Memorandum of Incorporation in May 2006. The Nation has provided notice to the State of its intent to exercise the above referenced automatic amendment provision to further modify Section III. L to change the gambling age from twenty-one (21) years of age to eighteen (18) years of age. Therefore, pursuant to Section XV.D.8 of the Lummi Nation Compact, the following amendment is hereby incorporated in the Compact:

COMPACT AMENDMENTS

1. Section III.L is amended to read as follows:

L.n Age Limitations. No person under the age of eighteen (18) shall participate in any gaming operation or be allowed on the Class III gaming floor authorized by this Compact during actual hours of operation. Persons between the age of eighteen (18) and twenty (20) years of age may patronize and participate in Class III gaming activities offered by the Nation in its gaming facility, so long as such patrons do not purchase or consume alcoholic beverages on premises. Should alcoholic beverages be offered in the gaming area pursuant to applicable law, then no patron under the age of twenty one (21) shall be permitted in the gaming area during actual hours of operation. Nothing herein shall preclude persons under the age of eighteen (18) years, or twenty one (21) years if applicable, from patronizing food service and other non-gaming facilities in the gaming operation. PROVIDED, that such age limitation shall not apply to an individual accompanied by an adult for the specific and limited purpose of proceeding directly and immediately across the gaming area for a legitimate non-gaming purpose, with no gaming area loitering or gaming participation by the under age person or accompanying adult.

INCORPORATED ON THE LAST DATE ENTERED BELOW.

THE LUMMI NATION

THE STATE OF WASHINGTON

BY:   
LAWRENCE SOLOMON  
CHAIRMAN

BY:   
DANA GRIFFIN, INTERIM DIRECTOR  
WASHINGTON STATE GAMBLING COMMISSION

DATED: 5/20/2021

DATED: 6/3/2021



Bryan Newland  
Assistant Secretary - Indian Affairs

Date: DEC 20 2021