

MEMORANDUM OF INCORPORATION of  
MOST FAVORED NATION AMENDMENT  
to the  
TRIBAL-STATE COMPACT  
FOR CLASS III GAMING  
Between the  
SUQUAMISH TRIBE  
AND THE STATE OF WASHINGTON

INTRODUCTION

The Suquamish Tribe (“the Tribe”) and the State of Washington (“the State”) entered into a Tribal – State Compact for Class III Gaming (“the Compact”) on January 26, 1995, and amended the Compact by mutual agreement on November 23, 1998.

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 amendments 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, 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.C of this Compact if a dispute arises regarding the applicability of this automatic amendment provision to a particular term approved in another compact.

The Tribe has provided notice to the State of its intent to exercise the above referenced automatic amendment provision concerning additional hours for operations, based upon the Fifth Amendment to the Tribal-State Class III Gaming Compact for the Tulalip Tribes, dated May 19, 2002. Therefore, pursuant to Section XV.D.8 of the Suquamish Tribe Compact, the following amendment is hereby incorporated in the Compact:

## COMPACT AMENDMENT

### Section III.K. of the Compact is amended to read as follows:

Hours of Operation. Operating hours may not exceed one hundred fifty-six (156) hours per week in the Class III gaming facility. The Tribe shall provide to the State Gaming Agency a schedule indicating the hours of operation of the Class III facility. Provided, upon twenty (20) days written notice to the State Gaming Agency and Tribal Gaming Agency, the Tribe may, but not more than three (3) times in the gaming facility in any twelve (12) month period, conduct Class III operations for up to one hundred sixty (160) hours per week. This shall be accomplished only by shifting hours or portions of hours from other weeks and consequently reducing the corresponding period of operation during such weeks. In the event the Tribe engages in lottery-type gaming activities and/or if the satellite wagering authorized by this Compact is for events occurring at hours other than the then-established operating hours for the Class III gaming facility, the satellite wagering and lottery-type gaming activities, subject to the other provisions and restrictions herein regarding hours of operation may be conducted independently of other Class III gaming activities.

THE SUQUAMISH TRIBE

By: Bennie J. Armstrong  
Bennie J. Armstrong, Chairman  
The Suquamish Tribe

Date: 8/9/04

THE STATE OF WASHINGTON

By: Rick Day  
Rick Day, Director  
Washington State Gambling  
Commission

Date: 8/5/04



COPY

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**THE SUQUAMISH TRIBE**

PO Box 498 Suquamish, Washington 98392

August 9, 2004

Rick Day, Executive Director  
Washington State Gambling Commission  
P.O. Box 42400  
Olympia, WA 98504-2400

RE: Memorandum of Incorporation

Dear Director Day,

Enclosed please find an executed original of the Memorandum of Incorporation (MOI) related to increasing the hours of operation for the Suquamish's Tribe's Class III gaming facility. This memorandum is unnecessary under the Suquamish Tribe's gaming compact, however, we are voluntarily signing this MOI at your request in order to facilitate your goal to achieve uniformity in your record keeping.

Very truly yours,

SUQUAMISH TRIBE  
OFFICE OF TRIBAL ATTORNEY

Michelle Hansen, Sr. Tribal Attorney

Encl.