



U.S. Department of Justice

*United States Attorney
District of New Mexico*

P.O. Box 607
Albuquerque, NM 87103

Phone: (505) 346-7274
Fax: (505) 346-7296

June 30, 2015

Governor Joseph M. Talachy
Pueblo of Pojoaque, Office of the Governor
78 Cities of Gold Road
Santa Fe, New Mexico 87506

Re: Expiration of Pojoaque Pueblo's
Class III Gaming Compact with New Mexico

Dear Governor Talachy:

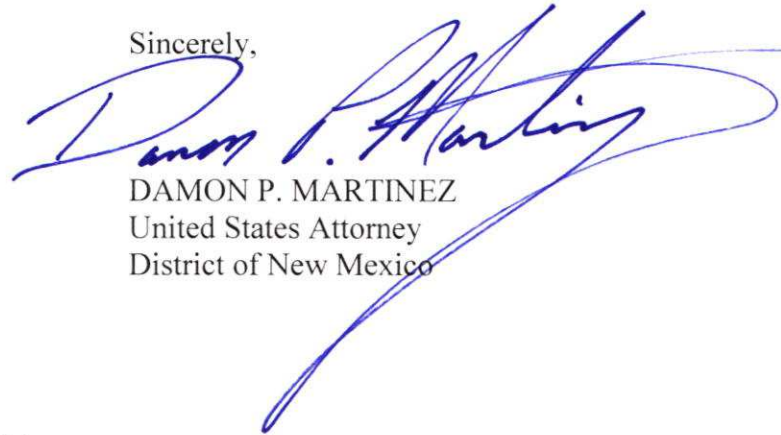
The Indian Gaming Regulatory Act provides that Class III gaming activities may be conducted only pursuant to a Tribal-State compact or Class III gaming procedures prescribed by the Secretary of the Interior. *See*, 25 U.S.C. §§ 2710(d)(1) & (d)(7)(B)(vii). Pojoaque Pueblo's compact will expire as of midnight on June 30, 2015. Continued gaming operations by the Pueblo, in the absence of a Tribal-State compact or Secretarial prescribed procedures, would violate federal law.

I am in receipt of your letter of June 28, 2015, in which you make clear that Pojoaque Pueblo intends to continue its gaming operations after expiration of its compact, and in which you request that I forego initiating any enforcement action against the Pueblo concerning its gaming operations during the pendency of the appeal in *New Mexico v. U.S. Department of the Interior, et al.* In consideration of your request, you make a commitment that the Pueblo will maintain the status quo of its gaming operations, including regulatory and auditing procedures as set forth in your expiring compact, as well as certain additional specified procedures. You further commit to placing funds that would otherwise have been paid to the State of New Mexico as revenue sharing into a trust, in the care of an independent trustee, who would only be able to disburse these funds for specified purposes, including eventual distribution pursuant to a new compact or as might otherwise be determined by a court. Moreover, you commit to providing me with sufficient information in a timely manner to allow me to assess whether the Pueblo is complying with these terms.

In light of the ongoing litigation in *New Mexico v. U.S. Department of the Interior, et al.*, and the commitments made in your letter of June 28, 2015, I will exercise my discretion to withhold enforcement action against the Pueblo for operating Class III gaming without a compact during the pendency of the appeal. This decision will remain in effect until 30 days after the Tenth Circuit Court of Appeals issues its mandate, provided that the Pueblo complies with the commitments made in your letter of June 28, 2015. If I determine, at my sole discretion, that the Pueblo is not complying with these commitments, I will consider my decision to withhold enforcement action to be null and void, and I will be free to bring any appropriate enforcement action.

Except as expressly set forth herein, this letter does not and may not be relied upon to create any rights, substantive or procedural, enforceable at law or in equity by any party in any matter, civil or criminal, nor does it place any limitations on otherwise lawful litigative prerogatives of the United States Attorney's Office for the District of New Mexico or the Department of Justice.

Sincerely,



DAMON P. MARTINEZ
United States Attorney
District of New Mexico

cc: Steffani Cochran, Chief General Counsel
Scott Crowell, Gaming Counsel
Kent Robinson, Of Counsel
Kevin Washburn, Assistant Secretary Indian Affairs
Jonodev Osceola Chaudhuri, Chairman, National Indian Gaming Commission
Sam Hirsch, Principal Deputy Assistant Attorney General, Environment and Natural Resources
Division