



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 3 0 2014

The Honorable Darrin Old Coyote
Chairman, Crow Tribe of Montana
P.O. Box 169
Crow Agency, Montana 59022

Dear Chairman Old Coyote:

On December 18, 2013, the Department of the Interior received the Eighth Amendment to the Agreement (Amendment) between the Crow Tribe (Tribe) and the State of Montana, providing for the regulation of Class III gaming by the Tribe.

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. *See* 25 U.S.C. § 2710(d)(8)(B). Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approve the Amendment. *See* 25 U.S.C. § 2710(d)(8)(A). This Amendment shall take effect when the notice of this approval is published in the Federal Register. *See* 25 U.S.C. § 2710(d)(3)(B).

We note that the definition of "Reservation" has been broadened in the Amendment to include all lands contiguous to the Crow Reservation. *See* Art. III, Para. D.2. We approve it only to the extent that it is consistent with IGRA. We require that gaming occur only on "Indian lands" as defined by IGRA. Our approval of this broadened definition of the Reservation does not, by itself, authorize gaming on the lands described in the Amendment. The Tribe must also comply with the requirements of IGRA, 25 C.F.R. Part 292, and National Indian Gaming Commission's Facility License Notification regulations, 25 C.F.R. Part 559, prior to the commencement of gaming on any lands acquired in trust after October 17, 1988. Such lands will be eligible for gaming provided they are determined to be "Indian lands" as defined in IGRA, *See* 25 U.S.C. § 2703(4), and are determined to be eligible for gaming subject to the requirements of Section 20 of IGRA. *See* 25 U.S.C. § 2710.

A similar letter is being sent to the Honorable Steve Bullock, Governor of the State of Montana.

Sincerely,

Kevin K. Washburn
Assistant Secretary – Indian Affairs

Enclosure

**EIGHTH AMENDMENT TO THE AGREEMENT
BETWEEN THE CROW TRIBE OF MONTANA AND
THE STATE OF MONTANA CONCERNING CLASS III GAMING**



This document is the eighth amendment to the "Agreement Between the Crow Indian Tribe of Montana and the State of Montana Concerning Class III Gaming" (Compact), first entered into in 1998 and last amended in 2009.

Pursuant to Article XI. B. of the Compact, which generally provides for amendment in writing and with the consent of both parties, the Agreement is hereby amended as follows:

1. The definition of "Reservation," at Article III., Paragraph D, is amended to read as follows:

"Reservation." The term "Reservation" means:

1. All lands within the Crow Reservation as established by the Treaty of May 7, 1868, 15 Stat. 649, and further defined by the Act of April 11, 1882, 22 Stat. 42, Act of March 3, 1891, Sec. 31, 26 Stat. 1039, and Act of April 27, 1904, 33 Stat. 352; and
2. All lands contiguous to the Crow Reservation, as defined in Article III.D.1. above, meeting the requirements of both 25 U.S.C. §§ 2703(4) and 2719(a)(1) on which the Tribe is eligible to conduct gaming under 25 U.S.C. § 2701-2721.

2. Section VI.(E). is amended to read as follows:

The Tribe may operate up to 925 Video Gambling Machines, as defined in Appendix A, on the Reservation.

3. Section VI.(F.) is amended to read as follows:

The Tribe is authorized to conduct Class III gaming on the Reservation, as defined in this Compact, provided that any gaming facility must be properly licensed under an approved tribal gaming ordinance.

4. Section VI.(G.) is amended to read as follows:

(1). Up to 33.3 percent of the Tribe's Class III video gambling machines may be classified as "high stakes" Video Gambling Machines. No prize may exceed the value of five-thousand dollars (\$5,000) per wager on a "high stakes" Video Gambling Machine.

(2) No less than 66.6 percent of the Tribe's Class III video gambling machines must be classified as "regular stakes" video gambling machines. No prize may exceed the value of three-thousand dollars (\$3,000) per wager on a "regular stakes" video gambling machine.

5. Section VI.(H.) is amended to read as follows:

No more than Ten Dollars (\$10) may be wagered per play on "regular stakes" Video Gambling Machines. No more than Fifty Dollars (\$50) may be wagered on "high stakes" Video Gambling Machines.

6. Section XI(A) is amended to read as follows:

The term of this Compact shall expire fifteen years from the effective date of this amendment, or upon the execution and approval of a new Class III tribal-state gaming compact, whichever occurs first.

7. Section XI(D), titled "Expansion of Class III Gaming" is amended to read as follows, in its entirety:

1. In the event that State law is amended to permit any form of gaming classified as Class III under the IGRA, in addition to those forms permitted by this Agreement; or, in the event that the State executes a Class III tribal-state gaming compact with another federally recognized Indian tribe that permits that tribe to operate additional forms of gaming classified as Class III under the IGRA ("Additional Class III Games"), then the following provisions shall apply:

(a) The State shall notify the Tribe of such an occurrence in writing within 30 days; and,

(b) Section V of this Compact shall be amended to allow the Nation to operate Additional Class III Games.

2. In the event that State law is amended to permit any establishment to operate a greater number of video gambling machines than permitted under Section VI(E) of this Compact, or, in the event that the State executes a Class III tribal-state gaming compact with another federally recognized Indian tribe that

permits that tribe to operate a greater number of Class III video gambling machines than permitted under Section VI(E) of this Compact, then the following shall apply:

- (a) The State shall notify the Tribe of such an occurrence in writing within 30 days; and,
- (b) Section VI(E) of this Compact shall be amended to allow the Nation to operate the maximum number of Class III video gambling machines permitted under state law or any other Class III tribal-state gaming compact in Montana, whichever is greater.

3. In the event that State law is amended to permit any entity to offer larger prizes or wagers for any game authorized under this Compact, or, in the event that the State executes a Class III tribal-state gaming compact with another federally recognized Indian tribe that permits that tribe to offer larger prizes or wagers for any game authorized under this Compact, then the following shall apply:

- (a) The State shall notify the Tribe of such an occurrence in writing within 30 days; and,
- (b) This Compact shall be amended to allow the Tribe to offer the largest prizes and wages permitted under state law or any other Class III tribal-state gaming compact in Montana, whichever is greater.

8. New Section XII, entitled, "Negotiation in Good Faith" is added to the Compact, and shall read as follows:

Upon the approval of this amendment by the Secretary of the Interior, the parties hereby agree to commence good faith negotiations on a new Class III tribal-state gaming compact within one year of the effective date of this amendment. Furthermore, the parties agree to use their best efforts conclude a new Class III tribal-state gaming compact that will supersede this agreement.

9. Appendix A, entitled "Video Gambling Machines," is amended to read as follows:

I. **Definition of "Video Gambling Machine"**

For purposes of this Compact, "Video Gambling Machine" means electronic or mechanical gambling devices that offer video bingo, video poker, video keno, video line games, progressive video line games, or any combination thereof. All video line games must be offered in a multigame video machine cabinet, as provided in Mont. Code Ann. § 23-5-602(11) and the applicable Administrative Rules of Montana, including ARM 23.16.1907A.

II. **Changes in Conditions**

In the event that State law is amended to authorize additional types of games under M.C.A. § 23-5-603, or any other provision of state law authorizing additional types of electronic or mechanical gambling devices; or, in the event that the State executes a Class III gaming compact with another federally recognized Indian tribe that permits that tribe to license or operate additional types games under the definition of "video gambling machine," or "video gaming machine," or additional games played through the use of electronic or mechanical gambling devices, the following shall apply:

- A. The State shall notify the Tribe of such an occurrence in writing within 30 days; and,
- B. This Compact shall be amended to allow the Tribe to offer each such additional game.

III. **Technical Standards for Electronic Games of Chance**

Subject to the exceptions set forth in Section IV below, the State and the Tribe agree that all class III electronic games of chance will comply with the technical standards of the Montana Department of Justice, Gambling Control Division as set out in the Administrative Rules of Montana 23.16.1901 through 23.16.1911, 23.16.1920, and, where applicable, the definitions in 23.16.1802. The definitions set forth in 23.16.1802 shall not affect the definition of the term "Video Gambling Machine" for purposes of this Compact.

IV. Exceptions to the Technical Standards for Electronic Games of Chance

- a. Any definitions of bingo or electronic bingo that are electronic, computer or other technological aids to the Class II game of bingo, as defined by IGRA or Rules of the National Indian Gaming Commission (25 CFR Part 502).
- b. Any definitions or rules relating to the licensing or permitting of video gambling machine owners or operators.
- c. A video gambling machine authorized under this agreement shall be tested and approved by the Tribe before placement on the Reservation. Any gambling device approved and licensed by the Tribe under this agreement must meet all technical requirements as set forth in the Administrative Rules of Montana, as referenced in Sections I and III of this Appendix. The Tribe may contract with the State for certification and inspection of video gambling machines under a contract separate and apart from this Agreement.

V. Minimum Internal Control Standards

The Tribe agrees to follow the model Minimum Internal Control Standards used by the National Indian Gaming Commission unless the parties agree in writing to a simpler standard that will protect the fairness and integrity of the particular game or activity.

DATED this 14 day of NOVEMBER, 2013.

Montana and the Tribe indicate their consent to be bound to this Amendment through the signatures of their authorized representatives affixed below.

CROW TRIBE



Darrin Old Coyote
Chairman

STATE OF MONTANA



Steve Bullock
Governor

Approved pursuant to 25 U.S.C. § 2710(d) and
M.C.A. § 18-11-105 (2013).



Tim Fox
Attorney General

Consistent with 25 U.S.C. § 2710(d)(8)(A), the Eighth Amendment to the Agreement between the Crow Tribe of Montana and the State of Montana Concerning Class III Gaming, dated January, 2014, 2013, is hereby approved on this 30 day of January, 2014, 2013, by the Assistant Secretary for Indian Affairs, United States Department of the Interior.

UNITED STATES DEPARTMENT OF THE INTERIOR



Kevin K. Washburn
Assistant Secretary, Indian Affairs

Environmental review of the EIS will be conducted in accordance with the requirements of NEPA, its implementing regulations (40 CFR 1500–1508), other applicable regulations, and our procedures for compliance with those regulations. We furnish this notice in accordance with 40 CFR 1501.7 and 1508.22 to obtain suggestions and information from other agencies and the public on the scope of issues and alternatives they believe need to be addressed in the EIS. We invite comments from interested parties to ensure that the full range of issues related to the proposed permit application is identified.

Public Comments

We are requesting information from other interested government agencies, Native American Tribes, the scientific community, industry, or other interested parties concerning the following areas of analysis: Vegetation, Wildlife and Aquatic Resources, Special Status Species, U.S. Wetlands and Waters, Archeology, Architectural History, Sites of Religious and Cultural Significance to Tribes, Noise and Vibration, Visual Resources and Aesthetics, Economics and Socioeconomics, Environmental Justice, Air Quality (including greenhouse gas emissions and climate change), Geology and Soil, Land Use, Transportation, Infrastructure and Utilities, Hazardous Materials and Solid Waste Management, and Human Health and Safety.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, will not provide information useful in determining the issues and the impacts to the human environment in the draft EIS. The public will also have a chance to review and comment on the draft EIS when it is available (a notice of availability will be published in the **Federal Register**).

You may submit your comments and materials by one of the methods described above under the **ADDRESSES** section at the beginning of this notice. Written comments will also be accepted at the public meetings, although these public meetings are primarily intended to provide additional information and provide a chance for the public to ask specific questions concerning the proposed HCP and EIS.

Public Availability of Comments

Written comments we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying

information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 et seq.) and its implementing regulations (50 CFR 17.22) and the National Environmental Policy Act (42 U.S.C. 4721 et seq.) and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos,
*Acting Regional Director, Southwest Region,
Albuquerque, New Mexico.*
[FR Doc. 2014–02637 Filed 2–6–14; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR.5B711.IA000814]

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Class III Gaming Compact.

SUMMARY: This notice publishes the approval of an amendment to the Class III Tribal-State Gaming Compact (Amendment), between the Crow Tribe of Montana (Tribe), and the State of Montana (State).

DATES: *Effective Date:* February 7, 2014.

FOR FURTHER INFORMATION CONTACT: Paula L. Hart, Director, Office of Indian Gaming, Office of the Deputy Assistant Secretary—Policy and Economic Development, Washington, DC 20240, (202) 219–4066.

SUPPLEMENTARY INFORMATION: Under section 11 of the Indian Gaming Regulatory Act (IGRA) Public Law 100–497, 25 U.S.C. 2701 et seq., the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. On December 18, 2013, the Amendment was submitted for

review and approval. The Amendment includes all lands contiguous to the Crow Reservation and extends the term for 15 years from the date the Amendment becomes effective. The Tribe is authorized to operate 925 gaming devices, increase the prize value, and wager limits. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary, and pursuant to 25 U.S.C. 2710(d)(3)(B), an approved compact or amendment takes effect when notice of its approval is published in the **Federal Register**.

Dated: January 30, 2014.

Kevin K. Washburn,
Assistant Secretary—Indian Affairs.
[FR Doc. 2014–02594 Filed 2–6–14; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CACA 048811, LLCAD01500,
L51010000.LVRWB13B5340.ER0000]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Right-of-Way Amendment for the Blythe Solar Power Project, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended, and the Federal Land Policy and Management Act of 1976, as amended, the Bureau of Land Management (BLM) Palm Springs—South Coast Field Office, Palm Springs, California, has prepared a Draft Environmental Impact Statement (EIS) for the proposed right-of-way (ROW) grant amendment for the Blythe Solar Power Project (BSPP), Riverside County, California, and by this notice is announcing a 45-day public comment period on the EIS.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the Draft EIS within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM will announce future meetings or hearings and any other public involvement activities at least 15 days in advance through public notices, media releases, and/or mailings.

ADDRESSES: You may submit comments related to the proposed ROW