



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.

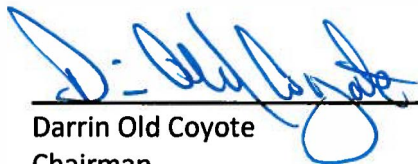
V. Minimum Internal Control Standards

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 ~~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