



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

SEP 29 2023

The Honorable Robert L. Larsen
President, Lower Sioux Indian Community
P.O. Box 308
Morton, Minnesota 56270

Dear President Larsen:

On August 16, 2023, the Office of Indian Gaming received the Amendment to Technical Standards in Tribal-State Compact for Control of Class III Blackjack on the Lower Sioux Community (Community) Reservation in Minnesota (Blackjack Amendment) and the Amendment to Technical Standards in Tribal-State Compact for Control of Class III Video Games of Chance (Video Game Amendment) between the Community and the State of Minnesota (State), submitted by the Community and the State.

We note that the Blackjack Amendment incorporates two previous amendments dated 2002 and December 3, 2020, between the State and the Community, but not submitted to the Department of the Interior (Department) for review and approval as required by the Indian Gaming Regulatory Act (IGRA) and the Department's regulations at 25 C.F.R. Part 293. Those amendments provided technical corrections and other changes to the Community's compact. The Blackjack Amendment defines propositional wagers (side bets), allows the Community to permit side bets, and describes how cards will be dealt.

We note that the Video Game Amendment incorporates six previous amendments dated June 1, 1990, 2002, February 25, 2003, November 12, 2003, April 2, 2010, and April 2, 2015. The Video Game Amendment defines minimum payouts, odds, minimum media storage requirements, and provisions for cashless tickets, ticket redemption, ticket printing and printing errors, and ticket validation. The Video Game Amendment also adopts minimum internal control standards and software requirements.

Our regulations at 25 C.F.R. § 293.2(b)(1) defines *amendment* as "an amendment to a class III Tribal-State gaming compact. Further, our regulations at 25 C.F.R. § 293.4 clarifies that all compacts and amendments are subject to review and approval by the Secretary of the Interior and that such agreements are not in effect for the purposes of IGRA until notice of approval is published in the *Federal Register*. 25 C.F.R. § 293.15 implementing 25 U.S.C. § 2710(d)(3)(B). Parties who do not submit compacts or amendments for review and approval prior to implementing the amendments risk enforcement action from the National Indian Gaming Commission for gaming under a compact that is not in effect.

We completed our review of the Blackjack and Video Game Amendments and conclude that they do 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 Blackjack Amendment, including the amendments dated 2002 and December 3, 2020, as amended, and the Video Game Amendment, including amendments dated June 1, 1990, 2002, February 25, 2003, November 12, 2003, April 2, 2010, and April 2, 2015, as amended. 25 U.S.C. § 2710(d)(8)(A). The Amendments take effect when the notice of this approval is published in the *Federal Register*, as required by 25 U.S.C. § 2710(d)(8)(D).

A similar letter is being sent to the Honorable Tim Walz, Governor, State of Minnesota.

Sincerely,



Bryan Newland
Assistant Secretary - Indian Affairs

Enclosure

AMENDMENT TO TECHNICAL STANDARDS IN TRIBAL-
STATE COMPACT FOR CONTROL OF CLASS III
BLACKJACK ON THE LOWER SIOUX COMMUNITY
RESERVATION IN MINNESOTA

Pursuant to Section 7 of the Tribal-State Compact for Control of Class III Blackjack on the Lower Sioux Indian Community Reservation in Minnesota (hereinafter, the "Compact"), the Lower Sioux Indian Community ("the Community") and the State of Minnesota, by and through its Commissioner of Public Safety, and the Community agree to the following terms regarding amendments to the Compact.

PART I-Amendment of the Compact

The Community and the State agree to the following amendments to the Compact.

1. Section 4.5(1)E is deleted and replaced with the following language:
"Propositional Wager" or "Side Bets" shall mean an additional wager that is placed at the sole discretion of the player but would not affect the normal play of hand, as specified in section 4.5(9).
2. Section 4.5(3)G is deleted and replaced with the following language:
The odds for the payment of all winning wagers and a Blackjack shall be conspicuously posted at the gaming table.
3. Section 4.5(3)I is deleted and replaced with the following language:
Once a wager has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers unless the dealer approves such a removal or alteration in accordance with regulations.
4. The heading to Section 4.5(9) is changed to "Propositional Wagers", and the number in the current Sections 4.5(9) "Surrender" through 4.5(12) "Splitting Pairs" is changed to 4.5(9)A "Surrender" through 4.5(9)D "Splitting Pairs", with the provisions remaining the same from a substantive perspective, as follows:

(9) Propositional Wagers:

A. Surrender:

1. The Community may, at its discretion, allow a player to elect to surrender. A surrender allows the player to discontinue play on his hand for that round by surrendering one half of his wager after the first two cards are dealt to the player and the player's point total is announced.

E. Propositional Wagers/Side Bets:

1. The Community may, at its discretion, allow a player to elect to place a side bet wager so long as the wager does not affect the normal play of a hand. The player must have placed a regular blackjack wager in order to elect to place a side bet wager.
2. The Community shall promulgate regulations specifically governing side bet wagers. Such regulations shall be made available to any player upon request. The basic regulations governing the play of side bet wagers shall be conspicuously posted at the location where blackjack is being played.
6. The numbering in the current Sections 4.5(14) "Drawing of Additional Cards by Players and Dealers" through 4.5(18) "Staffing & Surveillance Requirements" is changed to 4.5(10) "Drawing of Additional Cards by Players and Dealers" through 4.5(14) "Staffing & Surveillance Requirements", with the provisions remaining the same from a substantive perspective.

PART II - Consolidation of Cumulative Amendments of the Compact

In the interest of clarity and efficiency of administering the Compact, the Community and the State memorialize and conform the following amendments to the Compact, comprising all amendments adopted to date: the Amendment dated December 3, 2020; and the undated Amendment to Section 4.5(6)(K), executed in or around September 2020.

1. Section 4.5(2)A is deleted and replaced with the following language, as previously provided in the amendment dated December 3, 2020:

(2) Cards; Number of Decks; Value of Cards:

A. Blackjack shall be played with at least one non-bordered deck of cards with backs of the same color and design and one colored cutting card. Before being put into play, the cards shall arrive at the gaming location sealed and wrapped.

2. Section 4.5(6)(K) is deleted and replaced with the following language, as previously provided in the undated amendment:

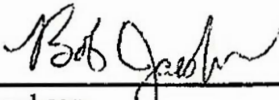
At any time when all players leave the table and prior to play resuming, the cards shall be spread out face upwards on the table for visual inspection by the first player or players to arrive at the table. Upon request by the first player or players, the cards shall be spread out in horizontal fan shaped columns by deck according to suit and in sequence.

Date: 7/10/23

Date: 7/12/23


STATE OF MINNESOTA

LOWER SIOUX INDIAN COMMUNITY



Bob Jacobson
Commissioner, Minnesota Department of
Public Safety

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Robert L. Larsen
President, Lower Sioux Indian Community

Consistent with 25 U.S.C. §2710(d)(8)(A), "The Secretary is authorized to approve any Tribal-State compact entered into between an Indian tribe and a State governing gaming on Indian lands of such Indian tribe." Therefore, the Third Amendment to Technical Standards in Tribal-State Compact for Control of Class III Blackjack on the Lower Sioux Community Reservation in Minnesota, dated and executed on December 3, 2020, by Minnesota Commissioner of Public Safety John Harrington and on September 17, 2020, by Lower Sioux Indian Community President Robert Larsen, subsequently amended on July 10, 2023, and received by the Department of the Interior for review and approval on September 18, 2023, is hereby approved.

APPROVED

UNITED STATES DEPARTMENT OF THE INTERIOR



Bryan Newland
Assistant Secretary – Indian Affairs

SEP 29 2023

Date