



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

**SECOND 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 "Community"), the State of Minnesota, by and through its Commissioner of Public Safety, and the Community agree as follows:

I. Section 4.5(6)(K) is deleted and replaced with the following language:

"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."

Dated:

STATE OF MINNESOTA


Charlie Weaver
Commissioner Public Safety

Dated:


LOWER SIOUX INDIAN COMMUNITY


Roger Prescott
Chairman

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 Second Amendment to Technical Standards in Tribal-State Compact for Control of Class III Blackjack on the Lower Sioux Community Reservation in Minnesota, executed by Minnesota Public Safety Commissioner Charlie Weaver and Lower Sioux Indian Community Chairman Roger Prescott in or around 2002, subsequently amended on December 3, 2020, and 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