United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

AUG 17 2001

Honorable Roxanne Sazue
Chairwoman
Crow Creek Sioux Tribe
P.O. Box 50
Fort Thompson, South Dakota 57339

Dear Chairwoman Sazue:

On July 6, 2001, we received the Amendments to the Class III Gambling Compact between the Crow Creek Sioux Tribe (Tribe) and the State of South Dakota (State), dated June 18, 2001. We have completed our review of this Amendment and conclude that it does not violate the Indian Gaming Regulatory Act of 1988 (IGRA), Federal law, or our trust responsibility. Therefore, pursuant to delegated authority and Section 11 of IGRA, we approve the Compact. The Compact shall take effect when the notice of our approval, pursuant to Section 11 (d)(3)(B) of IGRA, 25 U.S.C. § 2710(d)(3)(B), is published in the FEDERAL REGISTER.

We believe that Section 12 of the compact prohibiting the use of gaming proceeds to influence the outcome of elections does not prohibit voter education or other non-partisan activities. On December 21, 2000, we received a South Dakota Attorney General's opinion dated June 29, 1988, regarding the use of local government funds to influence the outcome of elections. While this opinion does not directly apply to Indian tribes, it does interpret state law as not prohibiting the use of these funds for voter education or other non-partisan activities.

We wish the Tribe and the State success in their economic venture.

Sincerely,

Neal A. McCaleb

Assistant Secretary - Indian Affairs

Enclosure

Similar Letter Sent to: Honorable William J. Janklow
Governor, State of South Dakota
Pierre, South Dakota 57501

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved amendments to a Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, 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. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Amendments between the Crow Creek Sioux Tribe and the State of South Dakota, which was executed on June 18, 2001.

DATES: This action is effective September 11, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: August 17, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–22672 Filed 9–10–01; 8:45 am]

BILLING CODE 4310–02–M

AMENDMENTS TO THE CLASS III GAMBLING COMPACT BETWEEN THE STATE OF SOUTH DAKOTA AND THE CROW CREEK SIOUX TRIBE MAY 2001

The State of South Dakota and the Crow Creek Sioux Tribe hereby agree to the following amendments to the existing Class III gambling compact between the State and the Tribe:

1) In Section 3, Type of Gaming Permitted, delete references to "poker" in Section 3.1 and in Section 3.2. This change is made as a clarification. Under the federal IGRA law, poker is a Class II game and therefore not subject to the compact required between the Tribe and the State for Class III gambling. This change would NOT affect the Tribe's ability to continue to offer poker so long as poker remains legal under State law.

2) Replace the current language of Section 8.7 through and including Section 8.10, Number of Gaming Devices with the following language:

   Section 8.7. "The number of slot machines permitted to be operated under this Compact shall be limited to 250. There shall be no limits placed on the number of blackjack tables that may be operated.

   Section 8.8. It is acknowledged between the parties hereto that the gaming device number limit is based upon limits set by state law pursuant to a formula agreed to by the parties. If the gaming device limits set by state law shall increase, the Tribe may request an increase in the numbers allowed to it and the State and the Tribe shall be required to negotiate in good faith with regard to that request. The parties acknowledge that a request to renegotiate the number of devices under this Section will allow the State to raise any matter which it deems appropriate and which could be raised in a negotiating session under the terms of the federal Indian Gaming Regulatory Act.

   Section 8.9. The Tribe shall be entitled to have up to ten (10) gaming devices in reserve as replacements for devices, which are out of service as a result of mechanical problems.

   Section 8.10. These additional devices are only to be used in such an event and shall meet the requirements of 8.5 (Technical Standards) of this Compact."

3) Replace the current language of Section 5.1 Law Enforcement with the following language:

   All criminal matters arising from or related to Class III gaming shall be dealt with according to applicable Tribal, State, or Federal law. Nothing in this Compact shall deprive the Courts of the Tribe, the United States, or the State of South Dakota of such criminal jurisdiction as each may enjoy under applicable law.

4) Replace the current language of Section 6.1 Civil Jurisdiction with the following language:

All civil matters arising from or related to Class III gaming shall be dealt with according to applicable Tribal, State, or Federal law. Nothing in this Compact shall deprive the Courts of the Tribe, the United States, or the State of South Dakota of such civil jurisdiction as each may enjoy under applicable law. Nothing in this provision shall be construed to be a waiver of the sovereign immunity of the Crow Creek Sioux Tribe.

5) Create a new section, Section 10.1, Use Of Gaming Proceeds:

The Tribe hereto agrees that none of the funds generated by gaming conducted under this Compact shall be used by the Tribe or its agents to influence the outcome of any local, state, or federal election conducted within the state of South Dakota.

6) Revise the amount (currently $30 per hour) in Attachment A to **$50**. This reflects updated costs of the Commission staff's activities.

7) Amend Section 11, Duration, to read as follows:

11.1 The terms of this compact shall be in full force and effect through December 1, 2003, or additional periods of two years as set out below. One hundred eighty days prior to December 1, 2003, or, if applicable, one hundred eighty days prior to the expiration of any automatic two-year extension of this Compact, either party may identify any provision of the Compact they believe requires amendment. Such notice shall be in writing and shall be sent by certified mail to the Governor of the State or Chairperson of the Tribe at the appropriate governmental office. If no notice is given by either party at least one hundred eighty days prior to December 1, 2003, or at least one hundred eighty days prior to expiration of and automatic two-year extension of the Compact, the Compact shall automatically be extended for an additional two years.

11.2 Upon receipt of notice of provisions that any party believes require review or amendment as set forth in paragraph 11.1, the parties shall engage in good faith efforts to resolve issues relating to such provisions and to any other provisions of the Compact. The parties shall have until December 1, 2003, or the expiration of any applicable two-year automatic extension of the Compact to negotiate any remedies available under the Indian Gaming Regulatory Act shall apply. The State and the Tribe may agree in writing to extend the negotiating period without prejudice to the rights of either party.

By: Roxanne Sazue
Roxanne Sazue, Chairwoman
Crow Creek Sioux Tribe

Date: 5-29-01

By: William J. Janklow
William J. Janklow, Governor
State of South Dakota

Date: 6-18-01

By: Neal A. McCaleb
Neal A. McCaleb
Assistant Secretary - Indian Affairs
Department of the Interior

Date: AUG 17 2001

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BUREAU OF INDIAN AFFAIRS
OFFICE OF INDIAN GAMING MANAGEMENT