United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

FEB 08 2001

Honorable John W. Steele
President
Oglala Sioux Tribe
P.O. Box H
Pine Ridge, South Dakota 57770

Dear President Steele:

On December 29, 2000, we received the Amendment between the Oglala Sioux Tribe (Tribe) and the State of South Dakota (State), dated December 7, 2000. 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 Amendment. The Amendment 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. 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,

/sgd/ James McDivitt

Deputy Assistant Secretary - Indian Affairs
(Management)

Enclosure

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

cc: Great Plains Regional Director w/copy of approved Compact
[redacted]
SD United States Attorney w/copy of approved Compact

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: notice of approved amendment 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 Deputy Assistant Secretary—Indian Affairs (Management), Department of the Interior, through his delegated authority, has approved the Amendment between the Oglala Sioux Tribe and the State of South Dakota, which was executed on December 7, 2000.

DATES: This action is effective February 27, 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: February 8, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–4742 Filed 2–26–01; 8:45 am]

BILLING CODE 4310–02–P

AGREEMENT BETWEEN THE OGLALA SIOUX TRIBE AND THE STATE OF SOUTH DAKOTA FOR EXTENSION, AMENDMENT AND RENEWAL OF THE CLASS III GAMBLING COMPACT BETWEEN THE TRIBE AND THE STATE

The Oglala Sioux Tribe and the State of South Dakota hereby agree to extend the existing gaming compact between the Tribe and the State through February 15, 2001. In addition, the Tribe and the State hereby agree to the following amendments to the compact and, in turn, agree to a two-year renewal of the amended compact under the normal procedures outlined in Section 10 of the duration provisions in the existing compact:

1) Replace the current language of Section 8.8 and Sections 8.10 through 8.23 regarding Number of Gaming Devices with following language:

"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 or poker tables that may be operated. 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. 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. These additional devices are only to be used in such an event and shall meet the requirements of 8.7 (Technical Standards) of this Compact."

2) Replace the current language of Section 5 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."

3) Replace the current language of Section 6 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 Oglala Sioux Tribe."

Replace the current language of Section 8.9, Limit on Wagers Under Existing State Law, with the following language:
"The amount of a bet may not be more than one hundred dollars ($100) on the initial bet or subsequent bet subject to rules promulgated by the Tribal Gaming Commission. Gaming operations on the Pine Ridge Reservation may offer such higher bet limits as are consistent with the acts of the South Dakota Legislature and the regulations of the South Dakota Commission on Gaming and authorized by the Tribal Gaming Commission."

4) Create a new section, Section 12 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."

5) Revise the amount (currently $30 per hour) in Section 11.3 to **$50** to reflect updated costs of the Commission staff's activities.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed.

OGLALA SIOUX TRIBE

12/7/00

BY: John W. Steele
John W. Steele
President

STATE OF SOUTH DAKOTA

12-5-2000

BY: William J. Janklow
William J. Janklow
Governor

DEPARTMENT OF THE INTERIOR

FEB 8 2001

BY: James H. McDivitt
James H. McDivitt
Deputy Assistant Secretary - Indian Affairs
(Management)