



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

SEP 29 2023

The Honorable Johnny Johnson
President, Prairie Island Indian Community
5636 Sturgeon Lake Road
Welch, Minnesota 55089

Dear President Johnson:

On August 17, 2023, the Office of Indian Gaming received an Addendum to the Tribal-State Compact for Control of Class III Blackjack between the Prairie Island Indian Community (Community) and the State of Minnesota (Amendment), submitted by the Community and the State of Minnesota providing for the regulation of Class III Blackjack activities by the Community. The Amendment updates the Compact to add definitions, regulatory standards for Class III Card Games and provides for enforcement and disputes.

We 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. 25 U.S.C. § 2710(d)(8)(B). Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approve the Amendment. 25 U.S.C. § 2710(d)(8)(A). The Amendment takes 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

**Addendum to Tribal-State Compact for Control of
Class III Blackjack on the Prairie Island Indian Community Reservation Minnesota for
Class III Card Games**

WHEREAS, the State of Minnesota (hereafter “State”) and the Prairie Island Indian Community in Minnesota (hereafter “Community”) have previously negotiated and executed a gaming compact entitled “Tribal-State Compact for the Control of Class III Blackjack on the Prairie Island Indian Community Reservation in Minnesota” dated September 25, 1991 (hereafter “Compact”); and

WHEREAS, Section 2.2 and Section 2.3 of the Compact allow the State and the Community to negotiate and execute a Compact, including an amendment to an existing Compact, for “any other form of Class III gaming which the State permits for charitable, commercial or governmental purposes”; and

WHEREAS, the State expressly permits the operation of Class III card games at commercial horseracing facilities in the State subject to the licensing and regulatory provisions of Minnesota Statute §240.30 and Laws Minn. 2012 Chapter 279, section 6; and

WHEREAS, the Community has adopted a Tribal Gaming Ordinance which permits and provides for the regulation and control of Class III Card Games; and

WHEREAS, the State and the Community wish to add an addendum to the Compact to permit the Community to conduct Class III card games on the Community’s Indian Lands; and

NOW THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the Community and the State enter into the following Addendum to the Compact.

1.0 Scope

- 1.1 This Addendum permits and shall govern the operation of Class III card games on the Community’s Indian Lands, except that nothing in this Addendum shall affect or alter the terms of the Compact with respect to the operation of the game of Blackjack, nor shall it alter or affect the terms of the Tribal-State Compact for Control of Class III Video Games of Chance on the Community’s Reservation.
- 1.2 This Addendum is entered into pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. §2710 (d), Minnesota Statute §3.9221 and the inherent sovereign authority of the Community as vested in its Community Council by Article IV, Section 1 of the Community’s Constitution and tribal law.
- 1.3 This Addendum shall become effective upon execution by the Governor of the State, ratification by the Community, approval by the Secretary of the Interior and publication of the approval in the Federal Register pursuant to the Indian Gaming Regulatory Act.

2.0 Definitions

- 2.1 “Blackjack” has the meaning ascribed to it in Section 1.02 of the Compact.
- 2.2 “Banking Card Game” means any card game where the house participates in the game and takes on all players, collects from all losers, and pays all winners.
- 2.3 “Class III Card Game” means any Banking Card Game, including dealer controlled or dealer assisted electronic games. For purposes of this Addendum, Class III Card Game does not include the game of Blackjack governed by the terms of the Compact.
- 2.4 “Compact” means the Tribal-State Compact for Control of Class III Blackjack on the Prairie Island Community Reservation in Minnesota, in effect upon the execution of this Addendum or as amended thereafter.
- 2.5 “Community” means the Prairie Island Indian Community in Minnesota, a federally recognized, self-governing Indian tribe.
- 2.6 “IGRA” means the Indian Gaming Regulatory Act, 25 U.S.C. §§2701-2721.
- 2.7 “Indian Lands” means the Community’s Reservation and all other Indian Lands over which the Community exercises governmental authority and as defined by Section 2703 (4) of the Indian Gaming Regulatory Act.
- 2.8 “State” means the State of Minnesota, including the Governor and the Department of Public Safety, acting by and through its duly appointed Commissioner.

3.0 Regulatory Standards

- 3.1 The following regulatory standards from the Compact shall be incorporated into this Addendum and shall apply to the operation of Class III Card Games:
 - (a) Sections 4.2, 4.3.
 - (b) Sections 5.1, 5.2, 5.3, 5.4, 5.5, and Section 6.
- 3.2 The Community shall develop and adopt Regulatory Standards for the operation of each Class III Card Game, including but not limited to:
 - (a) The type and number of decks of cards to be used in each game and requirements for cards dealt from a shoe or by hand;
 - (b) Wagering, including limits, and when and how wagers are made;
 - (c) Opening and closing of tables and handling of cash and chips; and
 - (d) Table limits, staffing and surveillance.

3.3 The Regulatory Standards shall govern the play and operation of Class III Card Games on the Community's Indian Lands. The Regulatory Standards shall be submitted to the Commissioner of Public Safety for review and comment at least twenty (20) days prior to operation of any Class III Card Game.

4.0 Enforcement and Disputes

4.1 Agents of the Department of Public Safety shall upon the presentation of valid identification, have the right to inspect all premises used for the play of Class III Card Games, and may inspect all premises, equipment, records, documents, or other items related to the play of Class III Card Games to verify compliance with this Addendum. Inspections conducted pursuant to this Section shall be made during normal business hours and shall be conducted in a manner that does not disrupt normal business operations.

4.2 Violations of this Addendum or of any Regulation adopted pursuant to this Addendum shall be handled as follows:

- (a) Upon detection of a violation, the Department of Public Safety shall notify the Community's Gaming Commission and provide a detailed description of the violation. The Gaming Commission shall have seven (7) days to investigate the alleged violation and if found to exist, to order immediate corrective action. Within five (5) days of the Corrective Action Order, the Gaming Commission must provide to the Department of Public Safety, documentation demonstrating that the corrective action has been implemented.
- (b) If the violation is not corrected, or if the Community's Gaming Commission does not take action upon notification of the violation, the Commissioner of Public Safety may issue a Corrective Action Order providing the Community with a reasonable time to investigate the alleged violation and take action to correct the violation or dispute the finding.
- (c) If the Community disputes the finding of a violation, the Community shall notify the Commissioner of Public Safety in writing of the basis for the dispute and the parties shall, within seven (7) days meet in an effort to resolve the matter. If an agreed upon resolution cannot be reached, each party may pursue any and all remedies available to it under IGRA or state law.

DATED:

STATE OF MINNESOTA

TIM WALZ
GOVERNOR

DATED:

PRAIRIE ISLAND INDIAN
COMMUNITY IN MINNESOTA

JOHNNY JOHNSON
PRESIDENT

Dated: 7-12-23

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 Addendum to Tribal-State Compact for Control of Class III Blackjack on the Prairie Island Indian Community Reservation Minnesota for Class III Card Games, executed by Minnesota Governor Tim Walz and by Prairie Island Indian Community in Minnesota President Johnny Johnson on July 12, 2023, and received by the Department of the Interior for review and approval on August 17, 2023, is hereby approved.

APPROVED

UNITED STATES DEPARTMENT OF THE INTERIOR

Bryan Newland
Assistant Secretary – Indian Affairs

SEP 29 2023

Date