



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

AUG 30 2024

The Honorable Kevin Jensvold
Chairman, Upper Sioux Community
5722 Travers Lane
P.O. Box 147
Granite Falls, Minnesota 56241

Dear Chairman Jensvold:

On July 30, 2024, the Office of Indian Gaming received the Addendum to the Tribal-State Compact for Control of Class III Blackjack (Compact) between the Upper Sioux Community (Tribe) and the State of Minnesota (State) providing for the regulation of Class III banked card games by the Tribe.

The Compact permits the Tribe to operate any banking Class III card games on its Indian lands if the State permits such games. The Compact clarifies that it does not alter the Tribe's ability to operate Blackjack as specified under the Blackjack Compact. The Compact includes applicable definitions, certain regulatory standards incorporated from the Blackjack Compact, provisions related to background investigations, dispute resolution, and enforcement, and requires the Tribe to adopt additional regulatory standards governing the conduct of card games.

We have completed our review of the Compact 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 Compact. 25 U.S.C. § 2710(d)(8)(A). The Compact 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 of Minnesota.

Sincerely,

Wizipan Garriott
Principal Deputy Assistant Secretary – Indian Affairs
Exercising by Delegation the Authority of the
Assistant Secretary – Indian Affairs

Enclosure

**Addendum to Tribal-State Compact for Control of Class III Blackjack
on the Upper Sioux Community Reservation in Minnesota
For Class III Card Games**

WHEREAS, the State of Minnesota (hereafter “State”) and the Upper Sioux Community of Minnesota (hereafter “Community”) have previously negotiated and executed a gaming compact entitled “Tribal-State Compact for Control of Class III Blackjack on the Upper Sioux Community Reservation in Minnesota” dated by the State as of May 8, 1991 and by the Community as of May 13, 1991 (as amended to date, hereafter “Compact”); and

WHEREAS, pursuant to the IGRA (as hereinafter defined) and Section 2.2 and Section 2.3 of the Compact, the State and the Community may 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 provision of Minnesota Statute §240.01 et seq., and the State may now and/or hereafter permit the operation of other Class III card games in the State for charitable, commercial, or governmental purposes; and

WHEREAS, the Community had 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 the 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 Upper Sioux Community Reservation in Minnesota.

1.2 The Community may operate any Class III Card Game on its Indian Lands pursuant to the IGRA and in accordance with this Addendum, provided that the State currently or hereafter permits such game for the charitable, commercial, or governmental purposes by any person, organization, or entity in the State of Minnesota.

- 1.3 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 and the Community's tribal law.
- 1.4 If a court of competent jurisdiction finds any provision of this Addendum to be invalid or illegal, such provision shall be severed from this Addendum and the remainder of the Addendum and Compact shall remain in full force and effect. If a court of competent jurisdiction finds this Addendum to be invalid or illegal in its entirety, this Addendum shall be severed from the Compact and the remainder of the Compact shall remain in full force and effect.
- 1.5 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 (a) any card game where the house participates in the game and takes on all players, collects from all losers, and pays all winners, (b) any card game that is banked by the house or a pool whereby the house or the pool pays all winning bets and collects from all losing bets, and (c) any of the other "banking card games", as such term is used under 25 U.S.C. §2703 (7)(B) or any successor statute thereof.
- 2.3 "Class III Card Game" means any Banking Card Game. 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 Upper Sioux Community Reservation in Minnesota, in effect upon the execution of this Addendum or amended thereafter.
- 2.5 "Community" means the Upper Sioux Community of Minnesota, a federally recognized Indian tribe.
- 2.6 "IGRA" means the Indian Gaming Regulatory Act, 25 U.S.C §§2701-2721 and 18 U.S.C. §§1166-1168.e

- 2.7 “Indian Lands” means the Community’s Reservation and all other Indian Lands (as defined by §2703(4) of the IGRA or any successor statute thereof) over which the Community exercises governmental authority.
- 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 II Card Games.
 - (a) Sections 4.2, and 4.3
 - (b) Sections 5.1, 5.4, 5.5, and Section 6.
- 3.2 The Community shall perform background investigations in accordance with the IGRA and the federal regulations promulgated thereunder for each primary management official and key employee (as each such term is defined in such federal regulations) whose responsibilities include the operation or management of Class III Card Games. The Community may employ any such primary management official and key employee who represented in writing that he or she meets the standards set forth in this section, but may not retain any such primary management official or key employee whose responsibilities include the operation or management of Class III Card Games and who, based on such background investigations, has been: (a) convicted of a felony within five (5) years of starting employment with the Community, or (b) convicted of a felony or gross misdemeanor involving fraud, misrepresentation, or gambling. Background check reports shall be made available to the State Commission of Public Safety, upon written request, by the Tribal Gaming Commission within thirty (30) days of receipt of the request.
- 3.3 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) Oversight and surveillance.

- 3.4 The Regulatory Standards shall govern the play and operation of Class III Card Games on the Community's Indian Lands. Upon final adoption or amendment, Regulatory Standards related to Class III Card Games shall be promptly submitted to the Commissioner of Public Safety.

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, in each case to the extent necessary 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 by the Community of this Addendum shall be handled as follows:

- (a) Upon detection of an alleged violation of this Addendum, the Department of Public Safety shall notify the Community's Gaming Commission and provide a detailed description of the alleged violation (each such notice, a "Alleged Violation Notice"). The Gaming Commission shall have 30 days (or such longer period as deemed necessary by the Gaming Commission in good faith) to investigate the alleged violation. If a violation is found to exist, the Gaming Commission shall order corrective action and shall provide documentation to the Department of Public Safety that demonstrates that the issue has been addressed.
- (b) If the Community (or its Gaming Commission) disputes that an alleged violation exists, the Community (or its Gaming Commission) shall notify the Commissioner of Public Safety in writing of the basis for the dispute and the parties, within 15 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 under the IGRA.
- (c) If the corrective action order issued by the Community's Gaming Commission is not implemented, or if the Community's Gaming Commission does not take any action to address an undisputed violation described in an Alleged Violation Notice, the Commissioner of Public Safety may issue a formal Notice of Non-Compliance to the Community and may pursue any and all remedies available to it under the IGRA.

STATE OF MINNESOTA

UPPER SIOUX COMMUNITY



Tim Walz
Governor



Kevin Jensvold
Chairman

Dated: June 20, 2024

Dated: 5/22/24

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 the Tribal-State Compact for Control of Class III Blackjack on the Upper Sioux Community Reservation in Minnesota for Class III Card Games is hereby approved.

APPROVED

UNITED STATES DEPARTMENT OF THE INTERIOR



Dated: AUG 30 2024

Wizipan Garriott
Principal Deputy Assistant Secretary – Indian Affairs
Exercising by Delegation the Authority of the
Assistant Secretary – Indian Affairs