



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

JUN 11 1999

Honorable Stephen Cournoyer, Jr.  
Chairman, Yankton Sioux Tribe  
P.O. Box 248  
Marty, South Dakota 57361-0248

Dear Chairman Cournoyer:

On April 29, 1999, we received a letter dated April 28, 1999, from Mr. James Abourezk, resubmitting for approval under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701 *et seq.*, an Amended Gaming Compact (Compact) between the Yankton Sioux Tribe (Tribe) and the State of South Dakota (State), executed on March 2, 1994. Mr. Abourezk also submitted for approval an extension of the Compact (Extension), executed on August 18, 1998. The 1994 Compact and the Extension were signed by a representative of the State of South Dakota and by the Tribal Chairman authorized to act on behalf of the Tribe on the dates these two documents were executed. For the following reason, the 1994 Compact and the Extension are hereby disapproved.

By letter dated March 26, 1999, we disapproved the 1994 Compact, as well as two earlier compacts, because Governor Janklow, the current Governor of the State of South Dakota, had revoked his predecessors' approval of these compacts before their submission by the Tribe to the Department of the Interior. We are now urged to reconsider our March 26 decision on the grounds that Governor Janklow lacks the authority to revoke his predecessors' approval under applicable State contract law, and because Governor Janklow has signed a series of extensions of the 1994 Compact, the last of which extended the 1994 Compact to April 20, 1999.

Assuming, without deciding, that the Tribe's arguments have merit, we still have to disapprove the 1994 Compact and the Extension because, by its terms, the 1994 Compact is no longer in effect. The 1994 Compact was only valid for two years unless affirmatively extended by mutual agreement of the parties. The last extension only extended the Compact to April 20, 1999. We do not believe that we can approve a Tribal-State compact that has expired before it is submitted for approval by the Secretary under IGRA. We therefore disapprove the 1994 Compact and Extension under § 2710(d)(8)(B)(i).

Notwithstanding our disapproval of the 1994 Compact, we have no information before us to indicate that the 1991 Compact, published in the *Federal Register* on June 19, 1991, is not still in effect. Section 12 of the 1991 Compact provides that the Compact stays in effect indefinitely unless one of the parties, at two-year intervals, notifies the other party within 180 days of expiration of the two-year period that it wishes to renegotiate provisions of the compact. The 1991 Compact would expire only if the parties were unable to resolve identified issues. We are unaware that, at any time, either party gave notice of its desire to amend provisions of the 1991 Compact, or that, assuming such notice was given, that the parties were unable to resolve identified issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Jones". The signature is written in a cursive style with a large, sweeping initial "K".

Assistant Secretary - Indian Affairs

Similar Letter Sent To:      Honorable William Janklow  
Governor, State of South Dakota  
Pierre, South Dakota 57501-5070