



# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

**OCT 18 2004**

Honorable Leonard Eller  
Tribal President  
Flandreau Santee Sioux Tribe  
P.O. Box 283  
Flandreau, South Dakota 57028

Dear President Eller:

On September 9, 2004, we received the Amendment to the Class III Gaming Compact (Compact) between the State of South Dakota (State) and the Flandreau Santee Sioux Tribe (Tribe), dated September 7, 2004. We have completed our review of this Compact 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 wish the Tribe and the State success in their economic venture.

Sincerely,

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Principal Deputy Assistant Secretary- Indian Affairs

Enclosure

Similar Letter Sent

to:

Honorable M. Michael Rounds  
Governor of South Dakota  
Pierre, South Dakota 57501-5070

**AMENDMENT TO THE CLASS III GAMING COMPACT  
BETWEEN THE STATE OF SOUTH DAKOTA AND  
THE FLANDREAU SANTEE SIOUX TRIBE**

The State of South Dakota and the Flandreau Santee Sioux Tribe hereby agree to the following amendment to the existing Class III gaming compact between the State and the Tribe dated December 27, 1999.

Remove the current language in section 4.4 of the compact and replace it with the following language so that section 4.4 of the compact will read as follows:


"No bets shall be placed by any person on behalf of any other bettor. The preceding sentence shall, however, be void as to simulcast wagers if the Tribe contributes a total of Seventy Five Thousand Dollars (\$75,000.00) per year to organizations which are licensed by the South Dakota Commission on Gaming to conduct live horse races pursuant to SDCL 42-7-58 and 42-7-68. These contributions shall be made in January of each year and each organization which is licensed by the South Dakota Commission on Gaming to conduct live horse races that year shall receive an equal share of the total contribution of \$75,000 per year. In the event that no organization is licensed by the South Dakota Commission on Gaming to conduct live horse races in any year, the total contribution of \$75,000 for each such year shall be made to the Flandreau Independent School District.

The parties agree that the amount of \$75,000 per year approximates 25% of all net profits to the Tribe annually from the pari-mutuel simulcast operation. The parties have further agreed on the set amount of \$75,000.00 per year to avoid the expense of auditing and other procedures to determine an amount which would have to be calculated on the basis of an annual audit.

The parties further agree that nothing in ARSD 20:04:32:08.1 shall be construed to conflict with betting on simulcast events pursuant to the two subparagraphs of section 4.4 set forth immediately above, except that the parties in addition agree that no teller for a simulcast operation may act as an agent for an off premises bettor if the teller is or is intended to become entitled to a percent of the gain from a bet placed by him as agent of the off premises bettor."

IN WITNESS WHEREOF, the parties hereto have caused this amendment to the Compact to be executed.

FLANDREAU SANTEE SIOUX TRIBE

By:   
Leonard Eller, Tribal President (Date)

STATE OF SOUTH DAKOTA

By:  9-7-04  
M. Michael Rounds, Governor (Date)

U.S. DEPARTMENT OF THE INTERIOR

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_