



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 20 2022

The Honorable William Reynolds
Chairman, St. Croix Chippewa Indians
of Wisconsin
24663 Angeline Avenue
Webster, Wisconsin 54893

Dear Chairman Reynolds:

On February 16, 2022, the St. Croix Chippewa Indians of Wisconsin (Tribe) and the State of Wisconsin (State) submitted the Third Amendment to the St. Croix Chippewa Indians of Wisconsin and the State of Wisconsin Class III Gaming Compact (Amendment), providing for the regulation of class III gaming activities by the Tribe.

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). The Amendment provides for on-reservation remote and retail event wagering consistent with the Tribe's minimum internal control standards, contains several technical changes including removing obsolete language, and includes a forward-looking provision which positions the Tribe to offer state-wide hub and spoke event wagering if State law is changed to allow such gaming, another Tribe's compact with the State authorizes such gaming, and the Tribe's Compact is amended. Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approve the Amendment.¹ 25 U.S.C. § 2710(d)(8)(A). The Compact takes effect when the notice of this approval is published in the Federal Register. 25 U.S.C. § 2710(d)(3)(B).

A similar letter is being sent to the Tony Evers, Governor of Wisconsin.

Sincerely,

Bryan Newland
Assistant Secretary – Indian Affairs

¹ We note that the Tribe's existing 1992 Compact has been amended several times. The 1992 Compact was affirmatively approved by the Department and published in the Federal Register on March 10, 1992. It was amended in 1998 with affirmative approval published on August 21, 1998. It was amended again in 2003 and approved by operation of law but only to the extent that those amendments are consistent with IGRA. The approval of this Amendment does not change the Department's concerns with the 2003 amendment.

**THIRD AMENDMENT TO THE
ST. CROIX CHIPPEWA INDIANS OF WISCONSIN
AND STATE OF WISCONSIN
GAMING COMPACT OF 1991**

This Third Amendment to the St. Croix Chippewa Indians of Wisconsin and State of Wisconsin Gaming Compact of 1991 ("Compact") is entered into by the St. Croix Chippewa Indians of Wisconsin and the State of Wisconsin as of the last signature date set forth below. The Compact is hereby amended as follows:

1. Article III, Definitions, is amended as follows:

- a. In Section C, the existing text is deleted in its entirety and replaced with the following:

"Department" means the State of Wisconsin Department of Administration, including the Division of Gaming, or any successor State regulatory agency, and the Department or successor agency's authorized officials, agents, and representatives.

- b. In Section E:

- i. a comma is added after "associations";
- ii. the word "and" in between "associations" and "corporations" is deleted;
- iii. the period after "corporations" is deleted and replaced with a comma; and the
- iv. following text is added after the new comma: "and limited liability companies (or their equivalents)."

- c. Existing Sections G and H, which respectively define "Tribal lands" and "Tribe," are re-lettered as Sections I and J.

- d. New Section G is created and states:

"State Fiscal Year" means the period beginning July 1 of a given year and ending June 30 of the following year.

- e. New Section H is created and states:

"Tribal Fiscal Year" means the period beginning October 1 of a given year and ending September 30 of the following year, or such other time period as the Tribe and the State mutually agree in writing.

2. The phrase "Lottery Board" is replaced with "Department" throughout the Compact.

3. Article IV, Authorized Class III Gaming, is amended as follows:

- a. Subsection A.11. is amended by deleting the word "and" after the semicolon.
- b. Existing subsection A.12. is renumbered as A.13. and the second sentence of the existing subsection, which begins with "For purposes .. ." and ends with". ..parimutuel racing.", is deleted in its entirety.
- c. New subsection A. 12. is created and states:

Event wagering; "Event wagering" means accepting wagers on the outcomes of, and occurrences within, sports and non-sports games, competitions, and matches, but shall not include parimutuel racing; and
- d. Existing subsection A.13. is renumbered A.14.

4. Article V, Conduct of Games; Generally, is amended as follows:

- a. The text of Section D is deleted in its entirety and replaced with the following:

Except as herein provided, no person shall be extended credit or receive an advance offunds for gaming by any tribal gaming facility, nor shall the Tribe permit any other person to offer such credit or advance for a fee. This Section shall not restrict the right of the Tribe to install third-party automated teller machines or accept bank card or credit card transactions in the same manner as would normally be permitted at any retail business within the State. This Section shall not prohibit the use of wagering accounts pursuant to the terms of this Compact or the Tribe's minimum internal control standards, where such wagering accounts do not extend credit or advance funds to the account holder.

5. Article VII, Gaming-Related Contractor; Contractor to Hold State Certificate, is amended as follows:

- a. Subsection A.7. is created and states:

Event wagering services and goods contracts, including but not limited to agreements for event wagering .systems, event wagering risk management services, betting line services, and hardware and software used for purposes of placing event wagers.

- b. Subsection A.8. is created and states:

Contracts for geolocation, geotracking, or geofencing services for purposes of tracking the location ofcustomers using remote wagering devices.

- c. In Section B, "\$50,000" is deleted and replaced with "\$100,000".
- d. In Section C, "\$50,000" is deleted and replaced with "\$100,000".

- e. Subparagraph D.1.f.(4) is created and states:

A limited liability company or its equivalent (collectively "LLC"), then subdiv. a. applies to the LLC and each member and manager of the LLC or their equivalents.

- f. The text of subdivision D.1.g. is deleted in its entirety and replaced with the following:

The restrictions under subdiv. a. do not apply to the partnership, association, LLC, or corporation if the Department determines that the partnership, association, LLC, or corporation has terminated its relationship with the partner, officer, director, member, manager, or owner who was convicted or entered the plea or with the partner, officer, director, member, manager, owner or other individual whose actions directly contributed to the partnership's, association's, LLC's, or corporation's conviction or entry of plea.

- g. In subdivision D.1.h., the following text is added after the word "association" and before "or corporation": ", LLC,".
- h. In Section E, the phrase "Executive Director of the" is deleted from subsection 2 and subdivision 2.a.
- i. Section VII.G. is deleted in its entirety.

6. Article X, Records, is amended as follows:

- a. The following text is added to the end of subparagraph B.1.:

The Tribe's minimum internal control standards and rules of play are not confidential gaming records, except that portions of the Tribe's minimum internal control standards may remain confidential to the extent necessary to ensure the integrity of games and to prevent the circumvention of security measures.

7. Article XII, Audits, is amended as follows:

- a. In Section A.:
 - i. "(commencing with the current tribal fiscal year)" is deleted, and
 - ii. "fiscal year" is deleted and replaced with "Tribal Fiscal Year" throughout. b.

In Section B, "tribal fiscal year" is replaced with "Tribal Fiscal Year".

- c. In subsection C.1.:
 - i. "Accounting and Audit Guide - - Casinos" is deleted and replaced with "Gaming Audit and Accounting Guide", and
 - ii. "Public" is deleted and replaced with "Professional".

8. Article XIV, Public Health and Safety, is amended as follows:

- a. In Section A, all of the text beginning with "chs. ILHR 14 . . ." and ending with ". . . 8 1 - 8 6 (Plumbing)," is deleted and replaced with:

chs. SPS 314 (Fire Prevention), 316 (Electrical), 328 (Smoke Detectors and Carbon Monoxide Detectors), 366 (Existing Buildings), 377 (Theatres and Assembly Halls), and 38 1-38 7 (Plumbing),

9. Article XV, Electronic Games of Chance, is amended as follows:

- a. Subsection C.3, titled "Existing games," is deleted in its entirety.
- b. In subdivision D.17.b., the phrase "Executive Director of the " is deleted.
- c. In subdivision E.8.c., the text beginning with "Provided, however, ..." and ending with "... during play" is moved from the subparagraph to a separate unlettered sentence at the end of subparagraph E. 8.

10. New Article XVIII, Event Wagering, is created and states:

XVIII. EVENT WAGERING.

- A. The Tribe shall adopt minimum internal control standards and rules of play governing event wagering which shall be approved by the Department as provided in this Compact. Rules of play for event wagering shall be publicly posted and a copy shall be made readily available to players upon request.
- B. Event wagers placed using remote wagering devices shall be placed only from locations permitted by the Tribe's minimum internal control standards governing event wagering.
- C. Event wagers shall be placed only on permitted events as set forth in the Tribe's minimum internal control standards governing event wagering.
- D. If the scope of permissible event wagering in the state is expanded in any of the manners set forth below, then, upon written notice by the Tribe to the Department, the Tribe's minimum internal control standards shall be deemed to include such expansion of scope and promptly thereafter the Tribe and the State shall negotiate in good faith to amend the Tribe's minimum internal control standards to reflect the

change:

1. The State legalizes event wagering on an event or events not included as permitted events in the Tribe's minimum internal control standards.
 2. The State legalizes event wagering which allows a customer located outside of land owned by a Wisconsin Indian Tribe or held in trust by the federal government for the benefit of a Wisconsin Indian Tribe to place an event wager through the use of a remote wagering device.
 3. The State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which allow event wagering on an event or events not included as permitted events in the Tribe's minimum internal control standards, or the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11(d)(7)(B)(vii) of the Act which allow event wagering on an event or events not included as permitted events in the Tribe's minimum internal control standards.
 4. The State enters a Tribal-State gaming compact or gaming compact amendment with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which allow event wagering through the use of remote wagering devices under terms more favorable than those set forth in the Tribe's minimum internal control standards, including but not limited to permitted locations, or if the Secretary of the United States Department of the Interior prescribes procedures for another Wisconsin Indian Tribe pursuant to section 11(d)(7)(B)(vii) of the Act which allow event wagering through the use of remote wagering devices under terms more favorable than those set forth in the Tribe's minimum internal control standards, including but not limited to permitted locations.
 5. The State enters a Tribal-State gaming compact or compact amendment with another Wisconsin Indian Tribe, or enters an agreement with another Wisconsin Indian Tribe, or agrees to minimum internal control standards with another Wisconsin Indian Tribe, which provide for a different procedure or procedures than set forth in the Tribe's minimum internal control standards for adding permitted events for event wagering.
- E. Promptly, but no later than ten (10) business days after entering a Tribal-State compact or compact amendment with another Wisconsin Indian Tribe, or entering an agreement with another Wisconsin Indian Tribe, or agreeing to minimum internal control standards with another Wisconsin Indian Tribe, which address permitted events for event wagering and/or permitted locations for remote wagering and/or procedures for adding permitted events for event wagering, the State shall provide written notice to the Tribe together with a copy of such compact, compact amendment, agreement, and/or minimum internal control standards.

Both the Tribe and the State have legitimate interests in protecting the integrity of events subject to event wagering.

11. Existing Articles XVIII through XXXVII are renumbered as Articles XIX through XXXVIII and all cross-references to these Articles and their subparts in the Compact are renumbered to conform with this renumbering.

12. Existing Article XXII, Dispute Resolution (now Article XXIII), is amended as follows:

a. The text of Section A is deleted and replaced with the following:

Negotiation. If either the Tribe or the State believes the other has failed to comply with the requirements of this Compact or the minimum internal control standards, or if a dispute arises over the proper interpretation of any provision of this Compact or any provision of the minimum internal control standards, then either may initiate negotiation by serving a written notice on the other identifying the specific provision or provisions of the Compact or minimum internal control standards in dispute and specifying in detail the factual basis for any alleged non-compliance or the interpretation of the provision of the Compact or minimum internal control standards. Within twenty (20) days of service of such notice, representatives designated by the Governor of Wisconsin and the Chairperson of the Tribe shall meet in an effort to resolve the dispute through negotiation.

b. The text of Section B is deleted and replaced with the following:

Mediation. If either the Tribe or the State believes the other has failed to comply with the requirements set forth in this Compact or in the minimum internal control standards, or if there is a dispute over the proper interpretation of any provision of this Compact or any provision of the minimum internal control standards, the Tribe and the State may agree in writing to settle the dispute by non-binding mediation.

13. Existing Article XXV, Duration and Authority (now Article XXVI), is amended as follows:

a. Section E is created and states:

The Third Amendment to the Compact is binding on the Tribe and the State upon the signature of the Chairperson of the Tribe and the Governor of the State. In the event that the Third Amendment is disapproved in whole or in part by the Secretary of the United States Department of Interior, or found unenforceable or invalid by a court of competent jurisdiction, the State and the Tribe shall, upon request, negotiate in good faith regarding potential substitute provisions.

14. Existing Article XXVIII, Notices (now Article XXIX), is deleted in its entirety and replaced with the following text:

All notices required or authorized to be served shall be served by first class mail at the following addresses:

Chairperson, Tribal Council
St.Croix Chippewa Indians of WI
24663 Angeline Ave.
Webster, WI 54893

Governor
State of Wisconsin
115 East, State Capitol
PO BOX 7863
Madison, WI 53707

With copy to:
General Counsel
St.Croix Chippewa Indians of
WI 24663 Angeline Ave.
Webster, WI 54893

The Tribe shall also send by email to DOAGaming@wisconsin.gov a copy of all notices it serves on the Governor, or such other email address as the Department may specify.

15. Existing Article XXXII, Payment to the State (now Article XXXIII), is amended as follows:

a. In Section A:

- i. the phrase "fiscal year" is deleted and replaced with "Tribal Fiscal Year" throughout the Section; and
- ii. The sentence beginning "For purposes of this Section, 'fiscal year' ..." and ending "... of the following year" is deleted.

b. In Section C, the word "year" is replaced with "Tribal Fiscal Year" throughout the Section.

16. Existing Article XXXV, Procedures for Rules of Play and Minimum Internal Control Standards (now Article XXXVI), is amended as follows:

a. In Section A:

- i. The following heading is added to the beginning of the Section: "Rules of Play and Minimum Internal Controls"
- ii. the fourth and fifth sentences, beginning with "Until minimum internal control standards ..." and ending with "...pursuant to this Article" are deleted in their entirety; and
- iii. in the last sentence "(B)" is replaced with "(C)".

b. In Section B, the heading is amended to state: "Rules of Play for New Games"

c. Existing Section C is deleted in its entirety and replaced with the following:

C. Amendments.

1. Except with respect to minimum internal control standards relating to event wagering or remote wagering, amendments to minimum internal control standards or rules of play shall be made as set forth below:

a. The Tribe shall submit a copy of any amendments to the rules of play or minimum internal control standards to the Department within fourteen (14) days of adoption. Within thirty (30) days of receipt of such amendment, the Department shall submit any objection it may have to such amendment to the Tribe by serving a written notice of objection on the Tribe. All such objections shall be based upon the criteria set forth in subsection D.3. below, and the notice of objection shall state with specificity the reasons therefor with reference to such criteria. Within thirty (30) days of submission of any objection, the Department and the Tribe shall meet in an attempt to resolve the objection. If the objection is not resolved within twenty (20) days of such meeting, either the Tribe or the Department may serve upon the other a demand for arbitration pursuant to Section D below. The Tribe may continue to utilize any amended rule or standard subject to objection by the Department while the procedures set forth in Section D below are completed.

b. The State may propose new areas to be subject to the minimum internal control standards. Such proposals shall specify the justification for the extension of the minimum internal control standards in the new area, and shall propose minimum internal control standards which address the issues raised in the statement of justification. Within thirty (30) days of receipt of such proposal, the Tribe shall submit any objection it may have to such proposal to the Department by serving a written notice of objection on the Department. All such objections shall be based upon the criteria set forth in subsection D.3. below, and the notice of objection shall state with specificity the reasons therefor with reference to such criteria. If the objection is not resolved within twenty (20) days of such meeting, either the Tribe or the Department may serve upon the other a demand for arbitration pursuant to Section D below.

2. Except as otherwise provided in Article XVIII, amendments to minimum internal control standards relating to event wagering or remote wagering shall be made only by mutual agreement of the parties. The Tribe may propose amendments to the Tribe's minimum internal control standards governing event wagering and/or remote wagering at any time. The Tribe and the State shall enter into good faith negotiations regarding such proposed amendments within thirty (30) days of the State's receipt of the proposed amendments, except that the State shall have no obligation to negotiate regarding proposed amendments to minimum internal controls governing events occurring in Wisconsin or involving Wisconsin teams that do not occur on land owned by the Tribe or held in trust for the Tribe by the federal government. Disputes regarding the obligation to negotiate in good faith under this provision shall be resolved under the provisions of Article XXIII.

d. Existing Section E is deleted in its entirety.

17. Article XXXVI, Data Reporting (now Article XXXVII), is amended as follows:


a. The text of existing Section B is deleted in its entirety and replaced with the following:

B. The Tribe shall submit the following to the Department on a monthly basis, in an electronic format mutually agreed upon by the State and the Tribe, not later than fourteen (14) days after the conclusion of each calendar month:

1. Daily revenue information for table games: type of table game, table number, shift, opening inventory, fills, credits, adjustments, closing inventory, drop, and win/loss; and
2. Daily revenue information for event wagering: the total amount of all wagers received less voided or canceled wagers and amounts paid out for winning wagers and the total amount of the write on events or games that occur during the month or will occur in subsequent months, less gaming payouts.

IN WITNESS WHEREOF, The St. Croix Chippewa Indians of Wisconsin and the State of Wisconsin have hereunto set their hands and seals.

**ST. CROIX CHIPPEWA
INDIANS OF WISCONSIN**

By: 
William Reynolds
Tribal Chairman


2-23-2022
Date

STATE OF WISCONSIN

By: 
Tony Evers
Governor

2/9/2022
Date

Approved this 20 day of April, 2022


Assistant Secretary - Indian Affairs
United States Department
of the Interior