



POARCH BAND OF CREEK INDIANS

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VIA EMAIL: reg.review@NIGC.gov

Lael Echo-Hawk, Counselor to the Chair
National Indian Gaming Commission
1441 L Street, NW, Suite 9100
Washington, DC 20005

Re: Comments to Draft Amendments to 25 CFR Parts 518

Dear Commissioners:

On behalf of the Poarch Band of Creek Indians, I thank you for the opportunity to comment on the National Indian Gaming Commission's preliminary draft of amendments to 25 CFR Part 518 regarding tribal self-regulation.

A. 25 CFR Part 518.4(b)

We noticed several typographical errors in this subsection. We suggest that the last sentence of the introductory language in subsection (b) be corrected as follows: "The list of factors is not ~~ah~~ all-inclusive; other factors not listed here may also be addressed." Also, in Part 518.4(b)(5), we suggest that the introductory language be corrected as follows: "The tribe has a gaming regulatory body, which:".

B. 25 CFR Part 518.4(b)(8)

25 CFR Part 518.4(b)(8) states demonstrating that "the operation is financially stable" is one of the factors in determining whether the requirements for self-regulation are met. Unlike the other factors in the list which are easily met through minimum internal control standards, policies, and proof of adhering to and implementing the minimum internal control standards and policies, we are unclear as to what must be offered to prove financial stability. Furthermore, we are concerned that financial stability is a subjective term. We would recommend that the Commission be more specific as to what would be needed to meet this factor.

C. 25 CFR Part 518.5

1. *Time Frames*

We would recommend the addition of time frames within this Part. In Part 518.5(a) and Part 518.5(c), there is no time frame for the tribe to respond to deficiencies in and omissions from the petition or for requests for additional information. While Part 518.5(c) states that the tribe's response should be timely, we would suggest that if a tribe is notified regarding an incomplete petition that the tribe should have the additional information submitted no later than

incomplete petition that the tribe should have the additional information submitted no later than thirty (30) days after receipt of notification. Part 518.5(f) does not state when the hearing would be scheduled or when the hearing schedule is to be issued, and Part 518.5(g) does not state how long the Office of Self-Regulation has to make a decision following the hearing. We would recommend that the hearing be scheduled not later than sixty (60) days after the notice is issued and that the hearing schedule be issued at least thirty (30) days prior to the hearing.

2. 518.5(c)

The first sentence of 518.5(c) has a typographical error. We would correct the error as follows: "Upon receipt of a complete petition, the Office of Self-Regulation shall a review and investigation to determine whether the tribe meets the approval criteria under § 518.4."

D. 25 CFR Part 518.7(b)

Part 518.7(b) requires the tribe to annually submit complete resumes for all employees hired and licensed by the tribe subsequent to its receipt of a certificate of self-regulation. This complete resume requirement appears to be burdensome on the tribes and does not address whether the employee is eligible for licensing under the gaming ordinance. A resume goes to qualifications for a job not to suitability under the gaming ordinance. Therefore, we would recommend that the tribe's investigative reports be used instead of a resume.

E. 25 CFR Part 518.8

We understand that the proposed regulation requires immediate notification if there is a change in circumstances material to the approval criteria. However, we believe that it is more realistic to state that the notification must occur no later than three (3) calendar days after the change has occurred.

I again thank you on behalf of the Poarch Band of Creek Indians for the opportunity to provide comment on the proposed changes relative to self-regulation. We look forward to working with you as other proposed changes are circulated.

Sincerely,



Stephanie A. Bryan

Vice-Chair

Poarch Band of Creek Indians