



# Kootenai Tribe of Idaho

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Via Electronic Submission: [reg.review@nigc.gov](mailto:reg.review@nigc.gov)

Tracie Stevens, Chairperson  
National Indian Gaming Commission  
1441 L Street NW, Suite 9100  
Washington, DC 20005

Dear Chairperson Stevens:

The Kootenai Tribe of Idaho appreciates this opportunity to respond to the Commission's Notice of Inquiry regarding regulations promulgated under the Indian Gaming Regulatory Act.

Our responses speak only to matters that affect the Kootenai Tribe of Idaho. We do not believe there is a one-size-fits-all approach that will serve all Tribes and that all regulations should be flexible when feasible.

The Kootenai Tribe of Idaho offers the following comments:

## **A. Part 502—Definitions of This Chapter**

(a) Net Revenues—management fees.

Response: The Kootenai Tribe of Idaho agrees that the definition should be clarified so that it is consistent with General Accepted Accounting Principles (GAAP).

(b) Net Revenues—allowable uses.

Response: The Kootenai Tribe of Idaho agrees that the definition should be clarified so that it is consistent with General Accepted Accounting Principles (GAAP).

(2) Management Contract.

Response: The Kootenai Tribe of Idaho is against expanding the definition of management contract to include any contract.

## **B. Part 514—Fees**

Response: The Kootenai Tribe of Idaho is in favor of creating a late payment system in lieu of a Notice of Violation (NOV) for submitting fees late.

## **F. Proceedings Before the Commission**

Response: The Kootenai Tribe of Idaho recommends against more comprehensive rules for proceedings before the Commission. It believes that the current regulation is sufficient and additional rules would make the process burdensome and time consuming.

## **G. MICS & Technical Standards**

### **(1) Part 542—Class III Minimum Internal Control Standards**

Response: The Kootenai Tribe of Idaho appreciates the availability of these regulations for guidance in running its gaming operations. However it believes that such standards should be available as guidelines rather than as regulations.

## **H. Backgrounds and Licensing**

### **(2) Fingerprinting for Non-Primary Management Officials or Key Employees**

Response: The Kootenai Tribe of Idaho is in favor of adopting regulations that would permit a Tribe discretion to submit fingerprint cards to NIGC for other individuals associated with gaming operations.

## **I. Part 559—Facility License Notifications, Renewals, and Submissions**

Response: As it currently exists, we believe this regulation is burdensome. We have no specific recommendation but support any efforts to simplify the process.

## **J. Sections 571.1-571.7—Inspection and Access**

Response: The Kootenai Tribe of Idaho supports a revision that would clarify Commission access to records at off-site locations, including at sites maintained or owned by third parties.

## **V. Potential New Regulations**

### **B. Sole Proprietary Interest Regulation**

Response: The Kootenai Tribe of Idaho supports a regulation that would provide for a Tribe to request NIGC to review documents and identify when the sole proprietary interest provision is violated.

#### **D. Buy Indian Act Regulation**

Response: The Kootenai Tribe of Idaho supports the promotion of Indian owned businesses however we feel this would be better implemented as Commission policy rather than as a regulation.

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With respect to the Tribal Advisory Committee suggestion, the Kootenai Tribe of Idaho appreciates the opportunity to have tribal representatives provide input and advice however we do not believe another TAC is advisable at this time. The Tribe feels that this consultation process is comprehensive and accomplishes the same objective. The Tribe believes forming a TAC would create another layer of delay that would prevent moving forward on these amendments.

Again, we appreciate this opportunity to comment.

Sincerely,



Jennifer Porter, Chairperson  
Kootenai Tribe of Idaho

cc: William K. Barquin, Attorney General