

PRELIMINARY DRAFT - FOR DISCUSSION PURPOSES ONLY
Due Date for Written Comments to NIGC: June 17, 2011

Part 559 – Facility License Notifications, Renewals, and Submissions

1 § 559.1 What is the scope and purpose of this part?
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3 (a) The purpose of this part is to ensure that each place, facility, or location where
4 class II or III gaming will occur is located on Indian lands eligible for gaming and
5 obtain verification that the construction and maintenance of the gaming facility, and
6 the operation of that gaming is conducted in a manner which adequately protects the
7 environment and the public health and safety pursuant to the Indian Gaming
8 Regulatory Act.
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10 (b) Each gaming place, facility, or location conducting class II or III gaming pursuant
11 to the Indian Gaming Regulatory Act or on which a tribe intends to conduct class II or
12 III gaming pursuant to the Indian Gaming Regulatory Act is subject to the
13 requirements of this part.
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15 § 559.2 When must a tribe notify the Chair that it is considering issuing a new
16 facility license?
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18 (a) A tribe shall submit to the Chair a notice that a facility license is under
19 consideration for issuance at least 60 days before opening any new place, facility, or
20 location on Indian lands where class II or III gaming will occur. The notice shall
21 contain the following:
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23 (1) The name and address of the property;

24 (2) A legal description of the property;

25 (3) The tract number for the property as assigned by the Bureau of Indian Affairs,
26 Land Title and Records Offices, if any;

27 (4) If not maintained by the Bureau of Indian Affairs, Department of the Interior, a
28 copy of the trust or other deed(s) to the property or an explanation as to why such
29 documentation does not exist; and

30 (5) If not maintained by the Bureau of Indian Affairs, Department of the Interior,
31 documentation of the property's ownership.
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33

34 (b) The Chair shall expedite the process for verifying Indian lands status of the place,
35 facility, or location where class II or III gaming will occur when circumstance permits.
36 The Chair may elect a one time extension, not to exceed an additional 60 days, to
37 properly verify the Indian lands status of the place, facility, or location where class II
38 or III gaming will occur. Once the Indian lands status is verified, the Chair shall notify
39 the tribe.
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1 | (c) A tribe does not need to submit to the Chair a notice that a facility license is under
2 | consideration for issuance for occasional charitable events lasting not more than a
3 | week.

4 | **§ 559.3 When must a tribe submit a copy of a newly issued or renewed facility
5 | license to the Chair?**

6 | A tribe must submit to the Chair a copy of each newly issued or renewed facility
7 | license within 30 days of issuance.

8 | **§ 559.4 What must a tribe submit to the Chair with the copy of each facility
9 | license that has been issued or renewed?**

10 | A tribe shall submit to the Chair with each facility license an attestation certifying
11 | that by issuing the facility license: the tribe has determined that the construction and
12 | maintenance of the gaming facility, and the operation of that gaming is conducted in a
13 | manner which adequately protects the environment and the public health and safety.

14 | **§ 559.5 Does a tribe need to notify the Chair if a facility license is terminated or
15 | expires or if a gaming place, facility, or location closes or reopens?**

16 | A tribe must notify the Chair within 30 days if a facility license is terminated or
17 | expires or if a gaming place, facility, or location closes or reopens. A tribe need not
18 | provide a notification of (a) seasonal closures; or (b) temporary closures with a
19 | duration of less than _____ days.

20 | **§ 559.6 May the Chair request Indian lands or environmental and public health
21 | and safety documentation regarding any gaming place, facility, or location where
22 | gaming will occur?**

23 | A tribe shall provide Indian lands or environmental and public health and safety
24 | documentation that the Chair may in his or her discretion request.

25 | **§ 559.7 May a tribe submit documents required by this part electronically?**

26 | Yes. Tribes wishing to submit documents electronically should contact the
27 | Commission for guidance on acceptable document formats and means of transmission.

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- (2) T
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- Deleted: ., or, if not in compliance with any or all of the same, the tribe will identify those with which it is not in compliance, and will adopt and submit its written plan for the specific action it will take, within a period not to exceed six months, required for compliance. At the successful completion of such written plan, or at the expiration of the period allowed for its completion, the tribe shall report the status thereof to the Commission. In the event that the tribe estimates that action for compliance will exceed six months, the Chairman must concur in such an extension of the time period, otherwise the tribe will be ... [1]
- Deleted: (3) The tribe is ensurin ... [2]
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