



## **TWENTY-NINE PALMS GAMING COMMISSION**

June 14, 2011

National Indian Gaming Commission  
1441 L Street, NW, Suite 9100  
Washington DC, 20005  
Via email: [reg\\_review@NIGC.gov](mailto:reg_review@NIGC.gov)

Chairwoman Stevens, Vice-Chairwoman Cochran and Commissioner Little,

The Twenty-Nine Palms Gaming Commission would like to thank you for the opportunity to comment on the National Indian Gaming Commission's ("NIGC") preliminary draft of Part 559 regarding Facility Licensing. We appreciate the Commission's willingness to consult with tribes and we look forward to continuing to work with you on such items.

As an initial matter, we appreciate that the Commission is proposing to scale back the regulation's mandates. Currently, Part 559 requires tribes to submit a host of items to the NIGC when it submits a copy of each facility license issued or renewed. The preliminary draft rightly proposes to delete this laundry list. Rather, a tribe would conduct its review and analysis and then submit the outcome of its findings to the NIGC. Such outcome would take the form of a certification of sorts "that the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety." We find this approach to be more in line with the tenets of tribal sovereignty and the government-to-government relationship shared between the federal government and tribes.

We further note that this proposed change is more reflective of the diversity of Indian country. As you are well aware, tribal gaming operations are vastly different, ranging from a doublewide trailer in one location to some of the world's largest casinos. A cookie-cutter approach is therefore often inappropriate as well as ineffective. The change proposed by the NIGC addresses this diversity by adding flexibility and better enabling tribes to address their own specific needs. It also better recognizes the role of tribes as the primary regulator of Indian gaming.

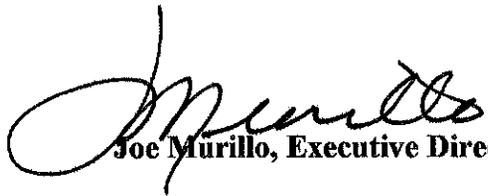
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The Commission also supports the proposed changes made to section 559.2 of the regulation. It is reasonable for a tribe to provide the NIGC with a 60-day notice before opening a new facility. Providing the NIGC with additional time in which to make an Indian lands determination, as contemplated in paragraph (b) of this section, is also reasonable. Further, neither of these changes poses any risk to the integrity of Indian gaming.

On behalf of the Twenty-Nine Palms Gaming Commission, I thank you for the opportunity to provide comment on this preliminary draft. Should you have any questions, please feel free to contact our attorney, Teri Poust, at 323-919-1800, or me.

Sincerely,



**Joe Murillo, Executive Director**

cc: Teri Poust, Attorney