



NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

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August 9, 2011

Chairwoman Tracie Stevens
National Indian Gaming Commission
1441 L Street, N.W., Suite 9100
Washington D.C. 20005

RE: Comments to Preliminary Drafts for 25 C.F.R. Parts 573, 571 and 573

Dear Chairwoman Stevens:

The Navajo Nation provides the following comments to the Preliminary Drafts for 25 C.F.R. Part 537, 571, and 573. As always, we appreciate the opportunity to provide comments to the National Indian Gaming Commission's ("Commission") proposed draft regulations. After review of Parts 537 and 571, the Nation is amenable to those revisions. The proposed drafts provide clarification and more certainty to the Regulations.

On Part 573, Enforcement, the Nation supports the Commission's attempt to create a voluntary compliance process prior to the issuance of the Notice of Violation ("NOV"). Unfortunately, this draft is short of achieving that goal. Under Section (a) and (d), the Chair has full authority to decide to skip the voluntary compliance process and issue a NOV. This discretion causes this section to become meaningless. We understand the necessity for the Commission to issue a NOV for an egregious violation. To create a true voluntary compliance process the Commission must also be required to comply with this process.

The Nation is unclear on the differences between a non-compliance notice and NOV. The definition for non-compliance notice considers this to be issued if a violation is found. Yet, this does not constitute "agency action", thus it is not appealable. This is very concerning to the Tribe, because it would carry the same negative repercussions as an NOV. If a violation is brought forward, a Tribe should have the ability to respond and appeal such decision. At this time, without further clarification the Nation does not support the use of the non-compliance notice.

Chairwoman Tracie Steven

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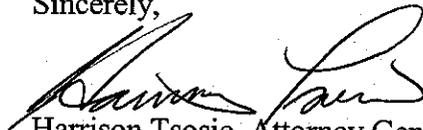
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On the other hand, the Nation fully supports the use of the letter of concern. Our only comment is Section (c) gives discretion to the Commission to give the tribe time to respond to either the letter of concern or non-compliance notice. In either situation, the need to have clear deadlines is important to avoid uncertainty between all parties.

Thank you for the opportunity to provide comments to the proposed 25 C.F.R. Parts 537, 571, and 573.

Sincerely,



Harrison Tsosie, Attorney General

xc: Carleen Chino, Executive Director
Navajo Gaming Regulatory Office