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August 10, 2011

VIA EMAIL TO: reg.review@nigc.gov

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

RE: Preliminary Draft Changes to 25 C.F.R. §§ 556 and 558

Dear Chairwoman Stevens:

In response to the National Indian Gaming Commission's ("NIGC") request for comments to the preliminary draft changes to 25 C.F.R. §§ 556 and 558, the Cheyenne and Arapaho Tribes of Oklahoma ("Tribes") hereby submit the following comments.

25 C.F.R. § 556, Background Investigations for Primary Management Officials and Key Employees

The Tribes support the proposed changes to Part 556. The changes appear to simply reorganize the current provisions of Parts 556 and 558 and formalize the pilot program.

25 C.F.R. § 558, Gaming Licenses for Key Employees and Primary Management Officials

The Tribes support the proposed changes to Part 558. Proposed § 558(c)(2) discusses comments whether participation in the Indian Gaming Individuals Record System should be mandatory or discretionary. The Tribes' position is that participation should be discretionary because the NIGC is not authorized to require participation under the *Indian Gaming Regulatory Act* ("IGRA"), 25 U.S.C. § 2701, et seq. The Tribes believe that many tribes would choose to participate because adding eligibility determinations and investigative reports to the system would serve as a useful tool for other tribes.

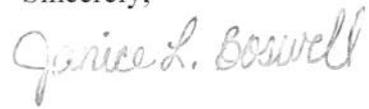
The Tribes oppose any attempt by the NIGC to regulate Class III gaming pursuant to § 2710(d) of IGRA and the decision in *Colorado River Indian Tribes v. NIGC*.

We appreciate the NIGC's commitment to Executive Orders 13563 and 13175 by its consideration of our comments on the preliminary draft changes to 25 C.F.R. §§ 556 and 558. We look forward to additional opportunities to comment at the proposed rule phase.

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Sincerely,

A handwritten signature in cursive script that reads "Janice L. Boswell".

Janice Prairie Chief-Boswell, Governor
Cheyenne and Arapaho Tribes of Oklahoma

cc: Walter Hamilton, Chairman, Cheyenne and Arapaho Gaming Commission via email