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September 26, 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. Part 518

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. Part 518, the Cheyenne and Arapaho Tribes of Oklahoma ("Tribes") hereby submit the following recommendations:

The Cheyenne and Arapaho Tribes are opposed to the preliminary draft changes to 25 C.F.R. § 518.3. The information requested from the Tribes at 25 C.F.R. § 518.3 violates the Paperwork Reduction Act, 44 U.S.C. §§ 3501 *et seq.*, by requiring tribes to submit information already collected or generated by the federal government. Other requested information, such as a list of current employees and division heads, funding for the tribal regulatory body, and organization charts, are not clearly related to NIGC's review. Now that tribes are required to obtain an annual mandatory Minimum Internal Control Standards ("MICS") audit¹ of their class II gaming as well as an annual financial audit,² NIGC should be able to rely solely upon these and a review of Notice of Violations issued by NIGC over the last three years. Such a system would allow a tribe to submit a tribal resolution requesting self-regulation to trigger NIGC review of the request.

The Cheyenne and Arapaho Tribes are opposed to the preliminary draft changes to 25 C.F.R. §§ 518.4(b)(5)(ix) and 518.4(b)(7). Section 518.4(b)(5)(ix) requires a tribal regulatory body to establish standards for licensing and permitting for vendors and other entities who deal with the gaming operation. Section 518.4(b)(7) requires tribes to adopt and implement a conflict of interest policy for the regulatory body and its staff. The Tribes believe these standards and policies would be valuable and prudent, however, there is no such mandate in the Indian Gaming Regulatory Act ("IGRA"). Thus, NIGC is exceeding its authority by keeping these sections.

¹ 25 C.F.R. § 542.3(f) (also known as "agreed-upon procedures").

² 25 U.S.C. § 2710(b)(2)(C).

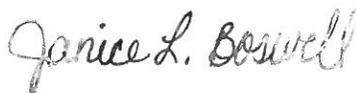
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The Cheyenne and Arapaho Tribes support the amendment to 25 C.F.R. § 518.9. Currently, 25 C.F.R. § 518.9 works to effectively nullify the lesser oversight theoretically provided by a certificate of self-regulation. The NIGC's interpretation of its enforcement powers in § 518.9 resulted in a regulation removing the statutory protections from unwanted government interference in the affairs of a self-regulated tribe. The preliminary draft changes of § 518.9 better honor the intent of IGRA than the current version of § 518.9 by incorporating the incentive of lesser oversight once a tribe receives certification.

Part 518 may become more important to Oklahoma gaming tribes as compacts expire if the state is unwilling to renegotiate those contracts. The Cheyenne and Arapaho Tribes may consider increasing the number of Class II gaming machines if the state does not renegotiate by increasing our class II games above the level we currently have and seeking certification under Part 518 at that time. However, as Part 518 currently stands, the financial effects resulting from waiver of fee requirements are minimal and the burdens of achieving self-regulation are still high. The Tribes support NIGC's efforts to increase the financial incentives and reduce the burden of the application process, however, the preliminary draft changes to other parts as identified herein are still inadequate.

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. Part 518. We look forward to additional opportunities to comment at the proposed rule phase.

Sincerely,



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

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