



November 14, 2006

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Comments on Class II Classification Standards  
National Indian Gaming Commission, Suite 9100  
1441 L Street, NW  
Washington, DC 20005  
Attn: Penny Coleman, Acting General Counsel

Dear Ms. Coleman:

The California State Association of Counties (CSAC) supports the proposed rule to clarify terms used by Congress to define Class II gaming under the Indian Gaming Regulatory Act (IRGA), 25 U.S.C. 2701, et seq.

Many individual California counties have a serious concern about Class II gaming. Technological advances have severely blurred the line between Class II and Class III gaming devices. With relative ease, a tribe can now establish a large gaming facility, install Class II devices, and trigger virtually the same impacts on local government as those that result from a Class III facility, without any of the safeguards afforded by IGRA. This has, in fact, happened already in at least one California County. For example, once the California State Legislature failed to ratify the Lytton Band's compact negotiated with the Governor, which authorized Class III gaming, the Band installed 500 Class II gaming devices in its existing facility. No mitigation of potential or actual impacts has been provided by the tribe.

The CSAC Board of Directors adopted principles related to Federal Tribal Lands Policy on February 23, 2006, which states, "CSAC supports the position that all Class II and Class III gaming devices should be subject to IGRA. CSAC is concerned about the current definition of Class II, or bingo-style, video gaming machines as non-casino gaming machines. These machines are nearly indistinguishable from Class III, a lot-style gaming machines, and thereby generate the same type of impacts on communities and local governments associated with Class III gaming. CSAC believes that the operation of Class II gaming machines is in essence a form of gaming, and tribes that install and profit from such machines should be required to work with local governments to mitigate all impacts caused by such business."

CSAC remains committed to working with state and federal lawmakers, tribes, and other local governments to help ensure that Indian gaming continues to provide opportunity and progress for tribes and neighboring communities, which is a core goal of the Federal Indian Gaming Regulatory Act.

Thank you for the opportunity to provide comments regarding this important matter.

Sincerely,

Mike McGowan  
Supervisor, Yolo County, California  
California State Association of Counties Indian Gaming Working Group

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