SANTA ROSA RANCHERIA TACHI TRIBE

Clarence Atwell △ Elmer Thomas △ Kevin Thomas △ Dena Baga △ Elaine Jeff / Patricia
Chairman Vice-Chairman Secretary Treasurer Delegates

February , 2007

Chairman Hogen & Commission Members
National Indian Gaming Commission
1440 L. Street, N.W. – 10th Floor
Washington, D.C. 20005
VIA FACSIMILIE: (202) 632-7066

RE: Re-publication of Class II Technical Standards

Dear Chairman Hogen & Members of the Commission:

It is the Santa Rosa Rancheria Tachi Yokut Tribe's ("Tribe") understanding that the Commission is considering significant revisions to the proposed Class II technical standards based on the recommendations of an ad hoc working group of game machine manufacturers which developed a set of proposed revisions to the proposed rule. Further, we have been informed that the NIGC may decide not to issue the classification standards and issue only technical standards regulations. Our Tribe believes that tribal governments should have an opportunity to comment on any significant amendments prior to the promulgation of any final rule on technical standards.

It appears the manufacturers were able to achieve substantial consensus in developing the recommendations, which is encouraging. Tribal governments have not had and opportunity to comment on any significant amendments. It is unclear as to the Commission's actual plans in relation to these Class II rulemaking activities. If the Commission plans to proceed with both classification and technical standards regulations, it is essential that our Tribe and other Tribes have a full and fair opportunity to review both sets of regulations and offer additional comments, particularly since the two proposed rules are so closely related. If the NIGC plans only to proceed with technical standards we view it as essential that tribal governments have a full and fair opportunity to review and comment on the final proposal.

While we are hopeful that the Commission's decision to allow the manufacturer's an opportunity for input produced worthwhile results that will ultimately accrue to the benefit of tribal governments, the Commission's ultimate responsibility is to carry out its mission on a government-to-government basis with representatives of tribal governments. Moreover, it is not at all unusual for federal agencies to publish multiple versions of the

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ame proposed rule, particularly in rulemakings affecting substantial rights or economic impacts. In this case, both circumstances are present; therefore we assert that due process and the APA "logical outgrowth" rule weigh in favor of the NIGC's re-publication of the technical standards for further comment after they are amended.

Sincerely,

Clarence Caldwell, Jr.
Tribal Chairman

c: Tribal Council

SANTA ROSA RANCHERIA

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Date: 2- -07	
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Including Co r Sheet	

A FEDERALLY RECOGNIZED TRIBE

TACHI YOKUT TRI

FAX COVER SHEET

SEND TO: Chairman Hoger	FROM: Chairman A well
COMPANY NAME: NIGC	NAME:
ATTENTION	DATE:
FAX NUMBER: 202- 632-7066	PHONE NUMBER:

☐ URGENT ☐ REPLY ASAP ☐ COMMENT ☒ REVIEW ☐ FYI

COMMENTS:

Please deliver to Commission Members.