

Elk Valley  
RANCHERIA  
Crescent City, CA



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February 24, 2016

**VIA E-MAIL ONLY**  
[vannice\\_doulou@nigc.gov](mailto:vannice_doulou@nigc.gov)

National Indian Gaming Commission  
Attn: Vannice Doulou  
c/o Department of the Interior  
1849 C Street, NW  
Mail Stop # 1621  
Washington, DC 20240

Re: Categorical Exemption for Management Contracts

Dear Ms. Doulou:

On behalf of the Elk Valley Rancheria, California, a federally recognized Indian tribe (the "Tribe"), I write to comment on the National Indian Gaming Commission's proposal to implement a categorical exclusion ("CATEX") under the National Environmental Policy Act ("NEPA"). In short, the Tribe supports the use of such a CATEX.

The interaction between the Indian Gaming Regulatory Act and NEPA has been the subject of much discussion. The NIGC has historically required compliance with NEPA when tribes enter into a management contract for gaming when construction is involved. Such a position results in significant delay, provides opportunity to oppose simple management changes that benefit tribes, and carries a significant cost.

The NIGC should be excused from NEPA compliance due to the inability to complete NEPA review within the time restrictions for management contract approval under the IGRA. Further, simple entry into a management agreement for gaming generally does not trigger any interest of the NIGC other than enforcement of the minimum requirements of the IGRA. No major federal action is involved in the Indian gaming management contract process; therefore, NEPA compliance should not be required.

If the NIGC insists on that there is no statutory conflict and that major federal action is involved in management contract approvals, it can create a single programmatic EIS based on past experience that would support a categorical exclusion for tribal projects. Such an approach,

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called “tiering” is allowable by federal regulations at 42 C.F.R. § 1500.20, and would save substantial time and money.

Based upon the above, the Tribe requests that the NIGC implement a CATEX for management contract review under NEPA.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Bradley G. Bledsoe Downes". The signature is written in a cursive, flowing style.

Bradley G. Bledsoe Downes  
General Counsel

cc: Elk Valley Tribal Council