



January 21, 2016

Notice of Telephonic Consultation and Opportunity for Written Comments

Dear Tribal Leader:

On behalf of the National Indian Gaming Commission (NIGC or Commission), we invite you to participate in a telephonic consultation occurring this **February 4, 2016, from 1:00-4:00 p.m. Eastern Standard Time and for the opportunity to provide written comments by February 23, 2016**. This will be the fifth and final Tribal Consultation in a series of sessions commenced by the NIGC last year to receive comment and discussion on four topics: updates to the NIGC's Privacy Act regulations, the NIGC's proposed National Environmental Policy Act (NEPA) manual that includes a categorical exclusion for the approval of management contracts, guidance for Class III minimum internal control standards (MICS), and a proposed regulation through which the NIGC will give preference in NIGC purchasing to Indian-owned businesses.

In the February 26, 2015, letter announcing the consultation scheduled on these topics, the Commission stated that it would make available a telephone session for those tribal leaders unable to participate in the in-person sessions. Before that telephonic consultation session could be scheduled however, the Commission lost its quorum and, as a result, its ability to act on many of the topics already discussed at the in-person consultation sessions. As a result, the Commission paused the consultation schedule. Now that Commissioner Simermeyer has joined the Commission, we are ready to resume our consultation. The Commission looks forward to hearing your comments on the topics discussed in more detail below.

Privacy Act Regulations. The NIGC's regulations implementing the Privacy Act have not been updated since 1993. We plan to make changes to bring it into full compliance with the Privacy Act, as well as incorporate a system of records for the background investigations we perform pursuant to management contract reviews.

NEPA. The Commission is also seeking feedback on its plans to develop a NEPA manual that addresses management contracts. The NIGC has previously determined that approving a management contract for the operation of gaming under IGRA is a major Federal action that requires NEPA review. The NIGC is now seeking to adopt a policies and procedures manual that includes a Categorical Exclusion (CATEX) for these approvals. The lowest level of NEPA analysis is that given to CATEXs.

By adopting a CATEX, Tribes would not be required to prepare an Environmental Assessment or Environmental Impact Statement except in the case of extraordinary circumstances. The draft policies and procedures manual for which we seek comment will define the extraordinary circumstances, under which a CATEX would not be appropriate, and the policies and procedures to be followed in such a situation. By adopting the new manual, the Commission hopes to end the uncertainty surrounding NEPA review requirements, resulting in the conservation of Tribal resources.

CLASS III MICS. The Commission also recognizes the importance of Class III MICS to a large section of the Tribal gaming industry and is therefore proposing to issue guidance that tribal regulators may use in developing their own Class III internal controls. At consultation, the Commission will continue its discussion of plans to draft updated, non-mandatory Class III MICS guidance. Once drafted, the guidance will be published for comments from the industry stakeholders. After all comments are considered, the NIGC will draft final MICS guidance, publish that guidance on our website, and, determine whether to withdraw part 542 from our regulations.

Buy Indian Goods and Services. The Commission wishes to continue its discussion of a "Buy Indian Goods and Services" policy. Pursuant to the NIGC's general authority under 25 U.S.C. § 2706(b)(6), (b)(7) to "procure supplies, services, and property by contract in accordance with applicable Federal laws and regulations" and to "enter into contracts with Federal, State, tribal and private entities for activities necessary to the discharge of the duties of the Commission," the NIGC will give preference to Indian-owned firms for the acquisition and procurement of goods and services at fair market price. Prior consultation reveals that nearly 80% of all comments (31) received to the Notice of Inquiry agreed that the NIGC should implement a Buy Indian policy.

The NIGC recognizes and respects the sovereignty of Indian tribes and the government-to-government relationship that exists between the United States and tribal governments. Accordingly, the NIGC is committed to implementing the President's November 5, 2009, Executive Memorandum on Tribal Consultation with Indian tribes and Executive Order 13175.

We invite all tribal leaders to share their views with the Commission on these topics during the telephonic consultation. Please use this number to call in for the conference call:

888-566-5903

Access code: NIGC

For additional information on the telephonic consultation, please consult the NIGC's web site at www.nigc.gov/Tribal_Consultation.aspx. We are also inviting written comments on any of the topics discussed. We invite you to submit written comments before February 23, 2016, by e-mail to vannice_doulou@nigc.gov or by U.S. mail to: NIGC, Attn: Vannice Doulou, C/O Department of the Interior, 1849 C St. NW, Mail Stop # 1621, Washington, DC 20240.

For planning purposes, and to ensure we have adequate lines available for all who want to attend, please notify Rita Homa, Executive Administrator, at (202) 418-9807 or by e-mail at consultation.rsvp@nigc.gov. We look forward to our consultation with you.

Thank you for your interest and participation.

Sincerely,



Jonodev O. Chaudhuri
Chairman



E. Sequoyah Simermeyer
Associate Commissioner