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Sent by E-Mail to NIGC.Outreach@nigc.gov

July 27, 2021

E. Sequoyah Simermeyer, Chair
National Indian Gaming Commission
United States Department of the Interior
1849 C St., NW
Mail Stop #1621
Washington, D.C. 20040

Re: Comments of the Confederated Tribes of Siletz Indians (“Siletz Tribe”) on NIGC Consultation Topics, Series A.

Dear Chair Simermeyer:

The Siletz Tribe submits the following comments and concerns on NIGC’s announced Consultation Session, Series A, on regulatory topics the Commission views as requiring clarification to reflect the current practices or expectations of tribal governments. Most of the following comments were proposed by the Siletz Tribal Gaming Commission, the Siletz Tribe’s gaming regulatory agency. The comments are as follows:

25 C.F.R. §§ 502.14, 502.19:

The \$50,000 figure for definition of who is a key employee is obsolete and outdated, and no longer reflects the regulatory intent to capture management and other key employees of a gaming operation. It is the Siletz Tribe’s opinion that the definition should be changed to focus on job functions, not compensation amounts. For example, it could state: “Any person who performs any one of the following functions while employed: (list specific functions or job responsibilities).”

The Siletz Tribe's position is that case should be defined as "Any cash related to gaming departments, " a more restrictive definition that excludes non-gaming cash.

The Siletz Tribe's position is that "secure area" should be defined by each Tribe's gaming regulatory authority.

It is the Siletz Tribe's position that Licensing and Compliance do not need to be classified as key employees.

It is the Siletz Tribe's position that the Tribe's gaming regulatory authority should define who is an unescorted employee to a secure area.

25 C.F.R. §559.2(b) – Facility License Notifications and Submissions:

The Siletz Tribe has no objections or comments.

25 C.F.R. Part 552 – Submission of Gaming Ordinance or Resolution:

The Siletz Tribal Gaming Commission believes that the new proposed requirement of submitting the Tribe's Constitution is overreach by NIGC and serves no legitimate gaming regulatory purpose, and is an unnecessary burden on tribes.

25 C.F.R §514.4(c) – Fees:

It is the Siletz Tribe's position that free play and other promotional credits should not be included in the calculated total count of "coin in/amounts wagered." These credits are excluded under the Siletz Tribe's Class III Gaming Compact with the State of Oregon from the calculation of total net revenue.

25 C.F.R. § 537.1(a)(3) – Background investigations:

The Siletz Tribe has no objection or comment.

On-line gaming/Internet gaming/mobile gaming:

This topic does not seem to be included in any of NIGC's consultation sessions but it is a topic of great concern to the Siletz Tribe. Mobile and internet gaming is legal in the State of Oregon and is cutting seriously into the tribal gaming revenues and operations in the State. IGRA was enacted before the modern era of the internet and mobile gaming was known or present. The Siletz Tribe requires clarification from NIGC on the conditions and circumstances under which mobile gaming, internet gaming, or on-line gaming can occur under the Act and under a State-Tribal Compact, especially in a State like Oregon where such gaming is legal in the location where a bet may be placed (within the State) and where it is received (Indian land as defined by

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IGRA). It is the Siletz Tribe's position that such gaming is legal under IGRA and can be addressed in compact amendments under the allocation of jurisdiction provisions of such compacts.

This concludes the Siletz Tribe's comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Craig J. Dorsay". The signature is written in a cursive style with a long horizontal stroke at the end.

Craig J. Dorsay