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June 19, 2015

*Via E-mail to vannice\_mccoy@nigc.gov*

Jonodev Chaudhuri, Chairman  
National Indian Gaming Commission  
1849 C Street NW, SM-1621  
Washington, D.C. 20240

Attn: Vannice McCoy

Re: Seminole Tribe of Florida Comments on Updates to Class III MICS, NIGC Privacy Act Regulations, NIGC NEPA Procedures, and NIGC Buy Indian Policy

Dear Chairman Chaudhuri:

On behalf of the Seminole Tribe of Florida (the "Tribe"), we offer the following comments in response to the National Indian Gaming Commission's ("NIGC") February 26, 2015 Dear Tribal Leader Letter ("DTLL"). As requested by the DTLL, the Tribe provides input on the NIGC's proposals to: issue guidance for Class III minimum internal control standards ("MICS"); update the NIGC's Privacy Act regulations; update the NIGC's proposed National Environmental Policy Act ("NEPA") manual; and develop regulations to give preference in NIGC purchasing to Indian-owned businesses.

#### *Guidance for Class III MICS*

The Tribe welcomes the NIGC's proposal to issue non-binding guidance that tribal regulators may use in developing Class III internal controls. Although the decision in *Colorado River Indian Tribes v. NIGC*, 466 F.3d 134 (D.C. Cir. 2006), held that the NIGC lacks authority to enforce Class III MICS regulations, the NIGC plays an important role in setting industry standards. Updated, non-binding guidance regarding the best industry standard Class III internal controls would be useful to tribes.

The NIGC recently updated its Class II MICS, and there is a need for guidance regarding Class III internal controls that can be implemented by tribes in a manner that takes into account changes in the industry and which are consistent with the Class II MICS. In developing the Class III MICS guidance, the Tribe suggests that the NIGC establish a tribal advisory committee or a tribal coordinating committee. The Tribal Advisory Committee played an important role in reviewing and updating the Class II MICS, and a similar body would be useful in moving forward with Class III guidance.

Although the Tribe supports the issuance of non-binding guidance regarding Class III internal controls, it urges the NIGC to leave in place the current Class III MICS regulations at 25 C.F.R. Part 542. Even though these regulations are not enforceable by the NIGC and have not been updated, they should nonetheless be left in place. The existing Part 542 regulations are referenced by tribal codes as well as by numerous tribal–state gaming compacts, and removing the regulations could cause substantial disruption to tribes, states, and tribal gaming enterprises.

#### *Privacy Act Regulations Updates*

The Tribe supports the NIGC's proposal to revise its Privacy Act regulations at 25 C.F.R. Part 515. These regulations have not been updated in over 20 years, and the Tribe supports bringing the NIGC into full compliance with the Privacy Act and implementing a records system for background investigations.

#### *NEPA Manual Updates*

The Tribe also support the NIGC's proposal to update its policies and procedures to provide a Categorical Exclusion ("CATEX") for the approval of management contracts for the operation of gaming under the Indian Gaming Regulatory Act ("IGRA"). This proposal would conserve tribal resources by allowing tribes to submit management contracts for review and approval without having to prepare environmental assessments and environmental impact statements unless some extraordinary circumstances existed. The Tribe supports this proposal because management contracts do not involve significant environmental effects and their review and approval does not involve assessment of any environmental impacts or concerns. The Tribe also supports the categorical exclusions in the proposed draft manual for administrative and routine office activities and for the regulation, monitoring, and oversight of Indian gaming activities.

#### *"Buy Indian" Policy and Regulations*

The NIGC's proposed "Buy Indian Goods and Services" policy would give preference to Indian-owned firms for the acquisition and procurement of goods and services at fair market price. The Tribe supports the NIGC's proposed regulations to implement this policy, which will help promote Native businesses and strengthen Native economies.

#### *Conclusion*

On behalf of the Seminole Tribe of Florida, we appreciate this opportunity to provide comments in response to the NIGC's February 26, 2015 DTLL. The Tribe looks forward to

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working with the NIGC as these proposals are developed further. Please do not hesitate to contact us if we can provide any additional information.

Sincerely,

HOBBS, STRAUS, DEAN & WALKER, LLP

*Joseph H. Webster /s/*

By: Joseph H. Webster