



OFFICE OF THE GOVERNOR

The Chickasaw Nation
Post Office Box 1548 • Ada, Oklahoma 74821
(580) 436-2603 • Fax (580) 436-4287
<http://www.chickasaw.net>

BILL ANOATUBBY
GOVERNOR

November 13, 2017

Mr. Jonodev Chaudhuri, Chairman
National Indian Gaming Commission
1849 C. Street NW
Mail Stop #1621
Washington, DC 20240

Dear Chairman Chaudhuri:

Included with this letter are the Chickasaw Nation's comments regarding the proposed rule changes to 25 CFR Part 547 technical standards.

Thank you for your consideration of our comments. If you have any questions, please contact Mr. Bill Lance, Secretary, Department of Commerce at (580) 421-9500.

Sincerely,

Bill Anoatubby

Bill Anoatubby, Governor
The Chickasaw Nation

Enclosure

COMMENTS OF THE CHICKASAW NATION ON THE NATIONAL INDIAN GAMING COMMISSION'S PROPOSED RULE CHANGES AT 25 C.F.R. PART 547-TECHNICAL STANDARDS FOR CLASS II GAMING

The Chickasaw Nation ("Nation") is pleased to submit comments to the National Indian Gaming Commission ("NIGC") on the Part 547 Proposed Rule published in the federal register on Thursday September 28, 2017, which revises Part 547.5. The Nation has previously submitted comments relating to discussion drafts of Part 547 and specifically reincorporates those comments here. The Nation recognizes that the NIGC has considered and addressed most of the specific concerns asserted in those earlier comments, however. The Nation commends the NIGC's continued efforts to solicit tribal input during this important regulatory review process and further commends the NIGC's thoughtful consideration of comments received from tribal governments through consultation. The latest proposed rule is the product of deliberation and open dialogue that undoubtedly improves upon previous iterations of the Technical Standards.

Most importantly, the Nation commends the NIGC's decision to remove the sunset provision from Part 547. The removal of the sunset provision for grandfathered games is a significant NIGC accomplishment and a meaningful step toward recognizing the primary regulator of Indian gaming, the TGRAs. In addition, removal of the sunset provision of Part 547 will insulate the Class II gaming industry from the potentially debilitating economic impact of the loss of core Class II gaming systems. Throughout the many consultations regarding the scheduled 2018 removal of these gaming systems the Nation and many other tribal governments have advocated that removal of the sunset provision is vital to the Class II gaming industry around the country. These gaming systems have long been recognized by federal courts as valid Class II systems and are an integral component of many Class II gaming operations. This Commission's recognition of federal court decision and incorporation of the Nation's and other tribal governments comments represents a success for both Indian Country and the NIGC.

The Nation does note that changes in the proposed rule require additional monitoring with regard to the grandfathered gaming systems. The Nation would like to reiterate its position that the remaining provisions of Part 547.5, as they currently exist, provide a sufficient framework for the testing and evaluation of grandfathered gaming systems. However, we recognize that the proposed rule removes the requirement for annual audit reporting to the NIGC, which in our view conforms the NIGC's role more closely to the mandates of IGRA. Similarly, the Nation has always maintained the position that records required to be maintained for NIGC review are simply that, maintained for review and not subject to being removed from the facility. The proposed amendment will negate any public disclosure issues associated with the transmittal of data regarding the testing and monitoring of these systems.

Conclusion

As always, the Nation appreciates the opportunity to provide comments regarding NIGC action. The NIGC has taken seriously many concerns asserted regarding the grandfathered gaming systems and has decided to take action that will have a lasting positive impact in Indian Country.

Again, the Nation believes its interests as well as those of the NIGC are achievable if we continue to engage in meaningful discussion in an open and candid manner. We are pleased to continue to engage with the NIGC on this and other important regulatory matters and appreciate your willingness to work through the issues and concerns of great importance to the Nation and all of Indian Country.