



June 28, 2017

Via Email ([vannice\\_doulou@nigc.gov](mailto:vannice_doulou@nigc.gov)) & U.S. Mail

Mr. Jonedev Chaudhuri, Chairman  
National Indian Gaming Commission  
ATTN: Vannice Doulou  
C/O Department of the Interior  
1849 C Street NW  
Mail Stop #1621  
Washington, DC 20240

Dear Chairman Chaudhuri:

On behalf of the Jackson Band of Miwuk Indians I am submitting the following comments.

The Jackson Band of Miwuk Indians conducts Class III gaming at the Jackson Rancheria Casino Resort in Jackson, California. We appreciate the National Indian Gaming Commission's opportunity to provide comment on the NIGC's proposal to issue guidance that tribal regulators may use in developing their own Class III internal controls, and also to maintain in the federal register the Class III Minimum Internal Control Standards at 25 CFR Part 542 in a suspension status.

We support the NIGC's continued provision of minimum internal control standards for Class III gaming, specifically: (1) The NIGC's current decision to maintain the Class III MICS at 25 CFR Part 542, in a suspension status that ensures the text adopted in 2006 will remain on the books and also specifies that it is not enforceable without the Tribe's express consent; and (2) The NIGC's current decision to provide guidance on updates or best practice recommendations for the Class III MICS. **We further urge the NIGC to specify that such guidance on updated Class III MICS "meet or exceed" the 2006 MICS at 25 CFR Part 542, for the reasons specified below.**

The federal regulatory standards for Class III Gaming MICS at 25 CFR Part 542 have an important and positive impact on the industry, serving since 1999 as a uniform and solid baseline for tribes to issue their own tribal internal control standards. The uniform federal minimum standard facilitates regulatory compliance in such areas as external audit and shortens the learning curve for internal audit, facility audit and regulators recruited from another state or tribal jurisdiction. The industry's reliance upon the federal standard has roots in the historical evolution of Indian gaming as well as their efficiency and effectiveness.

Our Tribe has adopted the federal MICS standard. The federal Class III MICS currently are used as the standard in tribal-state gaming compacts, regulations, tribal gaming ordinances, and Secretarial procedures. In California, in addition to new compacts and compact amendments incorporating the federal Class III MICS, a state-wide regulation called CGCC-8 enacted pursuant to the compact incorporates the federal MICS standards.

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We agree that the federal Class III MICS standard should remain in place, and any review of these standards and regulations at this stage should carefully take into account the important role these standards have played and continue to play for many tribes.

**Most importantly, we urge the NIGC to specify in its guidance that such guidance updates “meet or exceed” the Class III MICS published at 25 CFR Part 542.** This will avoid any unnecessary confusion and also compliment the approach taken in many compacts, regulations, ordinances, and Secretarial Procedures. This enables tribes the option to choose to adopt the updates into their tribal MICS, preserving some of the federal uniformity of regulation in the industry and avoiding costly duplication of efforts. This approach also compliments the California state-wide regulation CGCC-8, which provides for the standard of compliance to be 25 CFR Part 542 as in effect on October 19, 2006, or as it may be amended, as well as an alternative material compliance standard where a tribe adopts MICS that meet or exceed 25 CFR Part 542, as in effect on October 19, 2006, or as it may be amended. This approach also compliments new compacts in California which refer to and require implementation of standards that are no less stringent than those contained in the NIGC MICS published in 2006, and as they may thereafter be amended.

With respect to comments on the specific proposed guidelines, we request that the NIGC consider the following revision to the proposed guidance for controlled keys at Section 15(c): Combining (v) and (iii) so that the storage component/Kiosk release are referred to together, and combining (vi) with (iv) so that drop box/storage component/Kiosk content are referred to together, both where Surveillance is notified prior to and during access. We think that having only one type of Stacker release key (regardless if for the Kiosk or Machine) combined with Surveillance notification and coverage enhances security since it is easier to track and maintain.

We appreciate this opportunity to provide written comment and look forward to any continued consultation on these issues.

Sincerely,

A handwritten signature in black ink that reads "Kelly Steinhoff". The signature is written in a cursive style.

Kelly Steinhoff  
Executive Director

CC: Adam Dalton, Tribal Chairperson  
Rich Hoffman, Chief Executive Officer  
Jane Zerbi, Esq.