



Miami Tribe of Oklahoma

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Via Email: 547.5_Comments@nigc.gov and U.S. Mail

November 11, 2017

Jonodev Chaudhuri, Chairman
National Indian Gaming Commission
1849 C Street NW
MS1621
Washington, D.C. 20240

RE: Comments: Proposed Rule 25 C.F.R. § 547.5 – Technical Standards, 82 Fed Register 45288 (September 28, 2017) Amending 25 C.F.R. 547.5 2008 Class II Gaming Systems

Dear Chairman Chaudhuri,

On behalf of Leadership for the Miami Tribe of Oklahoma and its tribal members I would like to extend the Tribe's sincere appreciation for the challenging work you and your staff have undertaken since July 2016 when the Tribes formally requested that Class II grandfathered gaming system regulations be formally included in NIGC tribal consultation FY 2017.

As you have heard the Tribes recount through consultation, the 2008 regulation in 25 C.F.R Part 547 unfairly requires legal, lucrative Class II grandfathered gaming systems to be removed from operation on or before November 10, 2018, or on or before that date, be replaced with Class II systems in full compliance with provision in the Minimum Internal Control Standards (MICS). This unfair and unjustified regulation would have cost Indian Country millions of dollars.

As you may recall, the Miami Tribe has been very proactive since 2009 addressing concerns related to the 2008 Class II gaming systems regulations. The Tribe through its Gaming Commission participated in the Tribal Gaming Working Group which, following nearly two years of work by Tribes, Class II manufacturers and test labs, presented alternative draft regulation related to grandfathered gaming systems for NIGC consideration. In 2011, the Tribe again participated in review of the 2008 grandfathered systems regulations in its seat on the NIGC Tribal Advisory Committee (TAC).

Throughout this time the Miami Tribe requested, among other things, that the sunset provision for Class II grandfathered systems be rescinded as Class II grandfathered systems present no risk to the industry and instead were valid, profitable gaming systems with a loyal fan base.

In 2012 the NIGC concurred with Tribes related to risk concerns when it amended the minimum technical standards to extend the sunset provision to November 2018 conceding “[T]hat the grandfathered machines...operate with relatively few problems to the patron or the gaming operations.” 77 Federal Register 58473, 58475 (Sept. 21, 2012). The Miami, as a sovereign tribal government, and as the primary regulator of Class II gaming systems on its tribal lands strongly believes that the MICS and Tribal Internal Control Standards (TICS) provide for controls which protect the integrity of Class II gaming.

The Miami Tribe recognizes that this Commission did not promulgate Part 547 with the sunset provision which cites an arbitrary date to trigger the end of play of safe, legal Class II gaming systems. Instead this Commission, through the proposed rule, appropriately removes the unfair and unsubstantiated sunset provision. The important work of this NIGC through the proposed rule will save Indian Country tens of millions of dollars and allow for the continued operation of legal, lucrative Class II gaming systems which will allow for continued valuable gaming revenues for the Tribes and tribal people.

Again, *mihšineewe* for your work and for correcting a past wrong through this proposed rule.

Sincerely,

A handwritten signature in blue ink that reads "Douglas Lankford". The signature is written in a cursive style.

Douglas G. Lankford, Chief
Miami Tribe of Oklahoma