



POARCH BAND OF CREEK INDIANS

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November 9, 2017

Via Electronic Mail: 547.5 Comments@nigc.gov

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

Re: Comments on 25C.F.R. Part 547.5 Proposed Rule

Dear Chairman Chaudhuri:

On behalf of the Poarch Band of Creek Indians (Tribe), we are pleased to submit the following comments on the proposed revisions contained in the National Indian Gaming Commission's (NIGC) 25 C.F.R. § 547.5 Proposed Rule (Proposed Rule) published on September 28, 2017. We greatly appreciate the opportunity to review and comment on the Proposed Rule during this consultative process and hope that our comments provided below are fully considered prior to the implementation of a final rule.

We appreciate the NIGC's willingness to consider the concerns that tribal governments have raised in relation to the sunset clause in 25 C.F.R. § 547.5(b)(1). As you know, tribal governments have long maintained that there is no basis or justification for forcing the removal of grandfathered Class II gaming systems from the market, particularly given that in nearly a decade, no evidence has materialized to suggest that such systems pose either an integrity issue or a safety risk to patrons or gaming operations. The NIGC's effort to remove the sunset clause is a welcome step taken by the NIGC in working with tribes to ensure Class II gaming systems are effectively and reasonably regulated by Tribal Gaming Regulatory Agencies (TGRAs).

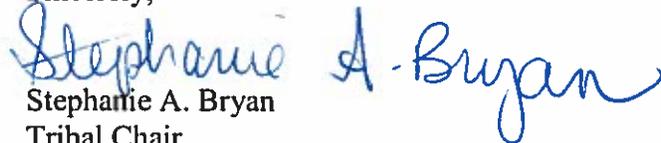
However, the Tribe remains very concerned with respect to proposed language contained in Section 547.5(g) - Records. As many commenters have noted throughout the consultation process, the language which remains in Section 547.5(g) of the Proposed Rule is unnecessary and only acts to create a situation of conflict and uncertainty over confidential information that is adequately available to the NIGC as needed on a government-to-government basis. Specifically, the Indian Gaming Regulatory Act (IGRA) requirements already provide the NIGC with sufficient access to confidential Class II gaming information. Thus, unless the NIGC can demonstrate current access to information held by the TGRAs is inadequate to enable NIGC verification of technical standard compliance, the NIGC should consider removing the second and third sentences of this subsection prior to implementing a final rule. Further tailoring Section 547.5(g) as suggested is consistent with the removal of the sunset provision discussed

above and further bolsters the working relationship of the NIGC and the TGRAs as primary regulators.

In closing, we thank you for this opportunity to share our views and comments on the Proposed Rule and we hope you consider our comments and concerns as you move through the rulemaking process.

Please do not hesitate to contact us if we can provide any additional information.

Sincerely,

A handwritten signature in blue ink that reads "Stephanie A. Bryan". The signature is written in a cursive style with a large initial 'S' and a long, sweeping tail on the 'n'.

Stephanie A. Bryan
Tribal Chair
Poarch Band of Creek Indians