



February 26, 2015

Notice of Consultation

Dear Tribal Leader:

On behalf of the National Indian Gaming Commission (NIGC or Commission), we invite you to participate in consultations occurring this April and May. The Commission seeks comment and discussion on four topics: Updates to the NIGC's Privacy Act regulations, the NIGC's proposed National Environmental Policy Act (NEPA) manual that includes a categorical exclusion for the approval of management contracts, guidance for Class III minimum internal control standards (MICS), and a proposed regulation through which the NIGC will give preference in Agency purchasing to Indian-owned businesses.

The NIGC's regulations implementing the Privacy Act have not been updated since 1993. We plan to make changes to bring it into full compliance with the Privacy Act, as well as incorporate a system of records for the background investigations we perform pursuant to management contract reviews.

The Commission is also seeking feedback on its plans regarding NEPA. The NIGC has previously determined that approving a management contract for the operation of gaming under IGRA is a major Federal action that requires NEPA review. NIGC is now seeking to adopt a policies and procedures manual that includes a Categorical Exclusion (CATEX) for that type of action. By adopting a CATEX, Tribes would not be required to prepare an EA or EIS except in the case of extraordinary circumstances.

The draft policies and procedures manual for which we seek comment is limited in scope. In addition to setting forth the procedures for applying the CATEX, it will define the extraordinary circumstances, under which a CATEX would not be appropriate, and the policies and procedures to be followed in such a situation. By adopting the new manual, the Commission hopes to end the uncertainty surrounding NEPA review requirements; resulting in the conservation of Tribal resources.

The Commission also recognizes the importance of Class III MICS to a large section of the Tribal gaming industry and is therefore proposing to issue guidance that tribal regulators may use in developing their own Class III internal controls. At consultation, the Commission will announce its plans to draft updated, non-mandatory Class III MICS guidance. Once drafted, the guidance will be published for comments from the industry stakeholders. After all comments are considered, the NIGC will draft final MICS guidance, publish that guidance on our website, and, withdraw part 542 from our regulations.

Finally, the Commission plans to announce its "Buy Indian Goods and Services" policy. Pursuant to the NIGC's general authority under 25 USC § 2706(b)(6), (b)(7) to "procure supplies,

services, and property by contract in accordance with applicable Federal laws and regulations” and to “enter into contracts with Federal, State, tribal and private entities for activities necessary to the discharge of the duties of the Commission,” the NIGC will give preference to Indian-owned firms for the acquisition and procurement of goods and services at fair market price. Prior consultation reveals that nearly 80% of all comments (31) received to the Notice of Inquiry agreed that the NIGC should implement a Buy Indian preference.

The NIGC recognizes and respects the sovereignty of Indian tribes and the government-to-government relationship that exists between the United States and tribal governments. Accordingly, the NIGC is committed to implementing the President's November 5, 2009 Executive Memorandum on Tribal Consultation with Indian tribes and Executive Order 13175 prior to and during any rulemaking process.

We invite all tribal leaders to share their views with the Commission on these topics at the consultations listed below.

April 2, 2015 in San Diego, California

April 23, 2015 in Rapid City, South Dakota

April 30, 2015 in Shawnee, Oklahoma

May 20, 2015 in Prior Lake, Minnesota

For additional information on the time and location of the consultations, please consult the NIGC's web site at [www.nigc.gov/Tribal\\_Consultation.aspx](http://www.nigc.gov/Tribal_Consultation.aspx). For those tribal leaders unable to attend this consultation, the Commission will make at least one of the consultations accessible via telephone. We also invite you to submit written comments by e-mail to [vannice\\_mccoy@nigc.gov](mailto:vannice_mccoy@nigc.gov) or by U.S. mail to; NIGC, Attn: Vannice McCoy, C/O Department of the Interior, 1849 C St. NW, Mail Stop # 1621, Washington, DC 20240.

For planning purposes, and to accommodate all who want to attend the consultations, RSVP to Rita Homa, Executive Administrator, at (202) 418-9807 or by e-mail at [consultation.rsvp@nigc.gov](mailto:consultation.rsvp@nigc.gov). We look forward to meeting with you.

Thank you for your interest and participation.

Sincerely,



Jonodev O. Chaudhuri  
Acting Chairman



Daniel J. Little  
Associate Commissioner