



PUEBLO OF ISLETA

P. O. BOX 1270, ISLETA, NM 87022

February 11, 2011

Ms. Tracie L. Stevens, Chairwoman
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005

ATTN: Lael Echo-Hawk

SENT VIA EMAIL TO reg.review@nigc.gov

RE: Comments on Notice of Inquiry and Request for Information; Notice of Consultants

Dear Chairwoman Stevens:

This letter formally responds to the Notice of Inquiry published by the National Indian Gaming Commission in the Federal Register on November 18, 2010 (FR. Doc. 2010-29028). The Pueblo of Isleta wholly owns and operates the Hard Rock Casino Albuquerque located on within the exterior boundaries of the Isleta Indian Reservation.

Part 502 – Definition of Net Revenues: NIGC should issue a new definition of “cash flow” to be “Net Income plus depreciation minus principal loan payments and reserve funding”.

Part 514 – NIGC Fees: NIGC should not change its current method of calculating fees based on the gaming operation’s calendar year to a fiscal year. The Pueblo of Isleta’s and Hard Rock Casino Albuquerque’s budget cycles are based on a calendar year.

Fingerprint Processing Fees: No comment.



Late Payment System: NIGC should consider a more limited use of the Notice of Violation to include NOV issuance only when gross negligence or wanton behavior.

Part 518 – Self Regulation of Class II: NIGC should simplify the petition process for and Indian tribe to self-regulate under Part 518. NIGC should also remove or simplify the annual reporting requirements to lift the burden from an Indian tribe who participates in self-regulation under this Part.

Part 523 – Review and Approval of Existing Ordinances or Resolutions: NIGC should eliminate Part 523 as it is obsolete.

Part 542 – Class III Minimum Internal Control Standards: NIGC should strike this Rule and instead replace it with guidelines, especially since MICS were developed several decades ago. MICS are useful as guidelines already, as each Indian tribe has some discretion to use MICS in the development of Tribal Internal Controls as long as the TICS are as stringent as the MICS. A Tribal Advisory Committee (TAC) should be convened to develop these guidelines.

Part 543 – Class II Minimum Internal Control Standards: NIGC should convene a TAC to assess the proposed regulations on this Part and to make recommendations to NIGC on how to proceed with the rulemaking.

Part 547 – Minimum Technical Standards for Gaming Equipment Used With the Play of Class II Games: The Pueblo of Isleta does not have sufficient information from the joint Tribal-NIGC working group recently established to comment on this Part.

Part 556 – Background Investigations for Licensing: The pilot program has been useful. Therefore, NIGC should formalize the program into regulations. NIGC should utilize the standard notice and comment rulemaking to create these regulations.

Fingerprinting for Non-Primary Management Officials or Key Employees: NIGC should allow an Indian tribe to request NIGC to run fingerprint cards of non-employees, under the authority of 26 U.S.C. 2706(b)(3). NIGC should not promulgate regulations on this.

Part 559 - Facility License Notifications, Renewals, and Submissions: NIGC should remove this Rule, as licensing a facility is and should continue to be a responsibility of the Indian tribe in the same manner as licensing other non-gaming facilities under its jurisdiction.

Inspection and Access: NIGC should not revise this Section, as it adequately addresses NIGC entry under IGRA.

Part 573 – Enforcement: Because of the various underlying violations that cause NIGC to issue a NOV, NIGC should not establish a rule on how to withdraw a NOV once it is issued. Instead, NIGC should work with the governing body of an Indian tribe on when and how a NOV is to be withdrawn.



Potential New Regulations

Tribal Advisory Committee: NIGC should use the model of the U.S. Bureau of Indian Affairs TAC on composition of TAC members. NIGC should evaluate the annual costs of such a TAC and budget accordingly. TAC membership should include adequate representation from the gaming management sector who have at least ten years experience in the field.

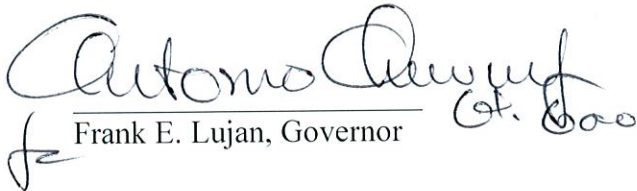
Sole Proprietary Interest Regulation: The Pueblo of Isleta has no comment on this proposed regulation until such time as more information on what such regulation would look like is developed by NIGC.

Communication Policy with Indian Tribes: NIGC should continue direct communication with Tribal Regulatory Agencies (TRA) as it does now. On policy issues, NIGC should communicate directly with the Indian tribe with a copy of the communication to the TRA.

The Pueblo of Isleta appreciates the opportunity to comment on these rulemakings. The Pueblo of Isleta reserves the right to comment further on certain rulemaking as NIGC moves forward on them through the formal rulemaking process.

Sincerely,

PUEBLO OF ISLETA


Frank E. Lujan, Governor

