



February 27, 2012

By First Class Mail

George Thurman, Principal Chief
Sac and Fox Nation
920883 S. Hwy. 99, Bldg. A
Stroud, OK 74079

Re: Sac and Fox Nation gaming ordinance

Dear Principal Chief Thurman:

This letter responds to your request for the National Indian Gaming Commission to review and approve amendments enacted by Resolution SF-11-194. I hereby disapprove the amended ordinance because it does not comply with NIGC regulations that implement the Indian Gaming Regulatory Act (IGRA).

Specifically, NIGC regulations require ordinance submissions to include updated Privacy Act and False Statement notices as well as updated eligibility determinations to grant gaming licenses. 25 C.F.R. §§ 522.2, 556.2, 556.3, 558.2. The Tribe's existing ordinance does not include the updated Privacy Act and False Statement notices or the updated eligibility determination for granting gaming licenses, and the submitted ordinance amendments do not comply with these regulations. Any new submission must satisfy the requirements set forth in IGRA and NIGC regulations.

I note that the submitted amendments propose to change the Ordinance's definition of "Indian lands" to include "all lands acquired pursuant to the Constitution and Charters of the Sac and Fox Nation lying within the boundaries described in the Sac and Fox Allotment Act..." and also to include five specific parcels. Because my disapproval is limited to the non-compliance of the submission with NIGC regulations as set forth above, I do not reach the issue here of whether the amended Indian lands definition complies with IGRA and NIGC regulations or whether the five specific parcels are Indian lands eligible for gaming under IGRA. If the Sac and Fox Nation submits gaming ordinance amendments that cure the deficiencies described above and amend the Ordinance's definition of Indian lands, the Office of General Counsel will coordinate with the Department of the Interior, Office of the Solicitor on whether the Indian lands definition is permissible under IGRA and whether such lands are eligible for gaming under IGRA.

The Nation may appeal this disapproval under 25 C.F.R. § 524.1 within 30 days after service of this letter by filing a written appeal with the NIGC. Such an appeal shall state succinctly why the Nation believes the Chairman's determination to be erroneous and shall include supporting documentation, if any. 25 C.F.R. § 524.1. Please note that failure to file an appeal within the 30-day period shall result in a waiver of the opportunity for an appeal. *Id.*

If you have any questions, please feel free to contact Staff Attorney Dawn Sturdevant Baum at 202-632-7003.

Sincerely,



Tracie Stevens
Chairwoman