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NATIONAL INDIAN GAMING COMMISSION
DRAFT CONSULTATION POLICY MEETING

Phoenix, Arizona
April 7, 2011
9:20 a.m.

REPORTED BY:

Cindy Bachman
Certified Reporter No. 50763

Job No. NJ319751

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THE NATIONAL INDIAN GAMING COMMISSION,
DRAFT CONSULTATION POLICY MEETING, taken on April 7,
2011, commencing at 9:20 a.m. at the WYNDHAM PHOENIX
HOTEL, 50 East Adams, Phoenix, Arizona, before
CINDY BACHMAN, Arizona Certified Court Reporter, in and
for the State of Arizona.

Committee Members Present:

- Tracie Stevens, Chairwoman
- Steffani Cochran, Vice Chairwoman
- Daniel Little, Associate Commissioner
- Paxton Myers, Chief of Staff
- Lael Echo-Hawk, Councilor to Chairwoman
- Kathy Zebell, Staff Attorney

1 (The meeting commenced at 9:22 a.m.)

2 * * * * *

3 CHAIRWOMAN STEVENS: Good morning. The program
4 has changed with who we're going to open the meeting
5 with. I've ask Councilman Ramos Romero from Pueblo
6 Tesuque to provide us with an opening prayer.

7 Sir?

8 MR. ROMERO: Good morning, everyone.

9 (The opening prayer was given by Mr. Romero.)

10 CHAIRWOMAN STEVENS: Good morning. I want to
11 thank everyone for attending this morning, for this
12 consultation on the recently released Draft
13 Consultation Policy for the NIGC.

14 Before we can begin, I think everyone should
15 have an agenda. I do want to allow the Vice Chair and
16 the Associate Commissioner to provide some opening
17 remarks in just a moment.

18 We understand that consultation is a major
19 issue for Tribes, and, therefore, it has become a major
20 initiative for this particular Commission.

21 One of the first things we did last summer in
22 our first consultation, really, as a new Commission,
23 was to talk about how we could change our practices
24 with regard to our consultation and how we would change
25 our policy.

1 And over the past six to nine months, we've
2 been getting comments and have been reviewing other
3 comments and have come up with this draft that we've
4 released. The purpose of this meeting is so that we
5 can hear your feedback and your comments about this
6 draft.

7 Today we're only talking about -- or this
8 morning, I should say, we're only discussing the draft
9 consultation policy. Later this afternoon, we'll have
10 a public meeting where we'll be discussing other
11 business.

12 I know there is some material out there
13 (indicating). Just so that we're clear about what
14 we're talking about this morning, just from 9:00 to
15 12:00, we're here to solicit comments from Tribes on
16 the draft that's out there now on our proposed
17 consultation process, and we welcome those remarks and
18 comments on that draft.

19 I appreciate everyone staying over after this
20 long week at this trade show. I understand it's a very
21 long week and that everybody's busy, especially if
22 you're a decision maker at your Tribe.

23 I know that you all come down here to work and
24 have decisions in front of you all week long while you
25 try to manage your Tribe from afar. So we appreciate

1 you extending your stay. Or if you flew in just for
2 this, we really appreciate your time here.

3 So I do want to turn it over to Vice Chairwoman
4 Steffani Cochran.

5 VICE CHAIRWOMAN COCHRAN: Good morning. I just
6 want to say thank you also for coming here to join us
7 this morning or joining us this afternoon. We do know
8 it's been a long week for you, and we appreciate your
9 time, as always.

10 We began talking about the consultation policy
11 process that the Commission has used in the past,
12 I know, about a year ago, when I first came into the
13 Commission. So this is absolutely a labor of love, in
14 fact, it's something that's necessary for the
15 Commission. So we look forward to the dialogue.

16 We've worked very hard to get you a draft of
17 something that we think we can have a fruitful
18 discussion from, so thank you.

19 CHAIRWOMAN STEVENS: Commissioner Little?

20 COMMISSIONER LITTLE: Hi. Good morning,
21 everyone.

22 I just want to say, like Chairwoman Stevens and
23 Vice Chairwoman Cochran, a nice welcome. Thanks for
24 sticking around this week.

25 I want to congratulate all the 90-member Tribes

1 for a successful membership meeting and tradeshow, and
2 I look forward to your comments today. And I look
3 forward to working with all of you in the future.
4 Thank you.

5 CHAIRWOMAN STEVENS: Thank you both.

6 What I'd like to do is have -- we'll start with
7 some introductions, and this may take a few minutes,
8 but to be in proper order here, we'll start at the
9 table, to my left, if you could state your name and
10 what Tribe you're with. We'll start over here
11 (indicating), and then we're going to move out to the
12 audience and do introductions.

13 Yes, sir?

14 MR. CUTHAIR: My name is Harold Cuthair from
15 the Ute Mountain Ute Tribe, Tribal Leader.

16 MS. WALLACE: Glenna Wallace, head of the
17 Eastern Shawnee Tribe of Oklahoma.

18 MS. COLLIER: Barbara Kyser-Collier, the
19 director of the Quapaw Tribal Gaming Commission,
20 Quapaw, Oklahoma.

21 MR. BERRYHILL: Alfred Berryhill, Second Chief,
22 Muscogee Creek Nation.

23 MR. NICHOLS: Jason Nichols, Gaming
24 Commissioner from Muscogee Creek Nation.

25 MR. ANDOHOO: Charlie Andohoo, Chairman,

1 (indiscernible) Tribe.

2 MS. BERNAL: Good morning. Dora Bernal, Tribal
3 Council at Karuk Tribe.

4 MR. MAGEE: John Magee, Pechanga, Gaming
5 Commissioner.

6 MS. ANDREWS-MALTAIS: Cheryl Andrews-Maltais,
7 Chairwoman, Aquinnah Wampanoag.

8 MR. GOBIN: Glen Gobin, Vice Chair, Tulalip
9 Tribes.

10 MR. HATCH: Roy Hatch, Gaming Commissioner,
11 Tulalip Tribes.

12 MS. KOOP: Lisa Koop, attorney for Tulalip
13 Tribes.

14 MR. HENDRICKS: Dennis Hendricks, Council
15 member, Tuolumne Band of Me Wuk.

16 MR. LOCKETT: Eddie Lockett, Director of Casino
17 Operations, White Mountain Apache Tribe.

18 MR. MARINKO: Joe Marinko, Twenty Nine Palms,
19 Gaming Commissioner.

20 MR. HANSEN: Norm Hansen, Chairman, Twenty Nine
21 Palms, Gaming Commission.

22 MS. RAY: Crista Ray, Vice Chair, Scotts Valley
23 Band of Pomo Indians.

24 MS. STRICKLAND-NIXON: Good morning.
25 Yolonda Strickland-Nixon, Interim Executive Director,

1 Tohono O'odham Gaming Office.

2 MS. MORAGO: Good morning. Shelia Morago,
3 Executive Director of the Arizona Indian Gaming
4 Association.

5 MS. SPICER: Valerie Spicer, Deputy Director,
6 Arizona Indian Gaming Association.

7 MR. PRIETO: Michael Prieto, Aqua Caliente
8 Gaming Commission.

9 MR. SLAGLEY: Karl Slagley, Aqua Caliente
10 Gaming Commission.

11 MR. DAUGHETY: Good morning. Sam Daughety with
12 the Tohono O'odham Nation, Office of Attorney General.

13 MR. ROMERO: Good morning. Ramos Romero,
14 Pueblo of Tesuque.

15 MR. TAHSUDA: John Tahsuda, Oklahoma Indian
16 Gaming Association.

17 MR. COIN: Jacob Coin, San Manuel Band of
18 Indians.

19 MS. HOMER: Elizabeth Lohah Homer, attorney in
20 private practice.

21 MR. GREEN: Jess Green, official watchman for
22 the NIGC and NIGA.

23 (Laughter.)

24 MS. HOUSE: Sharon House, an attorney with a
25 number of Tribes with Gaming Commission.

1 MR. REID: Morris Reid, Tribal Council for the
2 Picayune Rancheria, Chukchansi Indians.

3 MR. VALANDRA: I'm Joe Valandra, a member of
4 the Rosebud Sioux Tribe.

5 MR. SMITH: Jeremy Smith, Stillaguamish Tribe,
6 Gaming Commissioner.

7 MS. PRIETO: Athana Prieto, Diegueno Mission,
8 acting teaching and director.

9 MR. KELLY: Andrew Kelly, attorney for the
10 Salt River Pima Maricopa Indian Community.

11 MR. NIXON: Sam Nixon, Director of the
12 Salt River Pima Maricopa Indian Community and the
13 Regulatory Agency.

14 MR. HERRERA: Good morning. Milton Herrera,
15 Tribal Council member, Pueblo of Tesque, New Mexico.

16 MR. WAYNES: Ron Waynes, Gaming Commission.

17 MR. JAGLES: Good morning. Brian Jagles,
18 Tribal Councilman of Tesuque Pueblo, New Mexico.

19 MS. TERRY: Good morning. Cheryl Terry,
20 Navajo Gaming Regulatory Office.

21 MS. CHINO: Good morning. Carleen Chino,
22 Executive Director for our Navajo Nation, Regulatory
23 Office.

24 MR. BELCOURT: Good morning. Dan Belcourt,
25 leading council, Redwood Casino, Nisqually Indian

1 Tribe.

2 MR. COOK: Bruce Cook, board member, Nisqually
3 Indian Tribe.

4 MS. RAMIREZ: Good morning. Gloria Ramirez,
5 Tribal Councilwoman, Tohono O'odham Nation.

6 MS. VELASQUEZ: Good morning.
7 Maxine Velasquez, in-house counsel for Pueblo of
8 Tesuque and Laguna, Control Board.

9 MS. HOOPS: Good morning. I'm Julie Hoops from
10 Fort Belknap, Montana. I'm chairman of the Gaming
11 Commission.

12 MR. GRAY BOY: Charles Gray Boy, Gaming
13 Commission, Fort Belknap.

14 MR. MAXWELLS: Good morning. Ed Maxwells,
15 Gaming Commission.

16 MS. PETIFORD: Qeenette Petiford, Kumeyaay
17 Nation, Gaming Commission.

18 MR. BOREMAN: Bill Boreman, Sycuan Gaming
19 Commissioner.

20 MR. BROWN: Xusha Brown, Sycuan Gaming
21 Commissioner.

22 MS. SMITH: Tashina Smith, part of the
23 Tonto Apache Regulatory Office.

24 MS. NONTACOSASHI: Faye Nontacosashi.

25 MS. WILSON: Debra Wilson with Cherokee Nation

1 Gaming Commission.

2 MR. LINDSAY: Dean Lindsay, counsel for the
3 NIGA.

4 MR. BURRIS: Tracy Burris, Viejas Gaming
5 Commissioner.

6 MS. BASS: Elizabeth Bass, Yavapai Apache
7 Gaming Commission.

8 MS. CARRILLO: Carol Carrillo, Yavapai Apache
9 Gaming Commission.

10 MR. DE LA TORRE: My name is David De La Torre.
11 I'm with the Yavapai Apache Gaming Commission, Internal
12 Control Analyst.

13 COMMISSIONER LITTLE: We missed a couple of
14 people that have come in.

15 CHAIRWOMAN STEVENS: Okay. We have a few that
16 have come in since we started the introductions.

17 MR. BROWN: Councilman Hiawatha Brown from the
18 Narragansett Tribe of Rhode Island.

19 MR. FRENIER: Patrick Frenier, Lieutenant
20 Governor, Pueblo of Tesuque.

21 CHAIRWOMAN STEVENS: Did we get everybody?

22 Thank you all very much again for the
23 introductions. I do again want to mention that we do
24 have some extra seats up here for Tribal leaders or
25 their designees for the Tribal leaders. Please feel

1 free to join us at the table -- or your designee.

2 First of all, I'm going to go over the draft
3 policy as it's written now. There are copies out
4 there.

5 Well, one thing I want to do before I --
6 looking at our staff here. I do want to recognize our
7 staff that helped us put this meeting together, for
8 those who are in the Southwest: Ken Billingsley is our
9 regional director; Lance Vallo; Emily Molina;
10 Sally Virag; Nimish Purohit; Kathy Zebell. And, of
11 course, we have Lael Echo-Hawk and Paxton Myers.

12 So that's the staff that we have here today.
13 And without these folks, we would not be able to come
14 together today and meet and have this discussion. So I
15 want to say thanks to the staff.

16 Also I want to remind everyone that we are
17 transcribing this meeting. Over to my left, over here
18 (indicating), is Cindy. She's our court reporter, and
19 she's verbatim transcribing this meeting. This will be
20 posted on the website for anyone who wants to review
21 this document or folks who were unable to attend.

22 That's a primary reason that we do this. We
23 understand that not everybody can make these meetings,
24 that Tribal leaders, especially, have a much more
25 complex, heavy schedule than most and cannot make all

1 the meetings. So we will ask everyone to speak into a
2 microphone, state your name, and with what Tribe you're
3 with before making a comment. But I'll remind
4 everybody as we go through.

5 So to start and following along on the agenda,
6 I'll do a brief overview, and I believe everybody has a
7 copy of a PowerPoint handout. I'll just go over this
8 quickly about how this draft was developed and sort of
9 a summary of what the draft policy states right now, so
10 a general overview on this particular draft.

11 As I stated in our opening remarks, we have
12 four major initiatives that this Commission has
13 identified. The first and most important that we felt
14 we needed to address first was "Consultation and
15 Relationship Building." We had heard so much from
16 Tribes when we began our terms in office about the
17 consultation process and what needed to be fixed.
18 So that is our first major initiative.

19 We have three others that are also priorities
20 for us. That's technical assistance and training,
21 regulatory review, and agency operation review. And
22 those are moving on separate tracks.

23 But this was the first one that we identified.
24 Interestingly, we all came in at different times.
25 Vice Chairwoman Cochran was in office first, in January

1 of '10. Daniel came in in April of '10, and then I
2 came in in July. When we came together, just a few
3 weeks after we had been in office together, the first
4 thing we all said, "We have got to address the issue on
5 consultation because we've heard so much from Tribes."

6 But also from our own experience working for
7 Tribes, and especially with this new administration,
8 the commitment that has been made by the president
9 through his memo from November 5, 2009, about having
10 the agencies conduct meaningful consultation with
11 Tribes and following Executive Order 13175. So that's
12 where this draft is coming from.

13 So after some time, we had heard from Tribes
14 last summer and since we've been in office and issued
15 this draft policy. It's based on comments we've
16 received in that time, through the summer of last year,
17 in 2010, and also other consultations that we've had
18 where Tribes had mentioned consultation to us.

19 We've reviewed and considered these comments,
20 as well as comments that were submitted to the
21 Department of Interior, to their policy process. Prior
22 to taking this position, I worked for the assistant
23 secretary and assisting her -- advising her and, on
24 behalf of the department, began what is now a process
25 in place -- and is still going for DOI -- is developing

1 their department-wide consultation process.

2 There were some transcripts available to us,
3 and basically available to the general public, on
4 comments they received from Tribes, over why they
5 addressed the president's memo on consultation. So we
6 took a look at those as well.

7 We also reviewed Department of Interior's
8 policy. We have been on their consultation policy team
9 in an effort to be helpful in their process. This
10 particular draft is very similar in format as theirs.

11 I believe, and this Commission believes, that
12 it's helpful to Tribes that we have some consistency
13 out there for the Tribes, instead of having all these
14 different draft policies or any consultation policies
15 out there. We're trying to parallel Department of
16 Interior's efforts. And that way, Tribes won't have to
17 adjust to any particular policy.

18 We've received this invaluable input over the
19 past year -- 9 to 12 months. So what we've heard in
20 those reviews are some of these major concerns.

21 (Reading) "Need for early ongoing involvement
22 of Tribes in the consultation process." And that
23 means -- and you'll see in some of our efforts on a
24 regulatory review front -- discussing with Tribes prior
25 to drafting anything. And that's what we've done with

1 this policy. We went out and talked about it first,
2 learned some input, and put a draft out. So that's our
3 effort now going forward, is to get early input.

4 (Reading) "The need for communication of
5 consultation results and rationales for any decisions."
6 So on the front end involvement, but also on the back
7 end of the consultation follow-up. So Tribes know that
8 they were heard, you know, how did we consider that
9 input and rationale for decisions as a result of that
10 consideration.

11 (Reading) "Need for more accountability and
12 meaningful post-consultation review process." So that
13 we have some recordkeeping in place among
14 accountabilities and transparency after consultation
15 occurs, which could be reviewed.

16 (Reading) "And a need for designated NIGC staff
17 to communicate regularly with Tribes and be available
18 for consultation-related questions."

19 So in terms of this draft policy, (Reading)
20 "Attempts to address Tribal concerns and incorporate
21 suggestions from Tribes that we've received over the
22 past year. Designed it to be user-friendly, a road map
23 for both the Tribes and the NIGC employees."

24 There's more clarity than the previous policy
25 of the NIGC, which was written in -- and indoctrinated

1 in 2004. You'll see there's more concrete timelines
2 and steps.

3 (Reading) "Provides key definitions. Provides
4 specific guidance for all consultations. And it breaks
5 down the consultation process into eight stages and
6 also requires training for NIGC employees."

7 So in terms of key definitions, "Consultation"
8 is the first primary key definition, when we talk about
9 it. And in the draft policy, it states: (Reading)
10 "It is a process which enables Tribes to participate in
11 Federal decision-making before agencies take action or
12 commits to a decision with Tribal implications."

13 And it explains when consultation is triggered,
14 where there's an "Action with Tribal Implications" or
15 where there are Executive Order 13175 "Policies that
16 have Tribal Implications." You'll see that our draft
17 tracks the Executive Order, and we try to stay in line
18 with the definitions and the processes that are in
19 place in the Executive Order. So that's the definition
20 of consultation.

21 Now, the definitions for what triggers
22 consultation. (Reading) "Action with Tribal
23 Implications. NIGC proposals for regulations,
24 rulemaking, legislation, guidance, policy formulation,
25 or actions that may have a substantial direct effect on

1 one or more Tribes, on the relationship between Tribes
2 and the Federal government, or on the distribution of
3 power and responsibilities between Tribes and the
4 Federal government." You'll see, again, this tracks
5 along the Executive Order 13175.

6 And then policies. There's actions, and
7 there's policies. What are the policies that have
8 Tribal implications? Again, (Reading) "Regulations,
9 legislative comments or proposed legislation, and other
10 policy statements and actions that have substantial
11 direct effect on one or more Tribes, on the
12 relationship between Tribes and the Federal
13 government," etc.

14 (Reading) "And it requires certification by the
15 Federal agencies to the Office of Management and
16 Budget, OMB, that a consultation on draft regulations,
17 or on legislative proposals, have satisfied the
18 Executive Order's consultation standards."

19 So when we move forward, you know, if we're
20 looking at this draft policy, we will be working with
21 the OMB to ensure that we follow our policy. And this
22 is good practice to work with OMB.

23 (Reading) "Consultation guidance applies to all
24 NIGC consultations. It involves Tribes early, before
25 decisions are made. Describes when consultation is

1 triggered. Provides for adequate and timely notice.
2 It fosters access to consultation so that we try to go
3 to convenient locations," whether that's before or
4 after widely attended Tribal gatherings like this or if
5 we go out to certain regions, you know, more rural
6 areas rather than just being in metropolitan areas.

7 (Reading) "Also the use of innovative
8 technology." We hear a lot of comments, and we've seen
9 a lot of comments, about using technology, whether
10 that's conference calls or whether that's webinars,
11 other ways that we can communicate so that we can
12 conserve your resources and ours through something
13 other than everybody getting on an airplane.

14 (Reading) "Describes different formats
15 available. Gives Tribes sufficient time to prepare.
16 Structured to respect Tribal sovereignty" by seating
17 arrangements, where we're all facing each other like
18 this. The Tribal leaders have a place, with other
19 leadership, at the table.

20 A better agenda. We have proper openings and
21 closings, time for Tribal comments, and opportunities
22 for a dialogue and exchange, rather than just me
23 sitting here talking to you for four hours. We want an
24 opportunity to hear what you have to say and maybe try
25 to come up with solutions together, or amongst each

1 other.

2 Continue on Guidance. (Reading) "Consultation
3 will have decision makers here." I know that that was
4 something that I heard when I was over at the
5 Department of Interior, you know, not having decision
6 makers at the table with Tribal leaders.

7 (Reading) "Having subject-matter experts."
8 Because that's not always through decision makers.
9 We have attorneys. We have enforcement folks. We have
10 audit folks. We have Nimish. Everybody knows Nimish;
11 he's our technology expert. So having those folks
12 here. Of course, the union will be inviting Tribal
13 officials, or their representatives, who are
14 knowledgeable about a topic.

15 One thing that you'll find with this particular
16 Commission, I'm not going to tell you -- or we're not
17 going to tell you who you can have come to this
18 consultation. That's not our decision. We leave it to
19 the Tribal leadership, whether that's going to be your
20 leadership or your gaming Commissioners or your experts
21 or whoever you have. That's your decision.

22 (Reading) "NIGC staff will prepare for these
23 consultations." And in that process, they get to learn
24 about the participating Tribes. That's what happened
25 here today when we recognized our staff here. It gives

1 everybody an opportunity to learn about the area that
2 we're going to.

3 (Reading) "Provides sufficient time for Tribes
4 to consider issues and, again, promotes use of
5 innovative technologies."

6 So the process is an eight-stage process.
7 It's in chronological order of occurrence. Each stage
8 is described in the draft in detail. So the eight
9 stages are: (Reading) "Identifying consultation issues;
10 early consultation with Tribes when we're considering
11 policies and actions; initiating consultation for an
12 action, and Tribes may request a consultation;
13 pre-consultation planning."

14 And, actually, that's a lot more work than it
15 looks like, as we found in coordinating locations that
16 suit as many as possible. You know, working with the
17 local Tribe or working with an organization if they
18 have a planned event going on. We're actually doing a
19 lot of outreach on pre-consultation planning.

20 The event itself, (Reading) "We'll have open
21 communication about our rationales, our policy goals,
22 and our limits." That's the other thing I heard, I
23 recall, when we were doing some of the consultations on
24 the president's memo, about having there be some
25 openness from the federal government about what our

1 limits are.

2 If Tribes are asking for something that maybe
3 we really are not going to be able to do, for whatever
4 reason, whether it's a legal reason or from a practical
5 standpoint, we heard -- or at least I heard the Tribes
6 said, "Just let us know. If you're not able to do it,
7 then we can do something -- we can work together to
8 find another solution." Because if I don't know -- the
9 Tribes were saying, "If we don't know it can't be
10 achieved, then we don't want to set you up for
11 failure." So I think we want to be honest about what
12 we can and can't do.

13 (Reading) "Consultation follow-up. After
14 consultation, but before decisions are made, there will
15 be follow-up dialogue, if it's necessary.

16 "And at the conclusion of consultation, results
17 are provided within 45 days of a decision, if made: a
18 summary of issues and concerns; description of the
19 issues we've considered and any concerns we have;
20 acceptance of Tribe's suggested position or an
21 explanation if the decision was otherwise.

22 "And then post-consultation review. Internal
23 NIGC consideration of complaints or objections to the
24 process."

25 And all of this, as I said earlier in the

1 opening of the meeting, is going to be posted on the
2 website.

3 And speaking of which, (Reading)
4 "Accountability and Transparency." We will be
5 appointing a Tribal Consultation Officer. It's their
6 job to communicate with Tribes, maintain records, and
7 coordinate agency-wide consultation.

8 (Reading) "Appoint an NIGC regional Point of
9 Contact that communicates with Tribes, preserves
10 records, and coordinates the consultations in the
11 region that we're in."

12 We'll provide annual reports on our
13 consultation efforts.

14 (Reading) "Consultation-based performance
15 evaluations of NIGC employees." You know, make sure
16 that everybody's anticipating and working along the
17 efforts that we have as a Commission regarding
18 meaningful consultation talks.

19 (Reading) "Written consultation comments and
20 transcripts of the events will be posted on the
21 website. And we will be providing the Tribes with
22 consultation results within 45 days of the decision."

23 I do want to point out that's "of the
24 decision." We get a monsoon of comments, and it
25 actually takes quite a while. We found that we had to

1 spread the work out so that everybody could sift
2 through the comments and categorize them and get them
3 in summary.

4 So I'd like to say that we can do it sooner,
5 but I don't want to over promise and say that we can.
6 Again, it's a limit of ours. It may take time to
7 compile the information and put drafts together and put
8 a summary together. But within a point of the
9 decision, we'll be posting those results.

10 (Reading) "And these will be published on the
11 website. We'll keep a complete record of consultation
12 preserved and maintained." And, again, that's
13 something that we'll be reporting to OMB that we're
14 following our own policy.

15 And, again, we'll be training the NIGC staff on
16 the content because this is a new process for this
17 agency, so we want to make sure everyone knows what's
18 expected of them and what their part of it is -- what
19 part of this process, what support they're expected to
20 provide, and that they're involved.

21 (Reading) "Provide training on legal bases for
22 consultation." Sort of a historical background of why
23 the federal government has to consult in a meaningful
24 way with Tribes.

25 (Reading) "And then, you know, basic Tribal

1 traditions, history, culture, and relationship of the
2 federal government to the Tribes." We've been doing
3 that, actually, since we've been in office, and it's
4 been very well received.

5 So that's the whole policy. The next step
6 is -- here's the contact information.

7 We'll be soliciting comments today. We also
8 understand that many folks come here and listen to what
9 others have to say and then provide written comment.

10 They may be a little shy to step up to the microphone,
11 and that's okay. But anything that's said today will
12 be considered as part of the record as we move forward,
13 but we also welcome written comments by either e-mail,
14 text, or snail mail. The comment period on this closes
15 May 31, 2011, so it's almost a 90-day comment period.

16 If you have questions, Kathy Zebell, to my
17 right here (indicating), will be collecting all
18 comments, going through the transcripts here to see
19 what kind of information we're getting from Tribes
20 about how we can improve the policy.

21 If you have anything you need to clarify after
22 you leave here, any questions or concerns, Kathy can
23 help you out, and her contact information is right
24 here.

25 I think that's enough from me. I do want to

1 open the floor to comments, any questions, or
2 clarifications. We certainly welcome hearing
3 everybody's comments.

4 Although, just one last thing. As we open the
5 floor to Tribal leadership or their designee, please
6 remember that we're being recorded. So in an effort to
7 help Cindy do her job over there, speak directly into
8 the microphone, state your name and which Tribe you're
9 with.

10 So with that, I'd like to open the comments up
11 to Tribal leaders and elders first. And then we also
12 have a microphone right back there in the corner for
13 anyone who's sitting in the audience.

14 Yes, Liz?

15 MS. LIVES: Madame Chair and members of the
16 National Gaming Commission, I just want to thank you
17 for making my work easier. I think that you have an
18 excellent policy. I think it's almost a textbook case
19 of getting a good procedure in place, a proper
20 framework, a proper foundation. And I congratulate you
21 and salute you and well done. Thank you.

22 CHAIRWOMAN STEVENS: Thank you very much, Liz.
23 Jess, do you want to balance that out?

24 (Laughter.)

25 MR. GREEN: Well, I have my question.

1 CHAIRWOMAN STEVENS: Okay. I'm just teasing.

2 (Laughter.)

3 MS. LIVES: You should never tease him like
4 that. He'll take it literally.

5 MR. GREEN: Well, when the Chair invites me,
6 I'll give you my one question.

7 I have asked all three of you at different
8 events about the recent 20 percent increase in your
9 fees. Do you have any plans in the next year to hold
10 the line or do we need to expect the potential for
11 another fee increase?

12 CHAIRWOMAN STEVENS: Thank you for your
13 question, Jess.

14 I'm not sure I'm at a point to answer that
15 right now. But I will tell you what I'm doing and what
16 we're doing, which is examining our processes inside of
17 the agency. That's why we have Initiative No. 4.

18 I know you know the four initiatives.
19 You wrote them down and said that you would hold me
20 accountable. That's what I want you to do.

21 Agency Operation's Review. We need to look at
22 how the agency is operating, how the work flows go
23 through, at our staffing levels, our procedures and our
24 policies. And we'll have to see how that affects our
25 work.

1 We are in the process -- if anyone stays for
2 the public meeting, we're going to talk a little more
3 about what we're doing internally to review our
4 internal operations. That may or may not affect fees.
5 We'll have to see. We're looking at it, though. All
6 of those actions may or may not affect the fees.

7 Okay. So let's go back to the draft
8 consultation policy. Do we have any comments on the
9 floor? Any questions?

10 MS. ANDREWS-MALTAIS: Thank you. This is
11 Cheryl Andrews-Maltais, and I'm the Chairwoman of the
12 Aquinnah Wampanoag Community.

13 The policy itself is very strong, and it's nice
14 to see an agency that --

15 MALE SPEAKER: Please move closer to the
16 microphone.

17 MS. ANDREWS-MALTAIS: Louder? Oh, my goodness.
18 All righty then.

19 CHAIRWOMAN STEVENS: There we go.

20 MS. ANDREWS-MALTAIS: I just wanted to add to
21 some of the things that -- the languages that have been
22 put in place by the federal government for
23 understanding and representing Tribes and memorializing
24 things often times these days aren't quite as
25 inconclusive of certain anticipated challenges and/or

1 consistent with intent of a policy or a law.

2 So a lot of times in the preambles, if the
3 language is expanded somewhat, it allows that latitude
4 through the agencies to reincorporate the intent of the
5 act versus just the letter of the law.

6 In paragraph 3 of the preamble, on line 7, it
7 begins "unwavering commitment." And I would just
8 recommend that we put "to build a strong government and
9 Tribal relationship and ongoing, meaningful, and timely
10 consultation."

11 On the next page in Section B, "Action with
12 Tribal Implications," insert just the word "a." And
13 then at the end of that statement or definition, "for
14 interagency relations and distribution of functions
15 and/or responsibilities."

16 Again, it's in your document further on, but I
17 think it's important to also have that in the
18 definitions. Because the more places that we, as
19 Tribal leaders, can go back and find the language to
20 support what it is that we're trying to do, to help you
21 help us, it gives us that opportunity to do so.

22 And then in "D." I guess I'm more concerned
23 in -- and this is my unfamiliarity with this particular
24 act, I guess. Oftentimes we hear about lists, that the
25 federal government has lists that they've made and

1 created.

2 And I can speak from experience. Oftentimes
3 Tribes or Tribal Nations are not included on their
4 lists. We're omitted for one reason or another, a
5 mistake. People not understanding the full impact.

6 So I just get very concerned when I see
7 anything that references a specific list because if the
8 federal government or agency had made a mistake and
9 omitted or included somebody on the list, then that
10 mistake transcends into a document that it shouldn't.
11 And this has happened to us, particularly in the
12 Northwest, time after time after time.

13 So, again, I'm not that familiar with this
14 list, but I keep seeing this particular act and the
15 word term "list" creeping into more and more policy and
16 regulatory rule making and guidance language, which is
17 making me very uncomfortable as a leader.

18 I needed some clarification, I guess, in "E."
19 When we talk about "authorized interTribal
20 organization," can we just be clear that they represent
21 only those Tribal members within that organization.
22 Because, again, we have organizations that try to
23 impress or impose their organization as representatives
24 of every Indian Tribe, and it's not.

25 And, therefore, we want to make sure that that

1 doesn't seep into it, that organizations -- if there's
2 a consortium in organization as representing specific
3 member Tribes, that they're only doing that in approval
4 and the authority of those specific member Tribes and
5 nobody else that might be in that general region.

6 I guess that's it for me for now. Thank you.

7 CHAIRWOMAN STEVENS: Thank you very much.
8 Those were very well-thought out and considered views
9 there.

10 I do want to say -- and I might punt to Kathy
11 or the Vice Chair or the practicing attorneys. I think
12 the language on Indian Tribe is standard, and it's a
13 Federal Register.

14 I don't know if you want to give a little
15 history on what happened in 1994 to sort of equalize
16 all the Tribes.

17 MS. ZEBELL: Well, I appreciate your comments a
18 lot. They are just excellent suggestions. Thank you.

19 As for the definition that's included in the
20 policy of an Indian Tribe, actually I recently
21 participated in a meeting with Tribal leaders and
22 federal officials from the Department of the Interior,
23 discussing their policy. And there have been
24 objections from other people, particularly Tribal
25 leaders, about the use of that particular definition.

1 It comes from a List Act, which is published on
2 an annual basis of all federally recognized Tribes.
3 But the particular language just does not sit well with
4 folks. So I think that Interior and the Tribal leaders
5 who are working with the Department of the Interior,
6 they're in the process of changing the definition and
7 using another definition from another federal statute.

8 So it may be that we'll change ours, too,
9 especially in light of your comments and what we've
10 heard from other Tribe leaders through the Department
11 of Interior team.

12 MS. ANDREWS-MALTAIS: Cheryl Andrews-Maltais
13 again.

14 Just in response to that. Part of the problem
15 is, the Department of the Interior's consultation was,
16 I would say, less than stellar. And for the Department
17 that is in charge of Indian Country to not really truly
18 comprehend all of the implications -- and that is one
19 of the areas that we're having the biggest challenge.

20 We're trying to clarify the list that had been
21 maintained through the Department, whether it's the
22 Bureau or whether it's Interior, as a whole. A lot of
23 the problems that we're facing is that they never
24 cleaned up that mess, and so it continues to
25 perpetuate.

1 So, again, we're going back to the same people
2 to change something, and we're not getting a complete
3 comprehension or understanding. And, oftentimes, it
4 just winds up ongoing because when we listen -- you
5 know, that's, "We understand. We hear you." But no
6 change.

7 So, therefore, you know, just for the record,
8 a lot of the problems emanate from the records in
9 Interior that are NIGA, so that's why I'm going back to
10 the same people. It's like that definition.

11 CHAIRWOMAN STEVENS: Thank you. And I do want
12 to say that we've heard this.

13 One of the reasons why we're participating in
14 the NIGA and Tribal consultation team is so that we can
15 get a broader view. You know, we're very narrowly
16 focused, this agency, and not nearly as complex as what
17 Interior has in front of them.

18 We are hearing similar comments, as
19 participants in that team, and we appreciate your
20 comments and bringing that to our attention as well.
21 And we'll take a look to see if there's another way
22 that we can define this.

23 And it sounds like they're doing it too, and
24 they're doing it with Tribes at the table. Clearly,
25 it's an issue because it came up there last week, and

1 it came up here this week. So thank you very much.

2 I do want to say on the Tribal organizations.
3 We'll take a look at how we can -- that's actually
4 straight from the Executive Order. So we'll take a
5 look to see how we can flush that out so that it's
6 clear, how we work with the Tribal organizations.

7 But really, as you mentioned, our commitment is
8 to the Tribes themselves. We usually just work with
9 the organizations for coordination efforts within
10 membership. That's helpful to us.

11 MS. ANDREWS-MALTAIS: I think part of the issue
12 is the coordination kind of rolls over, and oftentimes,
13 for simplicity sake -- it is very complicated, and I do
14 understand it. I came from a historic preservation
15 background, so consultation of Tribes is a daunting
16 challenge for all agencies, and I respect the efforts
17 that everyone's making.

18 But what we do find is often, because it is
19 such a challenge, that the simplest and the most
20 convenient route is through an organization and/or
21 allowing the organization a place at the table that
22 supplants some of the Tribes that want to be speaking
23 for themselves. They may be a participate in an
24 organization, but that organization's position and/or
25 the Tribes need to speak for themselves on a more

1 detailed level.

2 So I just want to make sure that that doesn't
3 open that door because, again, we're facing that same
4 challenge as with federal appointments. The agencies,
5 or whatever blue-ribbon panel that keeps being put
6 together, they're looking to organizations to represent
7 Tribes. That's not consultation.

8 So I just want to make sure in this case, since
9 we have the ability and the Commission is working so
10 diligent towards building something that could
11 potentially be a model to be replicated throughout
12 other agencies, that if we have the opportunity to do
13 it very well and with clarity, that we take this
14 opportunity then. Thank you.

15 CHAIRWOMAN STEVENS: Thank you.

16 MR. GOBIN: Good morning, again. Glen Gobin,
17 Tulalip Tribes.

18 I also want to thank you for the work that was
19 done on the policy. I think it's a very good policy to
20 move forward with. I do have some comments and maybe
21 some suggestive changes, and a lot of it has to do with
22 definitions, and sometimes it creates opportunities for
23 interpretation.

24 As I look at definition "A" on the definition
25 of "Consultation" on the first page, where it talks

1 about: (Reading) "...or commits to a decision, with
2 Tribal implications."

3 But yet when I go in further into the document
4 and look on the second page and it defines "Action with
5 Tribal Implications," it talks about "substantial
6 direct effect." And so they seem to contradict each
7 other, in that -- or they're subject to interpretation
8 now. Are we limiting it somehow to a definition of
9 "substantial"?

10 And so I seem to read the first one to mean
11 "with any Tribal implication," and the second one
12 defines it as "substantial." I would suggest that we
13 stick with a definition of "any direct effect" or
14 anything that has a potential adverse effect on Tribes.

15 The second thing is the "Tribal Consultation
16 Officer." Do Tribes have an opportunity to have input
17 on who that person is and how they are selected?
18 Because they will have a lot of control or
19 participation, at least, and given direction on how the
20 process is going to work. And to put the wrong person
21 in there would not be good.

22 On page 5, under "C, Initiating Consultation,"
23 it says: (Reading) "The NIGC will notify the
24 appropriate Tribes." And maybe it's just a verbiage
25 change, but it should be "Tribe or Tribes."

1 CHAIRWOMAN STEVENS: So strike "appropriate"?

2 MR. GOBIN: I think it just needs to -- you
3 have it in the plural context. But what if your
4 consultation is just with one Tribe? So you have to
5 notice all Tribes? Or how is that going to work?

6 On page 8, "Internal Accountability and
7 Reports," if maybe there was an opportunity that
8 recognizes Tribes -- if they want to send in a report
9 as to how the process is working or how they see things
10 happening, that there's a process that Tribes have the
11 ability to report on an annual basis as well.

12 Other than that, I think the policy is very
13 good. It really recognizes Tribes and that
14 relationship with the federal government, and I applaud
15 you for the work that you've done.

16 CHAIRWOMAN STEVENS: Thank you. So you want to
17 grade us?

18 MR. GOBIN: If we need to.

19 (Laughter.)

20 CHAIRWOMAN STEVENS: I want to make sure. But
21 you should. You know, I think there are some parts in
22 the policy -- and I'm looking at Kathy; she was the
23 author of this policy -- where the Tribes have an
24 opportunity to weight in on how we did in the
25 consultation.

1 So I see your point because it's not about the
2 overall report, a year in the past, how we did.

3 MS. ZEBELL: And I wanted to comment, too.
4 Thank you very much for your suggestions and comments.
5 They're really excellent.

6 I overlooked that, and I think your point is
7 very well made, that Tribes should have input into that
8 final annual report. You know, it may involve --
9 without putting too much of a burden on the Tribes --
10 asking participants in consultations from the Tribal
11 side to fill out a detailed evaluation form at the end
12 of each consultation. Maybe we could even consult with
13 Tribal leaders to come up with that form, a good form.

14 But I think you're absolutely right, that
15 Tribes should have some input into that annual report.
16 Another thing is written into the policy that Tribes
17 will have access to that annual report.

18 MR. GOBIN: I think Tribes already have the
19 ability to send in their comments and can do that, but
20 it puts it on record and recognizes that the Tribe
21 chooses to -- it recognizes that they have the ability
22 to do that, and then it becomes a formal record.

23 Otherwise, sometimes if there's a report or an
24 issue that they're printing up, it just stays in there
25 at the administration level, and no one else hears

1 about it.

2 CHAIRWOMAN STEVENS: We'll look at ways that we
3 can address your concern. I just want to say that it
4 may not be limited to what Kathy has suggested. We'll
5 be looking at a lot of different options.

6 Shawn Yanity?

7 MR. YANITY: Shawn Yanity, Stillaguamish Tribe.

8 In your consultation process, such as where
9 it's standard that: (Reading) "NIGC will work with the
10 Tribes to structure a process and establish a timeline
11 that maximizes the opportunity for timely input by
12 Tribes --"

13 CHAIRWOMAN STEVENS: Can I ask, what page are
14 you on?

15 MR. YANITY: I'm sorry. Page 6.

16 For us, I think it would also be helpful to
17 recognize that, depending on the topic and the issues
18 that the NIGC might be bringing forward, to have some
19 flexibility in the consultation process if we meet
20 face-to-face.

21 In the past, we've had issues like working with
22 the changes in the Class II, where we had a one-day
23 meeting with NIGC, and we were given three minutes to
24 get our story across. I know there was a lot of
25 frustration from a lot of Tribal leaders who spend a

1 lot of time going back to Washington, DC to get their
2 issues across.

3 So it would be nice if there was some
4 flexibility there recognizing, that depending on the
5 topic, there might be more time needed for -- you know,
6 if you do a face-to-face recognition, depending on how
7 heated the topic is or how urgent it is, that there's
8 some flexibility and more time for Tribal leaders to be
9 able to voice their opinion or their Tribe's stance on
10 an issue.

11 But other than that, I think you guys did a
12 good job on the consultation process.

13 CHAIRWOMAN STEVENS: Thank you.

14 Any other suggestions, questions, or concerns
15 about the policy as it stands now? Any clarification?

16 Yes, ma'am.

17 MS. COLLIER: Barbara Collier, Quapaw Tribal
18 Gaming Agency.

19 Just because this may be broad -- going back to
20 the DOI, I do have some concerns with the consultation
21 method.

22 In your document, I didn't notice that there
23 was a specific plan. Do you have a plan? Could you
24 give a little clarity as to who is going to be
25 inclusive of your consultation team?

1 Are you going to include others or is it just
2 an internal process that you're going to take? Are you
3 going to include Tribes? Are you going to actually
4 have a team, I guess would be -- other than yourselves?

5 CHAIRWOMAN STEVENS: Thank you for your
6 question. And to clarify, when I was speaking of DOI's
7 consultation team, it's the team they put together in
8 response to President Obama's November 5th memorandum
9 on Consultation with Tribes, to put an action plan
10 together.

11 All the departments did it differently. The
12 DOI put a team together of federal officials from each
13 of the bureaus and then Tribal leaders, or their
14 representatives, from each of their 12 regions. So
15 they put this team together to create a policy for the
16 Department of Interior, across the board. And that's
17 what that team is.

18 We're within the Department of Interior, but
19 we're not in that department manual because we have to
20 have some independence in our regulatory enforcement
21 and oversight authority. But we participate in that
22 team really so that we can be helpful to them, and we
23 can hear what Tribes are saying that might be helpful
24 to us.

25 We do not specify a team in here. Like I said,

1 our focus is so narrow. It's just the regulation of
2 gaming. It's just Indian gaming. I shouldn't say
3 "just" like it's -- (laughter).

4 But they've got a whole swap of things going on
5 over there. So they put that team together to develop
6 their policy. I'm not sure what's going to happen to
7 that team as it was moves forward. Each of the
8 departments has chosen to respond differently to the
9 president's memorandum.

10 We didn't write that in this policy. Really,
11 you know, we're going to have Tribal consultation
12 officers, and they're really going to be traffic
13 control, basically, and the decision makers, the
14 Commission, when we have to initiate consultation.
15 We have a lot of consultation in front of us. It
16 includes all the Tribes that we regulate, so 245.

17 So when we send something out, it's to
18 everybody. So I don't know if that answers your
19 question.

20 MS. COLLIER: Yes, it does.

21 CHAIRWOMAN STEVENS: I didn't really see that
22 there was a need for a team because it --

23 MS. COLLIER: I was kind of confused when you
24 mentioned a team. And I thought that you were kind of
25 semi-economists to the DOI team, as such, working with

1 it. So I needed a little clarity, I guess, in my own
2 mind as to how that was going to work.

3 CHAIRWOMAN STEVENS: We're participating so
4 that we don't get -- we try to parallel what they're
5 doing for the benefit of the Tribes so that you're not
6 all over the place with different policies in front of
7 you.

8 Their policies -- you know, rightfully so
9 because of their sort of broad spectrum of issues that
10 they deal with -- can be a little bit different than
11 ours. But ours sort of tracks along definitions.
12 It tracks along the Executive Order.

13 And we're only participating in their policy
14 development team for our benefit and for the benefit of
15 the Tribes and to try to be helpful in DOI's process.
16 So no team other than that. And that team may or may
17 not continue.

18 MS. COLLIER: That's not going to roll over and
19 use this system?

20 CHAIRWOMAN STEVENS: No. Like I said, we're
21 not part of their department manual, so we don't really
22 report up through them. But in a spirit of
23 cooperation, we're trying to be helpful and sitting in
24 on their meetings to try to help them and inform us.

25 MS. COLLIER: That answered my question. Thank

1 you. My confidence in the DOI system is a little wavy.
2 Thank you.

3 CHAIRWOMAN STEVENS: Thank you.

4 I see a comment right back here. If you want
5 to come to the table so we can hear you, over to the
6 mic.

7 MR. DE LA TORRE: Good morning, everyone.
8 My name is David De La Torre, Yavapai Apache Gaming
9 Commission, document analyst and reg specialist.

10 We're talking about these teams in regard to
11 other departments -- other department teams?

12 CHAIRWOMAN STEVENS: I see I've confused the
13 issue here. There's only one team, and that's DOI's
14 team. We're part of Interior. We're just playing
15 along, and we don't have a team in here.

16 MR. DE LA TORRE: So you're communicating with
17 them on --

18 CHAIRWOMAN STEVENS: Their policy. They have a
19 separate policy from us. We're just participating to
20 try to be helpful to their process.

21 MR. DE LA TORRE: Okay. So how can we, as
22 Tribes, be assured that they have the proper training
23 that it mentions in this 13175, in regard to
24 sovereignty and self-determination and cultural
25 traditions? Do we know?

1 CHAIRWOMAN STEVENS: Could I ask a clarify
2 question? When you say "they," who do you mean?
3 Do you mean DOI?

4 MR. DE LA TORRE: Yeah, DOI.

5 CHAIRWOMAN STEVENS: I don't have any
6 authority, going that way. I can only assure that the
7 agency staff has that training. And DOI is discussing
8 with Tribes and their federal bureaus and offices what
9 kind of training they're going to provide their
10 employees.

11 So I don't really have any authority over their
12 employees or how they're going to determine -- but
13 I'm --

14 MR. DE LA TORRE: So at this point, there's
15 been no communication on that as far as the training
16 that you're getting or that you're giving your
17 people -- your staff?

18 CHAIRWOMAN STEVENS: Well, we haven't developed
19 that yet. We're going to leave that open, I think, on
20 how we do that. And we're open to suggestions on how
21 to do that.

22 We think, actually, that's a really good
23 opportunity to educate our staff. We may end up
24 working with Tribes to partner on some of that training
25 for our staff. I'm only speaking of NIGC staff.

1 I can't speak to DOI's and how they're going to handle
2 it.

3 They also have this -- and correct me if I'm
4 wrong, Kathy. They have this in their policy as well,
5 which is why it showed up in ours. We thought it was a
6 good opportunity to do some education.

7 MS. ZEBELL: Just to clarify of what I know of
8 the DOI policy. It does have a section on training and
9 training of their own employees.

10 I tightened it up and tried to make it specific
11 and also included topics that were very specific. And
12 the topics I chose were ones that I thought would
13 really enhance the consultation process, you know, make
14 it more meaningful, more effective by having the NIGC
15 participants and staff members know more about Tribes,
16 know more about the underlying legal principles, and
17 things like that.

18 So we took the lead from Interior to include a
19 topic on training, also from President Obama's
20 memorandum, also going as far back as Executive Order
21 13175 from President Clinton. Training is mentioned in
22 all of those documents.

23 MR. DE LA TORRE: Okay. Those were my
24 comments. Thank you very much.

25 CHAIRWOMAN STEVENS: Thank you, sir.

1 We have a comment right here (indicating).

2 And I just want to say at 10:30 -- it's 10:21
3 right now -- we'll go ahead and take a break.

4 MS. VALASQUEZ: Good morning, Commissioners.
5 I'm glad to be here today. Maxine Valasquez, attorney
6 for the Pueblo of Tesuque and, again, Gaming Control
7 Board Chair for my Tribe, Laguna Pueblo.

8 Just a couple of comments. First of all, I
9 applaud, as another collogue has said, your efforts on
10 this consultation policy. I've been involved with
11 regulation since 2001 for my Tribe, and to see
12 something like this in place is nice. It makes our
13 job, as Liz said, a lot easier. So thank you for all
14 your efforts on this policy.

15 Just a couple of quick issues on page 3 of 10.
16 "Consultation Guidance, Early Tribal Involvement."
17 There is a word "conversation" there. It says:
18 (Reading) "The NIGC will include the Tribes in the
19 conversation..."

20 It seems a little too informal. Maybe you
21 might want to consider another word for that,
22 "dialogue, issue," something to that effect. Nothing
23 major. It just seemed a little informal, from my
24 perspective.

25 And page 9 of 10. "Communication, Coordination

1 and Collaboration." Here it -- this is good. It talks
2 about Tribal leader task force and Tribal advisory
3 groups. And the last sentence, it talks about:
4 (Reading) "The selection process for members of the
5 task forces and advisory groups will be accomplished
6 with input from the Tribes."

7 Just a question, just from our past experience.
8 Do you have any ideas right now of how -- when those
9 advisory groups or consultation groups come to play,
10 do you have any idea of how you're going to organize
11 that so that when the Tribes put our input in, it's not
12 going to be all over the place and we can work this out
13 and be more prudent?

14 I say that just because of our past experiences
15 with the last round of Commissioners and the way things
16 have moved forward from that perspective. Do you have
17 an idea of how you're going to kind of herd us in --
18 all the cats, herd us in to get us focused?

19 CHAIRWOMAN STEVENS: I do want to -- I might
20 punt here to Lael because part of our regulatory review
21 process, we did ask the question about Tribal advisory
22 committees, and we got pretty clear -- well, sort of
23 clear. Tribes were on different pages on how to handle
24 that.

25 It's being addressed in the regulatory review

1 process and how we're going to go after that. Because
2 it may vary, depending on the subject matter. You
3 know, if we're on one regulation, we may need one kind
4 of team. We, you know, might need a different kind of
5 team. Some of them, we may not even need a Tribal
6 advisory committee.

7 But we do want to talk about it, and we want to
8 let Lael talk about how we're going to approach that.

9 MS. ECHO-HAWK: Good morning. Lael Echo-Hawk.

10 And just to repeat, I keep getting whispers in
11 my ear. We do go back and forth, but if we can
12 remember to state our names again for the reporter.

13 In regard to the Tribal advisory committees,
14 the comments that came in were -- they were kind of all
15 over the place. Frankly, this agency's history with
16 those committees hasn't been received well, at least
17 the last couple go-rounds. We got a lot of comments
18 about that process.

19 We don't want to repeat the mistakes of the
20 past, so we're looking at that policy. How do we do
21 that? A lot of the comments that come in said that we
22 really only needed them for issues that were very
23 substantive and technical, for example, the technical
24 standards, the minimal control standards, those kind of
25 things. We need to take a look internally on how those

1 committee members are selected.

2 Overall, the comments that came in said that
3 these Tribal advisory committees are just that,
4 advisory committees, and they do not substitute for
5 consultation, which is why we've set up the regulatory
6 review schedule the way that we have.

7 That's not to say that we won't maybe break off
8 into work groups or some sort of other form of groups
9 that contain substantive -- like subject matter
10 experts. But it is a process that we're going to be
11 looking at internally and trying to develop in a way
12 that gives us the industry knowledge that we need in
13 order to develop good regulations and good policies.

14 But at the same time, respects this process,
15 which is the consultation process, and making sure that
16 we are consulting with Tribal governments and not just
17 with sort of our -- and I'm a lawyer -- lobby industry
18 expert people. We need to have a complete picture
19 painted. And I think that either one doesn't meet the
20 need and that we need to figure out a way to
21 incorporate both.

22 But it is going to be a work in progress and
23 something that you'll hear about more over the course
24 of the year.

25 CHAIRWOMAN STEVENS: Great. Thank you.

1 Yes, sir?

2 MR. REID: My name is Morris Reid, Picayune
3 Rancheria of the Chukchansi Indians, Tribal Council.

4 Going back to that subject there, you know,
5 these advisory groups. Sometimes when we have these
6 groups come forward from the Tribes, it seems to be the
7 same Tribes. You know, in some way, it should be that
8 all Tribes have to participate if they care to or if
9 they can, because although keeping the experience on
10 there for certain Tribes -- it's like a learning
11 process, you know.

12 They put people in there -- those other Tribes
13 nominate them to bring them in to get them to
14 participate in this process. Because sometimes these
15 Tribes that always are there, it seems to be maybe
16 other Tribes are -- and we are all not a standardized
17 type of Tribe. We all have our different issues and
18 way of looking at these issues.

19 So I'm not sure how to do it, but there should
20 be some record made that all Tribes participate in this
21 process. Thank you.

22 CHAIRWOMAN STEVENS: Thank you.

23 Okay. Let's call for a break, if that is okay
24 with the group. We'll take 15 minutes to stretch, and
25 then we'll be back at 10:45.

1 (A break was taken from 10:30 a.m. to
2 10:58 a.m.)

3 CHAIRWOMAN STEVENS: One thing I do want to
4 address, and it seems sort of off topic. It is, in
5 fact, off topic that I was asked to address.

6 I know that there is a lot of discussion on the
7 Hill right now about a potential government shutdown.
8 The NIGC is funded by fees paid by you. We do not
9 receive any federal appropriations, so we will not be
10 affected. We will continue to show up and do our jobs,
11 regardless of what happens.

12 The only way that we're affected is all of our
13 services come through the Department of Interior. That
14 includes our paychecks, our procurement, certain
15 services that we get from Interior. I'm not sure of
16 how we, as employees, may be affected, but our work
17 will continue. We've made that clear to our employees.

18 We've discussed it with the Office of
19 Management and Budget, what our plan is. And like I
20 said, because we receive no federal appropriations and
21 we're completely funded by Tribes, that is why we will
22 not be experiencing any effects from the shutdown. The
23 Tribes won't be, and we'll still be there.

24 So I just wanted to clarify that. I had some
25 question about that, and it seemed timely.

1 So why don't we open the floor again for
2 comments on the draft.

3 Yes, Sharon, come on up.

4 MS. HOUSE: Good morning, everyone, Tribes,
5 Commission, staff. Thank you very much. My name is
6 Sharon House. I just broke this (referring to the
7 microphone). For once I don't have to say, "I'm sorry
8 I'm late." But I am sorry for breaking this.

9 Anyway, Sharon House, and I'm the attorney for
10 a number of Tribes and -- I'll just say a "number of
11 Tribes" because if I forget somebody, they'll hear
12 about it, and I'll be in trouble. So I'm just going to
13 make this comment.

14 Page 9 of 10, No. VII, "Communication,
15 Coordination, and Collaboration." I just had a comment
16 on that little sentence that says: (Reading) "The NIGC
17 may also use a Tribal leader task force or Tribal
18 advisory group..."

19 And the Tribal advisory group, I believe, can
20 be melded with the -- they may also use a Tribal leader
21 task force, but that becomes an issue as to who your
22 Tribe considered Tribal leaders. Because that has been
23 an issue in the past, where someone said, "Have you
24 been actually designated by the Tribe to move forward?"
25 And I think that's extremely important.

1 If they're put into one of your advisory groups
2 or a leader of past, present, in my mind, it should not
3 have to mean that it's the actual government. But it
4 should be the government saying who is on the Tribal
5 leader task force.

6 And if there's a way to clarify that,
7 I'd appreciate it. Thank you.

8 CHAIRWOMAN STEVENS: Yes, sir?

9 MR. MAGEE: John Magee, the Pechanga Gaming
10 Commissioner for the Pechanga Casino Resort.

11 The comment I have is, from what I've seen,
12 this is very well thought out. Although, this is my
13 first time I'm seeing it, so I reserve comment. I
14 would also like to reserve the right to issue a written
15 comment, for the record.

16 The reason why I'm saying the comment I have
17 is, having seen this for the first time, it probably
18 went to our Tribal chairperson which, in our case, is
19 down the road, a couple of miles from where our gaming
20 facility is. And in our case -- and maybe some other
21 Tribes may have the same issue -- things don't always
22 get back to us, as a Commission.

23 So I was wondering if there's a way that we can
24 be like part of a cc for notices that go out to the
25 Tribal chair could also go out to the gaming

1 Commission. And that's my request or comment.

2 CHAIRWOMAN STEVENS: If I may refer to Lael,
3 just because she's been through this process a couple
4 of times.

5 Since this new Commission has come in, we've
6 really revamped the process of consultation, and that
7 also means the outreach. Our distribution list has
8 probably quadrupled. And we saw that there was just
9 one sort of area of Tribes that were being contacted on
10 consultations.

11 We've broadened that, and we're trying to cast
12 a very broad kind of wide net. We send to Tribal
13 leaders -- but I'll let Lael explain because she's been
14 through this a couple of times already and have her
15 perhaps address your question.

16 MS. ECHO-HAWK: It is an issue that we've seen
17 over and over again, and we are in a process of
18 updating databases and putting this together, lists.
19 We're working on it.

20 One thing we've asked of Tribes over and over
21 again is to keep us updated with information so if
22 there's a Commission@job.net, or whatever it is, so
23 that we can get it out to you. I know that we made
24 every effort to get this out as far and wide as we
25 could. We sent it out to every address that we had, to

1 the Tribal government as well as to the Commission.

2 Coming from an operation or from a Tribe, I
3 know things often get lost in the piles of paperwork
4 that everyone sees, so we also post this online. Any
5 correspondence that goes out, it's posted online. So
6 if you have someone in your office also checking that,
7 just sort of as a backup.

8 But I can tell you that we are working really
9 hard to put those databases together and make sure that
10 when we send information like this out, it gets to the
11 Tribal government, the Tribal leaders, the Tribal
12 Gaming Commission, the agencies, the operations. But
13 it is a work in process.

14 MR. MAGEE: Thank you. I do have one follow-up
15 comment. And for the record, John Magee with the
16 Pechanga.

17 California is made up of 109 Tribes. It seems
18 to me that when you go through the consultation
19 process, to break it up more -- I understand the
20 Department of Interior trying to follow that process --
21 so maybe by region instead of just trying to do it all
22 at once, maybe a northern, central, or a southern.

23 I'm not exactly sure how you'd break it up, but
24 try to be more inclusive and respectful that California
25 Tribes aren't like the Midwest or Eastern Tribes, and

1 cultural leaders are sometimes a little different.

2 That's the comment I was going to make, just
3 try to be more inclusive and respect that it's a long
4 state with a lot of different Tribes and a lot of
5 different issues as well.

6 CHAIRWOMAN STEVENS: Thank you. We were
7 actually in the reg review process, trying to move the
8 consultations around on the regulatory review. I
9 actually mapped it out on Google, and it's interesting.

10 We saw the number of Tribes in each state that
11 were participating in gaming, or in each region.
12 We did hear this from -- when I was up in Interior,
13 we did consultations on the memorandum, the request
14 that we try to hit what you said was south, central,
15 and northern California and trying to do the same
16 thing. Because like we'll have a regional office in
17 St. Paul that covers a really geographically wide area,
18 very separated, and so we're trying to do that.

19 Depending on the subject, we may or may not do
20 consultations in every one of those. This policy, you
21 know, this is the one that we have scheduled. We do
22 try to move around, so we will certainly take that into
23 consideration and make sure that we get out to
24 different regions and treat California as the big state
25 that it is by trying to hit different areas.

1 Thank you.

2 Yes, sir?

3 MR. CUTHAIR: My name is Harold Cuthair, the
4 Ute Mountain Ute Tribe.

5 I do have a concern as far as what's going to
6 impact the casinos with Tribes, as far as the National
7 Indian Gaming Commission. What do we anticipate in the
8 future as the federal government puts down laws and
9 changes laws and stuff like that?

10 What was said was that there's two different
11 policies. What interpretation are you going to go
12 with, the NIGC or DOI? What do we, as Tribes -- as the
13 National Indian Gaming Commission in our communities,
14 what do we anticipate in the future that's going to
15 impact our Tribe? That's the concern I have.

16 CHAIRWOMAN STEVENS: Thank you. This is NIGC's
17 policy. Based really on what we've heard from Tribes
18 when we've consulted with Tribes over the last nine
19 months at various stages.

20 So this is this Commission's policy, and we're
21 going to follow this one. We may revise this based on
22 comments that we received here today and in the future
23 before the comment period closes.

24 DOI, we're within the Department of Interior.
25 But they're going to do what they're going to do, and

1 we're going to follow our policy. Again, we're only a
2 part of that process to help inform and maybe help as
3 they develop their process.

4 We're going to follow our agency's consultation
5 policy when it's final. And this actually aligns with
6 President Clinton's Executive Order and
7 President Obama's memorandum. So that's really where
8 we're all getting our direction, is from President
9 Obama. And that's what we're going to follow. So I
10 hope that helps.

11 MR. CUTHAIR: Thank you.

12 CHAIRWOMAN STEVENS: Yes, sir?

13 MR. BROWN: Hiawatha Brown, Tribal Council of
14 the Narragansett.

15 This may not be part of your policy, but it
16 certainly is a concern of Indian Country, as far as the
17 issues that -- the kind of issues that's going on
18 between Tribes.

19 As you know, there's a big difference between
20 gaming Tribes and non-gaming Tribes. And it seems
21 like -- well, let me put it this way. The intent of
22 the Indian Gaming Predatory Act was never proved to be
23 competitive from Tribe to Tribe, and now it's a very
24 competitive market.

25 And a lot of the Tribes that don't have gaming,

1 they're being blocked politically within respective
2 states and surrounding states from the Tribes that have
3 gaming.

4 Is there an entity within your Tribe or is
5 there a mechanism for this organization or this entity
6 can be able of assistance to the Tribes that are
7 pursuing gaming and have the gaming Tribes understand
8 that, you know, we all need to fight this cause
9 together, whether we're gaming or not. Because the
10 umbrella that protects with all is Tribal rights and
11 Tribal sovereignty.

12 And all those mechanisms are specific for the
13 Tribes that are in the gaming industry, you know, for
14 regulatory purposes and so forth and so on.

15 I guess my question is, is there a mechanism
16 within this organization that can assists Tribes that
17 are pursuing their rights to have gaming under federal
18 law? As you know also different states, including
19 Rhode Island -- specifically, Rhode Island, we were
20 knocked out in 1996 from having gaming, Class II and
21 Class III.

22 I've worked with NIGA -- we've worked with NIGA
23 for a number of years. We're a member of this
24 organization, as well as NIGA, just to try to stay in
25 the loop and be familiar in support of the greater

1 cause, which again is Tribal rights and Tribal
2 sovereignty.

3 CHAIRWOMAN STEVENS: Thank you for your
4 question. For this Commission, our authorities under
5 the Indian Gaming Regulatory Act are fairly limited.

6 We are part of the process as Tribes enter into
7 gaming. We approve gaming ordinances, management
8 contacts. There are specific things that this
9 Commission has the authority to do. We promulgate
10 regulations based on the Indian Gaming Regulatory Act.
11 We see over time as Tribes enter into gaming, there's a
12 role for us in that process. And that's really what
13 we're limited to.

14 I know that there are a lot of other issues
15 that are contentious among Tribes that don't really
16 play out with the National Indian Gaming Commission.
17 They play out in other areas, whether that's on the
18 Hill, whether that's over at the Department of Interior
19 and their authorities to take claim as the trust.

20 Those authorities for implementing the act are
21 divided between the secretary and the Commission. So
22 we have very limited scope on where we're at when the
23 Tribes enter into the gaming arena under the act.

24 So I'm not sure if that answers your question
25 at all. We strive to stay within our authorities and

1 follow the process under ACRA.

2 MR. BROWN: I do realize the limited role or
3 perimeters that are placed on NIGC. I'm fully aware of
4 that.

5 In the early '90s, we did -- we got knocked out
6 in '96. So prior to that, we had gone through all the
7 required steps, and we were at the threshold of moving
8 forward in gaming when this kind of knocked us out, and
9 we've had no success.

10 So I understand the role of NIGC and NIGA and
11 some of the other areas that can assist us. But, you
12 know, again, I think all the federal agencies have a
13 responsibility to work and collaborate with one
14 another. Because you all work for us. I mean, that's
15 your role. We don't work for these organizations.
16 Federal agencies work for us.

17 So at some point, you know, whether it's behind
18 closed doors or whether it's in a quorum, such as was
19 set today, in my opinion, this is part of consultation.

20 And the Tribes that are not as fortunate as
21 others to be able to move forward with gaming due to
22 their political state's issues and other Tribal
23 political arenas, I think it's anyone's responsibility
24 to pursue this, understanding what the original intent
25 was of the Indian Gaming Regulatory Act. It was to

1 really boost Tribal economy so we all could provide a
2 better lifestyle for our people. And, frankly, that
3 hasn't happened.

4 Frankly, we talk about this issue what is
5 created, you know, the classification of two Tribes.
6 So gaming has created a classification of two Tribes.
7 You know, it's the haves and the have nots. And that's
8 certainly no one's fault. You know, I tip my hat to
9 the Tribes that have moved forward and been able to
10 boost their economy and put their people in a whole
11 different standard of living.

12 But the point I'm making without being
13 redundant. I think it's all of our responsibilities to
14 get every Tribe, all 565 of us, if necessary, to be
15 able to deal with the attorney generals and the
16 governments because that's where the problems lie.
17 It's a political issue, but all of us have the same
18 problem in one form or another.

19 If the gaming Tribes will have its day, I can
20 assure you there's going to be problems later on down
21 the line when they have to go back and sign their
22 contacts. This is a domino effect.

23 So just to reiterate the point again. I think
24 it's all of our responsibilities to pursue to.

25 I understand the limited responsibility of this

1 particular entity, but maybe that is something that
2 needs to be considered on another level, to work in
3 conjunction with the NIGA or any other gaming
4 institutions. Thank you.

5 CHAIRWOMAN STEVENS: Thank you.

6 Yes, ma'am, in the back?

7 MS. WILSON: Debra Wilson with Cherokee Nation
8 Gaming Commission.

9 I did help work with the department, in
10 comparison, when they were establishing their
11 consultation policy. The difference is night and day,
12 and I really appreciate the work that you did on it.

13 I do have a question. I understand that
14 there's a difference between DOI and your policy for
15 consultation. However, I guess my question and concern
16 is, can their policy override your policy for
17 consultation or are they leaving all the gaming issues
18 to you?

19 CHAIRWOMAN STEVENS: What I do want to
20 reiterate is that we are not part of their department
21 manual -- which really explains how they operate --
22 because we're an independent agency for regulatory
23 enforcement and oversight author- -- we're really a
24 part of Interior through some other mechanisms.

25 I actually have had discussions with Interior,

1 and, you know, this is our policy. This is NIGC's
2 policy.

3 We had a coordinated effort only in terms of
4 trying to inform our policy -- for us to help and form
5 their policy. But I don't know that they can be
6 exactly the same because our scope is just limited and
7 not only gaming issues reside with the Gaming
8 Commission. They may have gaming issues over there.
9 And because they have such a complex department, their
10 policy has to take that into consideration.

11 So this policy prevails. The NIGC policy is
12 what we will follow. Does that answer your question?

13 MS. WILSON: Yes. And just for clarification
14 on my part. So I'm still going to have to look to
15 their policy for gaming issues?

16 CHAIRWOMAN STEVENS: Well, they have certain
17 gaming issues.

18 MS. WILSON: Yes.

19 CHAIRWOMAN STEVENS: You know, they have a lot
20 of other bureaus and offices that deal with Indian
21 Tribes across the board, like National Historic
22 Preservation, Bureau of Land Management, Bureau of
23 Recreation, Fish and Wildlife.

24 And that's why their policy is probably going
25 to look different than ours or ours looks different --

1 I should say, ours looks different from theirs.

2 I don't know how they're going to handle the
3 gaming issues or how that's going to work, how they're
4 going to implement their policy on gaming issues and
5 the gaming issues for which they have authority.

6 MS. WILSON: Okay. I understand that, but what
7 I'm saying is, as a Gaming Commissioner, I'm going to
8 have to look to those policies for consultation on
9 gaming issues? I mean, since they do have some say so.

10 CHAIRWOMAN STEVENS: Yes, they do have some
11 gaming issues over there that --

12 MS. WILSON: But as far as your regulatory
13 authority, I look to your policy?

14 CHAIRWOMAN STEVENS: Yes.

15 MS. WILSON: And in addition, they may have
16 some things come out in their consultation that we may
17 have to participate in as a gaming agency?

18 CHAIRWOMAN STEVENS: Yes. And our effort was
19 to try to parallel some of the core principals of the
20 two policies so there was some consistency. But it may
21 deviate, just based on the details and the specifics of
22 how we are different.

23 MS. WILSON: Okay. Thank you.

24 MS. ANDREWS: Cheryl Andrews-Maltais,
25 Aquinnah Wampanoag.

1 I guess what I need to do is get some clarity
2 from you as to where this discussion might be most
3 appropriate. I believe that it has some implications
4 with the consultation -- individual consultation and
5 recommendations and suggestions for when a Tribe
6 requests individual consultation and what those limits
7 or scope would be able to be.

8 So I look to you for your guidance as to where
9 that particular discussion and dialogue should be
10 placed within today's agenda.

11 CHAIRWOMAN STEVENS: I do want to say that this
12 part of the policy, that Tribes can ask for it. I
13 think we would probably just take it on an individual
14 basis.

15 We recognize that Tribes have their own
16 individual issues, and it may be operational. It may
17 be regulatory. It may be, you know, how they move
18 forward with a specific issue. They may need technical
19 assistance and training. That's specific to them.

20 And we, every day, deal with Tribes asking to
21 get some assistance from us. I'm not sure that you'd
22 necessarily call that consultation.

23 When I talk about consultation, I mean sort of
24 these broad policies that affect everybody and that we
25 can sit together and talk about how we're going to

1 approach it, solve some problems together, identify
2 problems together, and we really just take them one by
3 one.

4 We certainly don't expect people to bring their
5 specific Tribal issues to this table during
6 consultation. That's your own private Tribal
7 information about how you are running your operation,
8 your regulatory body of government specific to just
9 your Tribe.

10 We're not going to demand that you share it
11 here. We are constantly talking to Tribes on a
12 day-to-day basis about issues they need from us.

13 MS. ANDREWS: Cheryl Andrews-Maltais again.

14 So then underneath that context, I guess, would
15 it be appropriate to put in a section within the
16 consultation policy that at any time Tribes are at
17 liberty to request their individual consultation?
18 Because if it's not in black-and-white, we find it gets
19 omitted often.

20 Well, it's not in our consultation policy.
21 It's kind of in that guidance in our regulatory rules.
22 But for those Tribes that are not -- or don't have the
23 resources to be fully functional within 300-page rules
24 and whatnot, if it's shown in the documents that the
25 Tribes have that right or are encouraged when there's

1 specific instances where a Tribe has the need of the
2 guidance and consultation, that it can be invoked by a
3 certain process.

4 It may be somewhere in this document to
5 incorporate that, whatever the trigger would be, just
6 to have it identified. So this way, it's there so that
7 when we have change in players, we don't get the
8 resistance and the push back that we do when the
9 cooperative and players don't get it and the agency is
10 replaced with somebody who doesn't. Thank you.

11 CHAIRWOMAN STEVENS: Yes, sir?

12 MR. HENDRICKS: Hi. Dennis Hendricks, Tribal
13 Council, Tuolomne Band of Me Wuk Indians.

14 Just in looking at this -- and I need to
15 congratulate you guys. I think you've made a great
16 effort, and I think this goes a long way beyond where
17 we were with the previous Commission, in terms of
18 adversarial roles. And I'm really glad to see that we
19 can work together now.

20 My question is, is this a regional consultation
21 or are you going to have more? I know my colleague
22 from California brought up the issue of the number of
23 Tribes there. So I'd just kind of like to know where
24 we go from here, as well as what your planning is.
25 Thank you.

1 CHAIRWOMAN STEVENS: I know last summer we did
2 seven consultations -- was it seven consultations? --
3 in every region. So we did one consultation in every
4 region last summer, and the subjects of discussion were
5 consultation, among many other things that we were
6 talking -- well, I won't say "many"; it was like four
7 other things that we were talking about.

8 And then it has also come up in other contexts
9 where we've had consultations. I think it even came up
10 during the January consultation. So we do try to get
11 out to different regions. We do try to go out to
12 smaller Tribes and not just hit the metro area.

13 We're here today because there was a big Tribal
14 event going on, in an effort to conserve everyone's
15 resources. But you'll see us moving forward in our
16 up-coming consultations going to smaller -- to more
17 rural areas and trying to go to places where we can
18 capture as many attendees as we can.

19 It may vary, like I said, depending on the
20 subject matter, where we might focus our attention in
21 one area because that's the area that's affected by
22 that issue the most. We may try to get everywhere.

23 I do want to point out. In the regulatory
24 review process, there are 33 consultations, and we hit
25 each region at least four times. So we are trying to

1 make that effort to reach out to the regions and bring
2 us to you if it's at a widely-attended gathering.

3 Or if it's to go out to a specific region where
4 there are a lot of rural Tribes, then it's easier if we
5 go to them rather than making the Tribe come to us. So
6 we'll take that into consideration, and we have. So
7 we'll keep doing that in the future.

8 MR. GREEN: My name is Jess Green.

9 I do not have a question. I have a comment.
10 I want to commend this Commission. I have been -- as I
11 pointed out in my introduction -- a watchdog of the
12 Commission.

13 This is the best Commission ever for
14 consultation policy that I have ever observed. With
15 respect to your limited authority, as outlined in IGRA,
16 it respects the authority and Tribal regulators and
17 that you say in every instance possible, you're going
18 to try to defer to that superior authority. And it
19 gives us a comprehensive means to address one another.

20 I have witnessed all kinds of policy
21 statements. This one is the best one I've seen.
22 Thank you.

23 (Applause.)

24 CHAIRWOMAN STEVENS: I want to say thank you,
25 Jess. Sometimes I brace myself when I see you going up

1 to the microphone. It reminds me -- and I'm just
2 kidding with you. And I mean this in gist, Jess.
3 I'm kidding.

4 Do you know when you have rabid dogs that look
5 like they're coming after you, and then when they get
6 to you, they're all like, "Oh, I'm just here to say
7 hi." So that's what that just felt like.

8 MR. GREEN: I endorsed your policy on the
9 record.

10 (Laughter.)

11 CHAIRWOMAN STEVENS: Thank you.

12 MR. GREEN: Can't you take a compliment?

13 (Laughter.)

14 CHAIRWOMAN STEVENS: Okay. All kidding aside.
15 Any other comments?

16 I do want to just let everybody know, I
17 understand, and we understand, that many folks,
18 attendees, sort of hear what's going on and see what
19 other people say, go back and huddle up back at their
20 Tribe and talk to their Council, and develop their own
21 written comments for submission. So we understand that
22 many folks are just listening to see how it goes, to
23 see what other people have to say.

24 If not, then if everyone would like to move on
25 and have lunch. I'd hate to be the person that stands

1 in the way of food. If there are no -- absent of any
2 other comments or volunteers, I will invite everybody
3 to submit written comments. The contact information is
4 here. It's also in the material.

5 I want to give a few moments to Vice Chairwoman
6 Cochran and Associate Commissioner Little, if they'd
7 like to have any closing remarks.

8 VICE CHAIRWOMAN COCHRAN: Well, I don't know if
9 there's anything left to say now that's Jess has
10 endorsed us on the record. Thank you, Jess.

11 And thank you for the feedback. There's been
12 some really insightful comments made that, I think, has
13 given us a lot to think about. I personally am very
14 grateful for it.

15 And I'm looking forward to the comments.
16 I know the Commission Chairwoman and, in particular,
17 myself read every comment that came in from the
18 interline. Mine became my bedside reading material at
19 night. I expect to see just as much input this time
20 around, and I commend you for giving us that input.

21 The answers are there. Your words are there,
22 and the answers are there. So it's read. It's taken
23 very seriously. We're grateful for your time. We know
24 it takes your time, but it's important. Thank you for
25 your time today, in particular. And, again, we welcome

1 feedback.

2 COMMISSIONER LITTLE: I'll be quick. I too
3 want to thank everyone for their comments. This is a
4 difficult subject because in the past, you know, we've
5 had problems with this. I firmly believe that we do
6 these things right when we do these together and became
7 more respectful to each other. So I really appreciate
8 that, and I wish you all safe travels. Thank you.

9 CHAIRWOMAN STEVENS: Okay. And to wrap up,
10 I do want to thank our staff that I mentioned earlier,
11 who have made it possible for us to have this meeting
12 and put in all this work that we don't see, that
13 without which, we couldn't have this meeting.

14 I want to recognize Kathy Zebell. She's our
15 staff attorney that went through the wringer on
16 different drafts, who's been sitting in on some of the
17 DOI process, pulled together and did a lot of research
18 from comments in the past and really was the scribe and
19 author on this. So I want to recognize that Kathy has
20 done a great job here.

21 And also I want to thank everybody for
22 attending. This particular administration, the
23 president, has been clear about what is expected of
24 agencies and departments and consulting with Tribes.
25 And we're following that, I believe.

1 But we also realize that we're not the only
2 agency you deal with. You have a lot of work in front
3 of you. You're responding to really the output of the
4 president's mandate to all of us at the agencies, which
5 is just to consult. And that's a lot of work for all
6 of you.

7 The fact that you were able to take some time
8 to join us today is a high compliment. And even more,
9 that they were specific -- you were citing. Everyone
10 was citing page, line, section, told me you read it,
11 and I'm really happy about that. And I can say that we
12 all are.

13 So it is an honor and a privilege for all of us
14 in the Commission to be here with you because we know
15 your time is very restricted, and you have so much more
16 to do than just this meeting. So I want to thank you
17 for attending. I wish you all safe travel home.

18 We ask you to provide comments or call if you
19 have any questions about this particular policy. We
20 hope that we get lots of really good feedback so that
21 we can adjust it and move forward from here as we
22 consult on regulations.

23 So thank you again, and all the best to you.
24 Thank you.

25 (Applause.)

1 CHAIRWOMAN STEVENS: One last thing. We do
2 have a public meeting at 2 o'clock, 2:00 to 4:00, a
3 public meeting. We are reinstating public meetings
4 for this Commission, and we'll be going over various
5 subjects.

6 If you want an agenda, we'll put the agenda
7 back out for 2:00 to 4:00. It's really just an open
8 meeting about agency operations and what we're up to.
9 If you can make it, that's great. If not, the
10 information will be posted on the website. So thank
11 you all again.

12 (The meeting concluded at 11:35 a.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing deposition was taken before me, CINDY BACHMAN, Certified Reporter No. 50763, in and for the State of Arizona; that the witness before testifying was duly sworn by me to testify the whole truth; that the questions propounded to the witness and the answers of the witness thereto were taken down by the Voice Writing method and thereafter translated into text via speech recognition under my direction; that the foregoing pages are a true and correct transcript of all proceedings had upon the taking of said deposition, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome hereof.

DATED at Tempe, Arizona, this 20th day of April, 2011.

Cindy Bachman
Certified Reporter No. 50763

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