

January 12, 2012

National Indian Gaming Commission  
1441 L Street, NW  
Suite 9100  
Washington, DC 20005

Dear Chairwoman Stevens, Vice Chairwoman Cochran and Commissioner Little,

We wish to take this opportunity to respond to the NIGC's letter dated December 16, 2011 canceling the last two face-to-face meetings of our Tribal Advisory Committee ("TAC").

The TAC is troubled by the NIGC's decision to unilaterally cancel these two meetings. The decision – made without input from the TAC – was premature and places a great deal of pressure on the TAC. We are also puzzled by the change in the NIGC's basis for cancelling our future work. The letter of cancellation cited costs and concern over the work commitment of the TAC process. However, the NIGC's budget comes from the tribes. What better use of tribal resources than a "tribal advisory committee," and in the overall scheme of the NIGC budget, the cost for the now cancelled meetings surely was known when scheduled. In fact, complimentary court reporter services were provided by tribes to maintain a record of these public meetings and NIGC unilaterally determined to take on this cost.

We were encouraged by Chairwoman Stevens' statement at our first meeting in Connecticut that the TAC is "our" committee (i.e., the tribes'). In that spirit, along with the NIGC's recognition of our collective expertise in Indian gaming distinct from that of the NIGC, we have worked hard to assist the NIGC and provide valuable advice in its review of Class II MICS based on our experience as the operators and IGRA mandated primary regulators of Class II gaming. Needless to say our job has been enormous since we must address issues with multiple Class II games conducted by tribes of varying sizes and resources.

Throughout this process, we have tried to emphasize that a "one size" MICS regulation does not, and in reality cannot, fit all. Likewise, since certain concepts should drive MICS regulations, we have attempted to recognize those first principles in our approach of identifying general standards, rather than mandating specific procedures, as the current MICS do. We also understand the importance of providing guidance documents that provide detailed explanation and specific procedures whose satisfaction can establish safe harbor compliance with general standards. Accordingly, we have tried to pay close attention to the specific language in the TGWG's proposed guidance documents on which you have sought our review and advice.

While it may appear to those who have not gone through the drafting and analysis of proposed Class II MICS that the need to meet face-to-face should stop this week, we do not share that view. We have much to consider including more reflection on the role of general standards and safe harbor guidance documents versus detailed, one size fits all regulations. We have not concluded our work on that issue, including a discussion of cost and benefits. Additionally, we have had no chance to even consider the creation of checklists on each section. Finally, as we all know, various MICS provisions/sections are interrelated. Thus, we feel that it is of the utmost importance that the TAC sit down face to face, as the host forum to complete a final review of the proposals made by the TAC throughout this process.

The NIGC's new attitude of disinterest in a future meeting, as apparent from their 12/16/11 letter, is particularly troubling. We don't understand why the NIGC, which insisted on being present in our executive sessions because it was "imperative they understand our thought process," no longer wishes to participate in our unfinished business. We are unaware of any new information that makes our upcoming discussion less important than our prior work.

The value of in person meetings cannot be over emphasized. There is no better method for the exchange and discussion of information, particularly in light of our process of consensus based decision-making. In person meetings allow for immediate member interaction with other TAC members, advisors, NIGC staff, and the public that cannot be replicated by conference calls or emails. In addition, as our procedural discussions have demonstrated, we never know when our work will proceed at a slower pace than normal.

Based on these concerns , the members of the TAC have decided that at least one more face-to-face meeting is needed in order to complete our work. Thus, as we discussed with Commissioner Little, the TAC will be meeting as scheduled next month in Arizona. The TAC invites the NIGC to attend this meeting, preferably in person or at least via telephone conference, as we believe the NIGC's presence remains important to this process.

Sincerely,



Christinia Thomas  
Millie Lacs Band of  
Objiwe



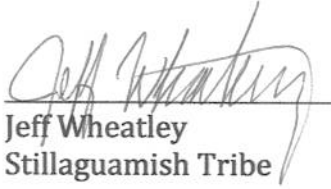
Michele Stacona  
Conf. Tribes of Warm  
Springs



Matthew Morgan  
Chickasaw Nation



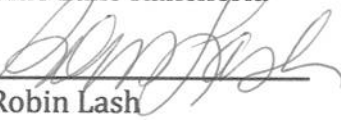
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Blue Lake Rancheria



Jeff Wheatley  
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Thomas Wilson  
Pascua Yaqui Tribe



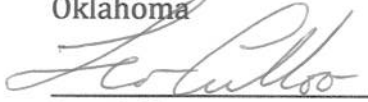
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Miami Tribe of  
Oklahoma



Steve Garvin  
Ho-Chunk Nation



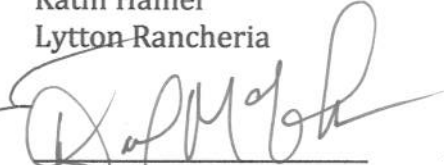
Kathi Hamel  
Lytton Rancheria



Leo Culloo  
Port Gamble S'Klallam  
Tribe



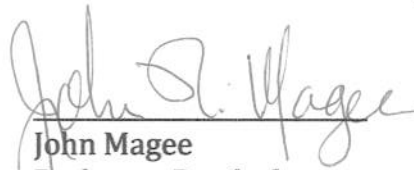
Mia Tandooahnippah  
Comanche Nation



Danial McGhee  
Poarch Band of Creek  
Indians



Brian Callaghan  
Pokagon Band of  
Potawatomi Indians



John Magee  
Pechanga Band of  
Luiseno Indians