

January 30, 2012

Chairwoman Traci Stevens  
National Indian Gaming Commission  
1441 L St. NW, Suite 9100  
Washington, DC 20005

**RE: NIGC TAC Schedule – February Meeting**

Dear Chairwoman Stevens,

As the individual selected by the TAC to communicate with the Commission and Mr. Fisher, I hereby submit this letter on behalf of the TAC members who each have read and approved this communication. This letter is a follow up to our requests made during the January meeting in Pala, California for continued face-to-face participation by the NIGC in connection with our review of 543 and the proposed revised regulations, and to post on the Commission's website meeting dates, written communications, and completed TAC work.

In a December 16<sup>th</sup> letter from the Commission, TAC members were informed that Pala would be the last in-person meeting between the TAC and the Commission. Despite objections and serious concerns stated by TAC members during the January meeting, we were advised that the Commission did not believe additional in-person meetings were warranted, that the work was nearly complete, and that any remaining work could be completed via telephone or email. We made it clear in January that we felt our work was not complete, and we were not comfortable in any way with continuing our work via conference call or email. Additionally, we strongly feel that Commission staff, who will be working on the regulations, will benefit from continued work with the TAC. Accordingly, the TAC made a formal request for the Commission's participation in the upcoming Tucson meeting. To date, our unfinished work includes, at a minimum, work referenced in the attached Proposed Agenda for February 7<sup>th</sup> – 9<sup>th</sup>, 2012, prepared by our TAC agenda committee.

As TAC members, we understand the responsibility of accepting these official appointments not only as representatives of our respective Tribes, but to Indian Country. The October 6, 2011 appointment letter from the Commission to each TAC member advised that our term would begin October 20, 2011, with the anticipated completion date of March 31, 2012. We were advised that "[a]s part of your commitment to the TAC . . . you must attend the six scheduled meetings" which will conclude in March in Kansas. We each made this commitment, and we maintain our commitment.

During the January meeting in Pala, the TAC informed Commissioner Little that we planned to follow the schedule set by the Commission and meet in Arizona to continue our work. The

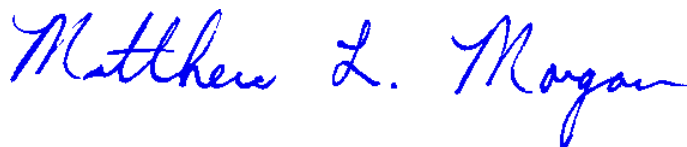
Pascua Yaqui Tribe, in Tucson, graciously offered to provide meeting space. Each of our respective tribes will cover our individual travel costs, and the Oklahoma Indian Gaming Association has graciously agreed to assume financial costs for a court reporter to provide an official transcript. This alleviates all financial costs to the NIGC, cited by the Commission as an additional concern in connection with continued in-person meetings. In Pala, we requested in-person participation by the Commission for the Tucson meeting. We did not receive an answer then, and to date have not received a response.

Following our announcement of our intent to continue with the Commission's original meeting schedule, we asked that your office update the Commission website and re-post on the website the February TAC meeting. We were told this should not be a problem, however as of the date of this letter this information does not appear on the Commission website. Therefore, we repeat this request. It is important to us, that our meetings be posted to keep Tribes informed that our work continues, and to allow for participation by Tribes through public comment. We also requested an update of the Commission's website to post meeting summaries, additional transcripts, and written communications to date.

Additionally, at Pala, the TAC asked whether Robert Fisher would continue his work with the TAC logging TAC comments, explanations, or concerns and making changes to the documents following TAC consensus. I was notified by Mr. Fisher, on January 25<sup>th</sup> 2012, that the TAC's request for his continued assistance as facilitator to the TAC was not approved. Would you please advise the TAC whether this decision came from the Commission and, if so, the basis for his removal from the process?

As we explained to Commissioner Little in January, we each take our responsibility as members of this TAC very seriously. Our work with the Commission, to produce a document beneficial for Indian Country, is very important to each of us. In our appointment letters, the Commission made a commitment to "work diligently with . . . the TAC." We ask for the Commission's continued commitment by participating in the TAC's fifth meeting, set in February in Arizona, as originally scheduled. We also ask that the Commission post this meeting on the Commission website.

Best regards,



Matthew Morgan  
Tribal Advisory Committee

cc: TAC Members