



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

February 9, 2011

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

Dear Chairwoman Stevens:

We would like to thank the Commission for your efforts in consultations with the tribes and the opportunity to provide comments to the National Indian Gaming Commission (NIGC) during the Notice of Inquiry (NOI) Consultation Meetings held on January 11, 2011 at the US Grant Hotel in San Diego, CA. The Dry Creek Rancheria Band of Pomo Indians appreciates the NIGC recognition and respect for the tribes' sovereignty in their primary role and regulation of gaming.

The Dry Creek Rancheria Band of Pomo Indians is comprised of the descendants of the Pomo people – approximately 21 independent communities, all with ties to the area of northern California known as “The Redwood Empire”. The Dry Creek Rancheria was established in June of 1915, based on the Department Interior Office of Indian Affairs Land Allotments. Today, Dry Creek Rancheria thrives in Alexander Valley and benefits greatly from our River Rock Casino facility which has been in operation since 2002.

Please see the areas of concerns in which the Dry Creek Rancheria Band of Pomo Indians would like addressed listed below in the order of importance:

Part 542 – Class III Minimum Internal Control Standards

The MICS were derived as an industry baseline originally established by the cooperative effort of several tribal governments in an attempt to validate, regulate, and maintain the integrity of Indian Gaming. The passing of the Indian Gaming Regulation Act (IGRA) of 1988 provides a thorough system of regulation of Indian Gaming. The Act divides gaming into three (3) different categories Class I, Class II, Class III in which we are participants of Class III and regulated by terms set forth in the California-Tribal State Compact signed in September 1999. Through the State Compact we are charged with being the primary regulatory gaming authority. We have implemented the MICS as guidelines and in most areas exceed standards set forth in the MICS with generated Tribal Internal Control Standards (TICS) which is in compliance with our State Compact.

Through the Colorado River Indian Tribes (CRIT) Decision, it was determined that the NIGC does not convey and uphold enforcement authority over Class III gaming. However, we welcome collaboration with the NIGC to maintain MICS as recommended guidelines.

Part 502 – Definitions (2) Management Contracts

We would not welcome any expansion to the definition of “Management Contracts” to include those contracts which are clearly not Management Contracts such as Slot Leases, Loan and Development

Mailing Address: P.O BOX 607, Geyserville, CA 95441
Office Address: 3250 Highway 128 East, Geyserville, CA 95441
Phone/Fax: 707-735-2000

Contracts, and Non-Gaming Contracts. Given the lengthy process that must be endured in order to receive approval for Management Contracts, not to mention the number of agreements that pay a fee-based on a percentage of gaming revenues, this change in definition expansion would be extremely burdensome to our gaming facility.

Part 502 – Definition (1b) Net Revenues – Allowable Uses

Budgeting matters are an inherent sovereign tribal government function. Any regulation of the tribe's determination of Allowable Uses would be a violation of tribal sovereignty and expose tribal governments to enforcement acts by the NIGC. We would welcome advice or suggestions by the NIGC, however it would ultimately be the tribal government's discretion to prioritize the use and allocation of its cash flow generated from the gaming operation.

The Dry Creek Rancheria Band of Pomo Indians would strongly recommend and support the implementation of the following:

Part 556 – Background Investigations for Licensing (2) Fingerprinting for Non-Primary Management Officials or Key Employees

We are highly satisfied participants in the established pilot program. The pilot program has expedited the background process within our Licensing Department and has promoted efficiency in meeting the needs of the casino staffing levels. The program should be formalized into the regulatory process in Part 556.

We support the idea of Tribal Regulatory Authorities submittal of fingerprints on non-employees (vendors, consultants, and others) at our discretion. This would enhance our ability to ensure that all non-employees are of good merit and of high integrity. We appreciate the NIGC's proactive approach in the tribe's assistance to achieve this high standard.

Buy Indian Act Regulation

We strongly support any adoption of regulation that would foster and promote tribal preference to qualified Indian owned and operated businesses when obtaining goods and services. Adoption of this regulation would send a strong message of support of Indian Country business endeavors.

In closing we would like to thank the Commission for the opportunity to respond to your NOI regarding comments on existing or contemplated NIGC regulations. We appreciate the hard work and diligence demonstrated by the Commission during this initial phase for ongoing collaboration and we await the results that this inquiry yields. We look forward to working with the NIGC as they move towards having a stronger meaningful government-to-government relationship with all tribes.

Sincerely,



Harvey Hopkins, Chairman
Dry Creek Rancheria Band of Pomo Indians