

THE NAVAJO NATION



BEN SHELLY PRESIDENT
REX LEE JIM VICE PRESIDENT

May 24, 2011

National Indian Gaming Commission
ATTN: Kathy Zebell
1441 L Street, NW, Suite 9100
Washington D.C. 20005

RE: Draft National Indian Gaming Commission Government-to-Government
Consultation Policy

Dear Commissioners:

The Navajo Nation is extremely pleased with the draft National Indian Gaming Commission ("NIGC") Government-to-Government Consultation Policy. We appreciate the pro-active role of the NIGC, especially in producing a policy that will maximize tribal involvement in the Federal decision making. The Nation also concurs that consultation is the "heart" of government to government relations. This Policy is exceptional and we hope other federal agencies will adopt similar consultation policies.

The Navajo Nation offers a few comments below:

III. Consultation General Principles

The Navajo Nation is appreciative of the NIGC truly respecting the sovereignty of tribes. We fully support Section (F) and (G) which requires the NIGC to defer to tribes in developing its own standards and consultation with tribes for any Federal standards.

V. Consultation Process

The Navajo Nation fully supports Section (D) Pre-consultation Event Planning. I am also appreciative of the NIGC's understanding of tribe's limitation in both resources and time. Additionally, in Section (E) Consultation Events, we appreciate the NIGC's effort to be more transparent.

VII. Communication, Coordination and Collaboration

The Navajo Nation will continue to express concern with NIGC's proposed Tribal leader task force or Tribal Advisory group. It has not been clarified in what circumstances these groups will be utilized and the process for selection of these individuals. Even in this Consultation Policy the language is very general. The concern of the Nation is the following language:

"to help inform [NIGC] decision making and gain a better understanding of the Tribal perspective on a proposed Action"


This means seeking advice from these smaller groups for actions defined in Section II, B "Action with Tribal Implications". To have a better understanding of the "Tribal perspective" is to seek information from all impacted Tribes. I understand these groups only provide advice. However, NIGC will rely on this advice as a basis in molding laws, regulations, polices, and legislative actions that will impact tribes. The Navajo Nation would oppose using smaller groups for certain regulations, rulemaking, legislation and policy-making.

On the other hand, the Navajo Nation recognizes that while it opposes the Tribal Advisory group and Tribal Leader Task Force, the NIGC and other tribes find it to be beneficial. Therefore, the Navajo Nation would strongly recommend that these groups be used only for technical and complex matters or actions that would require technical expertise.

Thank you for the opportunity to provide comments. We look forward to continue to improve our relationship.

Sincerely,

THE NAVAJO NATION


Ben Shelly, President

xc: Carleen Chino, Executive Director
Navajo Gaming Regulatory Office