



September 1, 2022

Via Electronic Mail Only

Mr. E. Sequoyah Simermeyer, Chair
National Indian Gaming Commission
1849 C Street, N.W.
Mail Stop # 1621
Washington, D.C. 20040
Email: NIGC.Outreach@nigc.gov

Re: Comments on the NIGC Proposed Regulatory Revisions

Dear Chairman Simermeyer:

Thank you for providing the Buena Vista Gaming Commission (BVGC) an opportunity to provide written comments to the National Indian Gaming Commission (NIGC) on the proposed rule changes to 25 CFR Parts 502, 556 and 558, as published in the Federal Register on August 10, 2022.

First and foremost, the BVGC applauds the NIGC efforts to create a meaningful and respectful consultation program through the implementation of the NIGC Consultation Policy (NIGC). Government-to-government relationships between tribes and the NIGC is best fostered through direct, meaningful, and respectful communication which appears to be the goal of the NIGC Consultation Policy. However, here conducting just two (2) back-to-back virtual consultations in July of 2021—during a global pandemic—is far less than what should be provided to tribes on such an important and complex matter. The limited tribal responses received by the NIGC to date on these matters is further evidence that tribes have not yet had the ability to fully participate in meaningful consultation with the NIGC on the proposed rule changes. Additionally, the present narrow 30-day comment period, without further meaningful in-person or virtual consultation opportunities, does not equate to sufficient tribal consultation on such significant rule changes.

With more than a year having passed since the publication of the original changes to the regulations, and with no consultations held on the new revised language, it would be prudent and beneficial for tribes and the NIGC to discuss the questions and concerns raised by the proposed rule. Unfortunately, we are simply unable to fully vet and address all of our concerns regarding the draft rule changes prior to the September 9, 2022, comment period deadline. The current proposed changes are significantly different than the initial proposal, the changes include numerous undefined terms that will likely cause more confusion than clarity, and the impact of the proposed changes to tribal gaming ordinances, CJIS compliance, and application to the numerous tribal-state compacts as a result of the proposed rule changes is confusing at best.

For the reasons outlined above, the BVGC respectfully urges the NIGC to consider conducting further meaningful in person tribal consultations on the proposed changes to 25 CFR Parts 502, 556 and 558 prior to publishing a final rule. There are numerous nationwide in-person events scheduled across the country between now and the end of 2022 which the NIGC could utilize to facilitate more meaningful in-person tribal consultation with respect to the proposed changes. Considering these are the most substantial changes to the statutes and definitions since the original inception, this truly is a situation where careful consultation and consideration between the tribes and the NIGC is required. We are hopeful that further consultations, which will allow tribes to be better informed on the NIGC's intentions and to prepare more substantive comments, will occur prior to issuance of a final rule.

Please contact me if you have any further questions related to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Armstrong", with a long, sweeping flourish extending to the right.

Richard Armstrong, Chairman
Buena Vista Gaming Commission
Buena Vista Rancheria