

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

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A People of Vision

A Confederation of the Salish,
Pend d' Oreilles
and Kootenai Tribes

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May 31, 2011

Hon. Tracie L. Stevens, Chairwoman
National Indian Gaming Commission
1441 L Street, N.W. Suite 9100
Washington, D.C. 20005
VIA EMAIL: reg.review@nigc.gov

Re: **Comments on the Preliminary Draft Changes to Part 514: Fees**

**Joint Comments of the Confederated Salish and Kootenai Tribes and the
Confederated Salish and Kootenai Tribal Gaming Commission**

Dear Chairwoman Stevens:

The Confederated Salish and Kootenai Tribes (CSKT) and the Confederated Salish and Kootenai Tribal Gaming Commission (TGC) appreciate having the opportunity to provide the following comments to the preliminary Draft Changes to Part 514: Fees. The CSKT and the TGC commends the National Indian Gaming Commission's (NIGC) efforts to consult with tribes and hope that the NIGC will actively incorporate tribal comments and find them helpful as the NIGC considers further revisions or amendments to existing and proposed regulations.

First of all, we urge and acknowledge the shift of the new leadership approach to work with tribes and hope that the approach will continue towards that less intrusive regulatory role that is more respectful of the role of tribes as primary regulators or their gaming activities. The NIGC's shift to a collaborative approach so far is a step in the right direction as it will help illuminate those regulations that operate to undermine tribal sovereignty and the right to self-government. We understand that sometimes clarification is needed, to veer too far from the intent and directives of the Indian Gaming Regulatory Act is to reach beyond the NIGC's authority. We urge the NIGC to avoid fixing something that is not broken.

Secondly, some of the preliminary changes to Part 514 that are of concern to the CKST and TGC relate to late fee payments and fingerprinting fees. The CSKT and TGC applaud the NIGC first attempt to implement a late payment system in lieu of the existing Notice of Violation system, however, there are issues with making sure that it must be uniform and treat all equally

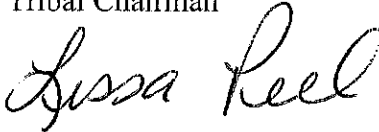
when assessing late fees and move away from giving the Chair too much discretion. As the past administration was not always good for tribes and not to say that this current administration would be like the past, but it would just be more comforting to the CSKT and TGC to see less discretion to the Chair, since the Chair position changes when administrations change. Then with regards to fingerprinting fees we believe that they should be included in the calculation of net revenues because they are statutorily-required operating expenses. These fees should be adjusted on an as-needed-basis only if the Federal Bureau of Investigation raises the rates charged to the NIGC, and therefore the tribes, for utilizing the services.

Finally, we thank you for the opportunity to provide comments. We sincerely hope that the NIGC will provide tribal governments with better opportunities for meaningful government-to-government consultation and look forward to working with you as you move to make changes in the coming year.

Sincerely,



E.T. "Bud" Moran
Tribal Chairman



Lissa Peel
Tribal Gaming Commission Chairwoman