

# St. Croix Chippewa Indians of Wisconsin

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May 25, 2011

Kathy Zebell  
National Indian Gaming Commission  
1441 "L" Street, NW, Suite 9100  
Washington, DC 20005

Re: NIGC Consultation Policy

I write on behalf of the St. Croix Chippewa Indians of Wisconsin, concerning the NIGC's consultation policy. We commend the NIGC for its revised consultation policy. The policy as it is written complies with Executive Order 13175, Consultation and Coordination with Tribal Governments. The consultation policy is a positive step forward to foster respectful and meaningful Government-to-Government consultation between Tribal Governments and the NIGC.

We remain concerned however that the NIGC, as a commission within the Department of the Interior, should follow the administrative rules for all Federal agencies, including:

- Executive Order 12866, Regulatory Planning and Rulemaking (recently amended by Executive Order 13497 to restore the Vice President's oversight responsibilities);
- The Unfunded Mandates Act;
- The Regulatory Flexibility Act; and
- The Federal Advisory Committee Act.

We respectfully request that the draft policy on consultation be amended to incorporate the requirements of these federal laws and policies. By failing to adhere to these federal laws impacting tribal consultation, the NIGC'S RECENT PROCESS ON REGULATORY RULEMAKING WAS DEFECTIVE. For example, the 2009 Facility Licensing rules were promulgated with only a 45-day comment period. The facility licensing regulation should be withdrawn and revised to be consistent with the IGRA and re-issued for consultation with Indian Tribes. Concerning the Class II regulations, the NIGC did not provide for tribal gaming regulatory review and did not make any of the reasonable changes recommended by tribal governments.

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Lewis Taylor  
Tribal Chairman  
Big Sand Lake Community

Beverly Benjamin  
Tribal Vice-Chairwoman  
Danbury Community

David "Maabin" Merrill  
Secretary/Treasurer  
Round Lake Community

Elmer J. Emery  
Representative  
Big Sand Lake Community

Jeanne Awonohopay  
Representative  
Maple Plain Community

Cont'd: May 25, 2011 Itr Kathy Zebell (NIGC).

In the past when an Indian tribe has identified an operational concern or regulatory issue, the NIGC has reacted by issuing a Notice of Violation which inhibits further Tribal cooperation. Instead, the NIGC should send an initial letter of inquiry detailing their concerns and work with Tribes to assure tribal regulatory compliance without imposing fines or unnecessary penalties.

We appreciate the steps you are currently taking with regards to consultation. The St. Croix Chippewa Indians of Wisconsin believes the NIGC's new approach is a reflection of the fact that while the NIGC may have approximately 100 regulators, Tribal Governments employ more than 3,000 tribal regulators and regulatory staff. Therefore, it is imperative that the NIGC should act to promote best practices for Indian gaming regulation, assist tribal governments to build strong tribal regulatory agencies, and promote voluntary compliance with Indian Gaming Regulations.

Thank you for your thoughtful consideration of this comment.

Sincerely,



Lewis Taylor, Chairman  
St. Croix Chippewa Indians of Wisconsin

cc: E.Stevens, Jr. NIGA  
M.VanNorman, NIGA  
J.Giles, NIGA  
St.Croix Tribal Council Members  
File

ST. CROIX CHIPPEWA  
INDIANS OF WISCONSIN



LEWIS TAYLOR  
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