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December 12, 2011

Via E-Mail

National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, DC 20005
Reg.review@nigc.gov

Dear Sir or Madam,

On behalf of the Standing Rock Sioux Tribe, please find enclosed Comments on proposed amendments to 25 C.F.R. Part 514. Thank you for your time and attention to this matter.

Sincerely,

Charles W. Murphy
Chairman

Comments

For

STANDING ROCK SIOUX TRIBE

On

25 C.F.R. Part 514 Proposed Rules

In 1988, Congress established through enactment the “Indian Gaming Regulatory Act” which acknowledges Indian Tribes as governments that have the right to regulate and manage gaming operations. It also provided that gaming revenue is not to be subject to taxation and thereby established a comprehensive regulatory system that involves three (3) levels of government regulation: tribal, federal and state.

The Standing Rock Sioux Tribe would like to respectfully submit these comments regarding the Proposed Rules in 25 C.F.R. Part 514. These proposed amendments relate to fee regulations, and specifically would require Tribes to submit their fees and fee statements on a quarterly basis, base the fee calculation on the gaming operation’s fiscal year, establish an assessment for fees submitted one to 90 days late, and establish a fingerprinting fee payment process.

The Tribe has no direct comment on the actual amendments being proposed by Part 514. However, the Tribe does take note that Part 514.3 reiterates the maximum fee rate of five (5) percent of amounts in excess of the first \$1,500,000 of the assessable gross revenues from each gaming operation. While recognizing that an increase in fees is not being proposed in the present rule change, such an increase could have deeply concerning ramifications on any Tribe’s ability to retain those revenues essential in supporting its tribal members, economic development, and self-sufficiency. This concern is heightened by the quoted five percent ceiling – a benign number in many contexts, but when affecting tribal revenue for the aforementioned purposes would represent a massive jump from the current fee rate if instituted by the Commission.

As such, the Standing Rock Sioux Tribe suggests that prior to any amendment in gaming fee rates mandated by the Commission, the Commission consult with all Tribes paying fees under IGRA.