



With regard to the substantive provisions of the proposed regulations for game "Classification" and definition of "Facsimile", we believe they will work an extreme economic hardship on all OIGA member Tribes. Given the recent history of these topics we are extremely disappointed that you have chosen to raise them again. During 2005 and 2006, gaming Tribes engaged the NIGC and the Department of Justice ("DOJ") in comprehensive discussions regarding these same topics. As part of those discussions, gaming Tribes provided substantial economic data to you regarding the severe economic consequences of the proposals put forth by you and the DOJ. This data was confirmed by an economic impact study you commissioned. Presented with that information, you agreed that the economic impact was too drastic and pulled back the proposal. However, you have published proposed regulations for the same purposes without waiting for the results of a new economic impact study. We are convinced that the results will be the same, and that the Economic impact will again be far too great.

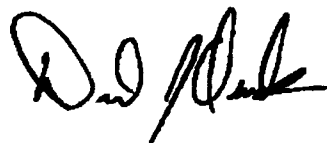
Additionally, we are very disappointed that you have made these proposals without consulting with our member Tribes. The proposed regulations published by the NIGC on October 24, 2007, contemplate a sea change in Class II gaming. Despite some potential latent ambiguity in the language of the IGRA when originally enacted, numerous Federal District and appeals courts have provided a rich interpretation of that language—an interpretation that is consistent with the express intent of the IGRA to allow Tribes to use technological advances to improve Class II gaming. A proposal that will cut back on some of the most important technological improvements, abandon hard-won court victories, and impose economic hardship, should not be made without substantial government-to-government consultation with those Tribes most impacted.

On behalf of OIGA, I respectfully request that you withdraw the proposed regulations on "Classification" and "Facsimile" definition.

I conclude with a request to extend the time frames for commenting on the proposed regulations. Even the proposed regulations on "Facilities Licensing," "Technical Standards" and "Minimum Internal Controls" are substantial enough to require a significant period of review by each Tribe before they can prepare and submit comments that will be insightful. You have already received informal testimony that a minimum of 120 days would be needed to adequately comment. We request a total comment period of 180 days for the proposed regulations on "Facilities Licensing," "Technical Standards" and "Minimum Internal Control Standards".

We will provide more substantial comments on the proposed regulations in the near future. Thank you for your consideration of our views.

Sincerely,



David Qualls  
OIGA Chairman

cc: OIGA Members