



August 6, 2026

Anthony Roberts, Tribal Chairman
Yocha Dehe Wintun Nation
P.O. Box 18
Brooks, CA 95606

Re: Yocha Dehe Wintun Nation Gaming Ordinance

Dear Chairman Roberts:

I am writing with respect to the May 7, 2026 request of the Yocha Dehe Wintun Nation (Tribe) to the National Indian Gaming Commission to review and approve the Tribe's amended gaming ordinance. The amended gaming ordinance was adopted by the Tribal Council through Resolution No. ES-04-21-26-05 on April 21, 2026.

Pursuant to the Indian Gaming Regulatory Act (IGRA), the NIGC Chair has 90 days from the date of submission to either approve or disapprove a gaming ordinance.¹ Any gaming ordinance not acted upon at the end of the 90-day period is considered to have been deemed approved by operation of law but only to the extent such ordinance is consistent with IGRA and NIGC regulations.² Because the position of the NIGC Chair is currently vacant, no action was taken by an NIGC Chair within the 90-day period and the gaming ordinance is now deemed approved. In addition, it is my opinion that the amended gaming ordinance is consistent with IGRA and NIGC regulations.

Thank you for providing the amended gaming ordinance for our review. If you have any questions concerning this letter, please contact Senior Attorney Austin Badger at (202) 632-7003.

Sincerely,

A handwritten signature in blue ink, appearing to be "Rea Cisneros".

Rea Cisneros
General Counsel (Acting)

¹ 25 U.S.C. § 2710(e).

² 25 C.F.R. § 522.10.



TRIBAL COUNCIL
***** EXECUTIVE SESSION *****
RESOLUTION NO. ES-04-21-26-05

APPROVING NEW TRIBAL GAMING ORDINANCE
(Ordinance No. 2026-01)

WHEREAS, the Yocha Dehe Wintun Nation is a sovereign Native American government recognized by the United States (the "Tribe" or "Yocha Dehe");

WHEREAS, the Tribal Council is the Tribe's governing body under Yocha Dehe's Constitution, possessing the power to exercise and strengthen the Tribe's sovereign authority; to protect and support tribal citizens' health and welfare; to plan and manage the Tribe's economic and governmental affairs, including overseeing the regulation of its gaming operation under the Indian Gaming Regulatory Act ("IGRA"); to govern and protect the Tribe's lands and natural resources; to protect and cultivate the Tribe's cultural traditions, practices, and resources; and to establish and enforce tribal law and policy through the creation and oversight of subordinate bodies, legislative enactment of tribal ordinances, and executive action as reflected in tribal resolutions and otherwise;

WHEREAS, on September 1, 1993, the Tribe's Community Council enacted an ordinance for the operation of Class II games under the IGRA, and the Chairman of the National Indian Gaming Commission ("NIGC") approved that ordinance on January 28, 1994;

WHEREAS, on September 3, 1998, the Tribal Council adopted a new Gaming Ordinance to allow the Tribe to also operate Class III games under the IGRA, and the Chairman of the NIGC approved that ordinance on December 18, 1998;

WHEREAS, on December 4, 2007, in response to the decision in *Colorado River Indian Tribes v. NIGC*, 466 F.3d 134 (D.C. Cir. 2006), the Tribe adopted a further revised Gaming Ordinance to allow the NIGC to continue regulating minimum internal control standards for Class III gaming at the Tribe's gaming facility, and the Chairman of the NIGC approved that ordinance on January 11, 2008;

WHEREAS, on May 24, 2022, the Tribal Council approved changes to the Gaming Ordinance to (1) correct the Tribe's name, (2) make its provisions consistent with the August 2016 Tribal-State Compact between the Tribe and the State of California, and (3) make minor stylistic changes, however, that new Gaming Ordinance was never submitted to the NIGC for approval due to anticipated changes to the Key Employee and Primary Management Official regulations (the "Regulations") by the NIGC, which changes would obviate aspects of the amended ordinance;

Yocha Dehe Wintun Nation

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WHEREAS, on January 27, 2026, following the NIGC's publication of the final Regulations, the Tribal Council approved changes to the Gaming Ordinance making it consistent with those Regulations (ES-01-27-26-02) and the Ordinance was subsequently submitted to NIGC for approval;

WHEREAS, on March 18, 2026, the NIGC proposed additional revisions to the newly submitted Gaming Ordinance to ensure further consistency with the Regulations;

WHEREAS, the Tribe's staff revised the Gaming Ordinance to address those claimed inconsistencies and, per NIGC's recommendation, proposes to withdraw the January 2026 Gaming Ordinance and replace it with the proposed further revised version of the Ordinance;

WHEREAS, the Tribal Council has reviewed the proposed further revised Gaming Ordinance, a copy of which is attached hereto, and finds its approval to be in the best interest of the Tribe;

NOW THEREFORE BE IT RESOLVED THAT:

The Tribal Council hereby approves the attached Gaming Ordinance and directs that the January 2026 Gaming Ordinance be withdrawn from NIGC and the attached Gaming Ordinance be submitted to the NIGC's Chairperson for approval.

CERTIFICATION

The foregoing resolution was adopted by a vote of 4 for and 0 against and 1 abstentions, at a regularly scheduled meeting of the Tribal Council, at which a quorum was present, on the 21st day of April, 2026.



Anthony Roberts
Tribal Chairman

YOCHA DEHE WINTUN NATION
TRIBAL GAMING ORDINANCE
Tribal Ordinance No. 2026-01

I. PURPOSE

The Tribal Council of the Yocha Dehe Wintun Nation, a sovereign Indian tribe federally recognized by the United States (the “**Tribe**”), empowered by the Tribe’s Constitution to enact ordinances, hereby amends its gaming ordinance to correct the Tribe’s name, make its provisions consistent with the August 2016 tribal-state compact between the Tribe and the State of California (the “**tribal-state compact**”), and to reflect regulatory changes by the National Indian Gaming Commission (the “**Commission**”) which became effective in September 2023. Actions referenced in this ordinance may be conducted by an arm of the Tribe, including the Tribal Gaming Agency (the “**TGA**”).

II. GAMING AUTHORIZED

A. All forms of Class II gaming as defined in the Indian Gaming Regulatory Act, P.L. 100-447, 25 U.S.C. section 2703(7)(A) (the “**IGRA**”) are hereby authorized, including but not limited to bingo, pulltabs, and non-banking card games.

B. All forms of Class III gaming as defined in section 2703(8) of the IGRA and authorized by the tribal-state compact, including Indian Lottery Games, are hereby authorized.

III. OWNERSHIP OF GAMING

The Tribe shall maintain the sole propriety interest in and responsibility for the conduct of all Class II and Class III gaming activities authorized by this ordinance.

IV. USE OF GAMING REVENUE

A. Net revenues from the Tribe’s share of Class II and Class III gaming activities authorized by this ordinance shall be used only for the following purposes: to fund tribal government operations and programs; provide for general welfare of the Tribe and its citizens; promote tribal economic development; donate to charitable organizations; or help fund operations of local government agencies.

B. If the Tribe elects to make per capita payments, it shall authorize such payments only pursuant to its Plan for the Allocation of Gaming Revenue, approved by the Secretary of the Interior under section 2710(b)(3) of the IGRA.

V. AUDIT

A. The Tribe shall cause to be conducted annually an independent audit of gaming operations and shall submit the resulting audit reports to the Commission.

B. All gaming-related contracts that result in the purchase of supplies, services, or concessions in excess of \$25,000 annually, except for contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection A above.

VI. ENVIRONMENTAL PROTECTION

The Tribe shall construct, maintain and operate its gaming facility in a manner which adequately protects the environment and the public health and safety.

VII. LICENSES FOR KEY EMPLOYEES AND PRIMARY MANAGEMENT OFFICIALS

The Tribe shall ensure that the policies and procedures set out in this section are implemented with respect to key employees and primary management officials employed at any gaming enterprise operated on tribal lands:

A. Definitions.

For the purposes of this section, the following definitions apply:

1. "Key Employee"

- (a) Any person who performs one or more of the following functions for the gaming operation:
 - (1) Bingo caller;
 - (2) Counting room supervisor;
 - (3) Chief of security;
 - (4) Floor manager;
 - (5) Pit boss;
 - (6) Dealer;
 - (7) Croupier;
 - (8) Approver of credit;
 - (9) Custodian of gaming systems as defined in 25 CFR section 547.2 and similar class III systems, gaming cash or gaming cash equivalents, gaming supplies or gaming system records;
 - (10) Custodian of surveillance systems or surveillance system records.

- (b) Any employee authorized by the gaming operation for unescorted access to secured gaming areas designated as secured gaming areas by the TGA;
- (c) If not otherwise licensed as a key employee or primary management official, the four persons most highly compensated by the gaming operation;
- (d) Any other employee of the gaming enterprise as documented by the Tribe as a key employee.

2. **“Primary Management Official”**

- (a) Any person having management responsibility for a management contract;
- (b) Any person who has authority:
 - (1) To hire and fire employees of the gaming operation; or
 - (2) To establish policy for the gaming operation.
- (c) The chief financial officer or a position with duties similar to a chief financial officer.
- (d) The general manager or a position with duties similar to a general manager.
- (e) Any other employed management official of the gaming enterprise as documented by the Tribe as a primary management official.

B. **Application Forms.**

1. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

In compliance with the Privacy Act of 1974, the following information is provided: Solicitation of the information on this form is authorized by 25 U.S.C. sections 2701, *et seq.* The purpose of the requested information is to determine the eligibility of individuals to be granted a gaming license. The information will be used by National Indian Gaming Commission members and staff who have need for the information in the performance of their official duties. The information may be disclosed to appropriate Federal, Tribal, State, local, or foreign law enforcement and regulatory agencies when relevant to civil, criminal or regulatory investigations or

prosecutions or when pursuant to a requirement by a tribe or the National Indian Gaming Commission in connection with the hiring or firing of an employee, the issuance or revocation of a gaming license, or investigations of activities while associated with a tribe or a gaming operation. Failure to consent to the disclosures indicated in this notice will result in a tribe's being unable to license you in a primary management official or key employee position.

The disclosure of your Social Security Number (SSN) is voluntary. However, failure to supply a SSN may result in errors in processing your application.

2. Existing key employees and primary management officials shall be notified in writing that they shall either:

- (a) Complete a new application form that contains a Privacy Act notice; or
- (b) Sign a statement that contains the Privacy Act notice and consent to the routine uses described in that notice.

3. The following notice shall be placed on the application form for a key employee or a primary management official before that form is filled out by an applicant:

A false statement on any part of your license application may be grounds for denying a license or the suspension or revocation of a license. Also, you may be punished by fine or imprisonment. (U.S. Code, title 18, section 1001.)

4. The Tribe shall notify in writing existing key employees and primary management officials that they shall either:

- (a) Complete a new application form that contains a notice regarding false statements; or
- (b) Sign a statement that contains the notice regarding false statements.

C. Background Investigations.

1. The Tribe shall conduct an investigation for each key employee and primary management official of the gaming enterprise sufficient to make a determination under subsection D below. The Tribe shall request from each primary management official and from each key employee all of the following information:

- (a) Full name, other names used (oral or written), social security number(s), birth date, place of birth, citizenship, gender, all languages (spoken or written);
- (b) Currently and for the previous 5 years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and drivers license numbers;
- (c) The names and current addresses of at least three personal references, including one personal reference who was acquainted with the applicant during each period of residence listed under paragraph (1)(b) of this section;
- (d) Current business and residence telephone numbers;
- (e) A description of any existing and previous business relationships with Indian tribes, including ownership interests in those businesses;
- (f) A description of any existing and previous business relationships with the gaming industry generally, including ownership interests in those businesses;
- (g) The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to gaming, whether or not such license or permit was granted;
- (h) For each felony for which there is an ongoing prosecution or a conviction, the charge, the name and address of the court involved, and the date and disposition if any;
- (i) For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date and disposition;
- (j) For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application and is not otherwise listed pursuant to paragraphs (1)(h) and (1)(i) of this section, the criminal charge, the name and address of the court involved and the date and disposition;

- (k) The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit, whether or not such license or permit was granted;
- (l) A current photograph;
- (m) Any other information the Tribe deems relevant; and
- (n) Fingerprints consistent with procedures adopted according to 25 C.F.R. section 522.2(h).

2. The Tribe shall prepare an investigative report on each background investigation. An investigative report shall include the following:

- (a) Steps taken in conducting the background investigation;
- (b) Results obtained;
- (c) Conclusions reached;
- (d) The bases for those conclusions; and
- (e) A copy of the eligibility determination made under subsection D below.

3. The Tribe designates the TGA as the agency that shall request and take fingerprints from each key employee and primary management official of the gaming enterprise. Fingerprints will then be forwarded to the Commission for processing through the Federal Bureau of Investigation and the National Criminal History Information Center to determine an applicant's criminal history, if any.

4. In conducting a background investigation, the Tribe shall keep confidential the identity of each person interviewed in the course of the investigation.

D. Eligibility Determination.

1. The Tribe shall review a person's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility of a key employee or a primary management official for granting of a gaming license. If the Tribe determines that licensing of the person poses a threat to the public interest or to the effective regulation of gaming, or creates or enhances dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming, the Tribe shall not license that person in a key employee or primary management official position.

2. The Tribe shall not license in a key employee or primary management official position a person who has supplied materially false or misleading information with respect to the required information for that person's background investigation under subsection C above.

3. The Tribe shall not license in a key employee or primary management official position any applicant who fails to meet any necessary suitability requirements under the tribal-state compact.

E. Report To The Commission.

1. Within 60 days after an employee begins work, the Tribe shall forward to the Commission a notice of results of the applicant's background investigation. The notice of results shall contain:

- (a) The applicant's name, date of birth, and social security number;
- (b) The date on which the applicant began, or will begin, work as key employee or primary management official;
- (c) A summary of the information presented in the investigative report, which shall at a minimum include a listing of:
 - (1) Licenses that have previously been denied;
 - (2) Gaming licenses that have been revoked, even if subsequently reinstated;
 - (3) Every known criminal charge brought against the applicant within the last 10 years of the date of application; and
 - (4) Every felony of which the applicant has been convicted or any ongoing prosecution.
- (d) A copy of the eligibility determination made under subsection D above.

2. If a license is not issued to an applicant:

- (a) The Tribe shall notify the Commission; and
- (b) Forward copies of its eligibility determination and investigative report (if any) to the Commission for inclusion in the Indian Gaming Individuals Records System.

3. If a license is revoked:

- (a) The Tribe shall notify the Commission; and
- (b) Forward copies of its license revocation decision for inclusion in the Indian Gaming Individuals Records System.

4. With respect to key employees and primary management officials, the Tribe shall retain the following for inspection by the Chairperson of the Commission or his or her designee for no less than 3 years from the date of termination of employment:

- (a) The information listed under subsections C(1)(a) through (n) above;
- (b) The investigative report referenced in subsection C(2) above;
- (c) The eligibility determination made under subsection D above;
- (d) The licensing application, which contains the Privacy Act and false statement notices referenced in subsection B above.

F. Granting A Gaming License.

1. If, within a 30 day period after the Commission receives a notice of results, the Commission notifies the Tribe that it has no objection to the issuance of a license pursuant to a license application filed by a key employee or a primary management official for whom the Tribe has provided a notice of results to the Commission, the Tribe may go forward and issue a license to such applicant.

2. The Tribe shall respond to a request for additional information from the Chairperson of the Commission concerning a key employee or a primary management official who is the subject of a notice of results. Such a request shall suspend the 30 day period under paragraph (F)(1) of this section until the Chairperson of the Commission receives the additional information.

3. If, within the 30 day period described above, the Commission provides the Tribe with a statement itemizing objections to the issuance of a license to a key employee or to a primary management official for whom the Tribe has provided a notice of results to the Commission, the Tribe shall reconsider the application, taking into account the objections itemized by the Commission. The Tribe shall make the final decision whether to license such an applicant.

4. If the Tribe has issued the license before receiving the Commission's statement of objections, the Tribe shall provide the licensee the notice and hearing referenced in subsection G below.

5. Within 30 days after the issuance of a license to a key employee or a primary management official, the Tribe shall notify the Commission of its issuance.

6. The Tribe shall ensure compliance with any other procedures regarding licensure which may be required under the tribal-state compact.

7. A key employee or primary management official who does not have a license after 90 days shall not be permitted to perform the duties, functions, and/or responsibilities of a key employee or primary management official until so licensed.

G. License Suspension.

1. If, after the issuance of a gaming license, the Commission receives reliable information indicating that a key employee or a primary management official is not eligible for employment under subsection D above, the Commission shall notify the Tribe of the information, and the Tribe shall immediately suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

2. The Tribe shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.

3. After a revocation hearing, the Tribe shall decide to revoke or to reinstate a gaming license. The Tribe shall notify the Commission of its decision within 45 days of receiving notification from the Commission that the licensee is not eligible for employment.

4. The Tribe shall also suspend and revoke the license of a key employee when such person is deemed unsuitable under the tribal-state compact.

VIII. LICENSE LOCATIONS

The Tribe shall issue a separate license to each place, facility, or location on Indian lands where Class II and Class III gaming is conducted under this ordinance.

IX. MINIMUM INTERNAL CONTROL STANDARDS

A. Applicable Standards.

The Tribe shall comply with 25 CFR Part 542 by formally adopting and making applicable to the Tribe's gaming operation(s) internal control standards that:

1. Provide a level of controls that equals or exceeds those set forth in 25 CFR Part 542, as published or as revised by mutual agreement between the Commission and the Tribe;

2. Contain standards for currency transaction reporting that comply with 31 CFR Part 103; and

3. Establish internal control standards for Class II and Class III games that are not addressed in 25 CFR Part 542, if any.

B. Annual CPA Testing of Compliance.

To verify that the gaming operation is in compliance with the internal control standards adopted pursuant to paragraph A, an independent certified public accountant shall be engaged annually to perform "Agreed-Upon Procedures" in the manner provided for in 25 CFR section 542.3(f).

C. Compliance.

The Tribe and the Commission shall monitor and enforce compliance with the internal control standards adopted pursuant to paragraph A in the manner provided for in 25 CFR section 542.3(g). In addition, the Commission shall, for the purpose of enforcing compliance with the internal control standards, have the power to:

1. Monitor all Class II and Class III gaming on a continuing basis;
2. Inspect and examine all premises on which Class II or Class III gaming is conducted; and
3. Demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of all Class II and Class III gaming or any other matters necessary to ensure and enforce compliance with the internal control standards.

D. Enforcement.

Any failure to adopt internal control standards pursuant to paragraph A, to perform Agreed-Upon Procedures pursuant to paragraph B, to prevent or obstruct the exercise of any of the Commission's powers under paragraph C, or to comply with the internal control standards once adopted is a violation of this ordinance. The Chairperson of the Commission shall have the authority to remedy violations of this ordinance under 25 U.S.C. section 2713 and its implementing regulations, and the Tribe shall have all rights and remedies available thereunder.

X. CUSTOMER DISPUTE RESOLUTION PROCEDURE

A. With respect to Class II gaming, the general manager of the gaming operation shall attempt to resolve on an informal basis any customer complaints relating to payment of prizes or services and report any such resolution to the governing body of the operation. If the complaint cannot be resolved at the general manager level, the customer shall be informed that

he/she has the right to present his or her complaint to the governing body of the gaming operation, whose decision shall be final.

B. With respect to Class III gaming, customer and third-party disputes shall be resolved pursuant to sections 10.0 and 12.5 of the tribal-state compact.

XI. AGENT FOR SERVICE OF PROCESS

The Tribe designates the Tribal Chairperson as the agent for service of any official determination, order or notice of violation.

XII. IGRA COMPLIANCE

The Tribe shall ensure enforcement of rules and regulations for all games played to ensure that they conform to the IGRA, including any effective tribal-state compact, and that the games are honest and fair.

XIII. AMENDMENTS

The Tribal Council may amend this ordinance in any manner deemed appropriate to protect the Tribe's best interests so long as any such amendment is no less restrictive than the original terms of this ordinance, complies with all applicable federal law, and is consistent with the terms of any effective tribal-state compact.

XIV. REPEAL

All prior gaming ordinances are hereby repealed.

XV. EFFECTIVE DATE

This Ordinance shall take effect upon approval of the Chairperson of the Commission.

CERTIFICATION

The foregoing Ordinance was adopted by a vote of 4 for, and 0 against and 1 abstentions, at a regularly scheduled meeting of the Tribal Council of the Yocha Dehe Wintun Nation, at which a quorum was present, on this 21st day of April, 2026.



Anthony Roberts
Tribal Chairman



Mia Durham
Tribal Secretary

*(Enacted in Ordinance No. [Unnumbered], effective Sept. 1, 1993, NIGC approval Jan. 28, 1994;
Amended by Resolution No. 98-09-03-01 (Ordinance No. 98-03), effective Sept. 3, 1998, NIGC approval
Dec. 18, 1998;*

Amended by Resolution No. 12-04-07-02 (Ordinance No. 2007-04), effective Dec. 4, 2007, NIGC approval Jan. 11, 2008;

Amended by Resolution No. ES-04-21-26-05 (Ordinance No. 2026-01), effective April 21, 2026, NIGC approval _____, 2026.)