



On July 23, 2007, the Ponca Tribe of Nebraska submitted a site-specific class II gaming ordinance amendment to the NIGC Chair for review and approval. The Chair disapproved the ordinance on October 22, 2007. The Tribe appealed the Chair’s decision under NIGC’s regulations. The Commission reversed the Chair’s decision on December 31, 2007, approving the ordinance amendment. [\*See Commission Final Decision and Order\*](#) (Dec. 31, 2007). After an appeal to the U.S. District Court for the Southern District of Iowa and then the U.S. Court of Appeals for the Eighth Circuit, the Commission amended its 2007 decision and affirmed it. [\*See Commission Amendment to Final Decision and Order\*](#) (Nov. 13, 2017). As a result of litigation challenging the 2017 Commission Amendment, the U.S. District Court for the Southern District of Iowa remanded the ordinance to the Commission to address a narrow issue. The Commission did so on April 30, 2019, issuing a [\*Revised Amendment to its Final Decision and Order\*](#) and again affirming its approval of the Tribe’s ordinance.

JUL 25 2007

**PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL**

**RESOLUTION 07-36**

- WHEREAS, the Ponca Tribe of Nebraska (the "Tribe") is a federally recognized Indian tribe with powers of self-government; and
- WHEREAS, in accordance with its Constitution, the Tribe is governed by the Tribal Council; and
- WHEREAS, the Tribal Council enacted a Gaming Ordinance and an Amended Gaming Ordinance governing Class I and Class II gaming by the Tribe under the Indian Gaming Regulatory Act; and
- WHEREAS, the National Indian Gaming Commission approved the Tribe's Gaming Ordinance and Amended Gaming Ordinance; and
- WHEREAS, by Resolution 06-06, the Tribal Council authorized an Amended Gaming Ordinance that would have authorized gaming on what is known as the Carter Lake Parcel, a parcel of land in Carter Lake, Iowa accepted into trust on February 4, 2003, by the Regional Director for the Bureau of Indian Affairs; and
- WHEREAS, the Tribe submitted a request for approval of an Amended and Restated Gaming Ordinance to the National Indian Gaming Commission on February 14, 2006; and
- WHEREAS, the Tribe, by letter from legal counsel dated August 9, 2006, withdrew its request for approval of its Amended and Restated Gaming Ordinance and related restored lands opinion; and
- WHEREAS, the Tribe has determined that it is in the best interest of the Tribe and its members to continue its pursuit of gaming at the Carter Lake Parcel; and
- WHEREAS, the Tribe desires to amend its Gaming Ordinance to specifically authorize gaming on the Carter Lake Parcel.

NOW, THEREFORE, BE IT RESOLVED that the Tribal Council hereby repeals subsection 13 of Section IV of the Gaming Ordinance, and in lieu thereof the following is hereby promulgated:

"Ponca Indian Lands" shall have the meaning found in 25 U.S.C. § 2703(4), and shall include the real property in Pottawattamie County, Iowa held in trust for the Tribe by the United States, which is described as follows:

A parcel of land being part of lots 20, 21, and 22, together with part of the abandoned railroad right-of-way located north of the existing Illinois Central Spur track in said Lots 21 and 22, all in the auditor's subdivision of Section 21, Township 75, Range 44, west of the 5th P.M., Pottawattamie County, Iowa, said parcel described as follows:

Beginning at the northwest corner of said Lot 20: thence along the northerly line of said lot 20, north 88°28'27" east, 69.05 feet, thence south 00°18'05" east, 228.93 feet, thence north 89°36'57" east, 224.92 feet, thence north 00°30'42" west, 230.45 feet to a point on the northerly line of said lot 22; thence along said northerly line and along said northerly extended easterly, north 89°11'28" east, 221.3 feet to a point on the easterly line of said abandoned railroad right of way; thence along said easterly line and said easterly line extended southerly, south 00°48'32" east, 579.95 feet to a point on the northerly right-of-way line of the Illinois Central Railroad; thence along said northerly right-of-way line the following six (6) courses:

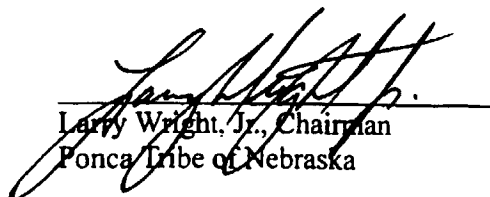
- (1) South 89°09'18" West, 220.09 Feet;
- (2) North 64°27'01" East, 12.10 Feet;
- (3) North 61°31'11" West, 126.58 Feet;
- (4) North 46°53'25" West, 102.08 Feet;
- (5) North 38°46'37" West, 146.92 Feet;
- (6) North 50°47'51" West, 38.80 Feet to a point on the westerly line of said Lot 20; thence along said westerly line, north 01°03'32" West, 301.52 Feet to the point of beginning.

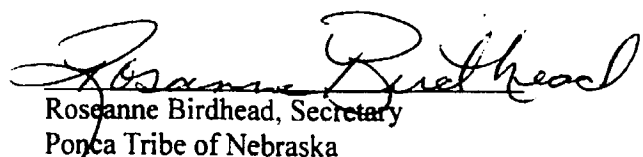
BE IT FURTHER RESOLVED that Ponca Tribal Council requests prompt approval of the amendments to the Gaming Ordinance by the National Indian Gaming Commission, and authorizes the Tribal Chairman and Akin Gump Strauss Hauer & Feld LLP to take all necessary steps, including the filing of a restored lands submission, to effectuate that approval.

#### CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above Resolution was duly authorized and passed by the Ponca Tribal Council on the 4 day of June, 2007, at a duly called meeting held at <sup>Nebraska</sup> ~~Omaha~~, Nebraska by a vote of 7 Ayes; 0 Nays; 0 Abstained; 1 Absent. Chairperson      voting  not voting. A quorum of 8 was present.

ATTEST

  
Larry Wright, Jr., Chairman  
Ponca Tribe of Nebraska

  
Rosanne Birdhead, Secretary  
Ponca Tribe of Nebraska