



SEP 28 2007

Leaford Bearskin, Chief  
Wyandotte Nation  
P.O. Box 250  
Wyandotte, OK 74370

Re: Wyandotte Nation Gaming Ordinance

Dear Chief Bearskin,

As you are aware, on July 6, 2006, the United States District Court for the District of Kansas overturned that part of a National Indian Gaming Commission (NIGC or Commission) Final Decision which disapproved the Tribe's Amended Gaming Ordinance on the basis that the Shriner Tract, a parcel of land owned by the Wyandotte Tribe (Tribe), did not qualify for gaming under the settlement of a land claim exception to the general prohibition on gaming on lands acquired in trust after October 17, 1988. The District Court remanded the decision to the NIGC. Consistent with the District Court's decision, we hereby approve the Amended Gaming Ordinance.

This case began when the Tribe submitted an Amended Gaming Ordinance to the NIGC Chairman which specifically named the Shriner Tract as land upon which the Tribe intended to game. The Tribe argued that the Shriner Tract met three of the exceptions to the Indian Gaming Regulatory Act's general prohibition of gaming on lands acquired in trust after October 17, 1988: the restored lands exception, the last reservation exception, and the settlement of a land claim exception.

The NIGC Office of General Counsel (OGC) issued an opinion which found the land did not qualify for gaming under those exceptions. On September 19, 2004, the Commission issued its Final Decision which agreed with the OGC opinion and denied the Tribe's request for approval of its Amended Gaming Ordinance.

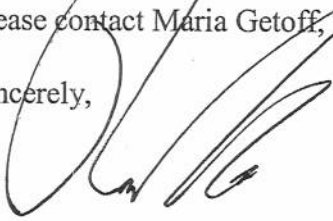
The Tribe then filed suit in federal court challenging the Final Decision. The District Court affirmed the Final Decision with respect to the restored lands and last reservation exception, but overturned the Final Decision with respect to the settlement of a land claim exception. The Court found the Shriner Tract did meet this exception. The Court remanded the case to the NIGC for further proceedings consistent with the Court's opinion.

Pursuant to the remand, and in light of the District Court's ruling, the appropriate course of action is approval of the previously disapproved Amended Gaming Ordinance. Therefore, this letter serves as approval of the Amended Gaming Ordinance.

Further, we note that in the not-too-distant future a ruling from the Tenth Circuit Court of Appeals in Governor of the State of Kansas v. Dick Kempthorne, 430 F. Supp. 2d 1204 (D. Kan. 2006) *appeal docketed*, No. 06-3213 (10<sup>th</sup> Cir. June 6, 2006), may further favorably resolve any remaining issues which have long challenged the Wyandotte Nation's efforts to clarify their rights to conduct gaming on the parcel of tribal land described in the Ordinance I am hereby approving.

Please contact Maria Getoff, NIGC staff attorney, if you have any questions.

Sincerely,



Philip N. Hogen  
Chairman

cc: Conly J. Schulte, Esq.  
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