

For Immediate Release



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NIGC Issues NOV to Yakama Nation for RAP Violation

Washington, DC September 1, 2009 — Today, National Indian Gaming Commission (NIGC) Chairman Phil Hogen issued a Notice of Violation (NOV) to the Yakama Nation of Washington (Nation) for distributing per capita payments of net gaming revenue to its tribal members without an approved Revenue Allocation Plan (RAP).

The Indian Gaming Regulatory Act (IGRA) allows tribes to distribute per capita payments—that is, payments to individuals based solely on their membership in the tribe—only after a RAP has been approved by the Secretary of the Department of the Interior (DOI). In December 2008 the Yakama Nation submitted a RAP to the DOI for approval. That same December the Nation distributed money to each of its 10,000 members. DOI did not approve the RAP until February 2009.

When a tribe does not have an approved revenue allocation plan, gaming proceeds may only be used to fund tribal government operations and programs; to provide for the general welfare of the tribe and its members; to promote tribal economic development; to donate to charitable organizations or to help local government agencies. By distributing payments to each tribal member in December 2008, the Yakama Nation violated IGRA's prohibition against per capita payments of net gaming revenue in the absence of an approved RAP.

Per capita distribution of net gaming revenues without benefit of a RAP is a serious violation. Hogen said, "The Yakama Nation has been resourceful and productive in its economic development efforts through their gaming operations, and it knows best how to identify and meet tribal needs. However, when gaming revenues are utilized, IGRA specifies the process to be complied with. Despite cautionary advice, the Nation's December distribution to the tribal membership did not comply with this process. There are consequences to such non-compliance, and the overall integrity of the regulation of Indian gaming dictates that we address such non-compliance."

To view a copy of the NOV, please click here [NOV-09-37](#).

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The NIGC is an independent regulatory agency established within the Department of the Interior pursuant to the Indian Gaming Regulatory Act of 1988.