



NIGC Announces Metlakatla Withdrawal

Washington, DC, August 20, 2008 — The Metlakatla Indian Community of Metlakatla, Alaska, today withdrew its appeal of National Indian Gaming Commission (NIGC or Commission) Chairman Phil Hogen's disapproval of the Tribe's May 28, 2008, Gaming Ordinance amendment, which specified the means by which the Class II game of bingo could be played on interconnected electronic player stations. The Chairman's disapproval of the amendment stated that the proposal did not comply with the Indian Gaming Regulatory Act (IGRA), in that the amendment would have authorized as Class II gaming a one-touch, fully electronic, fully automated game based on bingo, which Chairman Hogen found to be inconsistent with IGRA's definition of bingo and is, rather, a facsimile of a game of chance. As such, the game was determined to be Class III and could be operated only with a tribal state-compact.

Considerable interest had been focused on the appeal of the Chairman's decision, which Metlakatla had taken to the full Commission, under the Commission's rules. Chairman Hogen had stated that he anticipated that if the Commission upheld his determination, perhaps the matter would have been taken to Federal Court. He had hoped there could be a judicial review of what separates Class II from Class III games, which has been a subject of intense Commission interest. Chairman Hogen had pointed out that the one-touch format he understood the proposed ordinance amendment to authorize is dramatically different from the electronic bingo equipment Federal Courts last examined in 2000.

NIGC's immediate focus on the issue of permissible electronic equipment for bingo will now return to portions of the package of regulations it proposed last October, and the cost-benefit study it has commissioned regarding those proposals. The Commission expects to receive that study in final form in coming days, and thereafter will likely conclude its actions on those proposals. This past June the Commission announced it would be setting aside parts of that proposal which dealt with amending the Commission's definition of "electronic facsimiles of games of chance" and the classification of electronic games.

With respect to the withdrawal of the Appeal by the Metlakatla Indian Community Chairman Hogen stated, "It appears a judicial test of this important dividing line will be put off at this time. I continue to feel that the Indian gaming industry will be better served if needed clarity can be brought to this matter. If there was concern that the view stated in my disapproval of this measure would be sustained in a Federal court review, I think such concern was well placed."

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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.