



NIGC Final Decision and Order In Gaming Ordinance of the Ponca Tribe of Nebraska

WASHINGTON, November 14, 2017 – The National Indian Gaming Commission (NIGC) has issued an Amendment to its Final Decision and Order regarding the Gaming Ordinance of the Ponca Tribe of Nebraska. The Amendment to the Final Decision and Order was issued by the Commission and signed by NIGC Chairman Jonodev Chaudhuri and Vice Chair Kathryn Isom-Clause. With this Decision, the Commission reaffirms that the land at issue is eligible for gaming as restored lands for a restored tribe.

The Final Decision and Order being Amended was issued on December 31, 2007, and overturned the Chairman’s disapproval of the Tribe’s gaming ordinance. The States of Iowa and Nebraska and the City of Council Bluffs, Iowa challenged the Commission’s decision, and the 8th Circuit Court of Appeals ordered the matter remanded to the Commission with instructions to reconsider the decision in accordance with its opinion. Specifically, the Commission decision was remanded with instructions that the Commission consider an agreement between the State of Iowa and the Tribe’s outside counsel.

Upon review, the Commission amended its prior decision and, by a formal vote, finds and concludes that:

- 1) The agreement between Iowa and the Tribe’s attorney is not valid and does not estop the Tribe from gaming under IGRA’s restored lands exception.
- 2) Based on analysis provided by the Department of the Interior, the Ponca Restoration Act does not limit the Tribe’s “restored lands” to Knox and Boyd Counties, Nebraska.
- 3) The temporal, geographic, and factual circumstances factors of the restored lands analysis support the conclusion that the Carter Lake parcel is restored lands for a restored tribe.

Accordingly, the Commission affirmed the original decision reversing the Chair’s disapproval of the Tribe’s site-specific gaming ordinance on the grounds that the Carter Lake parcel is restored lands for a restored tribe.

“We appreciate the parties’ patience throughout this process. Since this matter was remanded, the Commission coordinated and consulted with the Department of the Interior and heard from all interested parties through the additional briefing. As a result, I am confident that today’s decision is both thorough and well-reasoned,” Vice Chair Isom-Clause stated.

“The Commission recognizes that all tribes have unique histories that must be considered on a case-by-case basis when making these decisions. We strive to apply IGRA to the facts we are provided, keeping in mind that one approach does not fit all of those unique histories and circumstances, so that we may continue to fulfill our mission while allowing for tribes to pursue strong tribal government, self-sufficiency and essential economic development.” Chairman of the NIGC, Jonodev Chaudhuri said.

You can view the final decision in full [HERE](#).

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The Indian Gaming Regulatory Act created the [National Indian Gaming Commission](#) to support tribal self-sufficiency and the integrity of Indian gaming. The NIGC has developed four initiatives to support its mission including (1) To protect against anything that amounts to gamesmanship on the backs of tribes; (2) To stay ahead of the Technology Curve; (3) Rural outreach; and (4) To maintain a strong workforce within NIGC and with its tribal regulatory partners. NIGC oversees the efficient regulation of 499 gaming establishments operated by 244 tribes across 28 states. The Commission’s dedication to compliance with the [Indian Gaming Regulatory Act](#) ensures the integrity of the growing \$31.2 billion Indian gaming industry. To learn more, visit www.nigc.gov and follow us on [Facebook](#) and [Twitter](#).