

History of Ponca Tribe of Nebraska's Use of Land in Carter Lake, Iowa

Prior to 1700:

Poncas arrive in Iowa/Nebraska/South Dakota (native lands include the current Carter Lake, Iowa.). Both Congress and the Executive Branch have acknowledged that the historical territory of the Ponca Tribe included the Omaha area.

1817 and 1825:

The Ponca, a peaceful tribe, is recognized by the federal government of the United States and signs first treaties with the United States, but included no land cessions until 1865.

1858:

Ponca's relinquish all lands to the federal government, except for a small reservation at the confluence of the Missouri and Niobrara Rivers. In exchange the tribe was promised the United State's support in subsistence.

1877: The Ponca's "Trail of Tears"

Congress passed bill in 1876 that, in January 1877, forced the Poncas to relinquish their remaining land and relocate to Okalahoma.

1879:

Chief Stand Bear returned to Nebraska with other tribal members to bury Standing Bear's son on tribal land. The trip was taken without permission from the United States government, and the travelers were arrested. Following editorial support from the *Omaha Herald*, a trial developed in federal court in Omaha. The judge's ruling in favor of Standing Bear gave, for the first time, the rights of a United States citizen to a Native American.

1962: Termination

Congress chose to terminate its relationship with the Ponca Tribe of Nebraska by passing the Ponca Termination Act. The act calling for the distribution of tribal assets and provided that once such distribution had occurred, "the tribe and its members shall not be entitled to any of the special services performed by the United States for Indians or Indian tribes".

1990: Restoration

Federal recognition was restored when Congress re-recognized the Ponca Tribe of Nebraska. The act provided that "all rights and privileges of the Tribe: which may have been abrogated or diminished were thereby restored". The Ponca Tribe of Nebraska became a restored tribe.

1999:

The five-acre parcel of land located in Carter Lake, Iowa, ("parcel") was purchased by the Tribe. Intended use at the time of purchase was to provide healthcare services to tribal members in the community.

April 27, 2000:

Tribe and the City of Carter Lake reached a Jurisdictional Agreement which allocates responsibilities of each party with respect to the Parcel and provides that:

- both the Tribe and the State of Iowa have concurrent jurisdiction over civil causes of action arising on the Parcel
- the State of Iowa possesses jurisdiction over criminal offenses committed by or against Indians on the Parcel, and the Tribe retains concurrent jurisdiction over all offenses committed by Ponca Tribal members or non-member Indians on the Parcel
- both the Tribe and the City will provide law enforcement personnel to protect the Parcel
- public services provided to other property owners within the City, including fire protection and sewer and water services, shall be provided to the Parcel at the same rates or fees provided elsewhere in the City

- although the Parcel is not subject to State or local taxation, the Tribe agrees to remit to the City a payment in lieu of taxes

Oct. 11, 2000:

In an Omaha World-Herald news article, Ponca tribal chairman Fred LeRoy publicly discussed potential uses of the Carter Lake parcel, including seeking permission for a casino in the future. The story said, "Although the tribe has no current plans to build a casino, [LeRoy] declined to rule out the chance that the tribe someday might seek approval for one."

Sept. 3, 2002:

Tribe's gaming ordinance approved by the federal government's National Indian Gaming Commission (NIGC)

January 2003:

The parcel is taken into trust on behalf of the Ponca Tribe of Nebraska by the United States.

September 2003

The Tribe recognized that the location was not efficient or convenient for delivery of healthcare services. The Tribe completed explored a range of alternative uses to produce revenue and serve the needs of the community. With the assistance of National Center for American Indian Enterprise Development (NCAIED), the premier organization in Indian Country for new business development, support, entrepreneurship, etc., the Tribe evaluated options including a pharmaceutical distribution center, convenience store or storage units.

July 23, 2007:

The Tribe requested from NIGC approval to amend the Tribe's gaming ordinance; the amendment would authorize gaming at trust parcel. Trust Parcel is "gaming eligible" because it constitutes "restored lands" for a "restored tribe."

Dec. 31, 2007: "Final Decision and Order"

Phil Hogen, Chairman of NIGC, grants the Tribe's request and authorizes gaming at the trust parcel. This was the final decision from NIGC; the only remaining step is for State of Iowa to enter into compact negotiations with The Ponca Tribe of Nebraska. Download the full document, including the Chairman's decision at

<http://www.nigc.gov/LinkClick.aspx?link=NIGC+Uploads%2freadingroom%2fcommissionfinaldecisions%2fPonca+Tribe+of+Nebraska+12.31.07.pdf&tabid=618&mid=1047>:

June 4, 2008:

Governor of State of Iowa issues public announcement that State of Iowa intends to ask NIGC to review its final decision of December 2007.

June 13, 2008:

The tribe publicly announced its plans for a world-class casino to be built on trust land in Carter Lake, Iowa.

Source: Ponca Tribe of Nebraska