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9th Circuit hears dispute over Redding Rancheria gaming site

THURSDAY, APRIL 17, 2014

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Gaming machines at the Win-River Casino. Photo from [Facebook](#)

The [Redding Rancheria](#) of California went to court last week to argue for the opportunity to open a new casino.

The tribe acquired land in the hopes of moving the [Win-River Casino](#) to a bigger location. The [Bureau of Indian Affairs](#), however, said the site didn't qualify under the [Indian Gaming Regulatory Act](#).

Generally, IGRA bars gaming on land acquired after 1988. But Section 20 of the law allows an exception for tribes that were restored to federal recognition.

The Redding Rancheria was restored in 1983 as part of the [Tillie Hardwick litigation](#). The BIA, however, said the exception doesn't apply because the tribe already operates a

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"What's pulled out of thin air, that has no basis in case law or no basis in the history of the Indian Gaming Regulatory Act, is this numerical restriction that says you can't game on restored lands if you already have a gaming facility in place," attorney Scott Crowell told the 9th Circuit Court of Appeals at a hearing on April 8.

The restriction that's being used against the tribe is not found in the text of IGRA. It was written by the BIA during the Bush administration when it implemented Section 20 regulations under pressure from members of Congress who were worried about the expansion of the tribal casino industry.

The tribe is now asking the 9th Circuit to invalidate the restriction. The tribe notes that its land-into-trust application for the new site was filed in 2003, five years before the regulations were finalized in May 2008.

Turtle Talk has posted documents in the case, Redding Rancheria v. Jewell.

DOI Indian Land Opinion:


Larry Echo Hawk Letter to Redding Rancheria (December 22, 2010)

Federal Register Notice for 2008 Section 20 Regulations:

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