

# Press Release

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## Assistant Secretary Echo Hawk Issues Four Decisions on Tribal Gaming Applications

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**Washington, D.C.** – Assistant Secretary of the Interior for Indian Affairs Larry Echo Hawk today issued decisions on four tribal gaming applications in California and New Mexico, determining that two of the proposed gaming sites meet the legal and regulatory requirements and two do not.

Assistant Secretary Echo Hawk determined that a proposed gaming facility in Yuba County, California would be in the best interest of the [Enterprise Rancheria](#) of Maidu Indians, and would not be detrimental to the surrounding community. He made a similar determination for the [North Fork Rancheria](#) of Mono Indians for a proposed gaming facility in Madera County, California.

"Our responsibility under the Indian Gaming Regulatory Act is clear: we must review each application on a case by case basis and determine whether it meets the standards outlined in law and regulation," said Echo Hawk. "Following a careful and thorough review of the applications from the Enterprise Rancheria and the North Fork Rancheria tribes, I have determined that both tribes' applications meet the strong standards under the law. Both tribes have historical connections to the proposed gaming sites, and both proposals have strong support from the local community, which are important factors in our review."

The Assistant Secretary also issued two negative decisions on other tribal gaming applications: one for the [Guidiville Band](#) of Pomo Indians in California, and the other for the [Pueblo of Jemez](#), in New Mexico.

The Guidiville Band of Pomo Indians had sought to develop a gaming facility in Richmond California, more than 100 miles from its existing tribal lands in Mendocino County. The Pueblo of Jemez is located northwest of Albuquerque, and was seeking to

develop a class III gaming facility nearly 300 miles away in Doña Ana County, near the New Mexico-Texas border.

"We have closely reviewed the proposals from the Guidiville Band of Pomo Indians and the Pueblo of Jemez and have determined that they do not meet the requirements under the law necessary for approval," said Echo Hawk. "The Guidiville Band's application did not satisfy many of the requirements to develop a gaming facility at that particular site. With the Pueblo of Jemez, we had significant concerns about the Tribe's ability to effectively exercise jurisdiction over a parcel nearly 300 miles from its existing reservation."

The Enterprise Rancheria of Maidu Indians is headquartered in Butte County, 36 miles from the proposed 40-acre gaming site. The North Fork Rancheria of Mono Indians is headquartered in Madera County, California, 36 miles from the proposed 305-acre gaming site. Both tribes submitted applications under the Indian Gaming Regulatory Act's "Secretarial Determination" exception, which allows tribes to conduct gaming on lands outside of their existing reservation where the Department determines that it would be in the best interest of the tribe and its members, and not detrimental to the surrounding community.

Under the Indian Gaming Regulatory Act, the Governor of the State of California has one year to concur in the Assistant Secretary's determinations on the Enterprise Rancheria and the North Fork Rancheria, before the parcels can be acquired in trust for each tribe to conduct gaming. If the Governor does not concur in the Assistant Secretary's determination for each tribe, respectively, then that tribe may not conduct gaming on the proposed site.

The Guidiville Band sought to develop its facility under what is known as the Indian Gaming Regulatory Act's "equal footing exception." IGRA prohibits Indian gaming on lands acquired in trust after its enactment in 1988, unless one of three explicitly crafted exceptions applies. The "equal footing exception," was intended to ensure that a number of tribes had an equal opportunity to pursue Indian gaming on their own lands as those tribes that had lands eligible for gaming in 1988.

Under one sub-category of this exception, a tribe must demonstrate both modern and significant historical connections to the proposed gaming site. The Guidiville Band failed to demonstrate that it had either a modern connection or a significant historical connection to the proposed gaming site in Richmond, California.

The Pueblo of Jemez was also seeking to develop its gaming facility under the Secretarial Determination exception. The Department did not issue a determination on whether the proposed gaming facility would be in the best interest of the Tribe, and not detrimental to the surrounding community. Instead, the Department notified the Tribe that it would not acquire the land in trust because of concerns about the Tribe's ability to effectively exercise jurisdiction on the proposed gaming site.