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# Supreme Court ruling could affect Barstow casino proposals

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BARSTOW • A recent Supreme Court ruling could have repercussions for one of two off-reservation Indian casinos proposed in Barstow.

The court ruled Feb. 24 that tribes not under federal jurisdiction in 1934 — when the Indian Reorganization Act was enacted — cannot have land held in trust by the U.S. Department of the Interior. The land trust process is a necessary step for tribes that want to set up an off-reservation casino.

The ruling will not impact a pending application by the San Diego County-based Los Coyotes Band of Cahuilla and Cupeno tribe to have land in Barstow placed in trust for use as a gaming site, said spokesman Tom Shields, who works for developer BarWest LLC.

Gary Garrison, spokesman with the federal Bureau of Indian Affairs, agreed that because the Los Coyotes reservation was established in 1900, the recent Supreme Court ruling would have no effect on the tribe's pending land-in-trust application.

The situation of the Chemehuevi, who had also been looking at a casino in Barstow, is more complicated. The Chemehuevi reservation near Lake Havasu was established by executive order in 1970, Garrison said.

Chemehuevi tribal Chairman Charles Wood said the reservation was initially recognized in 1907, but the tribal members dispersed after the construction of Parker Dam in the 1930s, which created Lake Havasu, flooding out thousands of acres of tribal land. The tribe later moved to the high desert plateau where its current reservation is located, Wood said.

Because the initial reservation was established before 1934, Wood said the Supreme Court ruling should not apply to the Chemehuevi. Garrison said the interior department

is currently trying to tease out the subtleties of situations like that of the Chemehuevi to determine where the ruling will apply.

“They have to go back and take a look at the different points in time when the documents were published,” he said.

Unlike the Los Coyotes, the Chemehuevi do not currently have a land in trust application pending. Both tribes had previous applications rejected in January 2008 because of federal standards requiring off-reservation casinos to be within commuting distance of the tribe’s reservation.

The Los Coyotes submitted a revised land trust application in May 2008, while the Chemehuevi decided to wait and see who would be appointed to key positions in the interior department in the new U.S. administration and whether the commutability rules were likely to change. Wood said Thursday that the tribe is still waiting. Ken Salazar has been installed as Secretary of the Interior, but the head of the Bureau of Indian Affairs has not yet been decided.

Shields said it was his understanding that a draft environmental impact statement for the Los Coyotes application would be completed by the end of March.

In the meantime, Wood said he expects to meet with the chair of the Los Coyotes tribe next week in an attempt to tease out some of the differences the tribes have had over the casino issue.

Wood said the Chemehuevi will support the Los Coyotes if their application is approved, but feel that the casino proposal is a sovereignty issue, since the Chemehuevi consider the Barstow area to be part of their ancestral lands.

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