

March 2, 2012 – *New Mexico Business Weekly* - [Fort Sill Apaches, Jemez Pueblo gamble for ‘off-rez’ operations](#)

Should the New Mexico gaming projects be approved, there’s still the question of financing them



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President [Barack Obama](#)’s administration is showing increasing willingness to support off-reservation gaming by American Indian tribes, according to a new report.

This could be good news for two tribes seeking to open gaming operations in southern New Mexico. However, the projects face many challenges, even with the change in policy direction, said the report’s primary author.

The Fitch Ratings report dissects the policy shifts in the past three years under the Obama administration, noting it has taken a “more pragmatic approach” to off-reservation gaming, which is where a tribe seeks to establish such operations on land that is not part of its traditional tribal homelands. Jemez Pueblo and its development partner, [Gerald Peters](#), have been working to establish a large gaming operation in

Anthony, nearly 300 miles from the pueblo. The Fort Still Apache tribe wants to put a gaming facility on 30 acres formally designated in November by the U.S. Department of Interior as a reservation. Akela Flats is between Las Cruces and Deming. Nearly half of the 700 tribal members are in Oklahoma, where they were eventually settled after being removed from New Mexico in the 1880s. They have never had a reservation.

A 2008 document by the Department of Interior on “commutability” effectively limited the distance between a proposed gaming site and a reservation to a distance deemed “commutable,” according to Fitch analysts. Based on that criterion, DOI rejected nine applications in 2008, including the one by Jemez Pueblo and Peters.

But in June, DOI rescinded the 2008 memo and approved several off-reservation applications. However, Fitch analysts said obtaining approvals for off-reservation gaming will remain difficult for certain tribes.