

That's when Congress passed a law giving the tribe \$30 million to replace 10,000 acres of tribal land that had been damaged by flooding after the Painted Rock

Dam was built in 1960. "It's an acknowledgment of the U.S. government that they wronged" the tribe, Chairman Ned Norris says.

Glendale Mayor Elaine Scruggs considers the tribe's plans an unwise incursion into an urban area. She says it would preclude the city from developing the site and receiving tax revenue from it, require the city to provide security, water and roads and violate a state law that restricts casinos to "Indian lands of the tribe."

The 54-acre site is more than 100 miles from the tribe's reservation, and she describes its plan as "reservation shopping" — a tribe's purchase of land near a city to maximize a casino's customer base. "The implications are huge," Scruggs says.

The conflict prompted the city of Glendale to file a lawsuit last month challenging the U.S. Interior Department's decision to place the property in trust as reservation land for the Tohono O'odham Nation. The Interior Department declined to comment because of the pending lawsuit.

In a Sept. 24 letter to Interior Secretary [Ken Salazar](#), Arizona Gov. [Jan Brewer](#), a [Republican](#), said approval of the trust could create "a giant loophole" that might "significantly expand gaming in Arizona."

Other conflicts

The Arizona case is among several disputes over tribes' acquisition of land for casinos. In Madera County, Calif., the North Fork Rancheria of Mono Indians is waiting for a federal ruling on a proposal to take 305 acres into trust to develop a casino and hotel resort. The land is 38 miles from the tribe's rancheria.

John Maier, the Mono tribe's lawyer, says opponents use the term reservation shopping to

"denigrate" tribes' efforts "to acquire lands for economic development for the benefit of their communities" that also create jobs for non-Indians.

In Oregon, the conservation group Friends of the Columbia Gorge opposes plans by the Confederated Tribes of Warm Springs to develop a casino on land near a national scenic area. Interior Department approval is pending.

"If this casino proposal is approved," says Michael Lang of Friends of the Columbia Gorge, "that means no place is safe." Howard Arnett, the tribe's lawyer, says the town of Cascade Locks welcomes the development.

In some states, other tribes object to fellow tribes' casino expansion plans. Merrill Godfrey, a lawyer for Arizona's Gila River Indian Community, says the federal law allowing the Tohono O'odham Nation to buy new reservation land wasn't intended to let the tribe "cherry-pick casino land and turn it into a reservation. ... The issue here is playing by the rules."

Norris sees it differently. Gila River's objections, he says, are "an issue of market share" in their competing casinos.

Exceptions to the rule

Decisions about the purchase of land outside reservations are made under the 1988 federal Indian Gaming Regulatory Act. It prohibits gaming on land acquired by tribes after 1988 but includes several exceptions.

[Seth Waxman](#), a lawyer for the Tohono O'odham Nation, says its purchase of the land near Glendale falls under one of those exceptions: The 1988 cutoff doesn't apply if the property acquisition is part of a land claim settlement such as the 1986 law giving the tribe permission to

replace its lost land.

Craig Tindall, Glendale's city attorney, says the city's lawsuit argues that the federal government has no right to remove land from the state's jurisdiction. Creating an Indian reservation in an urban area, he says, would create "a very poor precedent."

In July, Salazar announced a review of the way his department makes decisions about putting land into trust for Indian gaming. A series of meetings with tribes across the nation began in September and will end Nov. 18.

Norris says his tribe's proposed casino project would create 6,000 construction jobs and at least 3,000 permanent jobs, some of which would go to Glendale-area residents, and bring \$300 million a year in revenue to the state. "We're not going to back down," he says.

Scruggs is just as adamant. "This is not about whether we'd like a casino," she says, but about blocking a project that could "affect our community forever."

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