

**TOHON O'ODHAM NATION'S PROPOSAL FOR INDIAN GAMING
WITHIN EXTERIOR BOUNDARIES OF THE CITY OF GLENDALE, ARIZONA**

Historical Summary

The Gila Bend Indian Reservation was one of three reservations composing the Tohono O'odham Nation (formerly referred to as the Papago Indian Tribe of Arizona (the "Tribe")). These reservations were established by Executive Orders dated December 12, 1882 and June 17, 1909. The Gila Bend Indian Reservation consisted of 10,297 acres that was divided by the Gila River. The relevant recent history of the reservation follows:

- 1960 Corps of Engineers completes construction of Painted Rock Dam on the Gila River 10 miles downstream from the reservation

- 1964 U.S. secures stipulated flooding and flowage easement over reservation to accommodate the Painted Rock Dam reservoir
 - 7,723.82 acres of the reservation subject to easement providing perpetual right to flood
 - \$130,000 paid to tribe in compensation.
 - Tribal members living in Sil Murk Village, which was not located on the reservation but on private land within reservoir flood plain, were relocated San Lucy Village

- 1981 Tribe petitions the U.S. for a new reservation land suitable for agricultural development

- 1982 Congress authorizes exchange of lands in the public domain [Southern Arizona Water Rights Settlement Act, Pub. L. 97-293, 97 Stat. 1274]
 - Tribal study failed to identify suitable replacement lands within a 100-mile radius of reservation
 - Potential costs for replacement land, including land, water rights, and construction, operation and maintenance of a water delivery system would exceed \$30,000,000. [H.R. Rep. No. 851, 99th Cong., 2d Sess. pp. 6-7 (1986.)]

- 10/20/86 Congress enacts the Gila Bend Indian Reservation Lands Replacement Act [P.L. 99-503 October 20, 1986, 100 Stat 1798]
 - Tribe assigns to U.S. all rights, title, and interest in 9,880 acres of land within reservation
 - U.S. pays Tribe \$30,000,000
 - Tribe allowed purchase private lands for replacement lands not to exceed 9,880 acres
 - Secretary to hold replacement land in trust, provided land:
 - In Maricopa, Pinal, or Pima counties
 - Not within the corporate limits of any city or town
 - Not more than three separate areas, one of which is contiguous to San Lucy Village
 - Secretary may waive last requirement
 - Waiver only if "appropriate"

- 10/15/87 Tribe transfers reservation land to U.S. and waives claims of water rights and any injuries to land or water rights

- 1991 Tribe applies to the Secretary to take 3,200.53 acres into trust as replacement land
 - Land referred to as the "Schramm Ranch," now known as the "San Lucy Farm"
 - September 2004 – Schramm Ranch taken into trust

- 5/31/00 Western Region Director of the BIA waives requirement the replacement land be of three areas, one of which is contiguous with San Lucy Village
- Allows for five areas to be purchased as replacement lands
 - Land need not to be contiguous to San Lucy Village
 - Waiver addresses no specific parcel
 - BIA fails to address “appropriateness” of waiver as required by statute
- 8/21/03 Tribe purchases the property for the proposed casino site
- Purchase is in the name of Rainier Resources, Inc.
 - Delaware corporation
 - Seattle mailing address
 - No obvious connection to Tribe
 - Site within the exterior boundaries of the City of Glendale
 - Within the Glendale Municipal Planning Area
 - Included within the statutorily-mandated Glendale General Plan since its adoption
- 2006 Tribe applies to the Secretary to take 3,759.53 acres into trust as replacement land
- 1/28/09 Tribe transfers the proposed casino site to its own name and files trust application for gaming purposes and meets with informs City for the first time of its plans
- 1/29/09 Tribe publicly announces intention to build a “Las Vegas style” casino at the proposed casino site