

Summary: Key Provisions of the Settlement Agreement

Background

The Tohono O'odham Nation's right to take land into trust for the purposes of gaming is well established under Public Law 99-503¹, the federal Indian Gaming Regulatory Act, and the tribal-state gaming compacts. That right has been upheld by more than 20 decisions by courts and federal agencies.

In the spring of 2015, the State of Arizona announced they would not work with the Nation on implementing Class III gaming at its soon-to-be completed interim facility. This action was a failure to uphold the state's obligations under federal law and in defiance of a federal court ruling. The Nation had no choice to take the state to court to compel them to follow the law. In the meantime, the Nation opened its Desert Diamond Casino – West Valley as a Class II casino in December 2015. Since opening the facility has received overwhelming public support.

As the court case progressed, the Nation and the state started discussions of a potential settlement. Those negotiations resulted in a proposed settlement agreement to end the dispute and enable the Nation to move forward without further delay. This deal would resolve the last outstanding litigation over this project.

Some of the Key Provisions of the Settlement Agreement

- The Nation will be able to move forward with Class III gaming at its West Valley property and construct the full-scale resort and casino with all amenities, including the long-delayed liquor license. In return, the Nation has agreed not to open additional facilities in the Phoenix Valley for the term of this compact and the next, or a total of 15 years if a new compact is not agreed upon.
- This will create construction and permanent jobs in the West Valley, and will have significant ongoing economic impacts.
- Despite efforts to take away the Nation's rights to purchase replacement lands under P.L. 99-503 for the last eight years, the Nation under this new settlement agreement has maintained those rights.
- There are additional safeguards in this agreement for the Nation:
 - If another tribe attempts to pursue additional gaming facilities in the Phoenix Valley on newly acquired lands (after 2003), then the restrictions on the Nation. This helps to ensure that the Nation will have the only casino in the West Valley for the duration of the agreement.
 - If the state legislature or Congress pass legislation that would harm the West Valley casino, the restrictions on the Nation are removed. This ensures the Governor has an incentive to discourage any further legislative action against the Nation and signals to Congress that this issue has been resolved.
 - Governor Ducey pledges not to oppose the Nation's efforts to take the remaining parcels of its West Valley property into trust. (The current West Valley Reservation includes 54 acres of the full 134 acre West Valley property.)
- Components of this agreement that affect the gaming compact would still need to be reviewed by the U.S. Secretary of the Interior before taking effect, as is the normal process for compact changes.

¹ Public Law 99-503, passed in 1986, authorizes the Nation to purchase up to 9,880 acres of unincorporated private lands in Pima, Pinal, or Maricopa counties as replacement for lands lost to flooding from the Painted Rock Dam.