

Arizona casino foes race clock in land spat - Arizona Republic

Written by Administrator
Wednesday, 02 February 2011 23:45 -

It's a race to beat the clock as Gov. Jan Brewer this week signed House Bill 2534, which aims to stop a proposed tribal casino bordering Glendale.

The Tohono O'odham Nation seeks reservation status on its 54 acres before the law takes effect, likely in the fall, which would be 90 days after the end of the legislative session.

Glendale leaders want to stop that from happening. If the

city can hold off the tribe, the newly minted law would let Glendale annex the tribe's land without consent.

The law allows a municipality to annex land without a landowner's permission if the owner has applied to have the land placed into trust as a reservation. Annexation could end the southern Arizona tribe's quest to build a resort and casino near Glendale's sports and entertainment district. The tribe sought to designate the land as a reservation using a federal settlement to replace tribal property damaged years ago. The settlement required that the land be unincorporated, or outside a municipality.

The U.S. Department of Interior last summer agreed to accept the land near 95th and Northern avenues into the reservation system. But the land has not been placed in trust yet as Glendale, the Gila River Indian Community and state legislative leaders challenged the decision.

A judge will hear that challenge Feb. 17 in U.S. District Court in Phoenix.

Lawmakers sought to secure enough votes for HB 2534 to immediately take effect after Brewer signed it, ahead of the court date. That didn't happen.

Despite that, if the U.S. District Court judge sides with the tribe, it's unclear whether the land would immediately be taken into the reservation system. The Interior Department refused to comment on the issue.

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The Tohono O'odham said only that it would move as expeditiously as possible to break ground on the casino. To do that, the tribe needs reservation status on the land and separate approvals for gaming.

Arizona State University law professor Carl Artman said it likely wouldn't move quickly.

Artman, who served as U.S. assistant secretary of the Interior for Indian Affairs in 2007-08 under the Bush administration, said the land would not be taken into trust until appeals are exhausted.

Glendale and the Gila River Community, which have vehemently opposed the project since it was unveiled two years ago, would likely challenge any ruling not in their favor.

"The appeals process will take from three months to 12 months, perhaps 18 if some issues are remanded or new events occur," Artman said.

If that scenario unfolds, the law would take effect, and Glendale could annex the land. However, the Tohono O'odham could challenge the state law. Tribal leaders vowed to use "all available resources" to prevent its implementation.

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