



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 28 2013

Honorable Diane Enos
President, Salt River Pima-Maricopa Indian Community
10005 East Osborn Road
Scottsdale, Arizona 85256

Dear President Enos:

On April 11, 2013, we received an Agreement to Amend the Compact (Amendment) between the Salt River Pima-Maricopa Indian Community and the State of Arizona. We have completed our review of the Amendment and we conclude that it does not violate the Indian Gaming Regulatory Act (IGRA), any other provision of Federal law that does not relate to jurisdiction over gaming on Indian lands, or the trust obligations of the United States to Indians. 25 U.S.C. § 2710(d)(8)(B). When we review a tribal-state compact or amendment submitted under IGRA, we look to whether the provisions fall within the scope of categories prescribed at 25 U.S.C. § 2710(d)(3)(c). IGRA strictly limits the provisions of a gaming compact to several very specifically identified subjects and other "subjects that are directly related to the operation of gaming activities." See § 2710(d)(3)(c)(vii).

In light of this requirement, we wish to express one concern and express our understanding of the scope of our authority and the lawful scope of the Compact. Section 2(n) of the Compact defines "Gaming Facility" as "the buildings or structures in which Class III Gaming, authorized by this Compact, is conducted" but the amendment specifies that the State and the Tribe will engage in a case-by-case analysis of each Gaming facility project and may document the borders of the gaming facility. The amendment permits multiple buildings or structures housing class III gaming at a single site to be classified as a single gaming facility.

Because IGRA is very specific about the reach of a lawful compact, we interpret this definition provision as applying only to spaces in which gaming actually takes place, to spaces in which gaming-related funds or devices are kept, to spaces in which other activities directly related to gaming occur, and to spaces occupied or frequented by employees who work physically within the gaming operation. The definition does not apply to hotel rooms and other non-public hotel-related spaces, such as hotel laundries and linen storage rooms, or other areas occupied and used exclusively by hotel guests, chambermaids and other non-gaming-related hotel-service employees. Similarly, the definition will not apply to businesses or amenities that are ancillary to gaming activities, such as conference centers, restaurants, spas, golf courses, recreational vehicle parks, water parks, and marinas. While these businesses may often be located near or adjacent to tribal gaming facilities, they ordinarily are not "directly related to the operation of gaming activities" and therefore not subject to regulation through a tribal-state compact. It is with this understanding that we offer our approval of the Amendment.

Therefore, pursuant to my delegated authority and Section 11 of IGRA, I approve the Amendment. 25 U.S.C. § 2710(d)(8)(A). This Amendment shall take effect when the notice of this approval is published in the *Federal Register*. 25 U.S.C. § 2710(d)(3)(B).

Sincerely,



Kevin K. Washburn
Assistant Secretary – Indian Affairs

Enclosure

Identical Letter Sent to: Honorable Janice K. Brewer
Governor of Arizona
Phoenix, AZ 85007