Indian Affairs - Office of Public Affairs

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**Washington, D.C.** – The Navajo Nation and Cherokee Nation are eligible to conduct gaming activities on newly acquired trust lands under decisions approved by the Department of the Interior today.

Assistant Secretary – Indian Affairs Larry Echo Hawk announced the approval of the acquisition of 405 acres of land in trust for the Navajo Nation in Coconino County, Arizona. The newly-acquired lands are contiguous to the boundaries of the Navajo Nation's existing reservation, which is the largest Indian reservation in the United States. The Department was required to acquire the parcels in trust under two laws enacted by Congress – the Navajo-Hopi Settlement Act of 1974 and the Hopi Indian Relocation Amendments Act of 1980.

Echo Hawk also announced the approval of the acquisition of 17 acres of land into trust for the Cherokee Nation in Cherokee County, Oklahoma. This parcel is located within the Cherokee Nation's former reservation in Oklahoma.

"We know that these projects represent an important economic development opportunity for the Navajo and Cherokee Nations, and will generate more than a thousand construction and permanent jobs in a time of great need," Echo Hawk said. "We are committed to processing Indian gaming applications in a transparent manner, consistent with the law."

The Department also determined the Shawnee Tribe of Oklahoma does not qualify for gaming under one of the equal footing exceptions to the Indian Gaming Regulatory Act (IGRA) for property located in Oklahoma City, Okla.

The Department also took action on four additional applications related to tribal gaming. Gaming applications for the Greenville Rancheria of Maidu Indians of California and the San Juan Southern Paiute Tribe of Arizona were returned to the respective tribes because they had not provided information required by law to allow the Department to proceed with its review.

Assistant Secretary Echo Hawk approved the acquisition of land into trust for two tribes in Washington - the Puyallup Indian Tribe and the Suquamish Indian Tribe. These lands will be used for purposes related to the respective tribes' existing gaming facilities, and neither tribe sought approval of gaming activities to be conducted on these newly acquired lands.

Both the Navajo Nation and Cherokee Nation intend to conduct Class III gaming on the newly acquired lands, pursuant to IGRA. IGRA requires the Tribes to enter into tribal-state gaming compacts authorizing Class III gaming on these respective sites, prior to conducting Class III gaming activities.

The Indian Gaming Regulatory Act prohibits Indian gaming on lands acquired in trust after its enactment in 1988, unless one of three explicitly crafted exceptions applies. The first, known as the "reservation exception," allows tribes to conduct gaming on new lands if they are contiguous to an Indian reservation that existed in 1988, or if they are within the Tribe's former reservation in Oklahoma. The two applications approved today meet these criteria.

“We worked very closely with our attorneys in the Office of the Solicitor on the Navajo and Cherokee applications, and determined that they clearly satisfied the law,” Echo Hawk said. “We will continue our work to process other pending applications.”

The second exception, known as the “equal footing exception,” was intended to ensure that a number of tribes had an equal opportunity to pursue Indian gaming on their own lands as those tribes that had lands eligible for gaming in 1988.

Officials from the Department’s Office of Indian Gaming are working to complete a consultation process with tribal leaders on developing the Department’s policy for implementing the third category of exceptions under IGRA: the so-called “off-reservation” exception. A June 18, 2010 memorandum from Secretary of the Interior Ken Salazar to Assistant Secretary Echo Hawk directed the Department to engage Indian tribes to develop principled and transparent criteria to implement this policy. The tribal consultation process will conclude on December 18, 2010. For more information see: http://www.indianaffairs.gov/WhoWeAre/AS-IA/OIG/index.htm

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