

Testimony of the Hon. Bob Barrett, Mayor The City of Peoria, Arizona

House Committee on Natural Resources
Subcommittee on Indian and Alaska Native Affairs
Legislative hearing on H.R. 2938, the "Gila Bend Indian Reservation Lands
Replacement Clarification Act"

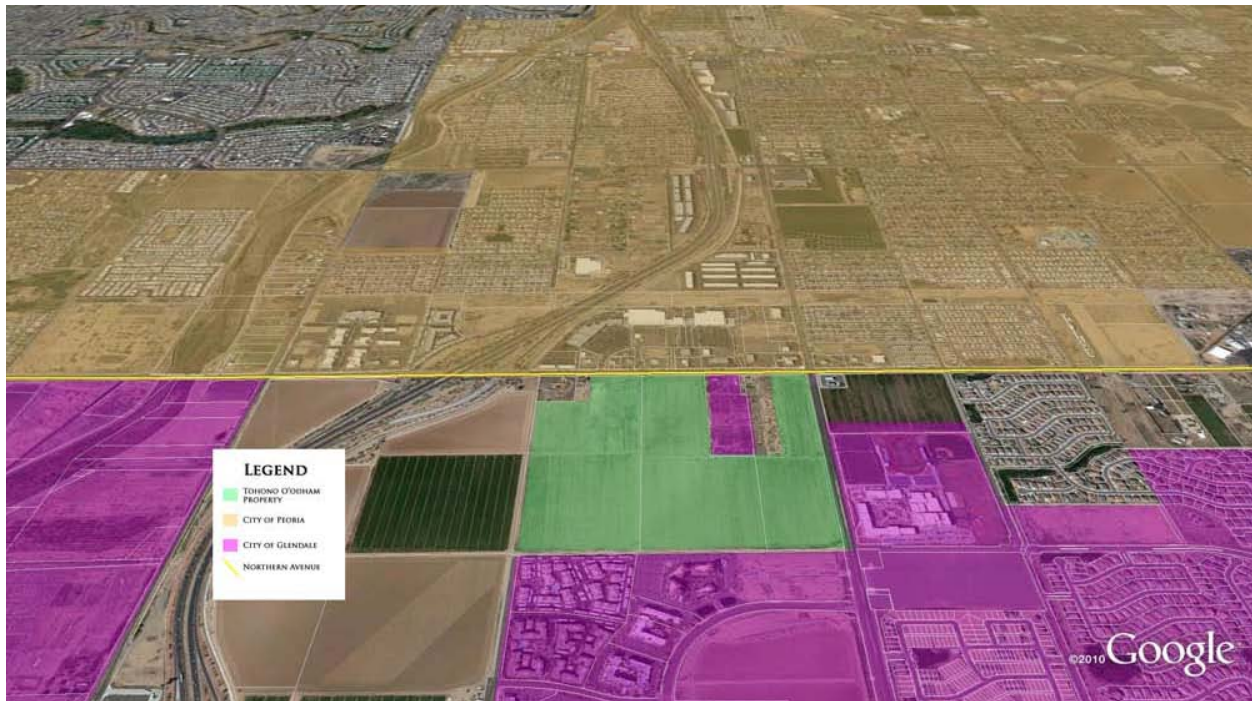
October 4, 2011

Chairman Young, Ranking Member Boren, and distinguished members of the Subcommittee on Indian and Alaska Native Affairs. My name is Bob Barrett, and I am the Mayor of the City of Peoria, Arizona. I want to thank you for the opportunity to testify this afternoon regarding H.R. 2938. If enacted, H.R. 2938 would amend the Tohono O'odham Nation's land claim settlement statute, known as the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99-503.

Before I begin, I need to clarify that I am speaking before you today on my own behalf. I am not representing an official position of the Peoria City Council. I will clarify that point later in my testimony. Let us be clear from the outset about what H.R. 2938 really is: job-killing special interest legislation designed to protect existing Indian gaming operations and those who benefit from those operations. This bill is *not* about whether the Nation's land lies within its aboriginal territory or about whether the proposed casino and resort complies with the tribal-state compact or other applicable laws. *And it most certainly is not about "protecting" the local community.* Rather, this bill represents an attempt to circumvent ongoing litigation challenging the Nation's project which, so far, has not gone to the established gaming interests' liking and has upheld the right of the Tohono O'odham Nation to develop its resort project.

For those of you who are not familiar with the greater Phoenix metropolitan area, the "West Valley" refers to the communities west of the City of Phoenix. The Cities of Peoria and Glendale are the largest communities in the West Valley, bordering each other and Phoenix. The West Valley has experienced some of the fastest growth in Arizona, but it has also suffered significantly from the recession and faces continued economic fragility.

The Nation's West Valley land is located on a county island (meaning that the land is not within the jurisdiction of either Peoria or Glendale) between the City of Peoria and the City of Glendale. The border between our two cities lies along Northern Avenue, which can be seen on the map which follows:



In this map, you are looking north from a place roughly hovering over University of Phoenix Stadium, the home of the Arizona Cardinals. The land in purple represents incorporated City of Glendale. The land in light brown at the top represents the City of Peoria. The land in green represents property purchased and owned by the Tohono O’odham Nation, on unincorporated county land. The other land, without color shading, represents other unincorporated parcels, most of which is dedicated to agricultural uses at the moment. The highway on the west side of the map is State Route 101, which is a loop freeway which circumnavigates much of the Greater Phoenix Region in a shape roughly equivalent to a horseshoe.

Because the Nation’s proposed resort facility would be located just across the street from a commercial center within the City of Peoria, the proposed development is very likely to provide a much-needed economic boost to Peoria and Glendale and the surrounding community.

I want to emphasize that from the beginning, the Tohono O’odham Nation has engaged in open dialogue with state and local leaders -including myself- community groups and constituents. During these discussions the Nation’s leaders described their plans and the economic and social impact that this proposed project would have on the West Valley. The Nation has also been receptive to feedback as demonstrated through the revised site plan for the project that reflects movement of the casino closer to 95th Avenue and Northern. They have also gone on record in support of the planned improvements to Northern Avenue at the urging of the local community.

This development is projected to create 6,000 construction jobs and 3,000 permanent jobs -- jobs desperately needed in Arizona, particularly in the construction industry. In addition to the direct employment benefits, the resort will create collateral economic development opportunities for the local businesses that will supply the goods and services needed to construct

and operate the resort. The bottom line is that this proposed resort complex is a vital economic growth package for the West Valley, which neither the federal nor state government need expend one dime of taxpayer money to implement. It is designed to drive visitor traffic to an area that was specifically anticipated as a Sports and Entertainment District.

The day this project was announced, the leaders of the Tohono O'odham Nation met with me to inform me of their plans. They described their intentions and the necessary federal review to come. And they made it clear to me that they were committed to work closely with me to address the concerns I, my Council and my constituents may have. I know they met with many other local officials to introduce them to the project, and I have to assume they made the same assurances to them that they made to me.

Since that day, they have lived up to that commitment. They have participated in hundreds of community meetings. They have joined our local Chambers of Commerce. They have sponsored important community charities, and participated personally in local events. They have met with key, potentially affected constituencies, including the Peoria Unified School District, to identify early on potential issues, and to work cooperatively to resolve those before an ounce of dirt has been turned.

The Peoria City Council has not taken a formal position on this project. Why? We are engaged in extensive discussions with the Nation, and their engineering and architectural firms, regarding potential infrastructure requirements, transportation planning and other design matters. We are approaching those negotiations with an open mind, and remaining attentive to issues and complications that may arise. Our staff has visited the Nation's gaming facilities to review their operations and to understand how the West Valley Resort may be similarly operated.

To take a formal council position of either support or opposition may compromise the integrity of those discussions, and lead us to take conclusions that may not necessarily be in the best interest of our City. But speaking personally, I have every confidence that these matters will be reconciled successfully, and that after more formal consultations, support from my Council will be easy to come by. In my mind, Council neutrality is appropriate at this time to allow our city staff to conduct their work professionally and dispassionately. But I am very anxious for litigation to be concluded, and for this project to proceed so we can see many of our people get back to work.

There are many in our local community who understand the benefits of the proposed project and fully support it. In fact the Honorable Adolfo Gamez, Mayor of the nearby City of Tolleson, asked that I bring to you today a copy of his written testimony in support of the project -- and in opposition to H.R. 2938 -- and he and I both ask that it be included in the record of this hearing. As Mayor Gamez said more than a year ago when the established gaming interests first tried to stop this project through efforts to change state law, "I can't see the logic of not bringing jobs to the West Valley." *Tolleson Backs Tribe's Plan for Glendale Casino*, The Arizona

Republic (Feb. 20, 2010). I want to make sure that everyone here today understands that this project will provide a huge economic boost to our region.

Mr. Chairman, Honorable Members of the Committee, H.R. 2938 was introduced *less than three weeks ago*. The drafters of the legislation did not consult with me or my City Council, or with Mayor Gamez or his City Council, or with the West Valley community in general. Not only were we not consulted regarding this legislation, but we strongly object to the fact that the legislation is being fast-tracked by scheduling a hearing with so little notice to the community that it will affect most. While I very much appreciate the opportunity you have afforded me to testify today, I am but one voice among so many in the West Valley who support the Nation's development project.

I strongly urge that before you move forward with this legislation -- before you decide whether to kill off these 9,000 jobs and the ongoing economic growth opportunities for the West Valley -- that the Subcommittee consider holding a field hearing in the West Valley. Come out and see for yourselves where this property is located. Come out and see for yourselves how our communities are suffering during these recessionary times. And come out and see for yourselves whether you think special interest legislation to protect the market share of a few is worth compromising the greater good of the many.

Finally, I want to register my significant personal discomfort that parties involved in litigation against the Tohono O'odham Nation's project now seek to effect a change in federal law in order to skew the outcome of that litigation. In my view, the Nation has been playing by the rules set out for it by Congress. If it should turn out that the courts disagree based on the law as it is currently written, then so be it. But for Congress now to amend the law is to change the rules in the middle of the game -- this to me is fundamentally unfair, and frankly unworthy of our federal government.

I thank you again for giving me an opportunity to speak to this Subcommittee about this legislation, which would unfairly prevent the Tohono O'odham Nation from pursuing its planned West Valley Casino/Resort development, would destroy 9,000 new jobs for Peoria, Glendale and the rest of the West Valley, and would ensure that we do not benefit from the related economic growth and development opportunities that will be created by the Nation's West Valley project. I do not think that the folks responsible for this legislation have heard the whole story, and they certainly have not heard from the many local officials and business leaders who strongly support this project. For all these reasons, I believe that H.R. 2938 is ill-advised, and I hope that the Subcommittee will not recommend that this legislation become law.

I am happy to answer any questions you may have.