

# Lewis Roca Rothgerber Christie Guided The Navajo Nation Gaming Enterprise Through Pre-Construction Process in Record Time, Paving the Way For Building Twin Arrows Navajo Casino Resort

## Our Client's Situation

In 2009, the Navajo Nation Gaming Enterprise (NNGE) aspired to build a casino resort off reservation in Flagstaff, Arizona. As with any off-reservation tribal project, there were obstacles to overcome before construction could even begin. Resolving these challenges required specialized legal assistance.

A common problem with casino siting and construction is providing access from nearby highways to casino locations. Lack of access is a major "deal breaker" that contributes to the failure of many economic development projects in Indian Country. In addition, it can often take years and sometimes decades for tribes to work through the legal issues inherent in casino projects of this magnitude.

The Navajo Nation Gaming Enterprise turned to Lewis Roca Rothgerber Christie's Tribal Affairs and Indian Gaming lawyers to help them bring the Twin Arrows Navajo Casino Resort project to life.

## Our Approach

Lewis Roca Rothgerber Christie created a strategic plan to meet the Tribe's needs. Taking a comprehensive approach, the Tribal Affairs group began with an in-depth conversation, outlining the Tribe's previous history. Pulling from their knowledge and network of potential partners, the firm brokered a deal with Penn National Gaming, Inc. This was an ideal match because they met the criteria on every level, aligning with the overall goals of the Tribe.

The firm's experienced team of attorneys, utilizing over 20 years of successful negotiation for tribes throughout the U.S., secured the project. Practice Group Leader Steve Hart led the negotiation with assistance by Partner Kerry Patterson. Once details were completed, Penn National Gaming, Inc. agreed to serve as the developer and financier of the project to manage the casino once it becomes operational. Steve Hart and Kerry Patterson documented the Development Agreement and the Management Agreement and are currently working on obtaining the necessary approvals for the Management Agreement from federal authorities.

Partner Peter Larson, who has considerable experience drafting and implementing documents needed to comply with regulatory issues on Indian lands, obtained the necessary Gaming Ordinance. Teamed with the high risk financing experience of Partner Bryant Barber, they both handled the loan commitment and other financing issues.



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### Practice Areas

- Indian Gaming
- Interactive Gaming
- State and Federal Legislative and Administrative Practice
- Licensing Matters / State / Tribal Certification
- Real Estate and Project Development
- Intellectual Property Issues
- Litigation
- General Business Law Matters

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## Results

Many legal hurdles had to be overcome before the Navajo Nation Gaming Enterprise could conceive of breaking ground on Twin Arrows Navajo Casino Resort. Our team is honored to have helped pave the way for building the casino in a remarkably short, 11-month time frame—possibly the shortest ever for a project of this scope.

In May 2013, Twin Arrows Navajo Casino Resort opened its doors. The \$120 million facility offers an unparalleled gaming experience, in the months and years to come, the property will add luxury resort amenities, including luxury guest rooms, a world-class spa, gourmet dining, culturally-infused casual dining, a fitness center, heated indoor pool and more than 11,000 square feet of state-of-the-art meeting space.

At the 2013 Global Gaming Expo (G2E), the Navajo Nation Gaming Enterprise received the Top Native American Casino Award for the Twin Arrows Navajo Casino Resort. Our lawyers are honored to have assisted in the development of this award-winning casino.