

## **What's coming: Information about the process**

At least as far back as 2004, promoters of the proposed Cowlitz casino-resort at La Center have portrayed it as a "done deal." CARS has always contested that label, and when the Bureau of Indian Affairs (BIA) went ahead in December 2010 and green-lighted the project, we took a new tack that turned the light back to red.

CARS, with Clark County, the City of Vancouver, two property owners near the proposed casino and the owners of La Center's four card rooms, filed a legal action in U.S. District Court in Washington, D.C. designed to overturn the BIA action. The Confederated Tribes of the Grand Ronde, owner of Spirit Mountain Casino in Oregon, filed a separate lawsuit.

As a result, the proposed casino project has moved from an administrative process to a litigation phase.

The Cowlitz application is full of opportunities for challenge. First, the Cowlitz decision runs counter to the U.S. Supreme Court's February 2009 finding in *Carcieri v. Salazar*, which states that the Secretary of the Interior has no authority to take land in to trust on behalf of tribes acknowledged after 1934. The Cowlitz Tribe was acknowledged in 2002.

Legal challenges are possible in other areas as well, including the Tribe's heavily flawed Environmental Impact Statement (EIS), the federal government's National Environmental Policy Act process, and the Tribe's questionable Indian lands opinion.

Other jurisdictions have successfully overturned similar DOI decisions, and we are optimistic that our voices will be heard. This development remains nowhere near a done deal.