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CARS REQUESTS DOI INTERVENTION IN COWLITZ CASINO EIS PROCESS

Citizens Against Reservation Shopping (CARS) is urging the U.S. Department of Interior (DOI) to intervene in the Regional Bureau of Indian Affairs' (BIA) environmental review of the Cowlitz casino proposal.

In a letter to DOI Associate Deputy Secretary James Cason on behalf of CARS, Portland attorney Peter D. Mohr writes that the request has been made, "to avoid initiating a decision-making process that will result in a highly contentious and prolonged conflict."

The letter charges that the current draft environmental impact statement (DEIS) violates the National Environmental Policy Act (NEPA) and guarantees "maximum conflict and controversy" by "virtually preordaining" selection of the tribe's preferred alternative, a casino at the Interstate 5-La Center interchange.

The CARS letter requests that two "fundamental problems" with the DEIS be addressed at the policy level before it is released for public review: 1) The failure to consider an adequate range of alternatives, and 2) the need for a programmatic-type review (to include other area casino proposals) in addition to the site-specific EIS for gaming-related trust land acquisition.

According to Regional BIA EIS manager June Boynton, the DEIS is currently under consideration by cooperating agencies and is scheduled to be released for public comment sometime between April 1 and 15.

Lack of alternatives

NEPA describes the consideration of alternatives as "the heart of the environmental impact statement" and requires the EIS process to consider multiple options. As mentioned in Mohr's letter, the federal Ninth Circuit Court of Appeals has determined that "(t)he existence of a viable but unexamined alternative renders an environmental impact statement inadequate."

However, the EIS alternatives under consideration for the Cowlitz project are limited to: 1) no action, 2) a large-scale casino-resort located at the La Center interchange, 3) a large-scale casino-resort located 2 miles to the south, at the Ridgefield interchange, even closer to the Portland gaming market, or 4) a non-gaming commercial development for the La Center interchange site.

The CARS letter charges that the BIA's regional office and the Tribe have unreasonably limited the NEPA review of alternatives, possibly because of Cowlitz developer David Barnett's financial involvement with the 152-acre La Center property. "CARS is concerned," says the letter, "that Mr. Barnett's property interests and his role in the NEPA process, through the participation of the tribe as a cooperating agency, has the potential to impact the consideration of alternatives in the DEIS."

"Drawing an imaginary line at La Center," writes Mohr, "and refusing to look to the north, closer to traditional Cowlitz lands, is an example of directing the agency review process to achieve a specific result." He notes that land suitable for a casino is available farther north along Interstate 5, land that would meet the tribe's NEPA purpose and needs statement. "Such alternatives must include multiple sites closer to the Tribe's historic lands, which lie northeast of the La Center site," he writes, noting those historic lands are in Cowlitz and Lewis counties.

Need for a programmatic review

In addition to the proposed \$510 million Cowlitz casino 16 miles north of Portland, the Warm Springs Tribe of Oregon is planning another casino-resort of nearly the same size, 43 miles east of Portland at Cascade Locks in the Columbia River Gorge. The Yakama Tribe has also spoken of building a casino 12 miles from the La Center site near Battle Ground, Wash.

"All of these proposals," according to CARS, "are driven by the same goal: to get as close as possible to the Portland market." When considered together, the opposition group says, these proposals demonstrate a clear need for a regionally based NEPA review, not just the segmented site-specific EIS analysis now being considered for each proposal in isolation. Again, the Ninth Circuit has spoken on this, saying: "Where there are large-scale plans for regional development, NEPA requires both a programmatic and site-specific EIS."

The CARS letter concludes with an appeal for a serious policy-level review from the DOI to avoid "forcing the trust-acquisition process into years of conflict and controversy without serving the best interests of the Cowlitz Tribe or the other numerous parties, public and private, who will be harmed by developing the proposed casino on the La Center parcel."

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[Read the full letter sent to Mr. Cason.](#)