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**ANTI-CASINO GROUPS ASK INTERIOR TO VACATE COWLITZ OPINION  
They also request formal rules for NIGC's restored lands process**

Three Clark County anti-casino groups have jointly asked Interior Secretary Gale Norton to reject a federally issued opinion that the Cowlitz Tribe has historical ties to land at the Interstate 5–La Center interchange. Developers want the land taken into trust so they can build a Las Vegas-style casino-resort in the Cowlitz Tribe's name.

In a [letter](#) that pronounced the process for taking land into trust, “hopelessly flawed,” the groups also asked that the Department of Interior (DOI) establish formal rules for processing tribal applications for restored lands status, a designation that can make it legal for tribes to offer casino gaming on newly acquired lands. Gaming is prohibited on newly acquired land unless developers can convince local governments, the Interior Secretary and state governor that their proposed developments will cause no detriment to the surrounding communities, or they can get an exception with an initial reservation or restored lands determination.

The three citizen groups—Citizens Against Reservation Shopping (CARS), Stand Up For Clark County Citizens (SUFCCC) and American Land Rights Association (ALRA)—state that despite making many requests for information from the Northwest Regional Office of the Bureau of Indian Affairs (BIA) in Portland and meeting with Interior department officials in Washington, D.C., they were unable to conclusively determine whether the Cowlitz Tribe had applied for restored lands status until October 2005—although the tribe had applied to the National Indian Gaming Commission (NIGC) in March 2005.

The BIA is part of the DOI, and the NIGC is administratively linked to the DOI.

“From the outset, this tribe has worked to bar local governments from bringing into the process concerns about detrimental impacts a casino might impose on their communities,” said Ed Lynch, chairman of CARS. “Their secret filing for a ‘restored lands’ declaration, which locks local governments out, is just one example.”

CARS, SUFCCC and ALRA found that there are no formal rules for the restored lands application and determination process, nor are there set criteria for approval. The NIGC is not required to announce that an application is under consideration, and it is not required to solicit information from anyone other than the applicant. In this case, the lack of a formal process made it impossible for citizen groups and local governments to offer timely input to the process—although many did as soon as they learned an application was being considered.

“How can local governments or concerned citizens participate in local decision-making when there is no requirement for the federal agency involved to inform anyone about what the tribe is trying to do?” said Kamie Biehl, chairman of SUFCCC.

The NIGC’s opinion breaks recklessly from precedent by not requiring the tribe to have the “strong historical nexus as well as geographic proximity to the land” that George Skibine, acting deputy assistant secretary for Indian Affairs, spoke of when he testified last year before the Senate Committee on Indian Affairs.

According to the opposition groups, the NIGC opinion relies almost solely on the Cowlitz restored lands application for the La Center property, disregarding earlier findings by both the BIA and the Indian Claims Commission.

“In fact,” stated Chuck Cushman, chairman of the third organization, ALRA, “the Cowlitz restored lands opinion expands the definition of restored lands to include areas to which tribes have had minimal connections and disables Section 20 of the Indian Gaming Regulatory Act, which prohibits gaming on lands acquired in trust after 1988.”

Moreover, the local citizen groups experienced a marked lack of transparency from the federal agencies and have asked Secretary Norton also to determine whether a BIA response to a Freedom of Information Act request was appropriate.

When SUFCCC asked the BIA’s Northwest Regional Office whether the Cowlitz Tribe had submitted a restored lands application, it received a [letter](#) stating, “please be advised that this office has received no such request from the Cowlitz Tribe.” Despite BIA’s and NIGC’s relationship via the DOI, the BIA did not explain that those requests go directly to the NIGC.

Additionally, the BIA did not share with the NIGC materials that local groups and governments had submitted after the BIA announced in March 2004 that the tribe had applied for an initial reservation, another way of circumventing the law against gaming on newly acquired lands.

To date, the Cowlitz Tribe does not own any land at the La Center junction. Seattle-based developer David Barnett and his wife, Kristine, are buying 71 acres there on contract, and the couple sold an acre there to Salishan-Mohegan, the partnership formed by Barnett and the Mohegan Tribe of Connecticut.

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Read the [individual letters from Lynch, Biehl and Cushman.](#)