

Casino DEIS lacks alternative sites & more

The recently released [Draft Environmental Impact Statement](#) (DEIS) for the proposed Cowlitz casino-resort will surely draw fire from many directions. As expected, it does not consider an adequate range of alternative sites, nor does it consider potential impacts from other casinos proposed for the region, concerns that CARS addressed last month in a [letter to the Department of Interior](#).

A cursory look at the DEIS finds the traffic section, for one, unsatisfactory.

According to the DEIS, the proposed casino-resort, set just off Interstate 5 at Exit 16, would add 13,616 daily weekday trips and 17,820 daily Saturday trips to the transportation network (*The Columbian* has reported that 63,000 motorists pass the site each day on Interstate 5.). The DEIS says 82 percent of these trips would come from the south.

2004 Census estimates say the population of Washington's Clark and Skamania counties is 403,000. Oregon's Multnomah, Washington and Clackamas counties are at 1,524,000.

If Oregon and Washington residents have similar rates of casino attendance, **4 out of 5 of those trips would involve crossing the Columbia River**. Imagine the impact on the already at-capacity I-5 Bridge, not to mention spillover to I-205.

The DEIS makes no mention of these problems. Its mitigation measures are concerned only with the La Center-Interstate 5 interchange. ([>>more](#))

[Check out the DEIS for yourself.](#)

Casinos the topic of TV forum

If you watch KATU-TV's Town Hall this Sunday, you might hear Cowlitz Tribe councilman Philip Harju say this regarding the land at the La Center junction:

"The Cowlitz have always been up front about this property."

At least that's what Harju told Town Hall moderator Steve Dunn at a taping Wednesday evening. Granted it has only been a little more than a month since Harju, a Thurston County prosecutor, took over the role of lead casino spokesman from Seattle-based David Barnett, but surely Harju knows better. Here is the actual evolution of this project, which now has as its goal to create the largest casino in the Pacific Northwest:

- In March 2002, Barnett told *The Oregonian* that the tribe was considering a cultural enterprise for the site, like Tillicum Village near Seattle. The reporter described Barnett as "vehement" when he said, "**We are not doing a casino.**"
- In October 2003, a draft environmental assessment (EA) being prepared by the Cowlitz Tribe included a 41,800-square-foot casino enterprise with a **12,500-square-foot gaming floor**, a restaurant, a gift shop and parking for 350 cars. An introduction to the EA explained that the tribe did not want to rule out gaming because it "did not wish to exclude any potentially lawful use of the subject lands."

- In March 2004, the tribe applied to make the land at La Center its initial reservation for a casino, a move that, if approved, would **cut the state's input out of the decision-making process.**
- In July 2004, the Cowlitz Tribe announced its **partnership with Connecticut's Mohegan Tribe**, owners of the second-largest casino in the country.
- In November 2004, the *Federal Register* published notice of the BIA's intent to prepare an Environmental Impact Statement (EIS) for the proposed Cowlitz casino project: "approximately **160,000 square feet of gaming floor**, 210,000 square feet of restaurant and retail facilities, 150,000 square feet of convention and entertainment facilities, an approximately 250 room hotel, tribal governmental offices, a tribal cultural center and approximately 10 to 25 housing units. The proposed development would also include parking facilities for approximately 8,500 vehicles for patrons and employees, and an RV park with approximately 200 RV spaces."
- In March 2005, the Cowlitz Tribe quietly applied for restored lands status, another way of **cutting the state's input out of the decision-making process.**

"Up front" is not the way we would describe the evolution of this project.

Hear more from the proponents and opponents of the casinos proposed by the Cowlitz Tribe and Confederated Tribes of Warm Springs at 6 p.m. Sunday, April 23, on Channel 2 (ABC).

DOI hurries up IGRA regulations

After 17 years without regulations for the Indian Gaming Regulatory Act (IGRA)—the federal law that governs tribal gaming—the Department of Interior (DOI) is hurrying to produce them. And the Cowlitz casino developers are not happy with the draft regulations.

Cowlitz Tribe councilman Philip Harju made news while attending a meeting on the proposed rules at Connecticut's Mohegan Sun casino. He apparently balked at the proposed requirement that to take land into trust for gaming as an initial reservation or as restored lands—a tack that takes the states out of the decision-making process—a majority of a tribe's members must live within 50 miles of the site. The *Norwich (Conn.) Bulletin* paraphrased Harju saying "**that would be almost impossible for the 3,500-member tribe unless it took downtown Seattle into trust.**"

Sen. John McCain, R-Ariz., had rebuked DOI in a February Senate committee hearing for failing to develop rules concerning the designation of Indian lands for gaming purposes. George Skibine, director of the DOI's Office of Indian Gaming Management, responded that DOI was working on them and that draft regulations would be circulated to tribal officials. He made no mention of involving state or local officials, or citizens groups.

DOI has held four consultation sessions—one at the Mohegan Sun in Connecticut, one in Albuquerque, one in Sacramento and one in Minneapolis—with the final two this week, but we only heard about these meetings recently. According to Skibine, the sessions, "although framed in the context of tribal consultation, are public meetings open to anyone interested in this matter." DOI did not alert interested citizens groups such as CARS, although we have been in regular contact with the department.

CARS and four other community groups in three states joined together at the end of March to propose regulations for IGRA that would help protect states, local governments and communities from the uncontrolled spread of tribal casinos. Our rules would require that public notice be provided, public comment be mandatory and that a tribe demonstrate it has a significant historical and cultural connection to the land. They also call for a moratorium on decisions until rules are implemented, and for initial reservation and restored lands determinations to be appealable.

DOI has yet to respond to our proposal.

According to Skibine, DOI will consider public comments received through the end of April when it prepares a rule to be published in the *Federal Register*. Then the public will have 30 or 60 days to comment before it presents the final rule.

You can read DOI's proposed rules [on the Web](#). Also, check out our [news release](#), [letter to DOI](#) and [proposed rules](#). Please send your comments to George Skibine via fax at (202) 273-3153 or e-mail George_Skibine@ios.doi.gov.

Congress tackles IGRA

With concern over the rapid expansion of Indian casinos mounting nationwide, Congress has been crafting amendments to the Indian Gaming Regulatory Act (IGRA). The 1988 law was intended to set guidelines for the development and oversight of tribal gaming, but its loopholes have led to casino proliferation. Now there are more than 400 casinos nationwide, and many, many more are at various stages in the application process.

The Senate Committee on Indian Affairs has sent an amendment (S.2078) to the full Senate that requires "public notice and an opportunity to comment and a public hearing" when the Department of the Interior is determining whether gaming should be allowed on an "initial reservation" or "restored lands," two exceptions to Section 20 of IGRA. It also eliminates off-reservation gambling for tribes that already have reservation land—unless they have already begun the application process.

The House Resources Committee's IGRA amendment (H.R.4893) is still under discussion. Following are some of its requirements for taking land into trust for gaming:

- The governor and state legislature must concur.
- Tribes within 75 miles of the proposed acquisition must concur.
- A county referendum must be held before the regional Bureau of Indian Affairs recommends a land acquisition for gaming.

Our hope is that the House Resources Committee will not water down its proposal with a clause that would grandfather in pending applications.

Encourage your representatives

Washington and Oregon each have two representatives on the House Resources Committee. You might want to contact them and the bill's sponsor, Rep. Richard Pombo, R-Calif., and ask them not to add a clause that would exempt the Cowlitz casino proposal from the new requirements. Tell them that you want to have a say about what development occurs in your community.

Rep. Richard Pombo, R-Calif.
Phone: (202) 225-1947
Fax: (202) 226-0861
E-mail: Rep. Richard Pombo

Rep. Jay Inslee, D-Wash.
Phone: (202) 225-6311
Fax: (202) 226-1606
E-mail: Rep. Jay Inslee

Rep. Cathy McMorris, R-Wash.

Phone: 202-225-2006
Fax: 202-225-3392
E-mail: [Rep. Cathy McMorris](mailto:Rep.CathyMcMorris)

Peter DeFazio, D-Ore.
Phone: (202) 225-6416
Fax: (202) 225-0032
E-mail: [Rep. Peter DeFazio](mailto:Rep.PeterDeFazio)

Greg Walden, R-Ore.
Phone: (202) 225-6730
Fax: (202) 225-5774
E-mail: [Rep. Greg Walden](mailto:Rep.GregWalden)

New map on Web site

CARS' main concern with the proposed Cowlitz casino-resort is the detrimental impact it would have on our communities. We are not trying to prevent the tribe from having a reservation or a casino—both of those are available to the tribe under federal law. However, given that Las Vegas-size casinos parachuted into communities like ours cause severe and lasting detrimental effects, we maintain that the Cowlitz Tribe's project should at the very least be placed within its federally adjudicated aboriginal homeland.

In 1969, the congressionally appointed Indian Claims Commission concluded the following:

... [T]he Cowlitz Tribe exclusively used and occupied the area as described in our Finding 15, which might be generally described as the entire drainage of the Cowlitz River and extending to the south to include the Toutle River drainage. The lands along the lower and middle Cowlitz River constituted the main areas of Cowlitz occupation.

You can check out "[Finding 15](#)" on our Web site.

If you would like to support our work financially, we welcome your assistance. We are a nonprofit organization—501(c)(4)—but contributions are not tax deductible.

CARS is a local citizens organization that is concerned about the practice of reservation shopping.

If you have not yet joined CARS as a member, we invite you to add your name to our membership list. We will then be able to alert you when action is needed, so you can make your voice heard.

Please forward this message to others you think would be interested.

If you would prefer not to receive our e-mails in the future, please let us know by sending an e-mail to Info@NotHerePlease.org.

Watch for updates on our Web site,

NotHerePlease.org.

CARS
P.O. Box 61801
Vancouver, WA 98666
Info@NotHerePlease.org