



The Not Here Please News

February 13, 2006
Shopping

The Newsletter of Citizens Against Reservation

Vol. 1, No. 2

Meet this week with officials from the Department of Interior!

Officials from the U.S. Department of the Interior are hosting public meetings where we want to demonstrate the depth and breadth of our opposition to the proposed Cowlitz casino as well as to get information about what to expect in the future. The moderator, Mr. George Skibine, has told us that the purpose of the meeting is to inform the public about the process the Cowlitz Tribe is pursuing with its proposed casino project and about where it now stands.

The meetings will be:

7 p.m., Wednesday at the Prairie High School Auditorium, 11500 N.E. 117th Ave.;
and

7 p.m., Thursday at the Fort Vancouver High School Auditorium, 5700 E. 18th St.

Casino opponents will begin gathering at 6 p.m. We will meet Wednesday in the commons area adjacent to the Prairie High School auditorium and Thursday in the foyer outside the Fort Vancouver High School auditorium.

Stop by our tables to pick up stickers to wear, questions to ask, information sheets and to-do lists. We look forward to seeing you there!

MEETING AGENDA (provided by the Department of Interior)
Both nights, doors will open at 5 p.m., and the meeting will run 7-9 p.m.

Welcoming remarks

Mr. James E. Cason, Associate Deputy Secretary of Interior, Acting Assistant Secretary of Indian Affairs, Department of the Interior (DOI), Washington, D.C.

Introductions

Mr. George T. Skibine, Moderator, Director of the Office of Indian Gaming Management, Acting Deputy Assistant Secretary of Policy and Economic Development for Indian Affairs, DOI

Ground rules for presentations

Mr. George T. Skibine

Overview of Land Acquisitions for Gaming—PowerPoint Presentation

Mr. Greg Argel, Realty Officer, Bureau of Indian Affairs (BIA) Northwest Region, Portland, Ore.

25 CFR (Code of Federal Regulations) 151 Fee to Trust Process

Ms. June Boynton, Regional Environmental Coordinator, BIA Northwest Region
National Environmental Protection Act—PowerPoint Presentation

Ms. Penny Coleman, Acting General Counsel, National Indian Gaming Commission (NIGC), Washington, D.C., *and author of the Cowlitz Tribe restored lands opinion*
Restored Lands and Gaming Ordinances

OPEN FORUM FOR QUESTIONS AND COMMENTS

Also expected are Ms. Edith Blackwell and Ms. Maria Wiseman of the DOI Solicitor's Office, and Mr. Stan Speaks, Director of BIA Northwest Region.

We have been told that attendees wanting to ask a question or make a statement during the question and comment forum will be asked to write their names on cards, which will be shuffled. Cards will be selected at random and speakers will advance to the microphone in groups of three. Speakers will be allowed two minutes to speak, whether asking a question or making a comment. Questions will be answered by the appropriate official.

Meeting preview and who's who available in *The Columbian*

For a preview of this week's meetings and to learn about some of the players in this issue, see Sunday's article [Casino backers, foes gird for meetings this week](#).

Suggested questions to ask at the public meetings

1. Our Congressman, Brian Baird, made his request for an ombudsman and for a public meeting back in October with the expectation that it would occur before the National Indian Gaming Commission (NIGC) issued its restored lands opinion. Why did the NIGC go ahead with its opinion, and why did it take so long for this meeting to get set up?
2. What is the role of the regional office of the Bureau of Indian Affairs? Many of our neighbors have tried to get information on the process of taking land into trust for casino purposes, but in nearly every case they have been ignored. Generally they have been asked to file Freedom of Information Act (FOIA) requests. Does the BIA exist solely to serve tribal members? Is it not there to also facilitate concerns of nontribal members? To what agency should nontribal members direct their questions and concerns about tribal gaming, reservations, etc.?
3. For seven months, we had no idea that the Cowlitz Tribe had applied to have the land at the La Center interchange "restored" to it. Doesn't the government or tribe have a responsibility to inform local communities, local governments and concerned citizen groups when such an application is made?
4. According to the BIA's findings when it acknowledged the Cowlitz Tribe, its homeland was along the Cowlitz River. Associated reports put its main settlements more than 40

miles north of the La Center interchange. The Indian Claims Commission put the southernmost point of its aboriginal homeland about 15 miles north of the interchange. The area near La Center was historically Chinookan territory, not Cowlitz. How can the NIGC “restore” this land to the Cowlitz Tribe, when its members did not use it to a great extent?

5. When the Indian Claims Commission adjudicated the Cowlitz Tribe’s aboriginal homeland in 1969 and 1971, it defined it as containing 2,500 square miles a fair distance north of here. That area includes 10 exits to Interstate 5 and plenty of undeveloped land. Why was the Cowlitz Tribe not encouraged to develop its casino within that area? Why is the alternate site for the proposed casino even farther south, at Ridgefield, as opposed to farther north, in the tribe’s adjudicated homeland?

6. Before the Cowlitz restored lands opinion, successful restored lands applications involved tribes that had sovereignty over the land they wished to take into trust. Why did the NIGC break so completely with past precedents this time?

7. The restored lands application process was impossible to understand, and the regional BIA and NIGC did not respond helpfully to requests for information. In the Feb. 1 hearing before the Senate Committee on Indian Affairs, we heard Mr. Skibine say that he is developing regulations to use in making these decisions. When will these regulations be completed? Will you please set aside the Cowlitz Tribe’s restored lands decision and rethink it when the new regulations are in place?

8. Do you know that the Cowlitz Tribe has been trying to present itself these past few years as a “good neighbor” to Clark County, but they have not been acting like one? For example, in 2004, the county felt pressure to complete a memorandum of understanding with the tribe for fear it might miss its chance and then would get stuck financing additional services to cover whatever development the tribe would place at the La Center interchange. The tribe pushed the county for the agreement *despite the fact that the tribe had not yet said what its plans were for the land at the interchange*. Ten days after the MOU was signed, the county received notice that the tribe was not doing a straightforward fee-to-trust application. Rather, it was planning to apply for an initial reservation for casino purposes. Earlier, we had heard the land might be used for continued agricultural purposes or for a cultural center.

9. Do you plan to go forward with allowing the restored lands opinion to stand and to consider taking this land into trust when we have been lied to, required to submit FOIA requests for even basic information on the situation? Or do you believe that we have a right to speak to this issue, to let the Secretary know about the detrimental effects we believe this project would have on our area—particularly when the people developing this project are less than forthcoming?

9A. I know the restored lands opinion is just an opinion, but while it stands, the Cowlitz Tribe is using it as leverage in seeking agreements with communities and to point to its project as a done deal. So while you say the opinion has no practical effect with you at this time, out here it’s being used to intimidate and bully local governments.

10. In recent hearings before the Senate Committee on Indian Affairs, Sen. McCain and Sen. Dorgan expressed their concerns that although the law governing tribal gaming is 17 years old there are no regulations associated with it. Our own Sen. Maria Cantwell

spoke to the need for reforms and said the Cowlitz Tribe's proposal is the "case study of the challenges of the act that we've had for so long and so many changes that have come along." It seems unreasonable to continue to push through a casino and trust land acquisition that is being regarded as the "case study" of a process that has gone awry. How can we ensure this proposal will be considered under the upcoming regulations?

11. In the Senate Committee hearings, NIGC counsel Penny Coleman called the Cowlitz opinion "an anomaly." She said, "It's the only time that we've been in this situation where it was trust acquisition that hadn't happened and we had a site-specific ordinance. This was written in such a way that it said if the lands are acquired into trust, then these lands would be Indian lands." She went on to say, "when the tribe came to us and told us they were going to do it, we were not exactly thrilled with it because we knew that this was a very unusual situation and it is generally much better to let the processes go through, but the Indian Gaming Regulatory Act requires that we make a decision on an ordinance in 90 days." Why was the Cowlitz Tribe allowed to overrule the NIGC's better judgment and pursue an unusual path to an opinion?

12. In the Feb. 1 city council meeting at La Center, one of the tribe's attorneys, Suzanne Schaeffer of Patton Boggs in Washington, D.C., explained that they tied the gaming ordinance to the restored lands opinion, because the tribe did not want to pay for the whole EIS process only to find out that the land would not qualify as Indian lands. However, they were already committed to an EIS process four months before the tribe even submitted its restored lands application. (Then, the restored lands opinion was released in November 2005—a month *after* the draft EIS was issued to interested jurisdictions.) The claim that they wanted to rush the restored lands opinion so they would not waste money doing an EIS on an ineligible piece of property does not hold water. Why did the NIGC allow this?

13. In testimony before the Senate Committee on Indian Affairs, Coleman stated that "restored lands to a restored tribe is going to continue to be the most difficult analytically" and that it has no definition other than in case law. Why is it, then, that it is the most commonly approved exception? And why did you allow it to be tied to the gambling ordinance, which started the 90-day clock?

14. According to Mr. Skibine's May 18, 2005, testimony, since IGRA was passed in 1988, only three tribes have successfully navigated the two-part determination process. Doesn't this demonstrate that across the United States, the detrimental effects of casinos are readily apparent to communities and this is why tribes are pursuing the easier exceptions to the Section 20 ban on gambling on newly acquired lands?

15. When the Indian Gaming Regulatory Act is the principal law enabling new tribes to qualify for gaming, why do both of the most prominent exceptions (initial reservation and restored lands) to the Section 20 prohibition on gaming on newly acquired lands call for no transparent process? And why is there no notification requirement attached to the conduct of the restored lands process?

16. Why, when this process is so important to the tribe and so important to the Department of Interior, does the regional office of the BIA not assign a single liaison to work with the media, local governments and citizens so that meetings like this are not necessary?

For background information and recent news, see our Web site:
NotHerePlease.org.

CARS is a local citizens organization that is concerned about the practice of reservation shopping and is dedicated to keeping large-scale casino gambling out of southwestern Washington.

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.

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.

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.

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