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## **Citizens Against RESERVATION SHOPPING**

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**For immediate release**

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### **COWLITZ TRIBE PURSUES SECRET STRATEGY**

After pledging to work openly on its quest for a casino, the Cowlitz Tribe has instead spent the past seven months secretly pursuing a strategy that has kept local input away from federal decision-makers.

While Clark County groups have been consulting with the Bureau of Indian Affairs (BIA), which has been considering the tribe's March 2004 request for "initial reservation" status, the tribe has been quietly working on a request for "restored lands" status with the National Indian Gaming Commission (NIGC)—which apparently has not received the extensive materials supplied to the BIA.

"This is an outrage," said Ed Lynch, chairman of Vancouver-based Citizens Against Reservation Shopping (CARS). "Dave Barnett (Cowlitz member and casino developer) told CARS in July that 'Everything is up front and straightforward.' Well, I'm here to tell you it isn't."

The NIGC confirmed this week that the Cowlitz Tribe submitted an application dated March 15 seeking restored lands qualification as a restored tribe under the Indian Gaming Regulatory Act. Like initial reservation status, restored lands is a means of gaining both the ability to gamble on a site and to evade local participation. The BIA works on applications for initial reservations, and the NIGC renders opinions on restored lands. Both agencies are in the Department of the Interior.

"The tribe must feel that their case is not very strong, if they're changing horses before a decision on the first application, the initial reservation, is made," said CARS board member Judie Stanton. "And they are clearly aware that many people locally don't want this casino."

The Cowlitz Tribe has teamed up with Connecticut's Mohegan Tribe to propose a \$400 million casino-resort with 160,000 square feet of gaming area plus stores and restaurants, entertainment and conference venues, a 250-room hotel and parking for 8,500 vehicles and 200 RVs.

**Several paths to a casino**

An initial reservation designation is determined by the Secretary of the Interior and typically reflects a tribe having historic, geographic and cultural ties to the land it wants in trust—a challenge for the Cowlitz Tribe, whose historic lands are north of the La Center parcel and whose tribal government is based at Longview. The restored lands designation is less difficult to obtain for tribes who were historically recognized, then terminated and then re-recognized by the federal government. Plus, there is no public comment required.

“What are we to believe?” asked Stanton, who was involved in the memorandum of understanding between the county and the tribe before the tribe requested initial reservation status. “The MOU was written with the understanding that the tribe was pursuing trust status for the land—not an initial reservation and certainly not restored lands. The public deserves to have accurate information.”

The Cowlitz Tribe’s change in strategy came to light after Lynch met with the director of the Office of Indian Gaming Management in Washington, D.C., earlier this month. He was surprised to learn that the tribe was working on a restored lands designation and that the NIGC is on path to make a decision by late November. If the NIGC were to decide that the tribe’s request merits restored lands status, it would forward that opinion to the BIA, which would make the final decision about taking the land at La Center into trust. The NIGC also is considering an ordinance that would allow the tribe to sponsor gaming.

One effect of this change in strategy is that the restored lands decision-maker—the NIGC—has not been receiving evidence from affected governments and concerned citizens groups. In particular, it appears that information on the tribe’s lack of historical connection to Clark County has not been provided to the NIGC.

“If the tribe really is the good neighbor it claims to be, it would not fear citizen participation in the process,” Lynch said.

### **Evading local participation**

Federal law prohibits gaming on lands acquired in trust after Oct. 17, 1988, unless the application fits one of a few exceptions. One route requires support for gaming at the state and local level. It goes through a two-part process in which the Secretary of the Interior consults with the tribe, state and local officials, including leaders of nearby tribes. If she determines that gaming would not harm the surrounding communities, she approves it and forwards it to the state’s governor for a final decision. This is the route the Cowlitz Tribe has indicated it wants to avoid.

The other exceptions take the authority away from the state and place the final decision in the hands of the secretary of the Interior. These three exceptions, very briefly, make allowances for tribes settling land claims, establishing initial reservations and getting areas within their aboriginal territory restored to them. The Cowlitz Tribe, so far, is pursuing two of these exceptions.

“The tribe is afraid of the truth, because it does not support its claims,” Lynch said. “The truth is that the Indian Claims Commission in 1969 and 1971, and then the BIA in the late nineties declared that the Cowlitz Tribe is not significantly connected to Clark County. Period.”

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