



Citizens Against RESERVATION SHOPPING

May 3, 2007

CLARK COUNTY CUTS BACKROOM CASINO MOU DEAL

Rather than wait for a hearing on the validity of the troubled Clark County-Cowlitz Tribe Memorandum of Understanding (MOU), Clark County commissioners took matters into their own hands and directed a county attorney to work out a deal with attorneys for casino developer David Barnett and the tribe.

This month the Western Washington Growth Management Hearings Board is considering the 2004 MOU as part of a case brought against the county by resident Al Alexanderson and the La Center cardrooms. They contend that in the MOU the county agrees to extend services to a site not intended for intense commercial development. Also, they say the county broke state law by approving the MOU without first amending its land use plan to reflect this type of development.

In a Dec. 22, 2006, letter to attorney Steve Horenstein, who represents Cowlitz developer David Barnett and his partnership with the Mohegan Tribe, county attorney Rich Lowry wrote that the county commissioners had given him the authority to remove the MOU's water supply clause, Section 9.3. He sought and received the tribe's concurrence and requested confirmation that declaring section 9.3 invalid would "not affect the validity of any other provisions of the MOU."

A breach of public trust

This attempt by the county, developer Barnett and the tribe to remove the water supply clause from the MOU represents a clandestine effort to alter the MOU before putting the document before the Growth Board and having it considered in full view of the public.

"That the county would keep massaging this MOU in secret—working with the casino developer's attorney—is a breach of the public trust," said Ed Lynch, chairman of the casino opposition group Citizens Against Reservation Shopping (CARS). "The pattern of secrecy that has surrounded the creation of this document continues."

The MOU was crafted behind closed doors between 2002 and 2004 and brought out for only one public hearing, Feb. 10, 2004, during which residents presented county commissioners with dozens of concerns. Although the three-person board unanimously approved the MOU, then-commissioners Craig Pridemore and Judie Stanton later joined

the steering board of CARS. Betty Sue Morris remains on the Board of Clark County Commissioners.

A failure of process

The county has already acknowledged in court that the MOU was not taken through the state-required public process for amending the county's land use plan. Commission Chairman Steve Stuart and Commissioner Marc Boldt had pledged in earlier conversations with casino opponents that any changes made to the MOU would be made in a public forum.

The MOU is vital to the Cowlitz Tribe's application for trust land and a casino project along Interstate 5 at Exit 16. The Bureau of Indian Affairs' (BIA) preliminary Final Environmental Impact Statement (EIS) points to the MOU as evidence that the tribe and BIA have made "a good faith effort" to enter a "collaborative relationship" with communities in the area. However, little good faith has been employed in this effort, and these so-called collaborative relationships are nothing but a sham.

In the past the county commissioners have been highly critical of the proposed casino project. In its 2006 comments on the Draft EIS, the county wrote,

A large casino resort near La Center, operated by a Connecticut corporation and owned by a tribe that has a minimal local resident population, cannot mitigate the impact of the loss of local business and leadership through mitigation dollars. The Draft EIS is seriously deficient in its assessment of impact.

Now that the county has seen how the MOU is being used to further this proposed development, it is illogical for it to continue its fight to preserve the document.

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