



May 7, 2007

Congressman Brian Baird
2443 Rayburn House Office Building
Washington, D.C. 20514

Dear Congressman Baird:

I am writing as chairman of Citizens Against Reservation Shopping (CARS) to seek your assistance on the latest procedural problem presented by BIA's review of the Cowlitz Tribe's La Center casino development request. In the past, you have been responsive to CARS' requests, working to ensure that the public has all of the necessary information about the tribe's casino proposal and an adequate opportunity to comment. The tribe, however, has consistently withheld critically important information, and continues to do so. In this most recent case, the tribe withheld its Business Plan, which is a required part of the Environmental Impact Statement process in that it defines tribal need which, in turn, is the basis for the entire trust land analysis. We therefore ask that you assist us in asking that the BIA consider a new Draft EIS which is based on a complete application, including a Business Plan. If that is not possible, then a 60-day comment period on the recently revealed Business Plan is the minimum to provide fair process to the public.

Last summer you intervened during the public comment period on the DEIS to protect the public's rights. At that time, when the DEIS comment period was within 38 days of closing, the tribe filed a substantially revised trust land application. That application served as the basis for the entire BIA review and the DEIS itself. Although the public filed numerous requests for an extension, BIA refused to provide additional time. It was only after you intervened that BIA granted a 30-day extension to allow the public sufficient time to review the tribe's new application and its relationship to DEIS.

Unfortunately, the tribe's revised application was still incomplete even at that time. The application lacked what is perhaps the most important component of an off-reservation trust land request: the Business Plan which is required by BIA regulations. Several parties informed BIA in their DEIS comments that additional public review would be necessary once the tribe finally filed its Business Plan.

Near the last week in March 2007, BIA issued the so-called "preliminary final EIS" (PFEIS) for cooperating agency review. Without notice, that document simply included the long-absent Cowlitz Business Plan as Appendix E. To this date, neither BIA nor the tribe has made the Business Plan available for public review beyond that inclusion; it simply showed up as a PFEIS attachment. The significance of the Business Plan to the EIS process, and the critical importance of providing public review, are readily apparent. The tribe's Business Plan states that the tribe's "unmet need" is a shocking \$223 million in initial costs and \$113.5 million annually. This need is based upon components such as a \$71 million per year health care program, which is seven times greater than the health care needs of comparable populations. In addition, the tribe includes expensive discretionary programs in its unmet needs, such as a \$22.5 million horse program, a \$23 million fishery program, and a \$13.5 million native forestry program (CLE).

We believe this statement of tribal needs is hugely exaggerated, but the larger point is that the tribe's environmental consultant, AES, relies upon the unmet needs analysis of the Business Plan to claim that the alleged \$113.5 million of tribal need on an annual basis can be met only by a very large casino close to Portland. On this basis, AES rejects numerous alternatives that are within the tribe's historic land base, are closer to the vast majority of Cowlitz tribal members and do not harm the local community. In addition, the Business Plan reveals for the first time extensive additional tribal development that would take place to satisfy "unmet needs." These new developments were not addressed at all in the DEIS. Many of these additional facilities are likely to entail future tribal trust land requests to expand the proposed Cowlitz reservation. Needless to say, this additional development, and the prospect for even additional trust land near the proposed casino site, is a matter of great concern to us.

The Business Plan is therefore a critical element of the tribe's trust land application and the EIS process, yet it still has not been made available for review beyond the cooperating agencies through the PFEIS just a month ago. In fact, according to the BIA regional office the plan won't be available for "public" review and comment until it is published in the Federal Register following a sign-off by BIA headquarters in Washington, D.C. several months from now.

A fair and objective public review is not possible when critical information of this nature has been hidden from public scrutiny, only to appear at the very end of the decision-making process as justification for a final action. The only way for this review process to comply with federal law, not to mention basic fairness, is to issue a new Draft EIS subject to full public comment. At the minimum, a new 60-day review and comment period

must be established to provide the public a fair opportunity to comment on information the tribe sought to sneak into the process late and unnoticed. We would appreciate your help and ask that you secure the 60- day period for the public.

We wish it were not necessary to ask for your assistance again to secure basic procedural rights associated with the Cowlitz casino proposal. Without your assistance, however, we fear that these serious flaws in the public review process will not be addressed, and the resulting decision will lack an adequate and objective record.

Thank you again for your leadership and assistance on this issue.

Sincerely,

Edward C. Lynch, Chairman

cc: Assistant Secretary Carl Artman
Deputy Associate and Secretary James Cason
Acting Principal Deputy Assistant Secretary George Skibine
Regional Director Stanley Speaks