

Appendix C

COWLITZ INDIAN TRIBE TRUST ACQUISITION AND CASINO PROJECT FINAL EIS INDIVIDUAL COMMENT LETTERS AND RESPONSES

May 2008

1.0 INTRODUCTION

This appendix contains 39 substantive comment letters that are considered representative of the majority of comments as discussed previously in **Appendix B**. These letters include all comments received from Cooperating Agencies (16) as well as 23 from interested parties. The commenters for these 39 letters are listed below.

Letter #	Log #	Commenter
1	A001	Washington Dept. of Fish & Wildlife, Region 5 Habitat Program
2	A002	Clark County Sheriff
3	A003	City of Vancouver
4	A004	US Environmental Protection Agency
5	A005	Board of Clark County Commissioners
6	A006	City of Ridgefield
7	A007	City of La Center
8	A008	Cowlitz Indian Tribe, c/o Patton & Boggs LLP
9	A009	Cowlitz County Board of Commissioners
10	A010	Port of Ridgefield
11	A014	Cowlitz Indian Tribe
12	A015	Dept. of Ecology, SW Regional Office, Water Quality
13	A016	Washington State Dept. of Transportation, SW Region
14	A017	Washington State Dept. of Transportation, SW Region
15	A018	Board of Clark County Commissioners
16	A020	La Center School District
17	17	Joseph Volz, Attbar, Inc.
18	51	Vancouver Housing Authority
19	166	Cynthia Bushell
20	198	Susan Gilbert, Enterprise/Paradise Point Neighborhood Association
21	220	William F. Byrd, III, Pacific Die Casting Corp.
22	227	Ron and Crystal Holstrom

23	229	Kathren A. Walling
24	231	Terry Cornelius
25	267	Alvin Alexanderson
26	366	Woodland Chamber of Commerce
27	372	Murray Falk, La Center North Clark County Chamber of Commerce
28	433	Dragonslayer Inc. and Michaels Development LLC (aka La Center Cardrooms) c/o Perkins Coie (herein after referred to as "Perkins Coie")
29	434	The Confederated Tribes of the Grand Ronde Community of Oregon
30	452	Jo Ann Wohlers
31	470	John Di Vittorio, Fish First
32	471	Robert S. Taylor, Tyee, Chinook Nation
33	476	Peter Mohn, CARS
34	477	Edward Lynch, Citizens Against Reservation Shopping (CARS)
35	478	Susan & Greg Gilbert
36	479	Stand up for Clark County
37	480	Michael Lang, Friends of the Columbia Gorge
38	497	Doug Ballou, Neighborhood Associations Council of Clark County
39	498	John McKibben, Greater Vancouver Chamber of Commerce

Individual substantive comments within the 39 representative comment letters have been bracketed and numbered for cross-referencing with a response. A complete copy of all comment letters received on the Draft Environmental Impact Statement (DEIS) is maintained by the Bureau of Indian Affairs (BIA) as part of the administrative record for this project. The Comment Letter Log is included as **Appendix A** to the Final EIS (FEIS) for reference.

2.0 RESPONSE TO COMMENTS

Each of the bracketed comments within the 39 representative comment letters contained in **Appendix C** of the FEIS are responded to within this document. Once an issue has been addressed in a response to a comment, subsequent responses to similar comments reference the initial response. If necessary, the chapters in the FEIS have been modified in response to comments, and the nature and the location of the modification is identified in the response. In many instances, the reader is directed to **Appendix B** of the FEIS when a general response has been developed for the specific comment. This format eliminates redundancy where multiple comments have been submitted on the same issue. Responses to bracketed comments within the 39 representative comment letters are listed below.

COMMENT LETTER 1 – LOG # A001

Response # A001-1

Baseline data for the East Fork Lewis River can be found in the new Biological Assessment (BA) (**Appendix I** of the FEIS) as well as **Appendix T** of the FEIS. The quality of the discharged treated effluent can be found in **Section 4.3** of the DEIS and on page 20 of DEIS Vol. I, **Appendix G**. Additional information concerning potential impacts to the unnamed on-site stream and the East Fork Lewis River can be found in **Appendices F, G, and T** of the FEIS. The projected quality and temperature of the treated effluent and stormwater is expected to meet or exceed US Environmental Protection Agency (USEPA) and Washington State effluent water quality requirements. The potential of the Proposed Project to impact listed fish species and aquatic habitats are also discussed in **Appendices I and T** of the FEIS.

COMMENT LETTER 2 – LOG # A002

Response # A002-1

The comment is noted. Comments and suggestions submitted by the Clark County Sheriff's Office were considered during the preparation of the DEIS. Substantive changes to the DEIS did occur in response to these suggestions. Comments that have not been addressed in the DEIS were determined by the BIA to not be relevant or essential to the analysis of the proposed alternatives. **Section 1.3** of the FEIS provides an overview of the environmental review process. An analysis of the public health and safety impacts resulting from the project alternatives is included in **Section 4.10** of the FEIS. It was determined that impacts resulting from the project alternatives would be less than significant with incorporation of mitigation measures included in **Section 5.0** of the FEIS.

Response # A002-2

Section 3.10-1 of the FEIS has been updated to reflect statistics from 2005, which is the latest year for available data.

Response # A002-3

Surveys were conducted by phone with law enforcement agencies in communities with casinos that had opened in their jurisdiction. The officials noted an overall increase in crime due to an increased concentration of people within the local area. This was used to conservatively assume that there would be an increase in crime, not to determine the scope of the impact. The number of calls for service received from each law enforcement agency from the opening casinos was used to gauge the number of calls for service. This data is presented in **Section 4.10** of the FEIS for review and secondary interpretation.

Response # A002-4

Section 4.10 of the DEIS acknowledged that the project would increase calls for service by 200 to 1,000 calls per year and crime reports by 50-200 per year.

Response # A002-5

The Uniform Crime Report for 2003 is available online from the Federal Bureau of Investigation (FBI) website at: <http://www.fbi.gov/ucr/03cius.htm>. This citation was added to **Section 4.10** and **Section 8.0** of the FEIS.

Response # A002-6

The use of calls for service is one of many factors used to evaluate impacts to law enforcement. See **General Response 2.13.1 (Appendix B)** of the FEIS regarding cross-jurisdictional impacts to other law enforcement agencies.

Response # A002-7

The impact would be 200 to 1,000 calls in addition to the approximately 500 calls per year currently received. The estimate of 200 to 1,000 calls is supported by calls for service received from currently operating casinos. See **Section 4.10** of the FEIS for a discussion of impacts from increased calls for service.

Response # A002-8

See **General Response 2.13.1 (Appendix B)** of the FEIS regarding cross-jurisdictional impacts to law enforcement. See **General Response 2.15.3** regarding hot-bunking. Robbery, theft and fraud are addressed in **Section 4.10** of the DEIS. Domestic violence is addressed in **Section 4.7**. Data from national studies suggest that there would not be a significant increase in criminal activity from the opening of a casino.

Response # A002-9

The methodologies for calculating impacts to traffic are well documented in the Supplemental Traffic Impact Study (TIS) (**Appendix O** of the FEIS) and provide for a worst-case conservative analysis. Calls for service and crime are based on information from jurisdictions with casinos that opened in their community, allowing for a study of the baseline and resulting effects after the opening of a casino on crime. Additionally, comprehensive studies commissioned by the federal government studying the effects of casinos on the crime rates from 100 communities were evaluated and incorporated into **Section 4.10** of the DEIS. Refer to **General Response 2.13.1 (Appendix B)** of the FEIS) for a discussion of cross-jurisdictional impacts.

COMMENT LETTER 3 – LOG # A003

Response # A003-1

Regional effects were considered in **Section 4.8** and **Appendix T** of the DEIS. A Supplemental TIS was prepared for the FEIS, which expands on this issue (**Appendix O** of the FEIS). Refer to **Section 4.8** of the FEIS for additional information. Refer to **General Response 2.19** (**Appendix B** of the FEIS) for a discussion on the geographic scope of the traffic impact study.

Response # A003-2

Problem gambling mitigation and secondary effects of problem gambling are addressed in **General Response 2.13.2** (**Appendix B** of the FEIS). Crime and bankruptcy are specifically addressed in **Section 4.7** of the DEIS which states that comprehensive studies commissioned by the federal government have not found a statistically significant link between casinos and either crime or bankruptcy rates.

Response # A003-3

In response to comments, the purpose and need discussion has been amended and the relationship between the BIA's purpose and need as lead agency and the Tribe's need has been clarified. Additionally, submission of the Tribe's Business Plan (**Appendix E** of the FEIS) and its incorporation into project documentation has allowed quantification of the Tribal need. Refer to **Section 1.2** of the FEIS and **General Response 2.3** (**Appendix B** of the FEIS) for further discussion.

Response # A003-4

The EIS considers an adequate range of alternatives by presenting three gaming alternatives which differ in size or configuration, one non-gaming alternative, one gaming alternative in a different geographic location, and the "no action" alternative. Additionally, multiple off-site alternatives were considered but eliminated from detailed discussion in the EIS due to their inability to meet the purpose and need of the project or reduce potential environmental impacts. Refer to the expanded discussion of alternatives eliminated from discussion in **Section 2.9** of the FEIS and **General Response 2.4** (**Appendix B** of the FEIS).

Response # A003-5

The cumulative impacts section of the DEIS (**Section 4.15**) was properly scoped, both geographically and temporally. It considered a relatively reduced geographic area to avoid masking potentially significant socioeconomic impacts through dilution. The cumulative impacts section of the FEIS (**Section 4.15**) has been revised in response to this concern and now provides information on both existing and proposed casinos in the Portland area. Refer also to **General Response 2.23** (**Appendix B** of the FEIS).

Response # A003-6

Refer to **General Response 2.24 (Appendix B)** of the FEIS for a discussion of mitigation specificity and enforceability.

Response # A003-7

No response required.

Response # A003-8

Refer to Response to Comment A003-3.

Response # A003-9

Refer to Response to Comment A003-4.

Response # A003-10

Refer to Responses to Comments A003-3 and A003-4.

Response # A003-11

Section 2.9 of the FEIS has been expanded to include a discussion of several alternatives located to the north and whether these alternatives would be considered reasonable or feasible. The BIA has determined that it has not made substantial changes in the Proposed Action that are relevant to environmental concerns. Accordingly, no supplemental DEIS is required. Refer to the discussion of requirements for preparation of a Supplemental EIS in **General Response 2.1.4 (Appendix B)** of the FEIS).

Response # A003-12

See Response to Comment A003-5.

Response # A003-13

Refer to Response to Comment A003-12 and **General Response 2.23 (Appendix B)** of the FEIS).

Response # A003-14

Refer to Response to Comment A003-12 and **General Response 2.23 (Appendix B)** of the FEIS).

Response # A003-15

Refer to the discussion of mitigation specificity and enforceability in **General Response 2.24 (Appendix B)** of the FEIS).

Response # A003-16

No response required.

Response # A003-17

Refer to **General Response 2.14 (Appendix B)** of the FEIS for a discussion of impacts to schools.

Response # A003-18

The realignment of Paradise Park Road is a recommended mitigation measure for Alternative D described in **Section 5.0** of the FEIS. The traffic impact analysis (DEIS Vol II, **Appendix T**) analyzed impacts to traffic operations resulting from the development of Alternative D as proposed in **Section 2.5** of the DEIS. As a result of this analysis, the traffic study recommended roadway improvements, including the realignment of Paradise Park Road, to mitigate potential traffic impacts from Alternative D. These recommendations have been included in **Section 5.0** of the DEIS as mitigation measures. Mitigation measures are not considered elements of the project description and are, therefore, not described in **Section 2.5** of the DEIS. Indirect impacts resulting from the implementation of traffic mitigation measures, including impacts to biological resources, are discussed in **Section 4.14.2** of the DEIS. As discussed in this section, implementation of off-site traffic mitigation measures would require separate environmental documents, in accordance with the State Environmental Policy Act (SEPA), to analyze impacts to biological resources. The EIS concluded that the disturbance of approximately 1.5 acres of land adjacent to roadways as a result of off-site traffic mitigation measures for Alternative D would not likely result in significant impacts to biological resources.

Response # A003-19

The comment is noted. However, Memorandum of Understanding (MOU) agreements between the Cowlitz Indian Tribe and various agencies may still constitute potential mitigation. The BIA is also obligated to ensure that any mitigation selected in a Record of Decision (ROD) occurs and is legally enforceable. Refer to the discussion of mitigation specificity and enforceability in **General Response 2.24 (Appendix B)** of the FEIS).

Response # A003-20

Social and economic issues are analyzed in **Section 4.7** of the DEIS. Impacts to quality of life are discussed in **General Response 2.18 (Appendix B)** of the FEIS). The intent of the EIS pursuant to the National Environmental Policy Act (NEPA) is to characterize the effects of the project, not to determine winners and losers. Some socioeconomic effects can be readily measured in financial terms (property values) while others (quality of life) may not be as readily translated into a dollar value.

Response # A003-21

Section 4.7 of the DEIS thoroughly addresses the impacts to socioeconomics, and the commenter acknowledges that "the literature suggests both positive and negative economic impacts of gaming." The DEIS does not state that there will be no socioeconomic effects, but that there are no significant adverse effects after mitigation. Regarding a distributional effect on the poor, the commenter indicates that wage scales have increased which would have a positive impact on low-income populations; expansion of the urban growth area and nationwide economic inflation will affect cost of goods and services regardless of project; the project's contribution to the pricing of goods and services is insignificant and determined by larger market forces. Concerns about governmental jurisdictions revenue and expenditure are addressed in **Section 4.7** of the DEIS and increased public service demand is addressed in **Section 4.10** of the DEIS. The commenter does not explain how assumptions regarding the socioeconomic assessment minimizes impacts. Methodologies for calculating the number of in-migrants, children per household, and multiplier effects are included in the DEIS and in **DEIS Vol. II, Appendix S** and are not directly disputed. Refer to **General Response 2.14 (Appendix B** of the FEIS) for justification on the stated impact to schools. A monitoring and mitigation program is not appropriate for social impacts.

Response # A003-22

The study area was determined based on where the preponderance of socioeconomic effects would be experienced and the geographic area to which workers new to the region would be drawn. The following socioeconomic effects are almost exclusively confined to the primary and secondary study areas: population and demographics, housing, community and public services, fiscal conditions, social values, and land ownership and values. Significant impacts are not anticipated outside the primary and secondary study areas. Expansion of study area boundaries would make most impacts undetectable due to dilution effects. Socioeconomic effects potentially reaching beyond the secondary study area are labor force and employment and income effects for casino businesses beyond the secondary area. Labor force and employment are addressed as the percent of non-local hires in indirect effects. Effects to Spirit Mountain Casino were added to **Section 4.7** and **Appendix L** of the FEIS and the discussion of cumulative impacts in **Section 4.15** has been expanded to include a discussion of existing and proposed casinos in the greater Portland area. See also **General Response 2.23 (Appendix B** of the FEIS).

Response # A003-23

Construction workers create a temporary impact and it is estimated that all construction workers would come from the region due to limited duration of jobs and longer commute patterns for the construction industry. Of the operational workers, only 10% would be non-local. See **General Response 2.15.5 (Appendix B** of the FEIS) for a discussion of impacts to property values. Impacts to public services, property values and community character from non-local employees are addressed in **Section 4.14** of the FEIS.

Response # A003-24

Refer to **General Response 2.15.1**(**Appendix B** of the FEIS).

Response # A003-25

As analyzed in **Section 4.7** of the DEIS, 10% of workers are anticipated to be non-local. Substitution and cannibalization effects to local businesses are addressed in **Section 4.14** of the DEIS. The study conducted by Rephann and referenced by the commenter parallels the situation of the Proposed Project and thus positive economic effects would be expected.

Response # A003-26

The US General Accounting Office (GAO) study cites the National Opinion Research Center (NORC) report commissioned by the National Gambling Impact Study Commission (NGISC) which "reported that communities with a casino within a 50-mile radius experienced a 1% decrease in the unemployment rate" (GAO, 2000). This is consistent with DEIS Vol. II, **Appendix S** which estimates a 1.3% drop in unemployment. Additionally the GAO study notes that after the introduction of casinos, unemployment in Atlantic City decreased from 18.1% in 1977 to 13.4% in 1998. Regarding an effect to those on fixed incomes, the commenter does not provide evidence for increased costs of goods and services; additionally, **Section 4.7.8** of the DEIS assessed environmental justice impacts and there are no low-income or minority populations residing within the affected area.

Response # A003-27

Refer to **General Response 2.15.5** (**Appendix B** of the FEIS) for a discussion of impacts to property values. Quality of life impacts are discussed in **General Response 2.18** and in **Section 4.7** of the FEIS.

Response # A003-28

No response required.

Response # A003-29

Refer to Response to Comment A002-9. See also **General Response 2.13.1** (**Appendix B** of the FEIS) and **Section 4.10** of the FEIS.

Response # A003-30

See Response to Comment A003-21 regarding effects to fixed incomes, schools, problem gambling, public services, and enforcement of mitigation. See Response to Comment A003-20 regarding impacts to quality of life.

Response # A003-31

These comments were previously submitted by the City of Vancouver in response to the Preliminary DEIS (PDEIS) and were considered during the preparation of the DEIS that was released to the public in April of 2006. In response to these comments, substantive modifications were made to the socioeconomic impact analysis and traffic impact analysis included as **Section 4.7** and **Section 4.8** of the DEIS, respectively. Refer to the discussion of comments submitted on the PDEIS in **General Response 2.1.3 (Appendix B** of the FEIS).

Response # A003-32

Refer to Response to Comment A003-31. **Section 4.8** of the DEIS evaluates the traffic impacts of the project alternatives and off-site mitigation measures are recommended in **Section 5.0** to ensure impacts to state and local transportation systems would be less than significant.

Response # A003-33

The comment is noted. Refer to the discussion of matters beyond the scope of the EIS in **General Response 2.2.2 (Appendix B** of the FEIS).

Response # A003-34

The comment is noted. Refer to the discussion of matters beyond the scope of the EIS in **General Response 2.2.2 (Appendix B** of the FEIS). Refer to the discussion of comments submitted on the PDEIS in **General Response 2.1.3**. The socioeconomic impacts of the Proposed Action, including social effects associated with problem gambling, have been analyzed and are discussed in detail in **Section 4.7** of the DEIS and in **General Response 2.13.2**. The socioeconomic impact report prepared for the Proposed Action was included as DEIS Vol. II, **Appendix S**. This report evaluated the effects of in-migration, and employment and substitution effects resulting from development of the project alternatives. The TIS prepared for the project alternatives (DEIS Vol. II, **Appendix T**) analyzed impacts to regional transportation facilities. This study discussed potential impacts occurring at the Interstate (I-) 5 bridge and the State Route (SR-) 500 intersection. The study notes that these facilities are currently undergoing environmental review for potential improvements. Details regarding the revised traffic impact study and the conclusions of the Supplemental TIS (**Appendix O** of the FEIS) can be found in **Section 4.9** of the FEIS.

COMMENT LETTER 4 – LOG # A004

Response # A004-1

Pursuant to comments submitted by the USEPA on the DEIS, additional studies were conducted to address impacts to aquatic species (particularly salmonids) and water quality from wastewater and stormwater discharges (**Appendix I, F, and G** of the FEIS). A Technical Memorandum was prepared

to specifically address the USEPA comments through analysis of existing data plus supplemental data obtained from the additional studies and is provided as **Appendix S** of the FEIS. Furthermore, the previously conducted BA for the La Center Interchange Site was updated to assess impacts to wetlands and habitats in correlation with the additional studies. **Sections 3.3** and **4.3** (Water Resources) and **Sections 3.5** and **4.5** (Biological Resources) of the FEIS have been updated to include the conclusions of the additional studies as well as the analysis presented within the Technical Memorandum. Comments and responses regarding wastewater and water quality, and stormwater and water quality have been summarized in **General Response 2.6** and **2.7** (**Appendix B** of the FEIS).

Results of the additional studies substantiate the conclusions derived in the DEIS that discharge of treated wastewater and treated stormwater into the unnamed creek would meet Washington Administrative Code (WAC) water quality criteria for all priority pollutants including temperature, coliforms, ammonia nitrogen, and pH for the unnamed stream and the East Fork Lewis River. Furthermore, because water quality criteria would be met, implementation of the Proposed Project would comply with Washington State's antidegradation provision in accordance with the Clean Water Act (CWA).

Additional studies were also conducted to address USEPA comments related to air quality. Refer to **Appendix H** of the FEIS and **Sections 3.4** and **4.4** (Air Quality) for additional discussions. See also **General Response 2.8** (**Appendix B** of the FEIS).

Response # A004-2

Refer to Response to Comment A004-1, **General Response 2.6** (**Appendix B** of the FEIS), and **Appendix S** of the DEIS. As noted in the Response to Comment A004-1, additional studies were performed to supplement the analysis within the DEIS. A supplemental wastewater engineering report (**Appendix F** of the FEIS) was prepared to provide additional information regarding anticipated quality of treated effluent, as depicted in Table 2.6-1 of **General Response 2.6** (**Appendix B** of the FEIS). The following table indicates the expected water quality of treated wastewater:

EXPECTED WATER QUALITY OF TREATED WASTEWATER

Constituent	Anticipated Level
pH	7.0-8.0
Temperature	16°C
Fecal Coliform	<2 MPN per 100 ml
Biological Oxygen Demand	<5mg/l
Total Suspended Solids	1 mg/l
Ammonia as Nitrogen	1 mg/l
Turbidity	<1 NTU
Arsenic	2 µg/l
Copper	5 µg/l
Lead	1 µg/l
Phosphorous	0 µg/l
Silver	0.02 µg/l
Zinc	27 µg/l

NOTES: mg/L = milligrams per liter; NTU = nephelometric turbidity unit; MPN = most probable number

Source: Olson Engineering, 2006a.

The analysis within **Section 4.3** of the FEIS has been expanded to include the additional data provided by the supplemental wastewater engineering report. Temperature and metals levels were estimated from influent data obtained from the wastewater treatment plant (WWTP) at La Center and Woodland. Fecal coliform, biological oxygen demand (BOD), total suspended solids (TSS), Ammonia-Nitrogen, and turbidity estimates are based upon information reported at other WWTP using membrane bioreactor (MBR) systems with denitrification and ultra-violet (UV) disinfection, the proposed treatment train for the Proposed Project. Discharge of treated wastewater effluent with the characteristics described in the table above would not adversely impact water quality in accordance with SEPA limits, Washington Department of Ecology (DOE) water quality standards, and Washington State's antidegradation provision.

Response # A004-3

Refer to Response to Comment A004-1 , **General Response 2.6 (Appendix B** of the FEIS), and **Appendix S** of the DEIS. As noted above, additional baseline sampling of receiving water bodies was performed. Results of the additional sampling events indicate the quality of the unnamed stream and the East Fork Lewis River would benefit from the development of the Proposed Project by eliminating existing sources of contamination to the unnamed stream. **Section 4.3** of the FEIS has been expanded to include a discussion comparing the baseline water quality characteristics identified in **Appendix S** of the FEIS with the wastewater and stormwater quality characteristics discussed in

Appendices F and G of the FEIS. Based on this comparison, further water quality improvements are anticipated as a result of the planned stormwater treatment facilities and treatment train of the WWTP generating discharges of higher quality than existing site runoff.

Response # A004-4

Refer to **General Responses 2.6 and 2.7 (Appendix B** of the FEIS), **Appendix S** of the FEIS, and the responses to the previous USEPA comments above (A004-01 through A004-03). Stated there within, additional engineering reports were prepared and are incorporated into the FEIS as **Appendices F and G**. The FEIS has also been updated to include the information provided by the supplemental reports. The reports summarize the anticipated contaminant levels of generated stormwater and wastewater, after corresponding treatment. As noted above, results of the comparison as provided in **Appendix S** of the FEIS, indicate SEPA limits, DOE water quality standards, and Washington State's antidegradation provision in receiving water bodies of the stormwater and wastewater discharge from the Proposed Project.

Response # A004-5

Appendix S of the FEIS compares the water qualities of the unnamed stream and the East Fork Lewis River to the projected quality of the treated effluent and concludes that there will be no significant impacts to the water quality in the unnamed stream and the East Fork Lewis River from the discharge of treated effluent. The projected water quality values for stormwater and treated wastewater can be found in **Appendices F and G** of the FEIS.

Water temperature and fecal coliform levels would be at their maximum during the summer, when flows are low and the ambient temperature is high. During this time, temperatures in the East Fork Lewis River are above 18 degrees Centigrade (°C) from approximately late June until mid-September and the unnamed stream is dry. Based on data provided in **Appendix T** of the FEIS, averaged fecal coliform levels of the unnamed stream range from 116 most probable number (MPN) to 147 MPN. The projected wastewater fecal coliform levels would be less than 2 colonies per 100 milliliters (ml), and, therefore, it can be concluded that the wastewater discharge will not impact the unnamed on-site stream nor the East Fork Lewis River.

Given that during the summer months the projected wastewater temperature and fecal coliform levels would be 16°C and less than 2 colonies per 100 ml, respectively, it can be concluded that the wastewater discharge will not impact the unnamed on-site stream nor the East Fork Lewis River.

Response # A004-6

As noted on page 2 of **Appendix P** of the DEIS, Vol. II (Baseline Surface Water Sampling and Analysis), the narrative that depicts the samples as beyond their hold time was questioned by Ecological Land Services, Inc. According to the laboratory's chemist, the hold times were over the 8-

hour time limit for state-compliance related testing. For non-compliance sampling, the hold time is 24-hours. All samples were in laboratory custody within 24-hours. Because the scope of the sampling event was to determine a baseline, and the sample results were not for state review, the samples are considered non-compliance samples. Therefore, as stated on page 2 of the Ecological Land Services report (DEIS Vol. II, **Appendix P**), "All samples analyzed for fecal coliform bacteria for this project were conducted within the appropriate holding time". The sampling technique utilized for the baseline samples, including holding times, are consistent with the sampling technique outlined in the Quality Assurance Project Plan for the Total Maximum Daily Load (TMDL) development project for the East Fork Lewis River. As noted on Page 56 of the Plan, sampling procedures for the TMDL development have a holding time of 24 hours. The commentator states that the data given in DEIS Vol. II, **Appendix P** is biased low but still provides potential for the fecal coliform levels to be reduced in January (when the study was conducted). If this is the case, and the actual fecal coliform levels of the unnamed on-site stream are higher than those stated in the DEIS, there is a greater potential for the Proposed Project to reduce fecal coliform levels.

Refer to **General Response 2.6 (Appendix B** of the FEIS) and **Appendix S** of the FEIS for a discussion of the water quality of the unnamed on-site stream and East Fork Lewis River. The dates water samples were collected from both drainages are also provided. Sampling was conducted during 2006, which can be considered a typical year in regard to water quality and flows.

Currently, sources of fecal coliform on the site include existing septic systems and cattle. Upon development, all on-site septic systems on the site shall be removed and /or properly abandoned and the cattle shall be removed from the property. This will reduce the fecal coliform levels in the unnamed stream. In addition, on-going monitoring of the discharge and the unnamed stream will continue. There is no way to guarantee that all down stream waters will meet standards for fecal coliform, especially if the water above discharge point does not meet standard.

Response # A004-7

Samples collected for the additional baseline sampling were analyzed for ammonia as nitrogen for comparison with anticipated wastewater effluent ammonia levels identified in **Appendix F** of the FEIS. A comparison of the baseline ammonia results and the anticipated ammonia levels of wastewater discharge indicate ammonia levels of the unnamed stream may increase over existing conditions. However, mitigation has been included in **Section 5.0** of the FEIS. The anoxic basin will be sized accordingly to provide enough denitrification to meet ammonia criteria established through the National Pollutant Discharge Elimination System (NPDES) permitting process in accordance with WAC surface water quality criteria (**Appendix S** of the FEIS).

Response # A004-8

The citation, Hopkins, 2002, has been removed from **Section 4.3** of the FEIS as the study of Coyote Creek in San Jose, California is not comparable to a study of the unnamed stream on the Proposed Project site. The reference for Hopkins, 2002, has also been removed from References in **Section 8.0** of the FEIS. Provided for analysis is a discussion within Appendix S regarding potential impacts to the unnamed creek by discharging treated wastewater. Furthermore, impacts to habitat from the discharge of treated wastewater are discussed in **General Response 2.5 (Appendix B)** of the FEIS and **Section 4.5** of the FEIS.

Response # A004-9

Refer to **General Response 2.7 (Appendix B)** of the FEIS). Currently, the unnamed on-site stream is dry from July through October, so the first major storms in the fall flush a large amount of particulate from the stream and into the East Fork Lewis River, causing the turbidity of these drainages to spike. A continuous discharge of treated wastewater into the unnamed stream would convert it into a perennial stream and dilute the initial turbidity spike reducing overall turbidity levels compared to seasonal spikes created from the intermittent flows currently observed on the project site. This would result in more riparian vegetation along the stream banks, increasing bank stabilization and shade, and thus reducing spikes in the turbidity and temperature of the stream and the East Fork.

Response # A004-10

Refer to Response to Comment A004-8, which states that the Coyote Creek study has been removed from the FEIS due to lack of relevance for comparison to the Proposed Project..

Response # A004-11

Beneficial uses of surface water, as defined by DOE in accordance with Section 303(d) of the CWA, are discussed in **Section 3.3.3** of the DEIS. This section discusses the designated beneficial uses of the East Fork of the Lewis River and has been expanded to provide a discussion of the beneficial uses of the unnamed stream. As discussed in the BA (**Appendix I** of the FEIS), the unnamed stream provides few beneficial uses as defined by the State of Washington. These include seasonal wildlife habitat and limited non-core rearing habitat for salmon and trout in the lower reach of the stream. The conversion of the unnamed on-site stream to a perennial stream would improve the quality of habitat provided to wildlife and would not impact the ability of the stream to provide rearing habitat for salmon and trout in the lower reaches of the stream.

Response # A004-12

The projected components of the stormwater that will be discharged into the unnamed on-site stream are discussed in the supplemental stormwater engineering report included as **Appendix G** of the FEIS. This report outlines the anticipated contaminant components of stormwater influent, the

projected removal efficiency of stormwater treatment facilities, and the anticipated quality of stormwater effluent. The supplemental engineering report concludes the water qualities of the treated stormwater will comply with SEPA limits and DOE water quality standards. Additional information can be found in **Appendices F and I** of the FEIS.

Impacts to wetlands, including Wetland Cs, are discussed in **Section 4.3** of the DEIS. This section discusses the methods that will be used to filter stormwater before discharging into Wetland Cs or the unnamed on-site stream. Additionally, the Tribe has committed in the MOU with Clark County (DEIS Vol. I, **Appendix C**) and in the Tribe's Environment, Public Health and Safety (EPHS) Ordinance (discussed in **Section 1.5** and included as **Appendix U** of the FEIS) to operate the stormwater system in a manner consistent with the provisions of Clark County Code Chapter 13.26A. In the event that the USEPA and Clark County have different levels of mitigation requirements, the Tribe would adhere to the stricter of the two. Based on the adherence to Clark County storm water requirements, which are integrated into the design of the stormwater treatment facilities, stormwater quality would not adversely impact onsite wetlands.

Response # A004-13

Section 4.3 of the FEIS has been updated to include an expanded discussion on the impacts of large scale storms and flash flooding on stormwater quality. The stormwater treatment facilities for the Proposed Project were designed to treat the water quality storm design. In accordance with Clark County Code (40.380), this equates to 70% of the 2-year storm flow, which accounts for greater than 90% of storm events that occur within Clark County. Flows greater than the water quality storm event will pass through the stormwater treatment facilities receiving some treatment, but not as much as the water quality storm event. Industry standard stormwater system design only treats the water quality storm, which carries the majority of contaminants found in runoff. Therefore, runoff levels above the water quality storm event are conserved clean, similar to roof runoff. Stormwater contained within flash flooding would be considered clean (**Appendix G** of the FEIS). Therefore, untreated stormwater during large storms and flash flooding that traverses the project site would not adversely impact the water quality of the unnamed stream nor the East Fork Lewis River.

Flash flooding is not an anticipated recurring issue within the project site. As noted above, greater than 90% of the storms encountered within Clark County are 2-year storms. As the water quality storm flow is calculated at 70% of the 2-year storm flow, the system would be designed to handle greater than 90% of the storms experienced in the region.

Response # A004-14

Refer to **General Response 2.9** (**Appendix B** of the FEIS), **Appendices F**, and **G** of both the DEIS and FEIS, and **Sections 4.3** and **4.5** of the FEIS for discussions on the Proposed Project's potential to impact wetlands, including Wetland Cs and the roadside ditch. As noted in **Section 4.3** of the FEIS,

“Several features designed to filter the surface runoff prior to release into the unnamed seasonal stream and wetlands on site have been incorporated into the site design. These features include the use of storm filter vaults to remove suspended solids such as trash and soil sedimentation, oil, grease and other potential materials that could degrade surface water quality. Use of vegetative swales would provide additional filtering of runoff prior to release into the stream and wetlands, by capturing sediment and pollutants. Estimated concentrations of treated stormwater contaminants are provided in [Section 4.3 of the FEIS] comply with SEPA limits under Clark County Municipal Permit conditions for stormwater discharges (**FEIS Vol. IIV, Appendix G**). Based on the baseline sampling discussed in **Section 3.3** of the FEIS, estimated contaminant concentrations would be similar to existing conditions, and in several cases water quality would improve.” Wetland Cs will not be filled by the Proposed Project and water quality impacts would be less than significant; therefore, no mitigation is proposed. Impacts to the roadside ditch will be mitigated by creation of an equivalent ditch at a 1:1 ratio.

Response # A004-15

Impacts to wetlands and wetland buffers are discussed in **Section 4.5** of the FEIS. Mitigation for impacts to wetlands and wetland buffers are presented in **Section 5.2.4**. See also **Appendix G** of the FEIS for an expanded discussion and Appendix 9 of **Appendix F** (DEIS Vol. I) for a discussion on the rationale for establishing the wetland buffers. Impacts to jurisdictional roadside ditches will be mitigated by creation of an equivalent ditch at a 1:1 ratio.

Response # A004-16

DEIS Vol. II, **Appendix G** and **Figures 3.1.1** and **3.1.3** of the DEIS show the existing Clark Public Utilities (CPU) water lines and possible locations for the proposed water line. Indirect effects related to the placement of the water line are discussed in **General Response 2.9** (**Appendix B** of the FEIS), **Section 4.14.5** in the DEIS, and **Appendix I** of the FEIS (the BA). All pipeline routes are located in road right-of-ways. No impacts to wetlands are anticipated. Potential impacts to bald eagles would be avoided by conducting surveys prior to construction and constructing outside the breeding season if nesting bald eagles are present.

Response # A004-17

An alternative outfall site on the East Fork Lewis River is discussed in DEIS Vol. II, **Appendix G** as an option for wastewater discharge. The option is not part of the project alternatives as identified in **Section 2.0** of the DEIS and, therefore, was not fully evaluated. Due to private property restrictions along the pipeline route this option is not feasible.

Response # A004-18

PM_{2.5} air monitoring trends (see page 3-5, Table 3-3 of the Air Quality Technical Report [DEIS Vol. I, **Appendix E**]) for the years 2000 to 2004 show that PM_{2.5} 24-hour levels would not meet the new

35 ug/m³ National Ambient Air Quality Standards (NAAQS) (EPA, 2006). The Proposed Project would increase PM_{2.5} emissions in the region by 0.05%. At present there is no State Implementation Plan (SIP) for PM_{2.5}, however when the new NAAQS are implemented (anticipated to be in December of 2006), the trends discussed above show that Washington State would have to prepare a SIP for PM_{2.5} in either 2007 or 2008. The SIP would be implemented after construction of the Proposed Project, therefore, at present no guidelines for construction or operational emissions are available.

Response # A004-19

Table 4.4-5 has been added to **Section 4.4** of the FEIS, which compares emissions of criteria pollutants from the five construction alternatives to Alternative F, the No Action Alternative. This table includes PM_{2.5} emissions.

Response # A004-20

The USEPA and state agencies, including Washington and Oregon, have reduced emissions of Mobile Source Air Toxics (MSATs) from mobile sources by requiring the use of reformulated gasoline and placing limits on tailpipe emissions. USEPA promulgated two rules in 2001 to control emissions from gasoline- and diesel-fueled vehicles. The Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements (40 CFR Part 80) will require the use of cleaner diesel fuels starting in 2006, and improvements to diesel vehicles beginning in 2007.

Quantifying air toxins in vehicle exhaust is a new and emerging technology (see **Appendix H** of the FEIS) and is still in the development stage. Neither ambient air quality standards nor emission control standards have been established for most toxic air contaminants. No evaluation of MSATs was performed. However, with the addition of new reformulated gas and older cars being replaced by new more fuel-efficient cars, over time MSATs will steadily decline.

Conservatively, 5% of the project emissions will be due to on- or near-site emissions. This is consistent with the trip distribution model which uses an average trip length of 30 miles. Therefore, high concentrations of MSATs in any one area is unlikely and further MSAT analysis at this time is unnecessary. Exposure to MSATs is not anticipated on or in the general region of the project.

Response # A004-21

The commenter is correct, if construction occurs after the land has been taken into trust then the WAC and local permitting requirements would not apply. However, since the Cowlitz Indian Tribe did not opt to take advantage of 40 CFR Part 71 and regulate its own air quality through an agency setup under the above regulation, then the regulatory agency becomes the USEPA. The USEPA has many regulatory devices at its disposal to restrict the emissions of air pollutants. The USEPA can require permits for stationary polluting devices. The Proposed Project has a number of emergency

generators, which under an USEPA regulation can operate less than or equal to 500 hours per year without a permit. If in any one calendar year the emergency generators operate more than 500 hours the USEPA can require a Title V operating permit.

Response # A004-22

Traffic mitigation measures were included in emissions values provided in the DEIS. Updated values based on the data in the Supplemental TIS (**Appendix O** of the FEIS) has been incorporated into emissions values in **Section 4.4** of the FEIS.

Response # A004-23

Impacts on the unnamed stream from discharge treated wastewater are discussed in **Section 4.1** of the new BA. Upon evaluation, the stream was determined to be heavily vegetated and no erosion, sediment, or loss of vegetation is anticipated. Also, refer to Response to Comments A001-1 and A004-9 for discussions of water quality and turbidity.

Response # A004-24

Refer to **General Response 2.10** (**Appendix B** of the FEIS) and **Section 4.3** for an updated discussion of potential issues affecting Endangered Species Act (ESA)-listed fish and mitigation measures. An updated analysis of the quality of the stormwater and treated wastewater is presented as **Appendices G** and **F** of the FEIS respectively. Further discussion of potential impacts to listed species and the mitigation measures that will be implemented are provided in the BA (**Appendix I** of the FEIS) and the SWCA Technical Memo (**Appendix S** of the FEIS).

Response # A004-25

Refer to **General Response 2.9** (**Appendix B** of the FEIS) and Appendix 9 of **Appendix F** (DEIS, Vol.) for analysis of possible impacts on federally-listed fish and mitigation.

Response # A004-26

The discussion regarding impacts to listed species, biodiversity, and habitats that have the potential to result from the Proposed Project, including the conversion of the unnamed on-site stream into a perennial stream are included in the new BA and its attached documents (**Appendix I** of the FEIS) and have been expanded in **Section 4.5** of the FEIS.

Response # A004-27

The potential for the Proposed Project to impact the unnamed on-site stream is provided in **Section 4.3**, **Section 4.5**, **General Responses 2.6**, **2.7**, and **2.8** (**Appendix B** of the FEIS), and **Appendices F**, **G**, and **I** of the FEIS. Mitigation measures are discussed in **Section 5.0** of the EIS, though no restoration of the unnamed on-site stream is planned at this time.

Response # A004-28

As stated in **Section 2.0** of the DEIS, water for the Proposed Project would be supplied through the existing CPU system. According to **Section 4.10** of the DEIS, DEIS Vol. II, **Appendix G**, and by submission of a signed Letter of Intent to Contract for Water Service from CPU (DEIS Vol. III, **Appendix BB**), CPU has the supply and pressure capabilities to serve the Proposed Project. Construction of off-site water lines is required only to complete the hook-up from CPU's nearest existing water line to the project site. **Figures 3.1.1** and **3.1.3** in DEIS Vol. II, **Appendix G** show the existing CPU water lines and possible locations of the proposed water line. Indirect effects related to the placement of the water line are discussed in **Section 4.14.4** of the DEIS. Any additional offsite CPU treatment upgrades are beyond the scope of this document.

Connection to the Ridgefield sanitary system has been deemed to not be a viable option. An outfall in the East Fork Lewis River would also not be feasible and has been removed from consideration in the Supplemental wastewater report (**Appendix F** of the FEIS). Refer to **Section 4.14** for a discussion of transmission main improvements.

COMMENT LETTER 5 – LOG # A005

Response # A005-1

The EIS presents an adequate range of alternatives. Refer to the discussion of alternatives in **General Response 2.4** (**Appendix B** of the FEIS) and the discussion of alternatives eliminated from consideration in **Section 2.9** of the FEIS.

Response # A005-2

Refer to Response to Comment A033-22 for a discussion of the primary and secondary study areas. Clark County income was not shown separately as it is included within the analysis of the secondary area. For comparison purposes, the 2000 U.S. Census reported a median household income of \$50,835 for Clark County which is lower than the primary area but higher than Cowlitz County, the secondary area, and Washington state. Tribal members who could benefit from potential employment benefits are discussed in **Section 4.7.1** of the DEIS. The request for the market size is confusing as the market for the project does not have any known boundaries. For the purposes of evaluating the area's ability to support the project, the market within 100 miles of the La Center Site was analyzed. The Supplemental TIS (**Appendix O** of the FEIS), which was based on the market study prepared for the Proposed Project, shows the trip distribution for the Proposed Project. Approximately 6% would come from areas to the north and 92% would come from the south or the greater Portland-Vancouver area.

Response # A005-3

The primary area was configured to ensure that the major effects of increased employment were not lost to dilution effects. Doing so left many major employers out of the primary area, however, they are located in the secondary area. Providing a major source of employment would help remedy an existing lack of jobs in the primary area and support future population growth in the primary study area (which is projected to occur at rates well above those of the secondary area).

Response # A005-4

It is agreed that lower income is linked to unemployment. The Indian household median income is based on Clark, Cowlitz, Skamania, Lewis and Pierce counties. Recent research conducted by the Taylor Policy Group, Inc. (2006) found that "Indian incomes per person are less than 60% of statewide averages." Many tribal members dissatisfied with current housing do not request assistance due to long waiting times or failure to meet eligibility criteria. Mortality data and comparing growth in employment for native and non-native Americans is irrelevant to the impact analysis.

Response # A005-5

The comment is not specific as to what needs to be revised or added to the section on property tax and revenue. **Section 3.7** of the DEIS analyzes the existing property tax for the alternative sites and the revenue generated by the La Center cardrooms.

Response # A005-6

There is no mechanism for state or local government in the State of Washington to tax business profits whether on tribal lands or operating elsewhere in the state. The only direct tax is the Business and Occupation (B&O) Tax on gross revenues, not profits. Casino profits are not subject to federal income tax which is consistent with federal tax policy and recognition of tribal governments as independent sovereign entities. Income to individual members and salaries are taxable. Profits used to purchase goods and services are also taxable.

Response # A005-7

Nationwide student rates of the Cowlitz Tribe are not relevant to the analysis in this EIS. The number of new students analyzed in the DEIS includes members of the Cowlitz Tribe.

Response # A005-8

While the precise nature of the comment is not entirely clear, it is presumed that the intent is to ask why Cowlitz County was included in the regional or secondary study area. See Response to Comment A003-22 for a discussion of the determination of the study area. Additionally, Cowlitz County was chosen for its proximity to the La Center Site. The populated communities of Woodland,

Kalama and Kelso are close enough to the alternative sites and have consistently higher rates of unemployment than Clark County, providing a substantial source of workers for the Proposed Project.

Response # A005-9

No impacts to Tri-Mountain Golf Course are anticipated. A discussion of potential impacts to the Ridgefield Wildlife Refuge is included in **General Response 2.11 (Appendix B)** of the FEIS and **Appendix I** of the FEIS (the new BA). As there are new developments between the La Center Interchange Site and the Wildlife Refuge, including a housing development on the border of the Refuge, and I-5 occurs between the Wildlife Refuge and the La Center site, no additional impacts to the Wildlife Refuge are anticipated to occur as a result of the Proposed Project. The potential for the Proposed Project to impact Paradise Point State Park is discussed in **Appendix I** of the FEIS. Since no detrimental impacts are expected to occur to water quality in the unnamed stream or the East Fork Lewis River, and no detrimental impacts are expected to result from the conversion of the unnamed stream to a perennial stream, no negative impacts to Paradise Point State Park are anticipated.

Response # A005-10

No response required.

Response # A005-11

Glare and impacts to the viewshed were analyzed in **Section 4.13** of the DEIS. Screening would be used for affected viewsheds of nearby residents. Glare is considered a significant and unavoidable impact as stated in **Section 4.16** of the FEIS.

Response # A005-12

Impacts to the Type 5 unnamed seasonal creek on-site are described in **Section 4.5** of the DEIS. Mitigation measures are described in **Section 5.2.4** and in the BA (**Appendix I** of the FEIS).

Response # A005-13

A 150-foot buffer from the ordinary high water mark of the perennial stream would occur within the established buffer around the wetland in that corner of the property. Therefore, the perennial stream will be protected.

Response # A005-14

The MOU with Clark County (DEIS Vol. I, **Appendix C**) requires the Tribe to develop the property "in a manner consistent with" the codes including the Habitat Conservation Ordinance (HCO). The MOU does not require that the Tribe abide by the HCO. A discussion of the buffers determined appropriate for the jurisdictional waters on the site can be found in DEIS Vol. II, **Appendix O**. Refer

to **General Response 2.9 (Appendix B)** of the FEIS) for a more detailed discussion of consistency with the Clark County HCO.

Response # A005-15

The DEIS was prepared for the purposes of analyzing the environmental consequences of federal actions including the proposed trust acquisition and approval of a gaming management contract. The purpose of the document is not to analyze compliance with the MOU agreement between the Cowlitz Indian Tribe and Clark County. Therefore, it is not essential that all evaluations and methodologies utilized in the EIS are consistent with the MOU. Nevertheless, the traffic impact study was prepared to meet the Clark County guidelines for Traffic Impact Studies and recommended traffic mitigation measures comply with the terms of the MOU. The 10 second delay threshold for intersections operating at unacceptable service levels is part of Washington Department of Transportation (WsDOT) approved methodology for the traffic impact study and are not considered inconsistent with the terms of the MOU.

Response # A005-16

The comment is noted. These mitigation requirements would be subject to the terms of the MOU between the Tribe and Clark County, not NEPA regulations as evaluated under the EIS.

Response # A005-17

Section 5.2.7 of the FEIS states that all work conducted within the Washington Department of Transportation (WsDOT) right-of-ways will be designed to current WsDOT standards and specifications.

Response # A005-18

The comment is noted.

Response # A005-19

The level-of-service analysis in **Section 4.8** of the FEIS provides a description of anticipated traffic conditions. Many of the considerations the commenter mentions are incorporated within the analysis.

Response # A005-20

The comment is noted.

Response # A005-21

The comment is noted.

Response # A005-22

Traffic conditions used for the level-of-service impact analysis in **Section 4.8** and resulting mitigation measures to roadways presented in **Section 5.2.7**, take into consideration 2010 build-out conditions as well as the Cowlitz Casino.

Response # A005-23

Analyzing the impacts to pedestrians is outside of the scope of an analysis of impacts to the environment. However, pedestrian crosswalks have been incorporated into mitigation measures where appropriate. Further design adjustments will be made by the site engineer prior to the final project design.

Response # A005-24

The Supplemental TIS (**Appendix O** of the FEIS) includes a more comprehensive trip generation analysis of comparable sites than that prepared for the DEIS. The report updates the previous trip generation methodology with additional site data collection and very conservative assumptions regarding retail, the recreational vehicle (RV) Park, event trips and casino trips. Additional case studies considered to determine trip generation rates were the Tulalip Tribal Casino in Marysville Washington, Muckleshoot Indian Tribe Casino in Auburn Washington, and a study on gaming casino traffic that examined casino trips at two casinos located near St. Louis Missouri. **Sections 4.8** of the FEIS has been changed to include trip generation results derived from the more comprehensive trip generation analysis. While trip generation rates were modified to account for a more comprehensive analysis, after mitigation measures are applied, most of the intersections in the study area would be operating at or better than level of service (LOS) D, and will be at the same LOS or better than the 2010 baseline condition.

Response # A005-25

The comment is noted. The final development review process that shall take place in accordance with the terms of the MOU is not an issue that is addressed in this EIS and should be worked out with an agreement between the Cowlitz Indian Tribe and Clark County.

Response # A005-26

In the DEIS, trip generation rates for the Cowlitz Casino were calculated for weekday daily trips, weekday AM peak hours, weekday PM peak hours, Saturday daily trips, and Saturday peak hours. Peak hour time periods were established from a comparison of traffic for similar casino projects considered in the case-studies analysis for casino trips, hotel trips, retail trips, events center trips, and RV Park trips. In the Supplemental TIS (**Appendix O** of the FEIS) an investigation was undertaken to determine the project site's weekday peak hour period as compared to the previous work that focused on the roadway system's weekday peak hour period, to determine if analyzing the site peak

hour period would result in any changes to impacts or mitigation. In all cases where data was available, there are indications that the weekday peak time for casino site trips is 6-7 PM, while the weekday road system peak is 5-6 PM. Since the supplemental TIS investigation determined that site and system peak hour periods occurred at different times, weekday PM peak hour trip generations were calculated for both system and site peak hour periods. The weekday AM peak hour period remained from 7-8 AM and the Saturday peak hour period remained from 4-5 PM. **Section 4.8** of the FEIS has been changed to include the weekday PM system and site trip generation rates.

Response # A005-27

Comment noted. No response required.

Response # A005-28

Comment noted. No response required.

Response # A005-29

Comment noted. No response required.

Response # A005-30

It is the responsibility of CPU to address these concerns under SEPA as part of their ongoing planning efforts.

Response # A005-31

Refer to Response to Comment A005-30.

Response # A005-32

Impacts related to stormwater discharge are addressed in **Section 4.3** and **Appendices G** and **I** of the FEIS.

Response # A005-33

Refer to Response to Comment A005-32 for a discussion of storm water impacts.

Response # A005-34

Water quality impacts are discussed in **Section 4.3**. Mitigation for water quality impacts, including monitoring during construction are addressed in **Section 5.2.2**.

Response # A005-35

One additional counselor was calculated based on Washington State prevalence for problem and pathological gamblers, which would subsume age factors. See **General Response 2.13.2 (Appendix B of the FEIS)** for further justification of the conclusions on problem gambling.

Response # A005-36

The Tribe would provide fully paid medical, dental, vision and prescription drug coverage for all full-time employees.

Response # A005-37

General socioeconomic impacts are discussed in **Section 4.7** of the DEIS, including effects to bankruptcy rates, and social effects. See also **Section 4.10** for a discussion of effects to public services.

Response # A005-38

No response required.

Response # A005-39

No response required.

Response # A005-40

Alternative E would not be responsible for any significant increase in traffic on La Center roads. Additionally, increased traffic on La Center roads is not consistent with a projected 66% drop in card room traffic. Refer to **Section 4.8** for further discussion of traffic impacts on La Center roads and **Section 4.7** for a discussion of the drop in card room patronage.

Furthermore, traffic operations are not based as much on functional classification as on roadway characteristics. This portion of La Center road is off-site but urban design standards would be applied for any mitigation project in this area.

Response # A005-41

Comment noted. No response required.

Response # A005-42

Pioneer Street is designated as an urban minor arterial by the City of Ridgefield. Volumes do not warrant six-lanes east of 65th Avenue. Refer to **Section 4.8** and **Appendix O** of the FEIS for further discussion.

Response # A005-43

Refer to **Section 4.8** and **Appendix O** of the FEIS for further discussion of peak hour volumes. See **Section 5.2.7** for traffic mitigation measures.

Response # A005-44

Effects to groundwater, including quality and recharge are discussed in **Section 4.3** Water Resources.

Response # A005-45

Comment noted, however the existing ground surface has very low permeability as discussed in **Section 3.2**. The recharge of groundwater is discussed in **Sections 3.4** and **4.3**.

Response # A005-46

Comment noted, however, once the land is in trust DOE will no longer exercise jurisdiction over the property.

Response # A005-47

The amount of displaced groundwater from the parking garage is negligible compared to the overall size of the groundwater basin.

Response # A005-48

On site retention of peak flows would be sufficient to ensure that instability of stream banks does not occur. See also Response to Comment A004-9.

Response # A005-49

Impacts to agricultural soils are discussed in **Section 4.9**. This impact is considered less than significant. No mitigation is proposed.

Response # A005-50

As noted in **Section 5.2.1**, the Tribe will have a Stormwater Pollution Prevention Plan (SWPPP) prepared as required under the NPDES Permit for General Construction. The Best Management Practices (BMPs) listed in **Section 5.2.1** are examples of USEPA BMPs. During development of the SWPPP, project specific BMPs will be selected based on specific site characteristics.

Response # A005-51

Refer to Response to Comment A005-30.

Response # A005-52

Refer to Response to Comments A005-30 and A004-16.

Response # A005-53

The Proposed Project will utilize water supplied by CPU pursuant to a will-serve letter (DEIS Vol. III, **Appendix BB**). Water will not be pumped directly from the aquifer by the Tribe.

Response # A005-54

Section 4.10 of the DEIS discusses the need for an on-site closed-tank reservoir with a capacity of at least 120,000 gallons to ensure adequate fire flows of 2,500 gpm for 2 hours for Alternatives D and E. See also mitigation presented in **Section 5.2.8**.

Response # A005-55

The onsite reservoir for Alternatives A, B, and C is a closed tank reservoir located within the WWTP. Refer to Sheet C-1 in **Appendix F** of the FEIS for location of the tank within the plant. Refer to **Figures 2-1, 2-6, and 2-7** in **Section 2.0** of the FEIS for placement of the WWTP within the project site.

Response # A005-56

Page 10 of **Appendix G** (DEIS Vol. II) states that "CPU has sized its lines, storage and source to provide service to [the Ridgefield Interchange Site]. A 16" line, which exists along the east side of the property, has the capacity and pressure to serve the site with no extra storage required." **Section 4.10.5** of the FEIS has been revised to correctly reflect this information and is now consistent with **Section 2.0**.

Response # A005-57

Impacts to sales tax are discussed in **Section 4.7** and DEIS Vol. II, **Appendix S**.

Response # A005-58

Sales per square foot were adjusted downward by 18% to account for lower average household income in Washington vs. the State of Connecticut. The effects in terms of maximum substitution are relatively minor as a proportion of total personal income. Average Washington State household and family median income is actually lower than Clark County according to the 2000 US Census and 2005 American Community Survey. Use of Washington income adequately adjusts for the regional market.

Response # A005-59

The economic impact modeling required for the socioeconomic assessment prepared by E.D. Hovee has been made possible by estimates of building square footage by use, capital investment, and operating employment as provided by Mohegan Sun. The scale of the development was determined by Mohegan Sun which prepared a market assessment, which is not disclosed due to the proprietary nature of information. However, the market assessment concludes that a development of this scale could profit at the La Center Interchange Site. All of the relevant economic impacts including employment, payroll and taxes can be calculated without reference to an explicitly stated financial model or a gaming market assessment. An assessment of competitive effects on the Spirit Mountain Casino in Grand Ronde is included as **Appendix L** of the FEIS.

Response # A005-60

The RV Park is not meant to generate income on its own but to draw customers for the casino operation. No retail is planned in the RV Park and thus the argument is speculative. Refer to **Appendix K** of the FEIS for further discussion.

Response # A005-61

As required under NEPA, the range of project alternatives analyzed in this EIS has been designed to achieve the Purpose and Need of the project. The Purpose and Need of this project is economic and social self-sufficiency for the Cowlitz Tribe. In order to meet NEPA's requirement to analyze a "reasonable range" of alternatives, Alternative D was selected as a non-gaming option that would meet the Purpose and Need of the project. Given the development constraints of the project site location, this alternative was considered to be the best available option for a non-gaming alternative. The analysis of Alternative D provides a valuable comparison between a non-gaming alternative and other more viable options for meeting the Purpose and Need of the project, including Alternatives A and B. Refer to the discussion of Alternatives in **General Response 2.4 (Appendix B)** of the FEIS).

Response # A005-62

The impact of the influx of construction workers is discussed in **Section 4.14** however since it is a short-term and temporary impact it is considered less than significant. Fluctuation in construction jobs in the local labor market pool is not unique to the project. Therefore any costs due to competition are already present in the market. It is important to note that not all construction workers would be needed at one time. Most would be required only at certain phases of construction, minimizing the impact. Additionally many construction workers will commute or live within the secondary area. If a portion of the construction work force associated with the selected alternative opt to temporarily (or permanently) relocate within the secondary study area, there is sufficient rental stock to accommodate this demand: the secondary study area incorporated over roughly 3,200 vacant rental units, excluding units constructed post 2000 (DEIS Vol. II, **Appendix S**).

Response # A005-63

Refer to **General Response 2.15.1 (Appendix B)** of the FEIS for a discussion of employee income and **General Response 2.15.2** for discussion of the number of in-migrant workers. See also **Appendix K** of the FEIS.

Response # A005-64

Refer to Response to Comment A005-24 for a discussion of the Tulalip Casino as a case study for trip generation. Refer to **Appendix K** of the FEIS for a discussion of the Tulalip Casino as an added comparable to the Cowlitz Casino for estimated job and wage impacts.

Response # A005-65

The number of employees that will be trained has not been determined. A training program generally supports hiring of workers from Clark County as it gives local candidates the ability to receive training and employment without having to employ those from outside of the secondary area just to obtain candidates who already have the required skills.

Response # A005-66

The status of the casino as either smoking or non-smoking was not factored into the revenue forecasts of the socioeconomic assessment. See Response to Comment A005-59 regarding the assumptions behind the socioeconomic assessment.

Response # A005-67

Refer to **Appendix K** of the FEIS for a review of, and response to comments in, the Johnson Gardner report submitted by Clark County as part of their comments.

Response # A005-68

The Tribe would have the flexibility to develop the portion of the property planned as an RV Park as an alternative use such as large format retail. However, given the lack of viability for large format retail in this location (based on distance from customer base) there will be no incentive to do so. Accordingly, this alternative is not analyzed within the EIS. Additionally, the RV Park is not expected to be a significant revenue generator, instead it is proposed to increase the general casino draw and increase capture of I-5 bypass traffic. Concerns that this action would occur are not warranted or supported by any evidence. Refer to **Appendix K** of the FEIS for further discussion on the consideration of large format retail on the project site.

Response # A005-69

Refer to the Response to Comment A005-61.

Response # A005-70

See Response to Comments A005-58 and A005-59. The range of gaming revenue scenarios was discussed on page 90 of the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**). As is often the case with a sensitivity analysis, the assumptions used for various scenarios may be arbitrary. This is consistent with the purpose of scenarios as illustrative, to test the effects of alternative assumptions. No specific conclusion is intended as a mostly likely result. The scenarios illustrate that independent of the level of gaming revenue assumed, the effects, in terms of maximum substitution, are relatively minor as a proportion of total personal income. Also noted is that the results of these scenarios are independent of the rest of the socioeconomic evaluation.

Response # A005-71

See Response to Comment A005-58.

Response # A005-72

Consistent with typical NEPA format, socioeconomic impacts are portrayed for construction and then operations as of build-out. Construction is assumed to occur over a 20-month time period. Impacts during operation represent annual averages under typical year conditions after initial start-up of operations.

Response # A005-73

Refer to **Appendix L** of the FEIS for an analysis of impacts to Spirit Mountain Casino in Grand Ronde. See also **General Response 2.23 (Appendix B** of the FEIS) and **Section 4.15** for an expanded discussion of the cumulative effects of gaming in greater Portland area.

Response # A005-74

A discussion of the cumulative effects of tribal gaming in the Pacific Northwest is addressed in **General Response 2.23 (Appendix B** of the FEIS) and **Section 4.14**. Additionally, **General Response 2.17** and **Appendix L** of the FEIS provide a discussion of impacts to Spirit Mountain Casino specifically.

Response # A005-75

See Response to Comment A003-22 regarding the analysis behind the selection of the primary and secondary areas. It is acknowledged that some socioeconomic effects such as labor market draw (labor force and employment) and business income for similar businesses may extend beyond the secondary area. For these impacts, broader regional impacts are addressed. For example, the potential effect of in-migrating workers is analyzed in **Section 4.14** and the effect on Spirit Mountain Casino is included in a separate study located in **Appendix L** of the FEIS.

Response # A005-76

Refer to Response to Comment A005-68.

Response # A005-77

Wage information was not from IMPLAN but was provided by Mohegan Sun based on their operating experiences and plans for this casino. Neither Cowlitz Casino wages nor benefits should be expected to coincide with compensation for persons employed in similar occupations. The Socioeconomic Assessment explicitly notes that there may be higher wages and benefits associated with casino jobs - compared to similar jobs elsewhere.

Response # A005-78

See Response to Comment A005-77.

Response # A005-79

The only anticipated affect is that the casino may attract employees from other study area business establishments, particularly if wages and benefits are higher than similar positions elsewhere. On page 77 of the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**) it is discussed that a business that loses employees to the casino can be expected to re-hire to fill its needs so that the end demand for net added in-migrant labor result is the same.

Response # A005-80

See **General Response 2.15.2 (Appendix B** of the FEIS) regarding the analysis of the majority of employees originating from the secondary study area.

Response # A005-81

See Responses to Comments A005-79 and A005-80.

Response # A005-82

As detailed on page 104 of the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**), the DEIS analysis is predicated on a long-term (13-year) normalized unemployment average of 6.3% for the two-county study area. This observed normalized rate is then applied to the estimated total workforce in 2008 - a target year in which hiring could occur. Average wages for comparable occupations in both Clark and Cowlitz counties may experience upward income mobility.

Response # A005-83

Average wages for comparable occupations in both Clark and Cowlitz counties may experience upward income mobility. The net gain may be greater for workers who previously worked in Cowlitz rather than Clark County.

Response # A005-84

The anticipated shortage of 758 jobs exist only if it is assumed that there is no ability for unemployed workers to shift occupations, or for new labor force entrants to enter what previously have been low demand positions in Clark and Cowlitz counties. The size of the total current unemployed pool combined with background labor force growth and relatively moderate skill levels required suggests that adequate local labor force should be available. This potential can be most readily assured through proactive training arrangements as demonstrated by the Tribe's MOU with Clark College (**Appendix R** of the FEIS).

Response # A005-85

The Socioeconomic Assessment notes on page 108 (DEIS Vol. II, **Appendix S**) that while the casino could draw from the larger metro area, the primary draw is likely to be from the closest Portland-side county (Multnomah County). Relocation from this area upon immediate hire is unlikely due to the following factors: 1) Multnomah County residents would be making a reverse commute involving substantially less congestion at peak-hour travel times, 2) households with more than one worker may be less likely to relocate due to maintaining convenience of commute for the previously employed household member, and 3) relocating involves disrupting existing household social and community connections including concerns with uprooting children established at a particular school. Relocation of some workers closer to the place of employment as a matter of preference rather than necessity is possible as a longer term indirect effect. As discussed in **General Response 2.15.4 (Appendix B** of the FEIS) there are approximately 11,000 available housing units, which is ample for the small portion of workers who may, in the long-term, decide to relocate.

Response # A005-86

See Response to Comment A005-85. The skill level of Multnomah County residents does not affect the overall conclusions of the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**). It is anticipated that approximately 90% of jobs (the percentage of workers who would not need to relocate residences) could be filled within the secondary area alone although a portion of this may be from commuting residents in Oregon.

Response # A005-87

The presence of an RV Park does not mean that the Proposed Project is targeting the same demographic as the Tulalip Casino. Retail sales leakage is discussed in the Socioeconomic

Assessment (DEIS Vol. II, **Appendix S**). It was determined that the study area household retail demand could easily accommodate the increase in sales from the Proposed Project. Most revenue would come from gaming and not retail sales. Additionally, it is unclear what labor force impacts the commenter is referring to in their comment. Comparable information from the Tulalip Casino has been addressed in the Supplemental Socioeconomics Report (**Appendix K** of the FEIS).

Response # A005-88

Although Alternative D would meet the Purpose and Need of the project to achieve economic and social stability of Cowlitz Tribal members, at this time the development of a business park on the project site is not a viable alternative due to lack of investors willing to participate in such a venture. Because the property cannot be foreclosed for a loan once it is taken into federal trust, obtaining competitive rate financing would be difficult. As such, Alternative A represents the superior method of achieving the Tribe's Purpose and Need.

Response # A005-89

The Tax Relief and Health Care Act of 2006 extended to another two years two provisions of the Internal Revenue Code that are relevant. Section 45A which allows a tax credit for wages and health insurance costs of enrolled tribal members who are both working on and living on an Indian reservation. Section 168(j) permits the depreciation of business property used within an Indian reservation over a shorter than usual recovery period. Considering that the only possible reservation residents are the elderly, and considering that all property is to be owned by the Tribe, neither provision would appear to be relevant to the Proposed Action or alternatives.

Response # A005-90

Comment noted.

Response # A005-91

General Response 2.14 (**Appendix B** of the FEIS) addresses concerns that school impacts were underestimated. The estimation of in-migration labor is not considered underestimated and is thoroughly addressed in **General Response 2.15.2**.

Response # A005-92

Refer to **General Response 2.13.1** (**Appendix B** of the FEIS) for a discussion of impacts to law enforcement. The estimation of in-migration labor is not considered underestimated and is thoroughly addressed in **General Response 2.15.2**.

Response # A005-93

The design of the Proposed Project is comparable to higher end projects in the California market. The non-Pacific Northwest comparables were selected, in part, because they are close to urban populations, as is the Proposed Project. Because they are outside the market area potentially served by the Cowlitz Casino, information that may be perceived as proprietary was more readily available. Also the Proposed Project will be larger and cater to a more urban/higher income clientele than any of the other existing Washington or Oregon comparables. Information was obtained for Tulalip Casino as noted in Response to Comment A005-87. In addition a post development review of comparable gaming facilities in the market area is included as **Appendix M** to the FEIS. Crime statistics were based on Tribal casinos that had recently opened, similar in nature to the Proposed Project. Several factors including size, rural/urban setting, distance from other casinos, existing police services, on-site security presence, and existing crime rate can affect public service incidences. Should impacts be larger than expected, the MOU between the Tribe and Clark County and the Tribe's EPHS Ordinance provides annual renegotiation of the costs of providing law enforcement services.

Response # A005-94

Comment noted.

Response # A005-95

Comment noted.

COMMENT LETTER 6 – LOG # A006

Response # A006-1

The BIA has determined that no significant new circumstances or environmental findings bearing on the Proposed Action or its impacts have taken place since public release of the DEIS in April in 2006. Therefore, given that no substantial changes have been made to the Proposed Action or environmental review herein, the BIA has concluded that re-circulation of the DEIS is not warranted as it would not further the purposes of NEPA. Refer to **General Response 2.1.4 (Appendix B** of the FEIS) for a discussion of the requirements to prepare a supplemental EIS.

Response # A006-2

If Alternative E becomes the preferred alternative, the Tribe will be required to submit a new application to the BIA for approval of federal trust gaming authorization and reservation trust status. However, as this EIS is the basis for a decision on the Proposed Action, no new DEIS will be required. Refer also to Response to Comment A006-1. Additionally, it should be noted that the minimum comment period for a DEIS is 45 days, not 90 days.

Response # A006-3

A discussion of potential impacts to the Ridgefield Wildlife Refuge is included in **Appendix I** of the FEIS and added to **Section 4.5**.

Response # A006-4

Refer to **General Response 2.13.1 (Appendix B** of the FEIS) regarding cross-jurisdictional impacts to law enforcement.

Response # A006-5

See Response to Comment A006-4.

Response # A006-6

The FEIS was updated in **Section 3.9** to address the proposed urban growth area expansion of Ridgefield.

Response # A006-7

The FEIS was updated in **Section 3.9** to address the terms of the Intergovernmental Agreement.

Response # A006-8

Refer to **General Response 2.15.3 (Appendix B** of the FEIS) for a discussion of hot-bedding/hot-bunking. Problem gambling is discussed in **General Response 2.13.2**. Quality of life issues are discussed in **General Response 2.18** and has been added to **Section 4.7**. Community character is discussed in **Section 4.13** of the FEIS. Participation in family and community events is outside of the scope of the EIS.

Response # A006-9

Traffic impacts, including impacts to I-5, are analyzed in DEIS Vol. II, **Appendix T**, and have been further analyzed in the Supplemental TIS (**Appendix O** of the FEIS) and **Section 4.8**.

Response # A006-10

Comment noted. Refer to expanded discussion of stormwater impacts in **Section 4.4.5**. For a discussion of projected stormwater quality, See **Appendices F** and **G** of the FEIS.

Response # A006-11

Refer to Response to Comment A007-2.

Response # A006-12

New housing unit data for the City of Ridgefield for 2005 was not fully available at the time the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**) was prepared for the DEIS. **Table 3.7-3** in **Section 3.7** of the FEIS has been updated as of December 2006.

Response # A006-13

See Response to Comments A006-11 and A006-12.

Response # A006-14

Section 3.7 of the FEIS has been updated to reflect that the bond measure in May 2006 for the City of Ridgefield schools failed to pass.

Response # A006-15

Refer to **General Response 2.14** (**Appendix B** of the FEIS) for a discussion of the financial impacts to the Ridgefield School District.

Response # A006-16

Table 51 of the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**) provides the estimated distribution of casino wages and associated household incomes for five quintiles of workers. Refer to **General Response 2.15.1** (**Appendix B** of the FEIS) for a discussion of employee income.

Response # A006-17

Refer to **General Response 2.15.4** (**Appendix B** of the FEIS) for a discussion of the availability of housing for workers within the lowest income quintile.

Response # A006-18

An increase in interest rates would affect the housing industry by reducing the pool of qualified buyers; however, it would not affect the housing availability in the area. The natural effect of increasing interest rates is to flatten housing prices.

Response # A006-19

Refer to **General Response 2.15.5** (**Appendix B** of the FEIS) for a discussion of impacts to property values. See also **Appendix K** of the FEIS for a discussion of post-development trends surrounding the opening of a casino in the Pacific Northwest.

Response # A006-20

The substitution effect upon most retail businesses in the area is expected to be insignificant as the study area household retail supply can easily accommodate the increase in sales as discussed in **Section 4.14**. The overall general economic impact to the area is beneficial and thus a joint marketing program is not required to mitigate impacts. The Tribe will consider the program as a non-project related agreement.

Response # A006-21

Lost property, sales, and hotel tax revenues from Alternative E are discussed in **Section 4.7.5** of the DEIS. Mitigation in **Section 5.2.6** recommends that the Tribe provide for a new agreement to make payments to the City of Ridgefield for the Ridgefield Interchange Site in lieu of property tax, sales tax, and hotel/motel tax, similar to the existing MOU with Clark County (DEIS Vol. I, **Appendix C**) and the EPHS Ordinance (**Appendix U** of the FEIS) for the La Center Interchange Site.

Response # A006-22

See **General Response 2.14** (**Appendix B** of the FEIS) for a discussion of impacts to schools. The MOU between the Tribe and Clark County is meant only to mitigate for lost revenue from Clark County school impact fees. School impact fees do not apply to non-residential portions of development or developments designed for persons over 61 years of age. As the planned housing on the Ridgefield Interchange Site is Tribal elder housing, there is no anticipated loss in school impact fees.

Response # A006-23

New development would occur according to planned zoning and long range plans. **Section 4.14** addresses the worst case scenario that a need for an additional 315 residences would result from Alternative E, which would be spread throughout the secondary area. See analysis in Response to Comment A007-18 which also applies to the City of Ridgefield. Based on a study of commuting patterns, housing needs would not be concentrated in the City of Ridgefield.

Response # A006-24

An updated list of developments has been added to **Section 4.15** and incorporated into the traffic analysis in **Appendix O** of the FEIS and **Section 4.8**. The reference is to Timm Road in Ridgefield, not Timmen Road in La Center and refers to the Specht Development at that site.

Response # A006-25

All intersections potentially adversely impacted by the Proposed Project were analyzed in the TIS (DEIS Vol. II, **Appendix T**) and Supplemental TIS (**Appendix O** of the FEIS) according to WsDOT approved methodology. Intersections analyzed were determined from roadway geometric

information and traffic data used to determine the degree of congestion including 24-hour volume counts, peak-hour intersection counts, and observations of area traffic operations. Roadways added to the analysis in **Appendix O** of the FEIS include I-5 from the Interstate bridge to north of SR-500, I-205 from the Glenn Jackson Bridge to north of SR-500, and I-5 in the vicinity of the Woodland/I-5 interchange. **Sections 3.8** and **4.8** have been updated to reflect the additional information.

Response # A006-26

There are no mitigation requirements along the NW 31st Avenue corridor outside of the proposed La Center Interchange Site boundaries, so no financial participation in a new crossing of I-5 at 299th Street is warranted. An analysis of this overpass should be conducted by the City of Ridgefield prior to development in the area that would impact the overcrossing.

Response # A006-27

This EIS provides the basis for a decision on the Proposed Action. Traffic impacts have been fully analyzed under a methodology approved by WsDOT for the alternative project sites. Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis. Refer to **Section 4.8** and **Appendix O** of the FEIS for a discussion of traffic impacts. No additional analysis is required.

Response # A006-28

Refer to Response to Comment A006-24.

Response # A006-29

The Cowlitz Tribe understands that all modifications to City facilities must meet City standards. Similarly, the Tribe is in agreement regarding the need to conform to applicable and appropriate standards in design and engineering. However, the Tribe has not agreed to City regulatory control, inspection and approval.

Response # A006-30

No response required. Refer to Response to Comment A006-27.

Response # A006-31

Refer to Response to Comment A006-27.

Response # A006-32

Section 4.10 of the FEIS has been revised to indicate that in the event that wastewater is disposed of through agreement with the City of Ridgefield, the City's planned outfall to the Columbia River will need to be completed.

Response # A006-33

Section 4.10 has been revised to indicate that in the event that wastewater is disposed of through agreement with the City of Ridgefield, additional investigations and analysis, in support of the City's planning efforts and NPDES application will be required.

Response # A006-34

The commenter is correct in the assumption that some additional analysis would be required, subsequent to trust acquisition, to support the City's planning efforts. Refer to Response to Comment A006-33.

Response # A006-35

As the BIA is not a party to any agreement proposed between the Tribe and the City of Ridgefield, it is not appropriate for the BIA to specify content of the agreement. Therefore, the requested mitigation will not be added to the FEIS.

Response # A006-36

If Alternative E is selected by the BIA to be the Preferred Alternative, water service would be supplied to the project as discussed in **Section 2.6** and **Section 5.0**. A service agreement letter has already been obtained from CPU and is included as DEIS Vol. III, **Appendix BB**.

Response # A006-37

See Response to Comment A006-36.

Response # A006-38

The EIS has been revised to provide more current information on the locations of water hookups. Refer to **Section 4.10** and **Appendix D** and **Appendix E** of the FEIS.

COMMENT LETTER 7 – LOG # A007

Response # A007-1

The BIA has considered all comments submitted by the public and cooperating agencies during the scoping period for the DEIS. Refer to the expanded discussion of NEPA process in **Section 1.3** of the

FEIS and the discussion of comments received on the EA and PDEIS in **General Responses 2.1.2** and **2.1.3 (Appendix B)** of the FEIS), respectively. Additionally, all comments received during the public review period for the DEIS have been considered and are responded to within the FEIS. Where necessary and appropriate, changes have been made to the text and analysis included in the FEIS in order to adequately respond to substantive comments.

Response # A007-2

Since publication of the DEIS, Clark County adopted an update to the Comprehensive Growth Management Plan (GMP) in August 2007 that resulted in the expansion of designated Urban Growth Areas (UGAs) for most Clark County cities, including the City of La Center and the City of Ridgefield. These adopted expansions could accommodate increased population growth rates for the City of La Center and the City of Ridgefield that are higher than those considered in the Cowlitz Casino EIS and the previously prepared Socioeconomic Assessment (DEIS Vol. II, **Appendix S**). However, the analysis of growth inducement and cumulative effects included in **Sections 4.14** and **4.15**, respectively, considered the possibility of UGA expansion for the City of La Center and the City of Ridgefield and associated cumulative effects with the Proposed Action. The greater the anticipated background population growth, the lower the proportional impact that any population growth associated with casino development will have. Thus, greater population projections would not increase the significance of impacts from the Proposed Project. Additionally, the UGA expansion area may subsume some of the in-migrating households, which were anticipated to live in the unincorporated area. A supplemental memorandum has been added to **Appendix K** of the FEIS to address this issue.

Response # A007-3

The descriptions of surrounding land uses at Exits 16 and 14 have been revised to correctly reflect the current conditions. Refer to **Sections 3.4.4, 3.9.2, 3.9.3, 3.5.1, 3.5.2, 3.13.1, and 3.13.2** for updated language.

Response # A007-4

The BIA agrees that description of the affected environment is important in an EIS. However, the BIA also believes that environmental impact statements should be analytic rather than encyclopedic, accordingly more emphasis should be placed on analysis and conclusions as opposed to description.

Response # A007-5

Refer to Response to Comment A007-1.

Response # A007-6

Refer to Response to Comment A007-1.

Response # A007-7

Refer to Response to Comment A007-1.

Response # A007-8

Refer to Response to Comment A007-1.

Response # A007-9

Refer to Response to Comment A007-1.

Response # A007-10

Refer to Response to Comment A007-1 and **General Response 2.1.4** (**Appendix B** of the FEIS).

Response # A007-11

Refer to **Section 4.16** and the Executive Summary for a listing of significant unmitigatable impacts.

Response # A007-12

The BIA and its technical subconsultants have reviewed the two referenced studies. Refer to **Appendix K** of the FEIS for a discussion of the EcoNorthwest study on socioeconomic impacts. Rather than critiquing the DEIS, EcoNorthwest developed its own hypothetical model to predict effects of the Proposed Project. Concerns with this approach include lack of transparency of the model, a level of geographic specificity that is not supported by market experience, disregard of employment allocations provided by the facility operator and proponent, conclusions without supporting rationale that in-migration will be higher, and assumption of net new housing demand despite high levels of background construction activity.

H. Lee & Associates offered to share data generated in the development of their review and analysis of the Traffic Impact Study (DEIS Vol. II, **Appendix T**) and **Section 4.8** of the DEIS, however, to date they have not been forthcoming with the information. Subsequently, the BIA and its traffic subconsultant developed a new trip distribution estimation model based on research of other casino studies in order to develop data to respond to the City's comments. Revised data and analyses are included in **Appendix O** and **Section 4.8** of the FEIS.

Response # A007-13

The loss of income to existing establishments through the substitution effect is not a significant socioeconomic impact to the region. See **General Response 2.16** (**Appendix B** of the FEIS). The City of La Center and EcoNorthwest estimate that the loss to City revenues from a decline in cardroom business could be as much as 66%. While revenues would exceed the amount allocated by

the City to its general fund as of 2005, a potentially significant impact to discretionary funding used for capital improvement projects for public facilities could occur. The Executive Summary, **Section 4.7**, and **Section 5.2.6** have been updated to reflect this analysis.

Response # A007-14

Traffic mitigation as outlined is based on the trip generation models. Specific intersections were analyzed for adverse effects to LOS according to WsDOT approved methodology. Mitigation is proposed based on adverse changes to the LOS as required by the MOU with Clark County and the Tribe's EPHS Ordinance (refer to **Section 1.5** of the FEIS for a discussion of the EPHS Ordinance). The MOU and/or EPHS Ordinance are the mechanisms to ensure that the mitigation for these adverse changes to LOS are implemented. Refer to **Sections 3.8** and **4.8** for a discussion of the MOU as it relates to traffic. See also **Appendix O** and **Appendix P** of the FEIS.

Response # A007-15

A reevaluation of the socioeconomic impacts indicates that the original analysis is fundamentally sound and correct in its conclusions. The number of in-migrating workers or population increase is addressed in **General Response 2.15.2 (Appendix B)** of the FEIS). School demand is addressed in **General Response 2.14**. Housing demand is addressed in **General Response 2.15.4**. The methodology for calculating revenue is discussed in Response to Comment A005-58. Taxable retail sales are discussed in Response to Comment A007-23.

Response # A007-16

No response required.

Response # A007-17

The number of jobs were based on estimates provided by Mohegan Sun which has experience in both staffing and managing large casino operations. New housing numbers are based on this estimate as is the estimate of the number of employees moving to the area. Refer to **General Response 2.15.2 (Appendix B)** of the FEIS) for a discussion of the number of in-migrating workers. See **Appendix K** of the FEIS regarding deficiencies with the EcoNorthwest model cited by the City of La Center.

Response # A007-18

The BIA's analysis indicates that 315 new units would result from the Proposed Project. The demand for housing would be spread throughout the secondary area and would not be concentrated in the City of La Center. The Socioeconomic Assessment (DEIS Vol. II, **Appendix S**) provides a substantial rationale for this conclusion based on extensive review of local and regional commuting patterns. Comparable facilities show a clear propensity for workers to commute from a large labor shed that can extend 30 to 60 minutes drive time from a casino facility. Reasons that work location is not the

principal determinant of residential choice include: 1) the high mobility of today's work force, 2) the prevalence of two-income households, and 3) the fact that work trips account for only 20% of vehicle trips. Further discussion is presented in **Appendix K** of the FEIS including deficiencies with the EcoNorthwest model cited by the City of La Center.

Response # A007-19

It should be noted that the data in **Section 3.7** represents available data for existing conditions and was not necessarily used to approximate growth or future conditions. For housing construction in **Table 3.7-3**, 2005 data was not fully available at the time of publication of the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**). **Table 3.7-3** was updated in the FEIS with the full data as of December 2006. Housing availability and growth calculations used numbers from 2000 that were supplemented with available information from 2004 (Table 42 of the Socioeconomic Assessment [DEIS Vol. II, **Appendix S**]). Using lower available housing numbers results in a conservative assessment of available housing for project employees and does not under estimate the significance of impacts. For an analysis of potentially increased growth rates see Response to Comment A007-2 and the supplemental memo attached to **Appendix K** of the FEIS. The greater the anticipated background population and housing growth, the lower the proportional impact that any population or housing growth associated with casino development will have. Additionally, the expanded UGA may subsume some of the in-migrating households which were anticipated to live in the unincorporated area.

Response # A007-20

Refer to Response to Comment A007-2. Socioeconomic impacts are spread over the secondary area and are not concentrated in the City of La Center.

Response # A007-21

The 61% figure was derived previously by EcoNorthwest in a 2004 report prepared for the City of La Center and used in the DEIS (**Section 4.7**). In 2006 EcoNorthwest revised the figure to 66%. Refer to **General Response 2.16 (Appendix B** of the FEIS). While revenues would exceed the amount allocated by the City to its general fund as of 2005, a potentially significant impact could occur to discretionary funding used for capital improvement projects for public facilities. References to the 61% revenue decline for the La Center cardrooms have been updated to 66% in **Section 4.7** of the FEIS. The Executive Summary, **Section 4.7**, and **Section 5.2.6** have been updated to reflect this analysis.

Response # A007-22

Refer to **General Response 2.14 (Appendix B** of the FEIS) regarding impacts to schools. The number of new students has been updated in **Section 4.7**.

Response # A007-23

See Response to Comment A007-12 regarding the BIA's review of the EcoNorthwest report. Different methodologies were utilized by the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**) and EcoNorthwest. EcoNorthwest derives its sales estimates from the hypothetical gaming model which it applies to the casino (in which retail sales are a set percentage of gaming revenues), independent of the detailed facility program and employment information provided by Mohegan Sun. The Socioeconomic Assessment for the DEIS based retail sales estimates on building program square footage and industry standard per square foot sales figures. The numbers for the Socioeconomic Assessment may be higher due to the fact that a) the proposed casino would involve more significant retail space than the Northwest casinos used in the EcoNorthwest analysis, and b) the sales per square foot assumptions employed for the project are higher than those realized by Northwest casinos used in the EcoNorthwest analysis. Even if taxable sales are lower than anticipated, the net economic impact is still beneficial.

Response # A007-24

For BIA's review of the EcoNorthwest report see response to A007-12. The BIA has not made substantial changes in the Proposed Action that are relevant to the environmental concerns; and has determined that the EcoNorthwest comments are not significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or impacts. Similarly, BIA has determined that issuing a supplemental DEIS will not further the purposes of NEPA. Refer to **General Response 2.1.4 (Appendix B** of the FEIS) for further discussion on the requirements to prepare a Supplemental DEIS.

Response # A007-25

A study of pre-project vs. current conditions for Portland area casinos has been included as **Appendix M** of the FEIS. This study was used to further refine the indirect and growth inducing impacts discussion in **Section 4.14**. See also **General Response 2.22 (Appendix B** of the FEIS) for a discussion of the post-development review, which concluded that land use and development effects associated with the development of gaming projects in these areas have been surprisingly muted. See also Response to Comment A007-27.

Response # A007-26

No response required.

Response # A007-27

Three environmental impact statements for Tribal Fee-to-Trust casino projects have been completed (Pokagon Band of Potawatomi, Huron Band of Potawatomi, and Jamul Rancheria). The Jamul Fee-to-Trust application has been withdrawn. None of these projects have yet been constructed or are in

operation. A number of fee-to-trust for casino projects have been approved under EAs. Generally speaking socioeconomic impacts do not trigger an EIS. The purpose of an EA is to determine whether an EIS is required. Accordingly, these environmental assessments did not focus significant attention on socioeconomic issues. Therefore, detailed socioeconomic data, other than basic employment, tax revenue lost, law enforcement and other public services, is not available. See also Response to Comment A007-25. The socioeconomic assessment of impacts is similar to that found in other Tribal Fee-to-Trust casino projects in the use of IMPLAN, census data, and facility size to estimate socioeconomic impacts.

Response # A007-28

Refer also to Response to Comment A005-24.

Response # A007-29

As previously noted, the BIA has reviewed the H. Lee & Associates report. See Response to Comment A007-12. BIA believes that County and Washington State traffic standards are appropriate mitigation standards as they are the same standards that other developments must meet.

Response # A007-30

Effects of traffic on local business are subsumed within the LOS analysis in **Section 4.8**. See also **Appendix M** of the FEIS for a post-development review of existing casino's impacts on their local communities. Reviewers are also referred to the discussion of the indirect effects of traffic mitigation in **Section 4.14.2**.

Response # A007-31

As discussed in the Socioeconomic Assessment (DEIS Vol. II, **Appendix S**), it is estimated that the local labor force would be able to fulfill most employment demands and only a few new residents would be moving into the area as a result of the Proposed Project. Refer to **General Response 2.15.2** (**Appendix B** of the FEIS) for a discussion of the estimated number of in-migrating workers.

Traffic impacts from the few new households spread over the two counties is expected to be de minimus. Background traffic growth rates were analyzed to estimate the amount of traffic growth expected between now and 2010, the build-out-year of the Proposed Project. General traffic growths as well as traffic from developments that will be built in the future that are already in the process of being reviewed or approved were considered. Estimates were made with regard to the amount of traffic generation from in-process developments sites. The Supplemental TIS (**Appendix O** of the FEIS) undertook a more comprehensive review of growth rates than the TIS for the DEIS (DEIS Vol. II, **Appendix T**). A larger list of pending or in-process development proposals was obtained from the communities in the study area and trips to and from these pending development proposals were added to the study area roadway network as a part of the 2010 baseline. Additionally, the report included a

more intensive review of past trends, as well as future land use projections, and traffic growth rates were adjusted accordingly. Generally, growth rates increased over what was used before for the 2005-2010 period, but the rates decrease from 2010 through 2023 and for 2030 based on adopted plans and modeling performed by the Regional Transportation Council (RTC). For more detailed information and derivation of growth rates, refer to Appendix F of the Supplemental TIS (**Appendix O** of the FEIS), which contains background traffic growth rate calculations.

Response # A007-32

See Response to Comment A007-31.

Response # A007-33

Refer to Response to Comment A007-27. No environmental impact statements for Indian casinos that have been constructed are available for this kind of comparative data set. More importantly, the traffic forecasts have been based on other casino operations, accordingly the kind of quality assurance requested by the commenter has been incorporated into the traffic analysis (**Appendix O** and **Section 4.8** of the FEIS) and studies of other northwest Indian casinos were used to validate the trip generation models.

Response # A007-34

Consistency with local land use and zoning designations of the City of La Center and the City of Ridgefield is discussed in **General Response 2.21** (**Appendix B** of the FEIS).

Response # A007-35

Potential conflicts with the City of La Center and the City of Ridgefield's land use plans are discussed in **Section 4.9** of the EIS. See **General Response 2.21** (**Appendix B** of the FEIS) regarding evaluation of land use impacts.

Response # A007-36

See **General Response 2.13.1** (**Appendix B** of the FEIS) regarding cross-jurisdictional impacts.

Response # A007-37

Connection to the City of La Center's wastewater treatment system is an aspect of the project design for Alternative D (see **Section 2.5**) and connection to the City of Ridgefield's wastewater treatment system is an aspect of the project design for Alternative E (see **Section 2.6**). The associated impacts of these actions are discussed for Alternatives D and E in **Section 4.10.4** and **Section 4.10.5**, respectively. Additionally, connection to municipal wastewater treatment systems is an optional mitigation measure recommended for Alternatives A, B, and C in **Section 5.2.8**. The indirect impacts

of receiving wastewater treatment services from the City of La Center or the City of Ridgefield for Alternatives A, B, and C are discussed in **Section 4.14.3**.

Response # A007-38

Quality of life impacts are discussed in **General Response 2.18 (Appendix B)** of the FEIS). In depth analysis of community values is outside of the scope of NEPA, however, **Section 3.7** provides a synopsis of the socioeconomic character of the area while **Section 4.7** provides a discussion of potential changes. Additionally, **Section 4.13** provides a discussion of impacts on community character.

Response # A007-39

These issues have been addressed in **Section 4.14.1 "Indirect Effects from Socioeconomic Conditions."** The DEIS devotes approximately 58 pages to consideration of various indirect impacts.

Response # A007-40

No further trust acquisitions have been proposed by the Tribe beyond those analyzed in this EIS. The City's concerns regarding potential trust land expansion are speculative. As this is not a foreseen action, potential trust land expansion is not analyzed as an indirect or growth induced impact in this EIS. In addition, any future action to obtain further trust land for the Tribe would be subject to environmental review and would require compliance with 25 CFR 151 and NEPA.

Response # A007-41

Section 4.14 directed efforts towards the quantification of effects on the physical environment resulting from indirect and growth inducing effects. These effects are further described and verified by a study of the kinds of developments associated with other Portland area casinos (**Appendix L**). Refer also to Response to Comment A007-25.

Response # A007-42

Section 4.14 describes the general character and distribution of this kind of indirect growth driven by increased employment and in-migration. Reviewers will note that **Section 4.14** quantifies this growth and reveals that generally the majority of the growth is too small in quantity and too diverse to pattern. These results were checked by a study of growth and development associated with other casinos in the greater Portland area (**Appendix M** of the FEIS). This study focused on growth derived from increased business activity in the vicinity of the casinos, and as might be expected, indicates a small level of increased development focusing on capture of casino resort customers and employees for other services such as convenience stores and service stations. This analysis predicted that approximately 315 residential homes and associated infrastructure and commercial establishments would be constructed on approximately 158 acres of land within Ridgefield and La

Center counties. Although the DEIS does not predict the exact location of these homes, this level of distinction is not necessary. Furthermore, it cannot be logically or accurately predicted given the large area over which these homes are expected to occur and the relatively small contribution to the overall amount of predicted residential growth. Additionally, this specificity would not substantially alter the general character and effects of this induced growth as described in **Section 4.14**. Refer also the discussion of growth inducing effects in **General Response 2.22 (Appendix B)** of the FEIS).

Response # A007-43

The projects considered in the cumulative analysis have substantially increased, with the addition of projects suggested by local jurisdictions and others. See the revised discussion in **Section 4.14**.

Additionally, the Supplemental TIS (**Appendix O** of the FEIS) includes background traffic based on review of in-process developments from Clark County, Woodland, La Center, Ridgefield, and Battle Ground, as well as major projects in the City of Vancouver. An updated list of developments has been calculated into the analysis in the Supplemental TIS. Revisions have been incorporated into **Section 4.8**.

Response # A007-44

Refer to Response to Comment A003-1.

Response # A007-45

Refer to **General Response 2.23 (Appendix B)** of the FEIS and **Section 4.15.1** for a discussion of the geographic area of cumulative effects analysis.

Response # A007-46

Cumulative impacts from the Proposed Project are described in **Sections 4.15.2** through **4.15.6**.

Response # A007-47

Refer to Response to Comment A007-43.

Response # A007-48

Refer to **General Response 2.23 (Appendix B)** of the FEIS). See also Response to Comment A007-43.

Response # A007-49

Refer to **General Response 2.23 (Appendix B)** of the FEIS).

Response # A007-50

The commenter appears confused concerning the difference between "cumulative impacts" and "indirect and growth inducing impacts." The cumulative impacts **Section 4.15** has been revised to reflect the effects of the Proposed Project along with other past, present and future projects including casino projects. **Section 4.14** has been revised to present the effects of past casino projects, and to verify the indirect and growth inducing effects analysis.

Response # A007-51

No response required.

Response # A007-52

No response required. Refer to **Section 4.16** for a discussion of unavoidable adverse effects.

Response # A007-53

Additional analysis of the effects on traffic, housing, schools, and land use fails to show that significant unmitigated impacts will occur. Refer to FEIS **Appendix B** (General Responses), **Appendix K** (Supplemental Socio-economic Report), and **Appendix O** (Supplemental TIS) as well as **Sections 4.7, 4.8, 4.9, and 4.10** of the FEIS. **Section 4.16.6** has been amended to clarify potential revenue effects to the City of La Center and their potential significance, and to provide more recent information on a potential agreement between the City of La Center and the Cowlitz Indian Tribe to offset revenue effects.

Response # A007-54

See **General Response 2.16 (Appendix B)** of the FEIS). The City of La Center and EcoNorthwest estimate that the loss to City revenues from a decline in cardroom business could be as much as 66%. While revenues would exceed the amount allocated by the City to its general fund as of 2005, a potentially significant impact could occur to discretionary funding used for capital improvement projects for public facilities. The Executive Summary, **Section 4.7**, and **Section 5.2.6** have been updated to reflect this analysis.

Response # A007-55

No response required.

Response # A007-56

Refer to the discussion of mitigation specificity and enforceability in **General Response 2.24 (Appendix B)** of the FEIS).

Response # A007-57

No response required.

Response # A007-58

The DEIS was prepared for the purposes of analyzing the environmental consequences of the BIA's approval of the proposed trust acquisition and gaming management contract. The BIA is not a party to any proposed MOU between the Cowlitz Indian Tribe and the City of La Center. The BIA does not believe the EIS is the appropriate vehicle for negotiations between the Tribe and local jurisdictions.

Response # A007-59

Refer to Response to Comment A007-58.

Response # A007-60

Refer to Response to Comment A007-58.

Response # A007-61

Refer to Response to Comment A007-58.

Response # A007-62

Refer to Response to Comment A007-58.

Response # A007-63

Refer to Response to Comment A007-58.

Response # A007-64

Refer to Response to Comment A007-58.

Response # A007-65

Refer to Response to Comment A007-58.

Response # A007-66

Refer to Response to Comment A007-54.

Response # A007-67

No response required.

Response # A007-68

Mitigation measures included in the EIS have been developed and prepared to mitigate the specific impacts of the Proposed Action. Where stated in the analysis in **Section 4.0** of the DEIS, implementation of mitigation measures have been determined to be sufficient to reduce impacts to less than significant levels. The indirect effects of recommended mitigation measures are discussed in **Section 4.14**. Refer also to the discussion of mitigation specificity and enforceability in **General Response 2.24** (**Appendix B** of the FEIS).

Response # A007-69

Refer to Response to Comment A006-1 and **General Response 2.1.4** (**Appendix B** of the FEIS).

Response # A007-70

The comment is noted. Refer to **General Response 2.1.2** and **2.1.3** (**Appendix B** of the FEIS).

Response # A007-71

No response required.

Response # A007-72

No response required.

Response # A007-73

See **General Response 2.14** (**Appendix B** of the FEIS) regarding impacts to schools.

Response # A007-74

See **General Response 2.13.1** (**Appendix B** of the FEIS) regarding cross-jurisdictional impacts to the City of La Center Police Department.

Response # A007-75

Connection to the City's WWTP was identified as a possible mitigation option in the DEIS, not as a part of the Proposed Project. The effects of implementing this mitigation option are discussed in **Section 4.14**. Capacity issues are discussed in DEIS Vol. II, **Appendix G**, and **Appendix F** of the FEIS.

Response # A007-76

Cumulative impacts for the Proposed Project are properly scoped in **Section 4.15.1** and analyzed in **Sections 4.15.2** through **4.15.6**. Traffic impacts are explicitly broken out and described.

Response # A007-77

No response required.

Response # A007-78

Refer to Response to Comment A007-58.

Response # A007-79

The comment is noted. Refer to Response to Comment A007-40.

Response # A007-80

The comment is noted. The DEIS includes an optional mitigation measure for Alternatives A through C that would result in an effort by the Tribe to obtain a services agreement with the City of La Center to provide municipal sewer service. If this action occurs, the City and the Tribe may negotiate on their own terms to determine the appropriate course of action. Refer to Response to Comment A007-58 for a discussion of BIA involvement in Tribal negotiations with local jurisdictions.

Response # A007-81

Refer to Response to Comment A007-80.

Response # A007-82

Refer to Response to Comment A007-58.

Response # A007-83

Refer to Response to Comment A007-58.

Response # A007-84

Refer to Response to Comment A007-58.

Response # A007-85

Refer to Response to Comment A007-58.

Response # A007-86

Refer to Response to Comment A007-58.

Response # A007-87

No response required.

Response # A007-88

The retail space remains part of the Proposed Project and is provided to increase the draw or market share of the gaming related space.

Response # A007-89

Section 4.7 states that the City of La Center, in comments on the Draft EIS, responded to the proposal of the Cowlitz Tribe, but no agreement has been reached. An agreement is not required to reduce impacts to less than significant and thus will be considered outside of the NEPA process.

Response # A007-90

As the Tribe does not propose having school children in residence, any jurisdiction by the La Center School District would appear to be a moot point. Even though the site has been included within the La Center UGA, the La Center Police Department would not have jurisdiction unless the City annexed the property. It should be noted that if the land is brought into federal trust status, the site would be removed from all state and local jurisdiction.

Response # A007-91

The Tribe's Business Plan (**Appendix E** of the FEIS) is a required part of the Tribe's application. This Plan assesses the unmet economic needs of the Tribe. While the Plan is not a requirement of the EIS, it has been used to modify the discussion of the Tribe's unmet needs and desires in the EIS. As appropriate, the BIA has considered the needs and desires of the Tribe in formulating the EIS purpose and need.

Response # A007-92

Refer to **General Response 2.1.4 (Appendix B** of the FEIS) for a discussion of the need for a supplemental DEIS.

Response # A007-93

No response required.

Response # A007-94

No response required.

Response # A007-95

Refer to **General Response 2.1.2 (Appendix B** of the FEIS) for a discussion of comments submitted on the Draft EA.

COMMENT LETTER 8 – LOG # A008

Response # A008-1

No response required.

Response # A008-2

No response required.

Response # A008-3

No response required.

Response # A008-4

No response required.

Response # A008-5

No response required.

Response # A008-6

No response required.

Response # A008-7

Tribal enrollment and demographic figures have been updated in **Section 1.2** and **Section 3.7** of the FEIS using the most recent data collected by the Tribal Enrollment Officer in August 2006. Refer to Response to Comment A008-81.

Response # A008-8

A discussion of the USEPA's Treatment as State (TAS) program has been added to **Section 3.3.3** of the EIS.

Response # A008-9

Refer to **Section 3.6.1** of the FEIS for an updated account of the Cowlitz Tribal history.

Response # A008-10

Refer to Response to Comment A008-7.

Response # A008-11

This reference has been deleted as more recent data regarding the Tribe has been provided for the FEIS.

Response # A008-12

Section 3.9 has been updated with the requested revision.

Response # A008-13

A discussion of the Business Park Code has been incorporated into **Section 3.9.4**.

Response # A008-14

Section 4.4 states that intersections considered for the "Hot Spot Analysis" were those that had an LOS of D, E, or F as determined in **Section 4.8**. Refer to DEIS Vol. I, **Appendix E** and Vol. II **Appendix T**, as well as **Appendices H** and **O** of the FEIS for further discussions of the methodology used.

Response # A008-15

As stated in **Section 4.4.1**, the USEPA does not require non-signalized intersections to be modeled. This is due to the low volume of traffic assumed at a non-signalized intersection. Saturday peak-hour data was analyzed in the Interchange Justification Report (**Appendix P** of the FEIS). Event traffic in 2030, as in 2010, will be spread over the hours of 4:30 to 7:30 p.m. (see **Appendix O** of the FEIS). Due to this, peak-hour event traffic volumes (which directly relates to carbon monoxide [CO] analysis) will be reduced and, therefore, would be less than peak-hour weekday traffic.

Response # A008-16

Sections 4.4-2 through **4.4-6** have been revised to reflect that the mitigation proposed in **Section 5.2.3** would not reduce impacts to less than significant. However, total emissions were compared to regional emissions inventories in **Section 3.4**. **Table 3.4-3** shows that the Proposed Project emissions are on an average less than 0.5% of the total regional air emissions.

Response # A008-17

See corrections regarding significant impacts from operational vehicle emissions in **Section 4.16.3**.

Response # A008-18

See revised text in **Section 4.5.2**.

Response # A008-19

See revised text in **Section 4.5.4**.

Response # A008-20

It is agreed by correspondence between the County and Tribe that payment in lieu of taxes includes all property taxes which would have been received for the real property, improvements and personal property located in Clark County had the Tribe been subject to property taxes (**Appendix W** of the FEIS). It is understood that the Tribe has not committed to pay portions of property taxes that would go to the State. The totals in **Section 4.7** of the FEIS have been updated and **Table 4.7-3** has been added to show the annual tax revenue without the State portions of property tax.

Response # A008-21

Refer to Response to Comment A008-20.

Response # A008-22

Refer to Response to Comment A008-20.

Response # A008-23

Refer to Response to Comment A008-7.

Response # A008-24

Refer to Response to Comment A008-20.

Response # A008-25

Refer to Response to Comment A008-20.

Response # A008-26

The trip distribution discussion in the TIS (DEIS Vol. II, **Appendix T**) states that the primary goal of trip distribution is to appropriately add future project traffic to the road system and primary intersections using anticipated travel patterns and vehicular access paths. Trip assignment is the process of assigning project traffic to the roadway network using the determined trip distribution, existing and projected travel patterns, and driveway utilization for each alternative.

The Supplemental TIS (**Appendix O** of the FEIS) includes a more thorough discussion of trip distribution and assignment. The additional discussion points out that although the City of La Center offered a trip distribution model with comments on the DEIS, the consultant for the City declined to share the casino trip distribution model with the Tribe's traffic consultant. Thus, a trip distribution

model was developed specifically for the Cowlitz Casino study based on investigation of studies conducted elsewhere on casino and event-related trip distribution. The investigation found that casino and event-related trip distribution is related to the amount of competing gaming facilities, time and distance from the Casino, and population. Competing facilities for gaming customers and concertgoers consisted of Lucky Eagle Casino in Rochester, Washington and Spirit Mountain Casino in Grand Ronde, Oregon. Any future casinos built that would compete with the Proposed Project would decrease casino trips to the Cowlitz Casino, and therefore, the estimate provided is considered conservative. Time and distance were determined to affect the time of the trip more than the decision to make a trip. Finally, it was determined that the Cowlitz casino would draw from a large population base, and the number of trips from a geographic area would be directly related to the number of people living in that area.

The discussion of trip distribution and assignment in **Section 4.8.1** of the FEIS has been changed to include the expanded discussion provided in the Supplemental TIS.

Response # A008-27

The discussion of land use jurisdiction in **Section 4.9.1** was revised to clarify NEPA's requirements regarding consideration of adopted land use plans as well as plans that have been formally proposed. The outdated discussion of the November 2004 C-Tran ballot measure was removed. Further information regarding recent C-Tran ballot measures is not necessary to determine the Proposed Project's consistency with Clark County land use goals and, therefore, is not included in **Section 4.9**.

Response # A008-28

Refer to Response to Comment A008-13.

Response # A008-29

These suggested corrections have been made. Refer to **Section 4.13** for revised language.

Response # A008-30

These suggested corrections have been made. Refer to **Section 4.14.1** for revised language.

Response # A008-31

These suggested corrections have been made. Refer to **Section 4.14.3** for revised language.

Response # A008-32

These suggested corrections have been made. Refer to **Section 4.13.4** for revised language.

Response # A008-33

The BA (**Appendix I** of the FEIS) compares the water qualities of the unnamed on-site stream and the East Fork Lewis River to the projected quality of the treated effluent and concludes that there will be no significant impacts to the water quality in the unnamed stream and the East Fork Lewis River from the discharge of treated effluent. The projected water quality values for stormwater and treated wastewater can be found in **Appendices I** (the new BA), **G**, and **F** of the FEIS.

Response # A008-34

The emissions estimates for VOC, NO_x, and PM₁₀ were done based on the information provided in the Supplemental TIS (**Appendix O** of the FEIS). Results shown in **Section 4.15** include the potential emissions from these non-transportation proposed projects in 2030. The cumulative emissions shown in **Table 4.15-1** are below de minimis and account for less than 0.85% of the total Clark County emissions of NO_x, VOC, and PM₁₀.

Response # A008-35

Refer to revised language in **Section 4.15**.

Response # A008-36

Refer to Response to Comment A008-34 and A008-35.

Response # A008-37

Refer to Response to Comment A008-34 and A008-35.

Response # A008-38

Refer to Response to Comment A008-34 and A008-35.

Response # A008-39

Refer to **Section 4.16.12** and **Table ES-1** in the **Executive Summary** for corrected text.

Response # A008-40

Section 5.2.6 was updated to eliminate this mitigation measure. Impacts to the City of La Center's general fund revenue would be less than significant as discussed in **Section 4.7**.

Response # A008-41

Refer to Response to Comment A008-40.

Response # A008-42

Refer to Response to Comment A008-40.

Response # A008-43

As discussed in **Section 4.13**, light and shadow impacts are less than significant. Glare is a significant and unavoidable impact as discussed in **Section 4.16**.

Response # A008-44

Refer to revised text on **page ii**.

Response # A008-45

Refer to revised text on **page ii**.

Response # A008-46

Refer to revised text in **Section 1.1**.

Response # A008-47

Refer to revised text in **Section 1.1.1**.

Response # A008-48

Refer to revised text in **Section 1.2**.

Response # A008-49

Refer to revised text in **Section 2.2.1**.

Response # A008-50

Refer to revised text in **Section 2.2.3**.

Response # A008-51

Refer to revised text in **Section 2.2.3**.

Response # A008-52

Refer to revised text in **Section 2.2.4**.

Response # A008-53

Refer to revised text in **Section 2.2.4**.

Response # A008-54

Refer to revised text in **Section 2.3**.

Response # A008-55

Refer to revised text in **Section 2.4**.

Response # A008-56

Refer to revised text in **Section 2.6.3**.

Response # A008-57

Refer to revised text in **Section 2.6.4**.

Response # A008-58

Refer to revised text in **Section 3.4.2**.

Response # A008-59

Refer to revised text in **Section 3.4.3**.

Response # A008-60

A distinction between criteria pollutants and toxic air pollutants has been made clear in **Section 3.4.2** of the FEIS.

Response # A008-61

Refer to revised text in **Section 3.7.3**.

Response # A008-62

Refer to revised text in **Section 3.9.4**.

Response # A008-63

Section 3.10.1 of the FEIS has been updated to note that the new main fire station has opened.

Response # A008-64

Refer to revised text in **Section 3.13.1**.

Response # A008-65

Significance is determined by a rule of reason utilizing criteria delineated in 40 CFR 1508-27. These criteria consider both context and intensity.

Response # A008-66

Refer to revised text in **Section 4.2.6**.

Response # A008-67

Please refer to **Section 4.3.1** of the FEIS, subsection "Stormwater Runoff", which states that the proposed stormwater control facilities would reduce peak stormwater flows to the unnamed stream. The Proposed Project will therefore not result in significantly increased problems with the I-5 culvert.

Response # A008-68

Refer to revised text in **Section 4.3.1**.

Response # A008-69

Refer to revised text in **Section 4.5.1**.

Response # A008-70

Refer to revised text in **Section 4.7.1**.

Response # A008-71

Refer to revised text in **Section 4.7.3**.

Response # A008-72

Refer to revised text in **Section 4.8.3**.

Response # A008-73

Refer to revised text in **Section 4.10.4**.

Response # A008-74

Refer to revised text in **Section 4.14.1**.

Response # A008-75

Refer to revised text in **Section 4.14.1**.

Response # A008-76

Refer to revised text in **Section 4.14.1**.

Response # A008-77

Refer to revised text in **Section 4.14.1**.

Response # A008-78

Refer to revised text in **Section 4.14.1**.

Response # A008-79

Refer to revised text in **Section 4.15.2**.

Response # A008-80

Refer to revised text in **Section 4.15.2**.

Response # A008-81

The demographic information compiled by the Tribes enrollment officer in August 2006 has been incorporated into **Section 1.2** and **Section 3.7** of the FEIS.

Response # A008-82

Comment noted. Refer **Section 1.4** of the FEIS and **General Response 2.3** for further discussion of purpose and need.

Response # A008-83

Comment noted. Refer to **Section 2.9** of the FEIS and **General Response 2.4 (Appendix B)** of the FEIS) regarding consideration of a reasonable range of alternatives.

Response # A008-84

Comment noted. Refer **Section 1.4** of the FEIS and **General Response 2.3** for further discussion of purpose and need.

Response # A008-85

Comment noted. Refer to **Section 2.9** of the FEIS and **General Response 2.4 (Appendix B)** of the FEIS) regarding consideration of a reasonable range of alternatives.

Response # A008-86

Comment noted. Refer **Section 1.4** of the FEIS and **General Response 2.3** for further discussion of purpose and need.

COMMENT LETTER 9 – LOG # A009

Response # A009-1

Impacts to police and fire protection services were evaluated in **Section 4.10**. While the project would increase service demands, impacts would be less than significant with mitigation as specified in **Section 5.2.8** and the MOU between the Tribe and Clark County. Refer also to **General Response 2.13.1 (Appendix B** of the FEIS) for a discussion of impacts to law enforcement.

Response # A009-2

Impacts to schools were evaluated in **Section 4.7**. See also **General Response 2.14 (Appendix B** of the FEIS) for an updated analyses.

Response # A009-3

Impacts to housing demand and affordable housing supply were evaluated in **Section 4.7**. See also **General Response 2.15 (Appendix B** of the FEIS) for a further discussion of housing issues.

Response # A009-4

Impacts to public services are discussed in **Section 4.10**. Other fiscal impacts and impacts to schools are evaluated in **Section 4.7**.

COMMENT LETTER 10 – LOG # A010

Response # A010-1

No response required.

Response # A010-2

No response required.

Response # A010-3

Refer to Response to Comment A007-43.

Response # A010-4

Refer to Response to Comment A006-24. References to "Timm Road Industrial Park" and "Timmen Road Industrial Park" have been changed throughout the FEIS to reflect "Specht Development" for consistency with the Supplemental TIS.

Response # A010-5

Refer to Response to Comment A006-25.

Response # A010-6

Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion on the geographic scope of the traffic impact study. Additional analysis of the trip distribution and trip assignments are located in **Appendix O** and **Section 4.8**.

COMMENT LETTER 11 – LOG # A014

Response # A014-1

No response required.

Response # A014-2

No response required.

Response # A014-3

No response required.

Response # A014-4

No response required.

Response # A014-5

Comment noted. The needs of the Tribe and preferences of the Tribal Government were considered by the BIA in formulating the purpose and need section of the EIS. Refer to **General Response 2.3 (Appendix B** of the FEIS) and **Section 1.0** of the FEIS.

Response # A014-6

Comment noted. The project's effects on Socioeconomic conditions are discussed in **Section 4.7**.

Response # A014-7

Comment noted. The Tribe's efforts to mitigate impacts are described both under mitigation (**Section 5.0**) and as part of the Proposed Action (**Section 2.0**) in the EIS.

Response # A014-8

Comment noted. However, it should also be noted that no such agreement has yet been formalized.

Response # A014-9

No response required.

Response # A014-10

No response required.

COMMENT LETTER 12 – LOG # A015

Response # A015-1

Refer to General Responses 2.6 and 2.7 (Appendix B of the FEIS) for a discussion of the methods that will be used to treat and filter wastewater and stormwater prior to discharge. Additional information on the water quality of the discharge and the receiving waters can be found in **Appendices F, G, and I** of the FEIS and in the Responses to Comments A004-2, 3, 5, 7, 15, 24, and 28.

COMMENT LETTER 13 – LOG # A016

Response # A016-1

No response required.

Response # A016-2

No response required.

Response # A016-3

No response required.

Response # A016-4

The Supplemental TIS (**Appendix O** of the FEIS) and **Section 5.2.7** of the FEIS have been revised to modify the mitigation measure regarding the widening of the I-5 northbound off-ramp, to state that the right turn lane will also have a length of 450 feet. The mitigation measures provided for the

project already include the other suggested modifications. Refer to **Section 5.2.7** for a list of traffic mitigation.

Response # A016-5

No response required. The draft Access Decision Report (a.k.a. the Interchange Justification Report [IJR]) is included as **Appendix P** of the FEIS.

Response # A016-6

No response required.

Response # A016-7

No response required.

Response # A016-8

No response required. Items noted by WSDOT have been included as mitigation measures. Refer to **Section 5.2.7** of the FEIS for traffic mitigation.

Response # A016-9

Comment noted. Refer to **Appendix G** and **Section 4.3** of the FEIS for a discussion of stormwater impacts and the capacity of the culvert under I-5.

Response # A016-10

The Noise Technical Report (DEIS Vol. III, **Appendix U**) provided noise monitoring and noise modeling for both the preferred and alternative sites. The modeling sites can be seen in **Figures 3.11-1** and **3.11-2** in **Section 3.11** of the FEIS. The modeling results show that the WAC daytime and nighttime limits would not be exceeded. The modeling results described above include the area of the northbound off ramp of I-5.

COMMENT LETTER 14 – LOG # A017

Response # A017-1

No response required.

Response # A017-2

No response required.

Response # A017-3

No response required. Refer to **Section 5.2.7** of the FEIS for traffic mitigation.

Response # A017-4

No response required.

COMMENT LETTER 15 – LOG # A018

Response # A018-1

Refer to the discussion of comments submitted on the Draft EA in **General Response 2.1.2** (**Appendix B** of the FEIS).

COMMENT LETTER 16 – LOG # A020

Response # A020-1

Refer to **General Response 2.14** (**Appendix B** of the FEIS) for a discussion of impacts to schools.

COMMENT LETTER 17 – LOG # 17

Response # 17-1

No response required.

Response # 17-2

See **General Response 2.13** (**Appendix B** of the FEIS) regarding effects from crime.

Response # 17-3

No response required.

Response # 17-4

As discussed in **Section 4.7.1**, the Tribe has committed in Section 11 of the MOU with Clark County to collect sales tax on non-Indian sales, to make payments in lieu of property taxes, and to make an annual payment equivalent to the hotel/motel or transient occupancy tax. Thus, the effects to the city's tax revenue and infrastructure funding would not be significant. The substitution impact to local businesses is discussed in **Section 4.14**. See **General Response 2.15.5** (**Appendix B** of the FEIS) for a discussion of impacts to property values.

Response # 17-5

Cities within a 10 mile radius were included in the evaluation of socioeconomic effects as described in the primary and secondary study areas discussion (DEIS Vol. II, **Appendix S**). The cost of problem gambling is addressed in **Section 4.7.1**. See **General Response 2.14 (Appendix B** of the FEIS) regarding impacts to schools funding and overcrowding. See **General Response 2.15.1** for a discussion of employee income.

Response # 17-6

Refer to Response to Comment A007-30.

Response # 17-7

On average Cowlitz Tribal members are not financially disadvantaged, particularly when compared with residents of Clark and Cowlitz counties. This point was confirmed by an EcoNorthwest study submitted with comments from the City of La Center. This appears to be largely because Tribal members have relocated to areas with lower unemployment paying higher wages. However, the principal beneficiary of the project is the Cowlitz Tribal Government which requires the funds for operation of an effective Tribal Government to serve all their membership. For a discussion of the needs of the Tribal Government, refer to the Tribe's Business Plan (**Appendix E** of the FEIS) submitted as a required element of the fee-to-trust application.

Response # 17-8

No response required.

Response # 17-9

Refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** of the FEIS for a discussion of project alternatives and alternative locations.

Response # 17-10

A decision on the Proposed Project will most likely be made by the Department of Interior's Assistant Secretary - Indian Affairs.

COMMENT LETTER 18 – LOG # 51

Response # 51-1

Direct and indirect housing impacts are thoroughly addressed in the EIS and the Socioeconomic Assessment (**Appendix S** of the DEIS). Housing demand is also discussed in **General Response 2.15.4 (Appendix B** of the FEIS).

Response # 51-2

See **General Response 2.15.2 (Appendix B)** of the FEIS regarding justification for the analysis that approximately 10% of workers would be new to the secondary area and the rest would be filled by existing residents.

Response # 51-3

See Response to Comment A005-62.

Response # 51-4

See Response to Comment 051-1.

Response # 51-5

As the impacts to housing are less than significant the suggested provisions are not required.

COMMENT LETTER 19 – LOG # 166**Response # 166-1**

No response required.

Response # 166-2

Refer to Response to Comment A007-3.

Response # 166-3

Wind conditions were not recorded during the noise measurement studies. All of the monitoring was conducted during July, a period where unusually high wind speeds would not be expected.

The attended short term monitoring were conducted under light winds and these winds did not adversely impact the monitoring. That is, as the wind speed varied during the measurement period it was not observed to result in a corresponding increase or decrease in the measured noise level. Had high winds adversely impacted the measurements, the Federal Highway Administration (FHWA) Traffic Noise Model (TNM) would not have calibrated. It should also be noted that wind conditions are not used in the noise modeling analyses.

Response # 166-4

Comment noted.

Response # 166-5

Operational noise modeling is based on ISO9613-2 which assumes downwind conditions (in all directions from each noise source to each noise receiver simultaneously). Traffic noise modeling was performed with the FHWA TNM which does not have an option to specify wind speed or direction. Evaluation of noise impacts for NEPA purposes typically does not take into account wind speed and wind direction. Noise impacts from this project are not expected so any additional analysis beyond that which is normally done is not warranted.

Response # 166-6

The analysis shown in **Section 4.11** uses the WsDOT standard. In **Section 4.11.1** the WSDOT traffic noise analysis abatement policy and procedure is discussed.

Response # 166-7

See Response to Comment 166-6.

Response # 166-8

Cumulative noise impacts are analyzed in **Section 4.15**. Noise measurement cannot be directly combined due to noise being measured in logarithmic units, example if two noise measurements of 70 dBA were combined, the resulting noise would be approximately 74 dBA, not 140 dBA.

Response # 166-9

These figures provide the same degree of specificity.

Response # 166-10

No response required.

Response # 166-11

The Tribe has made every effort to conform the Proposed Project to state and local air and noise policies. However, once the land is taken into trust by the BIA, state laws and policies will no longer apply.

Response # 166-12

Refer to **General Responses 2.9** and **2.10 (Appendix B** of the FEIS). Further discussion of the CWA is included in the BA (**Appendix I** of the FEIS).

Response # 166-13

A NPDES permit is listed with other required permits in Section 1.6. The need for an NPDES permit is discussed in **Section 4.3.1**.

Response # 166-14

Refer to Response to Comment A001-1 and Response to Comment A004-5. The required mixing zone for the effluent is determined from the East Fork Lewis River, not the seasonal on-site unnamed stream. During the dry season, the East Fork Lewis River has a sufficient flow for the treated effluent to be discharged to it.

Response # 166-15

The responsible agency for a highway system (i.e. the State Department of Transportation) is responsible for obtaining an NPDES permit for stormwater discharges. Stormwater from other properties may not discharge into these permitted highway stormwater systems, as this may cause a violation of the discharge requirements issued with the NPDES permit. The stormwater from the Proposed Project that would be discharged from the culvert under I-5, would pass by the highway stormwater system, and not discharge into the system itself. Therefore, no violation would occur.

Response # 166-16

The culvert under I-5 is an existing feature of the stormwater management system of the La Center Interchange Site and currently in use. The Tribe would incorporate the use of the culvert into the stormwater management facilities of the Proposed Project and would not need right-of-ways grants from private citizens.

Response # 166-17

Refer to **General Responses 2.6** and **2.7 (Appendix B)** of the FEIS regarding the impacts to water quality from storm water and treated wastewater discharged from the Proposed Project.

Response # 166-18

As noted on page 2 of DEIS Vol. II, **Appendix P**, the narrative that depicts the samples as beyond their hold time was questioned by Ecological Land Services, Inc. According to the laboratory's chemist, the hold times were over the 8-hour time limit for state-compliance related testing. For non-compliance sampling, the hold time is 24-hours. All samples were to the lab within 24-hours. Because the scope of the sampling event was to determine a baseline, and the sample results were not for state review, the samples are considered non-compliance samples. Therefore, as stated on page 2 of DEIS Vol. II, **Appendix P**, "All samples analyzed for fecal coliform bacteria for this project were conducted within the appropriate holding time." The sampling technique utilized for the baseline samples, including holding times, are consistent with the sampling technique outlined in the Quality

Assurance Project Plan for the TMDL development project for the East Fork Lewis River. As noted on page 56 of the Plan, sampling procedures for the TMDL development have a holding time of 24 hours.

Response # 166-19

See Response to Comment 166-17. Refer also to the BA (**Appendix I** of the FEIS).

Response # 166-20

The basin planning process has already incorporated expansion of the CPU water supply system through the construction of additional wells as discussed in **Section 3.10**. CPU has current capacity to serve the project alternatives and, therefore, would not impact local watershed plans.

Response # 166-21

The location of the La Center Interchange site within the I-5 corridor would tend to indicate that the area is likely to be developed in the short term. Additionally, the site has recently been included within the UGA of the City of La Center and the adopted zoning designation was changed to Light Industrial with an urban holding overlay. **Section 3.9** and **Section 3.10** of the FEIS discuss the recent changes to land use and the possible extension of public services to the area around Interstate 5, which is likely to lead to accelerated growth.

Response # 166-22

Refer to **Section 4.8** and the Supplemental TIS (**Appendix O** of the FEIS) for a discussion of impacts to local roads.

Response # 166-23

Refer to **General Response 2.19** (**Appendix B** of the FEIS) for a discussion of background traffic growth rates.

Response # 166-24

Refer to **General Response 2.19** (**Appendix B** of the FEIS) for a discussion of traffic generation rates.

Response # 166-25

The commenter is incorrect, the hotel is proposed to be eight stories high, not ten. Refer to **Section 4.13** for a discussion of impacts to the surrounding viewsheds. **Section 5.2.11** provides mitigation measures to reduce impacts to the viewshed to less than significant.

Response # 166-26

No response required.

COMMENT LETTER 20 – LOG # 198

Response # 198-1

No response required.

Response # 198-2

Refer to **General Response 2.2.2 (Appendix B** of the FEIS) for Non-NEPA issues in regards to FOIA requests. Refer to **General Response 2.1.2** for comments submitted on the EA. All of the public meetings held on the EIS (the scoping hearing and the two for the DEIS), were open to the public and public participation was solicited. The BIA does not believe that any errors regarding NEPA procedures have occurred.

Response # 198-3

No response required.

Response # 198-4

No response required.

Response # 198-5

Refer to Response to Comment A004-1.

Response # 198-6

As discussed in **Section 2.0** for Alternatives A, B, and C, treated wastewater would be stored in a 750,000-gallon closed-tank reservoir located within the confines of the on-site WWTP. The reservoir is, therefore, not identified separately on the site plan. Discharge to the unnamed stream would be dependent upon the waste discharge requirements established for the project site. A discussion of the combined total discharge of wastewater and stormwater into the unnamed stream is provided in the supplemental stormwater report (**Appendix G** of the FEIS). Results of the supplemental report indicate actual release rates from the site will be substantially lower than the allowable release rates as determined by the Clark County Drainage ordinance.

Response # 198-7

The TMDL Technical Report for the East Fork Lewis River by DOE will not be published until March of 2007. Mixing zone requirements only apply to points of discharge where the water being

discharged does not meet CWA standards and dilution is required. For a discussion of the potential for the Proposed Project to impact the East Fork Lewis River, refer to **General Responses 2.6, 2.7, and 2.9 (Appendix B** of the FEIS), as well as **Sections 4.3, 4.5, and Appendices I, F, and G** of the EIS. A discussion of the NPDES permitting process is provided in **Section 5.2.1** of the FEIS.

Response # 198-8

The Tribe may enter into an agreement with the City of La Center to treat effluent. Treatment of wastewater at La Center is discussed as potential mitigation in **Section 5.0** of the FEIS. When wastewater leaves Tribal property in this potential mitigation option, it would be entering into the City of La Center system. The Tribe would be under the same restrictions as any other party regarding what they emplace in that system.

Response # 198-9

No response required. Refer to the BA included as **Appendix I, and Section 3.5 and Section 4.5** of the FEIS for a discussion of Waters of the U.S.

Response # 198-10

The compensation of *no less than* \$50,000 is calculated as the amount necessary to ameliorate impacts to public services.

Response # 198-11

Comment noted. However, in many ways the character of the two towns is similar in that they are both small rural communities.

Response # 198-12

No response required.

Response # 198-13

No response required.

Response # 198-14

No response required.

Response # 198-15

No response required.

Response # 198-16

Refer to **General Response 2.6 (Appendix B)** of the FEIS regarding water quality issues. The reference to the WAC antidegradation policy has been updated to reflect the correct legislative identification number (173-200-030).

Response # 198-17

Comment noted. However, if the property comes into trust, the applicable natural resource planning documents are the appropriate tribal codes and ordinances.

Response # 198-18

Refer to **General Responses 2.1.2 and 2.1.3 (Appendix B)** of the FEIS for a discussion of comments submitted in response to the EA and the PDEIS. Refer to **Section 4.5 and Appendix I** of the FEIS (the new BA), along with **General Response 2.11**, for a discussion of potential impacts to bald eagles.

Response # 198-19

Refer to **General Responses 2.10 and 2.11 (Appendix B)** of the FEIS for a discussion of the new BA that was prepared for the FEIS. The BA addresses the potential for fish to occur in the lower reaches of the unnamed stream and the potential of the treated effluent and stormwater to impact fish in the unnamed stream and the East Fork Lewis River. Changes were made to **Sections 3.5 and 4.5** to incorporate the new data.

Response # 198-20

Appendix F of the FEIS states that treated wastewater from the treatment facility will run through an underground pipe field where heat can transfer to the soil and lower the temperature of the treated effluent to below 18°C. Using this cooling method, the temperature of the treated effluent at the discharge point will be colder when ambient and soil temperatures are colder (such as during the winter).

The temperature and quality of the stormwater runoff from the site is discussed in **Appendix G** of the FEIS, which states that the temperature of the stormwater will be directly related to the ambient temperature. During the summer, when the ambient temperature would be the highest, the stormwater is more likely to infiltrate or evaporate before reaching the unnamed stream, thereby not impacting the unnamed stream.

Appendices F, G, and I of the FEIS state that all stormwater and wastewater being discharged into the unnamed stream will meet State water quality standards and be of a higher quality than the East Fork Lewis River in regard to temperature and some constituents.

The timing of site visits and monitoring of the water quality in the unnamed stream and the East Fork Lewis River are provided in **Appendices F, G, and I** of the FEIS.

A discussion of the permitting process is provided in **General Response 2.9 (Appendix B)** of the FEIS). Cumulative impacts from the Proposed Project and surrounding activities are discussed in **General Response 2.23** and in **Section 4.15** of the EIS.

Response # 198-21

No response required.

Response # 198-22

Refer to Response to Comment A007-3.

Response # 198-23

There are no federal, state, or local rules or regulations that require resident notification for a noise study. The protocol used to estimate Traffic noise levels were derived from the Federal Highway Administration (FHWA) guidelines as stated in the Noise Technical Report (DEIS Vol. III, **Appendix U**). All appropriate protocols for noise measurements were followed.

Response # 198-24

As noted in **Section 4.3** of the EIS, implementation of the Proposed Project would alter the drainage pattern of the site. In order to address potential impacts from the alterations, stormwater control facilities have been included in the project description (**Section 2.0** and DEIS Vol. I, **Appendix F**). Provisions of this stormwater plan includes diverting collected stormwater to the culvert at flow rates consistent with the capacity of the culvert, thereby reducing the potential for flooding.

Response # 198-25

No response required. Refer to **Section 4.13** for a discussion of the impacts to viewsheds. Mitigation is provided in **Section 5.0**.

Response # 198-26

No response required.

Response # 198-27

No response required.

Response # 198-28

This discussion in **Section 4.8** states that an implication of the later start time is that the number of vehicles arriving to an event during the 4:45 to 5:45PM weekday transportation system peak hour would be less than the number of vehicles that would arrive during the same time period for an event that started earlier.

The Supplemental TIS (**Appendix O** of the FEIS) includes an analysis of traffic impacts from an event at the Cowlitz Casino Events Center, including those occasions when an event would occur simultaneously at the Cowlitz Events Center and the Clark County Amphitheatre. Since the Amphitheater is a seasonal venue with approximately 15-20 events per year, and the Cowlitz Events Center is a year-round facility with 20-30 events per year, it was determined that simultaneous events would occur three or four times a year. It is assumed that traffic to the Cowlitz Event Center would have its highest impacts at approximately 6:00 to 7:00 PM since events would start at 8:00 PM, and traffic to the Clark County Amphitheatre would have its highest impacts at approximately 5:30 to 6:30 PM since events typically start at 7:00 to 7:30 PM. On these occasions, the addition of vehicles on I-5 from the Cowlitz Casino before an event should not contribute to congestion of Amphitheatre traffic in the right lane, since these vehicles can remain in the left two lanes and avoid the congestion. Along I-205 vehicles from the Cowlitz Casino would be expected to impact the speed of traffic by less than 5 miles-per-hour (mph). After the events let out, the addition of vehicles from the Cowlitz Casino to Clark County Amphitheatre vehicle yields would result in traffic at an LOS of D on I-5 between 179th Street and I-205, according to the Highway Capacity Manual. Recommended mitigation for the Cowlitz Casino Events Center consist of encouraging carpooling and bus use to the casino/events center sites on events nights. **Section 4.8** of the FEIS has been updated to include the event traffic operations analysis.

Response # 198-29

Section 3.10 of the FEIS describes the existing water supply system for the surrounding community, while **Section 4.10** analyzes the potential impacts of the Proposed Project. According to **Section 3.10**, CPU has a current pumping capacity of 27 million gallons per day (mgd). According to CPU representatives, three additional wells will be added to the system increasing capacity to 32 mgd. Peak water demand on the CPU water system is 25 mgd. The Proposed Project would require a peak demand of .765 mgd, which accounts for 11% of the remaining capacity of the CPU water supply system. No other Cowlitz Tribal development projects are planned within the CPU area. Therefore, the Proposed Project's water demand would have a less than significant impact on the water supply system for the area. Furthermore, development of the Proposed Project would not impact groundwater levels of wells surrounding the project site as the water that would be supplied to the Proposed Project is already accounted for in the capacity determination of the CPU water system. Refer to DEIS Vol. III, **Appendix BB**, for a copy of the service agreement letter with CPU.

The commenter noted that a petition to reclassify the Troutdale Aquifer as a sole source aquifer has been initiated. A sole source aquifer determination, in accordance with Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et. seq), protects aquifers that are the sole sources for drinking water for an area. The determination allows the Region 10 USEPA Administrator of the program to prevent development of a project, if the project would have the potential to cause contamination of the aquifer, ultimately impacting the ability of the aquifer to supply safe drinking water to the region. The Proposed Project and alternatives would not adversely impact water quality of the groundwater table, therefore, there would be no impacts to the quality of water in the Troutdale Aquifer.

Response # 198-30

Comment noted. The site was recently included within the UGA for the City of La Center as described in **Section 3.9** of the FEIS.

Response # 198-31

A new BA (**Appendix I** of the FEIS) was prepared for the Proposed Project. Changes were made to **Sections 3.5** and **4.5** to incorporate the new data.

Response # 198-32

The Tribe is required to comply with the Migratory Bird Treaty Act (a.k.a. the Lacey Act) because it is a Federal regulation. Refer to **Appendix I** for the new BA, including an analysis of the potential for the Proposed Project to impact migratory birds. Impacts under this Act are also discussed in **Section 4.5** under "Potential Effects to Federally Listed Migratory Birds".

Response # 198-33

Mitigation Measure B in **Section 5.2.4** of the DEIS states "The Tribe shall comply with all terms and conditions of the permit and compensatory mitigation shall be in place prior to any direct effects to the waters of the U. S.... Full mitigation will be carried out in compliance with any permits." In other words, the development will meet all parts of a USACE permit.

Response # 198-34

The determination of the "Waters of the U. S." by USACE has not been appealed. Mitigation measures in **Section 5.2.4** discuss the 404 permit and 401 certification. Permitting under Section 404 is also discussed in **Section 3.5.2** under "Findings – Wetlands and Waters of the U.S."

Response # 198-35

Refer to Response to Comment 198-18 and 198-31.

Response # 198-36

The potential for the discharge of treated effluent and stormwater to increase erosion of the stream bank is discussed in **Section 4.5** under Potential Effects to Habitats.

The statement in **Section 4.5** of the DEIS that the waterfall on the unnamed stream is 8 feet tall is inaccurate. AES biologists determined that the waterfall is between 12 and 15 feet tall and **Section 4.5** has been revised accordingly. This waterfall and its role in preventing fish from migrating up the unnamed stream are discussed in the BA in **Appendix I** of the FEIS.

The Tribe will comply with all provisions of the NPDES permit, which is discussed in **Section 4.3.1**, **Section 5.2.1**, **Section 5.2.4**, and **General Response 2.6** (**Appendix B** of the FEIS).

Response # 198-37

A discussion of the methods that will be used to treat the stormwater and remove turbidity is provided in **Appendix G** of the FEIS.

Response # 198-38

The amount of displaced water from the parking garage is negligible compared to project storm water runoff rates. Soil percolation was not a proposed option for wastewater discharge on the project site. Refer to Response to Comment A004-12 for further discussion. Refer to **General Response 2.1.2** (**Appendix B** of the FEIS) for comments submitted previously.

Response # 198-39

The southeast corner of the site drains to the 48-inch culvert that crosses under I-5. This culvert is currently sized to accommodate a 25-year storm event. The drainage plan for the Proposed Project includes additional storm water discharges to the onsite unnamed stream (DEIS Vol. I, **Appendix F**). Excess stormwater runoff would be directed into on-site stormwater control facilities sized to accommodate excess storm water from the increase in impervious surfaces compared to existing conditions. The design of the storm water facilities ensures the amount of water discharged to the culvert underneath I-5 would not be above the 48-inch culvert's capacity.

Response # 198-40

Soil infiltration, such as leach fields, would not be used for wastewater disposal. The soil types, soil moisture content, high groundwater table, and limited open space prevents land infiltration from being considered as a viable option for treated wastewater disposal. As noted in **Section 2.2.3**, the majority of treated wastewater would be recycled for toilet flushing, landscape irrigation, fire flows, and cooling water for the cooling towers.

Response # 198-41

Refer to the new BA (**Appendix I** of the FEIS) for a discussion of potential impacts to wetlands. Potential impacts to Waters of the U. S. are also discussed in **Section 4.5**.

Response # 198-42

Refer to Response to Comment 166-18.

Response # 198-43

Refer to **Section 1.0** Introduction, and **Section 2.0** Alternatives, for an expanded discussion of the range of alternatives and alternatives removed from discussion. Additionally, this issue is discussed further in the **General Responses 2.3** and **2.4** (**Appendix B** of the FEIS).

Response # 198-44

A description of the Woodland Airport's location in relation to the alternative project sites has been added to **Section 3.9**. Impacts to biological resources associated with certain lighting types, including pulsating and strobe lights, have been assessed in **Section 4.5**. The EIS provides mitigation in **Section 5.0** to reduce this impact. However, the EIS acknowledges that there would still be unmitigable impacts to wildlife from nighttime lighting.

Response # 198-45

Refer to **General Response 2.19** (**Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis.

Response # 198-46

A discussion of potential impacts to Paradise Point State Park has been added to **Section 4.5**. Refer to the new BA (**Appendix I**) for a discussion of potential impacts resulting from the discharge of treated effluent into the unnamed stream.

Response # 198-47

As discussed in **Section 5.0** of the DEIS, an alternative option to on-site treatment and disposal of treated effluent is by connection to the City of La Center's municipal system. Once the land is in trust, state and local regulations no longer apply. However, in order to obtain service from La Center, the Tribe must negotiate a service agreement with the City of La Center. Provisions of the service agreement would most likely include assurances that connection of the Proposed Project to the La Center municipal system would not cause La Center to violate water quality standards.

Response # 198-48

Refer to the new BA (**Appendix I** of the FEIS) for a discussion of the projected quality of the treated wastewater and its comparison to the current quality of the East Fork of the Lewis River.

Response # 198-49

Refer to the Response to Comment 198-28.

Response # 198-50

Refer to **General Response 2.19** (**Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis.

COMMENT LETTER 21 – LOG # 220

Response # 220-1

No response required.

Response # 220-2

Refer to **General Response 2.19** (**Appendix B** of the FEIS). See also Supplemental TIS (**Appendix O** of the FEIS).

Response # 220-3

Refer to **General Response 2.15.1** (**Appendix B** of the FEIS). See also DEIS Vol. II, **Appendix S** for further discussion of effects to the labor market. Providing benefit packages to working families is likely to result in some minor competitive effects.

Response # 220-4

Generally speaking, casino gaming is not as regressive as state run lotteries (see *Gambling in the Golden State, 1998 Forward* [California Research Bureau, 2006]). More importantly, as low income families are not the target demographic, minimal effects are expected.

Response # 220-5

General Response 2.15.4 (**Appendix B** of the FEIS) addresses the availability of affordable housing in the area.

Response # 220-6

No response required.

COMMENT LETTER 22 – LOG # 227

Response # 227-1

The comment is noted. Impacts to biological resources, including migratory birds and wetlands, are analyzed with **Section 4.8** of the EIS. Refer to **General Response 2.11 (Appendix B)** of the FEIS, for further discussion of potential impacts associated with the nearby Ridgefield National Wildlife Refuge. Mitigation measures have been recommended in **Section 5.0** to reduce biological impacts to the extent feasible. The BIA will consider biological impacts and proposed mitigation measures within the Record of Decision issued for the Proposed Action.

This FEIS relies on the most current information available to describe the existing regulatory and environmental conditions applicable to the Ridgefield Interchange Site. Because the Pioneer Airport EIS was prepared approximately 20 years ago, the description of the existing environmental and regulatory setting for the Ridgefield Interchange Site has likely changed significantly. Additionally, impacts resulting from the development of an airport would differ considerably from those that would occur with the commercial development proposed under Alternative E. Accordingly, the BIA feels that it would be inaccurate to rely on information and the conclusions made in the Pioneer Airport EIS to supplement the analysis of this EIS.

Section 3.3 of the EIS describes the general location of domestic water wells near the alternative project sites. This section discloses that two domestic water wells are located on the Ridgefield Interchange Site, as referenced by the commenter. As described in **Section 4.3**, these wells would be properly abandoned according to DOE requirements during construction of Alternative E. Adverse impacts to the groundwater aquifer associated with potential contamination of surface waterways are fully described in **Section 4.3**. These impacts could occur from construction activities and storm water run-off. It was determined that mitigation measures recommended in **Section 5.0** of the FEIS, would reduce impacts to less than significant.

Response # 227-2

The comment is noted. **Section 4.9** discusses impacts to the level of service of intersections within the scope of the projects trip generation.

Response # 227-3

The aerial photograph of the La Center Interchange Site (used in Figure 1-3) has been updated to a more recent version.

Response # 227-4

Comment noted.

Response # 227-5

At the time the DEIS was released, the Ridgefield Interchange Site was within the adopted UGA of the City of Ridgefield recognized by Clark County. Since the DEIS was released, the City of Ridgefield annexed the site into the City boundaries as discussed within **General Response 2.21 (Appendix B** of the FEIS) as well as **Section 3.9** and **Section 4.9** of the FEIS.

Response # 227-6

Once a request for a hard copy was received via the BIA, the requestor was contacted to determine if a CD-ROM would be more appropriate. After establishing contact, the DEIS was mailed to the requester within 3-days via UPS for hard copies, or regular mail for CD-ROMs.

COMMENT LETTER 23 – LOG # 229

Response # 229-1

Refer to Response to Comment A003-4.

Response # 229-2

Refer to Response to Comment A003-4.

Response # 229-3

Refer to Response to Comment A007-22.

Response # 229-4

Refer to Response to Comment A003-4.

COMMENT LETTER 24 – LOG # 231

Response # 231-1

No response required.

Response # 231-2

Refer to **General Response 2.4 (Appendix B** of the FEIS) regarding alternatives selection.

Response # 231-3

Refer to **General Response 2.4 (Appendix B** of the FEIS) regarding alternatives selection.

Response # 231-4

Refer to **General Response 2.19 (Appendix B)** of the FEIS regarding traffic impacts.

Response # 231-5

Comment noted. However, it should also be noted that such families would be limited to those in the lowest income quintile with three or more dependents. Additionally, due to the comparatively high benefit packages to be offered by the Cowlitz Tribe, such workers are still likely to significantly improve their standard of living by casino employment. Refer to **Appendix K** of the FEIS for further details.

Response # 231-6

The purpose and need of the Proposed Project is to benefit Tribal members by providing funds to operate the Tribal Government. As the population of Tribal members is relatively dispersed, and many of the needs of Tribal members (such as assistance in higher education) do not require that operation of facilities be proximate to the membership, the location of the Proposed Project is not in conflict with purpose and need.

Response # 231-7

The need for the Proposed Project is the need to provide funds to operate an effective Tribal Government. For details concerning the unmet needs of the Cowlitz Tribe refer to the Tribal Business Plan (**Appendix E** of the FEIS), prepared as part of the Tribe's fee-to-trust application.

Response # 231-8

In regard to the treated wastewater contributing to the TMDL of the East Fork Lewis River, the new BA (**Appendix I** of the FEIS) discusses the water quality for the unnamed stream and the East Fork Lewis River. The projected quality of the treated wastewater will be higher than that of the receiving bodies. The discharge of the treated wastewater will therefore decrease the TMDL of the East Fork Lewis River. The proposed discharge will, therefore, not impact the ability of La Center to absorb future growth. In regard to the treated wastewater significantly increasing the volume of water in the East Lewis River and increasing the possibility of flooding, the volume of wastewater the Proposed Project can be expected to produce is not sufficient to significantly increase the flow of the East Fork Lewis River. The projected average daily flow and maximum daily flow for the wastewater treatment facility can be found in **Appendix F** of the FEIS. The Proposed Project will not impact the ability of the East Fork Lewis River to absorb flows from other treatment facilities.

Response # 231-9

Refer to Response to Comment A005-74.

Response # 231-10

The water basin planning process by CPU has already incorporated expansion of its water supply system through the construction of additional wells as discussed in **Section 3.10**. CPU has current capacity to serve the project alternatives and, therefore, would not impact local watershed plans.

COMMENT LETTER 25 – LOG # 267

Response # 267-1

The Cowlitz Tribe has no reservation and no land in trust, meaning it has no land over which it exerts civil jurisdiction or governmental powers.

Response # 267-2

Refer to **General Response 2.2.2 (Appendix B)** of the FEIS for a discussion of non-NEPA issues.

Response # 267-3

Refer to **General Response 2.23 (Appendix B)** of the FEIS for further discussion of Indian gaming in the greater Portland area.

Response # 267-4

Refer to **Section 3.6.1** for a discussion of the Tribe's ethnographic history.

COMMENT LETTER 26 – LOG # 366

Response # 366-1

Refer to **General Response 2.1.2 and 2.1.3 (Appendix B)** of the FEIS).

Response # 366-2

Substitution effects on local businesses are discussed in **Section 4.7**.

Response # 366-3

The BIA has disclosed all proposed future business and expansion plans of the Tribe. For further details, refer to **Appendix E** of the FEIS, the Tribal Business Plan.

Response # 366-4

Comment noted. However, it should also be noted that the Proposed Project removes land from Clark County's jurisdiction and tax base, adjacent municipalities are not similarly effected.

Response # 366-5

Refer to Response to Comment A003-4.

Response # 366-6

As the City of Woodland lies within the study areas for both traffic and socioeconomic impacts, impacts are presented in the EIS.

Response # 366-7

Impacts to Woodland are described in the EIS. Refer to **General Response 2.1.4 (Appendix B** of the FEIS) for a discussion on the need for a supplemental EIS.

Response # 366-8

Comment noted.

Response # 366-9

Refer to Response to Comment A003-4. See also a discussion of the Tribe's ethnographic history in **Section 3.6**.

Response # 366-10

Comment noted.

Response # 366-11

Refer to **General Response 2.2.2 (Appendix B** of the FEIS) for a discussion of non-NEPA issues.

Response # 366-12

Refer to Response to Comment 366-11.

Response # 366-13

Refer to Response to Comment 366-6.

Response # 366-14

Refer to Response to Comment 366-3. Note that the Tribe's Business Plan (**Appendix E** of the FEIS) does not describe any such expansions.

COMMENT LETTER 27 – LOG # 372

Response # 372-1

Comment noted. Refer to **Appendix K** of the FEIS for an expansion of the discussion of socioeconomic issues.

Response # 372-2

Comment noted. Refer to **General Response 2.19 (Appendix B** of the FEIS) and **Appendix O** of the FEIS for further discussion of traffic issues and the supplemental traffic analysis.

Response # 372-3

Comment noted. Refer to **General Response 2.15.2 (Appendix B** of the FEIS) and **Appendix K** of the FEIS for discussion of the extent to which workers will migrate into the area for jobs.

Response # 372-4

See **General Response 2.13.2 (Appendix B** of the FEIS), which addresses concerns that mitigation for problem gambling is not adequate.

Response # 372-5

Refer to Response to Comment A003-4 and **General Response 2.4 (Appendix B** of the FEIS) regarding the range of alternatives analyzed in the EIS.

Response # 372-6

The purpose and need for the project is to assist the Tribe in funding and developing a tribal government, not to provide an income source for Tribal members. Please refer to **General Response 2.3 (Appendix B** of the FEIS), regarding the purpose and need of the project.

Response # 372-7

Substitution and cannibalization effects to local businesses are addressed in **Section 4.14** of the DEIS. The substitution effect upon most retail businesses in the area is expected to be insignificant as the study area household retail supply can easily accommodate the increase in sales. As discussed in **Section 4.7.1**, the Tribe has committed in Section 11 of the MOU with Clark County to collect sales tax on non-Indian sales, to make payments in lieu of property taxes, and to make an annual payment equivalent to the hotel/motel or transient occupancy tax. Thus, the effects to tax revenue would not be significant.

Response # 372-8

No response required.

COMMENT LETTER 28 – LOG # 433

Response # 433-1

Comments noted. Refer to **General Response 2.1.4 (Appendix B** of the FEIS) for a discussion of the need for a Supplemental EIS. Refer to **General Response 2.1.2 (Appendix B** of the FEIS) for a discussion on consideration of comments received on the 2004 EA.

Response # 433-2

Refer to **Appendix B** of the FEIS for expanded discussions of these issues including alternatives analysis. Some of these issues are non-NEPA issues, which are also discussed in **Appendix B**. Where necessary, changes to the FEIS have been made.

Response # 433-3

No response required.

Response # 433-4

The issue of socioeconomic impacts is fully explored in the EIS. Refer to **Section 4.7** and **Appendix K** of the FEIS. Refer to Response to Comment 433-2.

Response # 433-5

No response required. Refer to **General Response 2.2.2 (Appendix B** of the FEIS) for a discussion of non-NEPA issues and **General Response 2.4** for alternatives.

Response # 433-6

No response required.

Response # 433-7

No response required.

Response # 433-8

No response required. Refer to **General Response 2.2.2 (Appendix B** of the FEIS) for a discussion of non-NEPA issues.

Response # 433-9

No response required. Refer to **General Response 2.2.2 (Appendix B)** of the FEIS) for non-NEPA issues. The economic plan (Tribal Business Plan) is attached as Appendix E of the FEIS.

Response # 433-10

No response required. Refer to **General Response 2.2.2 (Appendix B)** of the FEIS) for non-NEPA issues.

Response # 433-11

No Response required. Refer to **Appendix B** of the FEIS for a discussion of these issues. See also **Section 1.0** for a discussion of public involvement under NEPA.

Response # 433-12

Refer to Response to Comment 433-9.

Response # 433-13

Refer to Response to Comment 433-8.

Response # 433-14

Refer to Response to Comment 433-8.

Response # 433-15

Refer to Response to Comment 433-8.

Response # 433-16

Refer to **General Response 2.12 (Appendix B)** of the FEIS).

Response # 433-17

Refer to **General Response 2.2.2 (Appendix B)** of the FEIS) for non-NEPA issues and **General Response 2.12** for a discussion of the Tribe's ethnography.

Response # 433-18

Refer to Response to Comment 433-17.

Response # 433-19

Comments noted. Refer to Response to Comment 433-17.

Response # 433-20

Refer to Response to Comment 433-17.

Response # 433-21

Refer to Response to Comment 433-17.

Response # 433-22

No response required.

Response # 433-23

Refer to **General Response 2.2.2 (Appendix B)** of the FEIS for a discussion of non-NEPA issues.

Response # 433-24

Refer to **General Response 2.2.2 (Appendix B)** of the FEIS for a discussion of non-NEPA issues. NIGC's restored lands decision is a legal finding that was not made in conjunction with this EIS.

Response # 433-25

The comment is noted. An extension of the comment period for the DEIS was granted. Refer to **General Response 2.1.1 (Appendix B)** of the FEIS regarding extension of the comment period. The BIA has determined that preparation and recirculation of a revised DEIS is not necessary. Refer to **General Response 2.1.4** regarding requirements for preparation of a supplemental DEIS.

Response # 433-26

Refer to Response to Comment 433-9.

Response # 433-27

Refer to **General Response 2.2.2 (Appendix B)** of the FEIS for a discussion of non-NEPA issues.

Response # 433-28

Refer to Response to Comment A007-12.

Response # 433-29

Refer to Response to Comment A007-12.

Response # 433-30

Comment noted. But the BIA also believes that the increased cost is *de minimus*.

Response # 433-31

Refer to **General Response 2.4 (Appendix B)** of the FEIS) and the expanded discussion in **2.0** regarding alternatives. See also **Appendix N** of the FEIS.

Response # 433-32

Refer to Response to Comment A007-58.

Response # 433-33

Refer to Response to Comment 433-31.

Response # 433-34

The analysis of cumulative impacts was geographically restricted to avoid obscuring socioeconomic impacts through dilution. For further discussion of cumulative impacts and the impacts of expanded gaming in the Pacific Northwest refer to **General Response 2.23 (Appendix B)** of the FEIS) and **Section 415**.

Response # 433-35

Alternatives are discussed in **General Response 2.4 (Appendix B)** of the FEIS) and **Section 2.0** of the FEIS. **General Response 2.1.2** addresses comments submitted on the EA. **General Response 2.3** addresses modifications to the purpose and need for the Proposed Project in response to public comment and submission of the Tribe's Business Plan (**Appendix E** of the FEIS). **Section 1.0** has been updated to reflect these changes.

Response # 433-36

The purpose and need for the project is to provide a land base that will support the Tribal government, thus allowing them to provide a range of governmental services to their members. Refer also to Response to Comment 433-35.

Response # 433-37

Refer to Response to Comment 433-31.

Response # 433-38

Analysis was added to **Section 3.7.2** and **4.7.5** regarding the proposed school. These uses do not make the alternative unreasonable. Land use compatibility is discussed further in **Section 4.9** and **General Response 2.21** (**Appendix B** of the FEIS).

Response # 433-39

Refer to Response to Comment 433-31.

Response # 433-40

Refer to Response to Comment 433-31.

Response # 433-41

Refer to Response to Comment 433-31.

Response # 433-42

Refer to Response to Comment 433-31. See also **General Response 2.1.4** (**Appendix B** of the FEIS) for a discussion of the need for a Supplemental EIS.

Response # 433-43

The Proposed Project's potential to cause direct impacts is discussed in **Section 4** of the EIS. Impacts to water and biological resources are discussed in **Sections 4.3** and **4.5** respectively. For additional information and discussions of potential impacts to water and biological resources, refer to FEIS **Appendices F, G, and I**.

Response # 433-44

Indirect impacts are discussed in **Section 4.14**. See **Appendix M** of the FEIS for a further study of the kinds of indirect effects resulting from casino construction.

Response # 433-45

This is not a NEPA matter and is, therefore, not addressed in the EIS. Additionally, the differences between off-reservation and on-reservation (or adjacent) trust acquisitions are comparatively small. Reviewers should note that **Appendix E** of the FEIS, the Tribal Business Plan, does not call for any such additional acquisitions.

Response # 433-46

Section 4.14, In-direct and Growth Inducing, has been revised to reflect additional information contained in **Appendices K** and **M** of the FEIS. See also **General Response 2.22 (Appendix B)** of the FEIS).

Response # 433-47

The existing water problems in the East Fork Lewis River are predominantly caused by the La Center WWTP's sequencing batch reactor dumping large amounts of human waste into the river. Conversion of the plant to an MBR would improve water quality by improving the quality of the effluent. The GMP might regard the increase in capacity of an MBR plant as growth inducing, however, this would be a tradeoff for the positive effects on water quality.

Response # 433-48

Indirect impacts are further described in Section 4.14. The issues involved are discussed in Appendix B of the FEIS. Refer to **Appendix M** for a further study of the kinds of indirect effects resulting the casino construction.

Response # 433-49

The analysis of cumulative impacts was geographically restricted to avoid obscuring socioeconomic impacts through dilution. For further discussion of cumulative impacts and the impacts of expanded gaming in the Pacific Northwest see **General Response 2.23 (Appendix B)** of the FEIS).

Response # 433-50

In response to this comment and others, the geographic scope of analysis of traffic, and air quality impacts deriving from automobile exhaust, was expanded and made consistent with the calculated trip distribution. This reanalysis reduced the significance of air quality impacts. The supplemental TIS is located in **Appendix O** of the FEIS. The supplemental air quality report is located in **Appendix H** of the FEIS. Revisions have been made to **Sections 4.3** and **4.4** where necessary. Problem gambling is addressed in **General Response 2.13 (Appendix B)** of the FEIS) and **Section 4.7** of the FEIS.

Response # 433-51

The list of projects considered in the cumulative impacts analysis has been expended. Refer to **Section 4.15** and **Appendix O** of the FEIS.

Response # 433-52

Actually such developments are usually considered to be the result of indirect and growth inducing effects rather than cumulative impacts. Refer to revisions to **Section 4.14** as well **General Response 2.22 (Appendix B of the FEIS)** and **Appendix M of the FEIS**.

Response # 433-53

Refer to **General Response 2.2.2 (Appendix B of the FEIS)** for non-NEPA issues.

Response # 433-54

The BIA assumes development of the casino will induce growth. However, without the recent expansion of the UGA much of the growth will not be allowed. Refer to **Section 4.14** as well **General Response 2.22 (Appendix B of the FEIS)** and **Appendix M of the FEIS**.

Response # 433-55

Comment noted. Impacts to the area's economic base and property values are discussed under indirect and growth inducing effects (**Section 4.14**) rather than cumulative impacts (**Section 4.15**).

Response # 433-56

Refer to Response to Comment 433-49.

Response # 433-57

Refer to **Section 1.0** for a discussion of the NEPA process. This discussion is expanded in **General Response 2.1 (Appendix B of the FEIS)**. **Section 2.0** and **General Response 2.4** discuss the range of alternatives selected for detailed discussion in the EIS.

Response # 433-58

Refer to **Response to Comment 433-49**. Refer to **Section 4.14** for an expanded discussion of indirect impacts. See **Appendix M** for a discussion of the kinds of growth that may be induced by construction of a casino.

Response # 433-59

Community character is discussed in **Section 4.13** of the EIS and quality of life has been added to **Section 4.7**. See also **General Response 2.18 (Appendix B of the FEIS)**.

Response # 433-60

See Response to Comment A007-2.

Response # 433-61

Comment noted. Refer to **General Response 2.1.4 (Appendix B** of the FEIS) for a discussion of the need for a Supplemental EIS.

Response # 433-62

These issues are discussed and responded to in **Appendix B** (General Responses) of the FEIS. See **Appendix K** of the FEIS regarding the assumptions, data, and methodology utilized in the socioeconomic analysis. **Appendix K** also provides a review of the two referenced reports by EcoNorthwest as well.

Response # 433-63

Trip generation was validated with that of other Washington casinos in a study, which is provided as **Appendix M** of the FEIS. See also **General Response 2.19 (Appendix B** of the FEIS).

Response # 433-64

Refer to **General Response 2.19 (Appendix B** of the FEIS) and **Appendix O** of the FEIS. Peak hour estimates were "real timed" using State of Connecticut vetted info from the Mohegan Sun Casino. Since impacts will be regional, regional population trip distributions are used. Background traffic is likely an over-estimate as the model does not take into account traffic reductions from the loss of 66% of the business to the La Center card rooms. Additional development projects were factored into the analysis in the supplemental TIS (**Appendix O**).

Response # 433-65

Refer to the Response to Comment A005-24 for a discussion of trip generation, as well as **General Response 2.19 (Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis. Refer also to Response to Comment 433-63.

Response # 433-66

Comment noted.

Response # 433-67

The MOU (DEIS Vol. I, **Appendix C**) is presented as part of the existing regulatory structure and to demonstrate how various mitigation measures will be assured.

Response # 433-68

Section 1.5 of the FEIS has been updated to include a discussion of the litigation surrounding the MOU and its effect on the Proposed Project. As discussed therein, the Tribe has enacted an EPHS

Ordinance to serve as a new, enforceable legal mechanism that would ensure the same mitigation of impacts that is provided in the MOU, regardless of the outcome of the litigation.

Response # 433-69

Refer to **General Response 2.21 (Appendix B** of the FEIS) and **Section 4.9** of the FEIS for a discussion of land use compatibility.

Response # 433-70

The proposed trust acquisition will remove the selected alternative project site from local civil jurisdiction. The appropriate policies governing development on the property will become those of the Cowlitz Indian Tribe. For further discussion of land use impacts, refer to **General Response 2.21 (Appendix B** of the FEIS) and **Section 4.9** of the FEIS.

Response # 433-71

Refer to Response to Comment 433-70.

Response # 433-72

The potential for the Proposed Project to impact wetland and other Waters of the U. S. is discussed in **Section 4.5** of the EIS. A discussion of mitigation measures that will be implemented to avoid and mitigate impacts to wetlands can be found in **Section 5.2.4**. This section also includes a discussion of 401 certification and the 404 permitting process. Section 404 permitting and how it relates to the Ridgefield Site is discussed in **Section 3.5.2** under “Findings – Wetlands and Waters of the U.S.”

The wetland delineation for the La Center site has been verified by the U.S. Army Corps of Engineers (USACE) and the mitigation measures in **Section 5.2.4** are in compliance with current USACE regulations. If the Ridgefield site is chosen for development, a USACE verification of the wetland delineation shall be obtained. Any impacts to wetlands on the Ridgefield site shall be mitigated in compliance with current USACE regulations, meaning that all wetlands shall be mitigated at a 1:1 ratio. This information can be found in **Section 5.2.4**.

Response # 433-73

The wetlands shall be avoided or mitigated in a manner consistent with the Clark County Code Chapter 40.450 as identified in the MOU (DEIS Vol. I, **Appendix C**) and Tribe’s EPHS Ordinance (**Appendix U** of the FEIS). An explanation of the manner in which the buffers were determined can be found in Appendix 9 of **Appendix F** (DEIS Vol. I). Also, lands held in trust by the U. S. government are not subject to State regulations.

Response # 433-74

Comment noted. Refer to Response to Comment 433-72.

Response # 433-75

Refer to Appendix 9 of **Appendix F** (DEIS Vol. I) and **Appendix I** (FEIS) and its attachments for a discussion of wetlands and wetland impacts. Refer to **Sections 5.2.4** and **3.5.2** for discussions of 404 permitting.

The terms "significant" and "less than significant" are specific to the California Endangered Species Act (CESA). Given that the EIS is a NEPA document, the wording has been revised.

Response # 433-76

Refer to Response to Comment 433-75. Also refer to **Section 5.2.4** of the EIS for mitigation measures regarding wetland impacts. The Tribe will comply with all conditions of the 404 permit, as discussed in **Section 5.2.4** of the EIS. However, completion of the permitting process is not required for the publication of the FEIS.

Response # 433-77

Impacts to wetlands and Waters of the U. S. are discussed in **Section 4.5** of the EIS, **Appendices F, G, and O** of the DEIS (Vols. I and II), and **Appendix I** of the FEIS. Note that Appendix 9 of **Appendix F** (DEIS Vol. I) specifically describes the determination of wetland buffers. Treated wastewater will not be discharged into wetlands on the site, so no impacts from treated wastewater will occur to wetlands. The potential for treated wastewater to impact the receiving waters is discussed in **Appendix I** (the BA and its appendices) and **Appendix F** of the FEIS. The potential for stormwater to impact the site is discussed in **Appendix I** and **Appendix G** of the FEIS. **Appendices I, F, and G** of the FEIS also provide water quality monitoring results for the receiving waters.

Response # 433-78

As mentioned in the comment, the East Fork Lewis River is considered to be impacted due to its high temperature (exceeding 18°C from July to September in 2005) and fecal coliform levels (at times exceeding 200 colonies per ml). The projected quality of the treated wastewater will have fecal coliform levels under 2 colonies per ml and temperatures not exceeding 16°C. For further information on this subject, refer to **Appendices I, F and G** of the FEIS. The unnamed stream has the following designated beneficial uses: wildlife habitat and limited non-core rearing habitat in the lower reaches of the stream. The stream does not presently provide primary contact recreation. Based on the information provided in **Appendices F, G, and I** of the EIS, the Proposed Project will not significantly impact the beneficial uses of the unnamed stream.

Response # 433-79

The EIS does not propose to draw water from wells on the project site. The Proposed Project would obtain water from CPU. For additional descriptions of the surrounding aquatic environments, refer to **Appendices F, G, and I** of the FEIS.

Response # 433-80

Refer to **Appendices G** and **I** of the FEIS, which state that the stormwater to be discharged into the unnamed stream is more likely to reduce turbidity, temperature, BOD, nitrates, phosphates, and fecal coliform counts. These reports, along with the new BA (**Appendix I** of the FEIS) and **General Response 2.6 (Appendix B** of the FEIS), also discuss the potential of the discharge to impact fish species. **Appendix G** of the FEIS discusses the methods that will be used to filter the stormwater and how this water will meet water quality standards and be in compliance with the CWA.

Response # 433-81

Refer to DEIS Vol. II, **Appendix G** for a discussion of the WWTP. This report also includes to-scale figures showing the WWTP on the site. The "reservoir" mentioned in the comment refers to a 750,000-gallon closed-tank reservoir that will be completely contained within the on-site WWTP. **Appendix F** of the FEIS, along with the new BA (**Appendix I** of the FEIS), describes the quality of the wastewater and the foreseeable impacts that may result from the discharge of this water into the unnamed stream. See **Response to Comment 433-78** for a discussion of fecal coliform levels. These levels are provided in the reports mentioned above.

As the NPDES permit for the Proposed Project would be issued by the USEPA, the DOE mixing zone requirements for the unnamed stream are not applicable. Additionally, mixing zone requirements apply when the proposed discharge does not meet USEPA standards.

The culvert mentioned in the comment would not receive the treated wastewater.

Response # 433-82

The discussion of the Farmland Protection Policy Act (FPPA) in **Section 3.9** has been expanded and clarified to state that sites receiving a combined total score of under 160 from both the site assessment and land evaluation, are not required to be considered for advanced protection. Form AD 1006 was completed by the Natural Resources Conservation Service (NRCS) and is included as **Appendix Q** of the FEIS. The NRCS assigned a land evaluation score of 64 to the La Center Interchange Site and a land evaluation score of 66 to the Ridgefield Interchange Site. These determinations have been added to the description of the existing setting in **Section 3.9**. The combined land evaluation and site assessment score for both sites remains below the protection threshold of 160. Therefore, impacts to agricultural resources continue to be considered less than significant, and no mitigation is required.

Response # 433-83

Consultation with the U.S. Fish and Wildlife Service must be finalized in order for the Fee-to-Trust process to be completed.

Response # 433-84

Comment noted. Refer to **Appendix I** of the FEIS and **Sections 3.5** and **4.5** for expanded discussions of the Ridgefield National Wildlife Refuge and the Migratory Bird Treaty Act.

Response # 433-85

Refer to Response to Comment 433-83, consultation with the U.S. Fish and Wildlife Service must be finalized in order for the Fee-to-Trust process to be completed.

Response # 433-86

Refer to the new BA (**Appendix I** of the FEIS). Additionally, a discussion of the Bull Trout has been included within **Section 3.5** and **Section 4.5** of the FEIS.

Response # 433-87

National Oceanic & Atmospheric Administration (NOAA) Fisheries will be consulted as part of the Section 7 consultation with the U.S. Fish and Wildlife Service. See also Response to Comment 433-83 and **General Response 2.10** (**Appendix B** of the FEIS).

Response # 433-88

Refer to the new BA in **Appendix I** of the FEIS. Also, "AES (2005)" refers to the *Stream Characterization Report*, which was provided as DEIS Vol. III, **Appendix Y**.

Response # 433-89

BMPs are discussed in **Section 3.3.3** and **Section 5.2** of the EIS and will be applied under the SWPPP. As part of the proposed action, BMPs are not considered speculative.

Response # 433-90

Refer to the new BA (**Appendix I** of the FEIS). Indirect effects of transportation mitigation are addressed in **Section 4.14.2**.

Response # 433-91

Comment noted. Refer to the new BA (**Appendix I** of the FEIS) as well as **General Responses 2.9**, **2.10**, and **2.11** (**Appendix B** of the FEIS) for support of the "no effect" determination.

Response # 433-92

Refer to **Section 4.14** for projected indirect impacts as a result of off-site mitigation measures. Refer to the following sections for a discussion of impacts and mitigation measures as related to: transportation - **Section 4.8** and **Section 5.2.7** ; Public Services - **Section 4.10** and **Section 5.2.8**; biological resources - **Section 4.5** and **Section 5.2.4**; air quality - **Section 4.4** and **Section 5.2.3**; and noise - **Section 4.11** and **Section 5.2.9**. Refer also to **Appendix B** of the FEIS (General Comments and Responses and the new BA (**Appendix I** of the FEIS).

Response # 433-93

Refer to **Section 4.5** and **Appendix I** of the FEIS (the new BA), along with **General Response 2.11** (**Appendix B** of the FEIS), for a discussion of potential impacts to bald eagles. According to the California Department of Fish and Game (CDFG, 2002), bald eagles are very rarely known to forage for rodents, and then it is typically in flooded fields such as rice fields, the flooding of which forces small mammals such as voles to swim to the edge of the field. The proposed locations would not provide this type of habitat.

Response # 433-94

Refer to Response to Comment 433-91.

Response # 433-95

Impacts from treated wastewater and stormwater are addressed in **Appendices F** and **G** of the FEIS. See also the new BA (**Appendix I** of the FEIS). Updated information has been incorporated into **Sections 4.3** and **4.5** as necessary.

The NPDES permit ensures the enforceability of the water quality criteria, and mitigation measures required for the NPDES permit will ensure that impacts are reduced. A discussion of the NPDES permitting process is provided in **Sections 3.3** and **5.2.1** of the FEIS.

Response # 433-96

Refer to **General Responses 2.6** and **2.7** (**Appendix B** of the FEIS) regarding water quality impacts of storm water and treated wastewater discharged from the Proposed Project.

Response # 433-97

It is the responsibility of CPU to address these concerns under SEPA as part of their ongoing planning efforts.

Response # 433-98

Comment noted.

Response # 433-99

Refer to **Appendix I** of the FEIS for the methods used when surveying the proposed locations. The species name "long-eared bat" have been revised to "long-eared myotis bat." Fish species, which were addressed in the subsection "Fish Species" on page 3.5-13 of **Section 3.5**, have been added to the species list.

Response # 433-100

Refer to the new BA (**Appendix I** of the FEIS) for analysis.

Response # 433-101

Comment noted. Please refer to the table in **Appendix 4** of the BA (**Appendix I** of the FEIS), which describes the western toad, along with other Federal Species of Concern and describes their potential to occur on the proposed sites.

Response # 433-102

Comment noted. The western toad and western gray squirrel are Federally-listed species and are discussed as such. The Proposed Project being under Federal review, it is not necessary to list State-listed species with the potential to occur on the proposed locations. Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-103

Refer to **General Response 2.1.4** (**Appendix B** of the FEIS) for a discussion of the need for a Supplemental DEIS.

Response # 433-104

No response required.

Response # 433-105

No response required.

Response # 433-106

No response required.

Response # 433-107

No response required. See also **Appendix L** of the FEIS for a discussion of the economic impacts to Spirit Mountain.

Response # 433-108

No response required. See also **Appendix N** of the FEIS for an analysis of the northern alternatives.

Response # 433-109

No response required. For further discussion of NEPA procedures and requirements to discuss non-environmental issues, see **Appendix B** of the FEIS.

Response # 433-110

No response required.

Response # 433-111

No response required.

Response # 433-112

No response required. Refer to **Appendix B** of the FEIS for a discussion of these issues. See **Appendix E** of the FEIS for the Tribe's Business Plan.

Response # 433-113

No response required. Refer to **General Response 2.2.2 (Appendix B)** of the FEIS for non-NEPA issues.

Response # 433-114

No response required.

Response # 433-115

No response required.

Response # 433-116

No response required.

Response # 433-117

No response required.

Response # 433-118

No response required.

Response # 433-119

No response required.

Response # 433-120

No response required.

Response # 433-121

No response required.

Response # 433-122

No response required.

Response # 433-123

Refer to **Appendix B** of the FEIS for a discussion of these issues. The EIS was not used for the NIGC's legal finding (the restored lands opinion), and the federal actions proposed under this EIS do not include a restored lands opinion.

Response # 433-124

Refer to Response to Comment 433-123.

Response # 433-125

Refer to Response to Comment 433-123.

Response # 433-126

Refer to Response to Comment 433-123.

Response # 433-127

No response required.

Response # 433-128

Refer to Response to Comment 433-123.

Response # 433-129

Refer to Response to Comment 433-123.

Response # 433-130

No response required.

Response # 433-131

No response required.

Response # 433-132

Refer to Response to Comment 433-123.

Response # 433-133

Refer to **Section 1.0** for a discussion of the NEPA process. This discussion is expanded in **General Response 2.1** (**Appendix B** of the FEIS). **General Response 2.4** and **Appendix N** of the FEIS, as well as **Section 2.0** discuss the range of alternatives selected for detailed discussion in the EIS. Non-NEPA issues, such as Mr. Barnett's connection to property, are also discussed in **General Response 2.2**.

Response # 433-134

Comments noted. Refer to **Section 3.6** and **Appendix B** of the FEIS for further discussion of the indigenous history of the Cowlitz Tribe.

Response # 433-135

No response required.

Response # 433-136

Comment noted. Refer to **General Response 2.12** (**Appendix B** of the FEIS) and **Section 3.6** for a discussion of the Tribe's ethnographic history.

Response # 433-137

Refer to Response to Comment 433-136.

Response # 433-138

No response required.

Response # 433-139

No response required. Refer to Response to Comment 433-136.

Response # 433-140

No response required. Refer to Response to Comment 433-136.

Response # 433-141

No response required. Refer to Response to Comment 433-136.

Response # 433-142

No response required. Refer to Response to Comment 433-136.

Response # 433-143

Comments noted. Refer to **Appendix K** for supplemental economic analysis and a review of various reports provided by EcoNorthwest.

Response # 433-144

Refer to Response to Comment 433-143.

Response # 433-145

Refer to Response to Comment 433-143.

Response # 433-146

Comment noted. A supplemental socioeconomic analysis is provided in **Appendix K** of the FEIS.

Response # 433-147

Comment noted. Refer to Response to Comment 433-143. Note that the definitions of indirect impacts employed by EcoNorthwest are not the definitions typically employed in NEPA analysis.

Response # 433-148

Refer to **Appendix K** of the FEIS for a discussion on the use of IMPLAN in the socioeconomic analysis.

Response # 433-149

Comments noted. However, the higher induced spending noted would generally be perceived as positive. Refer to **Appendix K** for clarification of these issues.

Response # 433-150

Refer to **Appendix K** for clarification of these issues.

Response # 433-151

Refer to **Appendix K** for clarification of these issues.

Response # 433-152

Comment noted. See **Appendix K** for further clarification of these issues.

Response # 433-153

Comments noted. Refer to **General Response 2.14 (Appendix B** of the FEIS). The figures on student enrollment have been revised in **Section 4.7**. Refer to **Appendix K** for further discussion of this issue.

Response # 433-154

Comment noted. Refer to **Appendix K** for further discussion of this issue.

Response # 433-155

Comment noted. Refer to **Appendix K** for further discussion of this issue.

Response # 433-156

Comment noted. Refer to **Appendix K** for further discussion of this issue.

Response # 433-157

Refer to **Section 1.0** (Purpose and Need), **Section 2.0** (Alternatives), **Appendix E** (the Tribe's Business Plan), **Appendix N** (feasibility study of northern alternative sites), and **General Responses 2.3 and 2.4 (Appendix B** of the FEIS) for a discussion of these issues.

Response # 433-158

No response required.

Response # 433-159

Refer to **Appendix B** for a discussion of the cumulative impacts of multi-casino development in the greater Portland area.

Response # 433-160

Refer to Response to Comment 433-160.

Response # 433-161

Refer to Response to Comment 433-157.

Response # 433-162

No response required.

Response # 433-163

Refer to Response to Comment 433-157.

Response # 433-164

A major part of the Proposed Action is to provide lands to the Cowlitz Indian Tribe over which they may exert civil jurisdiction and governmental powers. An alternative on non-trust land would not fulfill the purpose and need of the Tribe and BIA.

Response # 433-165

The EIS has analyzed an adequate range of alternatives. These alternatives, which were not raised during scoping, appear not to be substantially different in environmental effects from alternatives analyzed and/or do not meet the purpose and need of the Proposed Project. Refer to **Section 1.0** for purpose and need and **Section 2.0** for alternatives discussions.

Response # 433-166

Refer to the new BA and its attached documents (**Appendix I** of the FEIS). The quality of wastewater discharge and stormwater runoff is discussed in **Appendices F** and **G** of the FEIS. The NPDES permit will specify the water quality criteria the discharge must comply with. It therefore limits the concentration of fecal coliform and other such pollutants in the discharge, minimizing the impacts these pollutants will have on species in the vicinity. Impacts to water quality from off-site transportation improvements is addressed in **Section 4.14.2**.

Response # 433-167

Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-168

Under the terms of the MOU (DEIS Vol. I, **Appendix C**), the Tribe would acquire water for the Proposed Project from CPU. Neither the BIA nor the Tribe is licensing, funding, or approving water withdrawal by CPU. Additionally, neither BIA nor the Tribe are specifying where CPU will acquire the water. Accordingly, such activities are not a part of the Proposed Project and not subject to NEPA analysis in this EIS.

Response # 433-169

A query was made of the USFWS an updated list of species with the potential to occur in Clark County. The most recent list available for Clark County was revised in December of 2005, and this list is identical to the list provided as DEIS Vol. II, **Appendix H**. It is unclear what list the commentator saw on the USFWS website.

Response # 433-170

Refer the new BA (**Appendix I** of the FEIS).

Response # 433-171

Refer the new BA (**Appendix I** of the FEIS). See also **Section 4.14** of the FEIS for a discussion of indirect and growth-inducing impacts related to biological resources.

Response # 433-172

Refer to Response to Comment 433-87.

Response # 433-173

Comment noted. Refer to **General Response 2.21** (**Appendix B** of the FEIS). Reviewers should also note that the impacts of light industrial vs. commercial are basically qualitatively rather than quantitatively different.

Response # 433-174

Comment noted. Refer to **General Response 2.24** (**Appendix B** of the FEIS) for mitigation specificity and enforceability. Reviewers should also note that other measures may still be enforceable under provisions of the compact.

Response # 433-175

Refer to **General Response 2.9** (**Appendix B** of the FEIS) and Appendix 9 of DEIS Vol. I, **Appendix F**.

Response # 433-176

Housing affordability to low-income workers and property values are discussed in **General Response 2.15 (Appendix B)** of the FEIS). The discussion of impacts to property value impact has been updated in **Section 4.7** of the FEIS.

Response # 433-177

Each of the alternatives includes parking spaces that have been designed to accommodate patrons and employees at the facility. The estimation of costs for mitigation measures is not within the scope of evaluating impacts on the environment.

Response # 433-178

Comments noted. However, the will serve letter provided by CPU (DEIS Vol. III., **Appendix BB**) does not note that such a substation will be required.

Response # 433-179

Analysis of growth inducing effects is presented in **Section 4.14**. This analysis has been verified by inspection of development associated with existing casinos in the Pacific Northwest (see Appendix M of the FEIS).

Response # 433-180

These projects were included in the amended cumulative impact discussion in **Section 4.15**.

Response # 433-181

The Tribe has no plans for follow-on projects or reservation expansion (see the Tribal Business Plan, Appendix E of the FEIS). Additionally, the Tribe has agreed in discussions with the City of La Center to stipulate that the Tribe will not expand the reservation.

Response # 433-182

Such Washington State laws are applicable only to the extent required by the Tribal/State Compact.

Response # 433-183

Comment noted. Refer to **General Response 2.2.2 (Appendix B)** of the FEIS) for non-NEPA issues. The focus of the EIS is on environmental issues rather than administrative or procedural or legal issues.

Response # 433-184

The purpose and need has been revised (**Section 1.0** of the FEIS) to reflect information contained in the Tribe's recently submitted Tribal Business Plan (**Appendix E** of the FEIS).

Response # 433-185

Refer to **General Response 2.4** (**Appendix B** of the FEIS) and the revised Alternatives discussion in **Section 2.0** of the FEIS. Reviewers should note that it is appropriate for the BIA to consider the needs and desires of the Cowlitz Indian Tribe, as the project applicant, in formulating alternatives.

Response # 433-186

Refer to Response to Comments 433-184 and 433-185.

Response # 433-187

Refer to Response to Comments 433-184 and 433-185.

Response # 433-188

Refer to Response to Comments 433-184 and 433-185.

Response # 433-189

Refer to Response to Comments 433-184 and 433-185.

Response # 433-190

As the property would be taken into trust by the U.S. government, only Federal regulations would apply concerning wetland buffers.

Response # 433-191

Refer to Response to Comment 433-75.

Response # 433-192

Refer to DEIS Vol. I, **Appendix F** and DEIS Vol. II, **Appendix O** for a discussion of wetlands on the proposed locations. Refer specifically to Appendix 9 of **Appendix F** for a discussion on how the wetland buffers were determined. Refer to **Section 5.2.4** for added mitigation concerning impacts to wetlands.

Response # 433-193

The U.S. Army Corps of Engineers does not typically conduct a formal delineation of alternative sites. Additional wording has been added to **Section 5.2.4** of the EIS to ensure that a formal delineation will be conducted prior to development of the Ridgefield site if it is chosen.

Response # 433-194

A discussion of the wetland buffers and how they were determined is provided in Appendix 9 of **Appendix F** (DEIS Vol. I). Sentences directing the reader to this report have been added to **Section 4.5** of the FEIS. The buffers are considered part of the Proposed Project, which is why they are not found as a mitigation measure.

Response # 433-195

The details of a 404 permit are not necessary for an EIS. The replacement wetlands will be located at a site approved by the U.S. Army Corps of Engineers.

Response # 433-196

Comment noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-197

Refer to **Appendices F** and **G** of the FEIS for the projected quality of the stormwater and treated wastewater. Refer to the new BA (**Appendix I** of the FEIS) for an analysis of how the discharge may impact biological resources in the area. Water quality is also discussed in **General Responses 2.6, 2.7, and 2.10** (**Appendix B** of the FEIS).

Response # 433-198

Comment noted. Refer to Response to Comment 433-197.

Response # 433-199

Comment noted. Refer to Response to Comment 433-197.

Response # 433-200

A discussion of the contingency plan has been added to **Section 2.0** of the FEIS. All components within the on-site WWTP will have redundant systems to allow maintenance and repair while keeping the WWTP online. In the case of multiple system failures making the WWTP inoperable, sewage would be pumped from the holding tank and trucked to another WWTP. As discussed in **Section 2.0** of the FEIS, treated wastewater would be stored in a 750,000-gallon closed-tank reservoir. The

reservoir would be housed within the wastewater treatment building and, therefore, is not identified separately on the site plans.

Response # 433-201

Refer to **Comment Response 433-197**. Refer to **General Response 2.10 (Appendix B)** of the FEIS in regards to impacts to salmonid species. Refer to the new BA (**Appendix I** of the FEIS), which states that the discharge into the unnamed stream is likely to decrease sedimentation. The Proposed Project would not withdraw water from the unnamed stream or the East Fork Lewis River. Stormwater quality shall comply with USEPA and State standards prior to discharge. A Section 7 consultation shall be done prior to completion of the fee-to-trust transfer.

Response # 433-202

Refer to **Appendix G** of the FEIS for clarification of this issue. Substantial construction dewatering is not expected.

Response # 433-203

Refer to the response to Comment 198-6.

Response # 433-204

The basin planning process has already incorporated expansion of the CPU water supply system through the construction of additional wells as discussed in **Section 3.10**. CPU has current capacity to serve the project alternatives and therefore would not impact local watershed plans.

Response # 433-205

Refer to Response to Comment 433-204.

Response # 433-206

Refer to Response to Comment 433-204.

Response # 433-207

The designation of the Troutdale Aquifer as a sole source aquifer is addressed in the Response to Comment 198-29.

Response # 433-208

Comment noted. Refer to Response to Comment 433-83 and 433-87.

Response # 433-209

Refer to the new BA and its attached documents (**Appendix I** of the FEIS). The Proposed Project's indirect impacts are discussed in **Section 4.14**.

Response # 433-210

Refer to the new BA and its attached documents (**Appendix I** of the FEIS).

Response # 433-211

Refer to the new BA and its attached documents (**Appendix I** of the FEIS). Additionally, a discussion of the Bull Trout has been included within **Section 3.5** and **Section 4.5** of the FEIS. No adverse impacts to this species are expected.

Response # 433-212

Refer to the new BA and its attached documents (**Appendix I** of the FEIS).

Response # 433-213

Refer to Response to Comment 433-169.

Response # 433-214

The appropriate plant surveys for both sites are discussed in **Section 5.0** and in **Appendix I** of the FEIS.

Response # 433-215

Federal Candidate species are also referred to as those "formally proposed for listing" in the EIS. "Species of Local Concern" is a designation used by some local Fish and Wildlife offices. Upon analysis of the USFWS list provided for the proposed locations, it has been determined that no Species of Local Concern occur on the list. Where pertinent, this phrase has been changed to "Species of Special Concern" in the EIS.

Response # 433-216

Refer to the new BA (**Appendix I** of the FEIS) for a discussion of methods used to determine the presence or absence of special-status species. The special-status fish species mentioned on page 3.5-13 have been added to the indicated paragraph on page 3.5-12. In none of the references to Chinook salmon in **Section 3.5** is the word Chinook in lower-case. The two occurrences of Chinook being in lower-case found in **Section 4.5** have been corrected.

Response # 433-217

Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-218

Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-219

Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-220

No Oregon White Oak woodland occurs on either of the proposed alternative sites. Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-221

Refer to the new BA (**Appendix I** of the FEIS).

Response # 433-222

Refer to **Appendices F** and **G** of the FEIS for the projected quality of the stormwater and treated wastewater. Refer to the new BA (**Appendix I** of the FEIS) for an analysis of how the discharge may impact the unnamed stream and its ability to provide wildlife habitat.

Response # 433-223

Refer to the new BA (**Appendix I** of the FEIS) for a discussion on the presence/absence of noxious weeds in the proposed locations. Refer to additional mitigation in **Section 5.2.4** regarding noxious weeds.

Response # 433-224

Comment noted.

Response # 433-225

Refer to **General Response 2.12.1** (**Appendix B** of the FEIS) and revised text in **Section 3.6** of the FEIS. Note that exclusive use is not required for a reservation proclamation.

Response # 433-226

The isolates found did not warrant a formal evaluation. Isolated flakes do not constitute a site and do not meet the criteria under 36 CFR 60.4 for purposes of NHRP eligibility. OAHP's letters of

concurrence are included within DEIS Vol. II, **Appendix Q**, and **Appendix J** of the FEIS. Should additional information become available or in the event that archaeological or historical materials are discovered during project activities, OAHP shall be contacted and consulted pursuant to Section 106 of the NHPA.

Response # 433-227

Refer to Response to Comment 433-226.

Response # 433-228

The eligibility recommendation and description of the houses on the La Center Interchange Site are addressed in **Appendix J** of the FEIS.

Response # 433-229

The farmstead within the project area was evaluated using NRHP significance criteria, pursuant to Section 106 of the NHPA. The residence and outbuildings that form the entirety of the farm complex were recommended ineligible for listing on the NRHP as a historic property and OAHP forms were not completed. Documentation related to OAHP concurrence is included in **Appendix J** of the FEIS.

Response # 433-230

The granary is not part of a historic district nor has it been formally listed on the NRHP, thus analysis of indirect impacts are not required.

Response # 433-231

OAHP consultation has begun for the Ridgefield Site. No development will be allowed on the site until the Section 106 process has been concluded. Documentation related to OAHP concurrence is included in **Appendix J** of the FEIS.

Response # 433-232

OAHP usage in the DEIS reflects the name of the agency at the time correspondence was conducted.

Response # 433-233

Refer to DEIS Vol. II, **Appendix R**. The farmstead located in the project area and its out buildings are recommended ineligible to the NRHP under Section 106 criteria. Therefore, they are not considered "historic properties" pursuant to the definition used in the NHPA. Documentation related to OAHP concurrence is included in **Appendix J** of the FEIS.

Response # 433-234

The flakes were generic lithic debris from flint knapping activities and do not warrant a detailed analysis or discussion. Refer to Response to Comment 433-226.

Response # 433-235

Refer to corrected text in **Section 3.6** of the FEIS.

Response # 433-236

Refer to Response to Comments 433-228 and 433-229.

Response # 433-237

Refer to Response to Comment 433-226. There is always the possibility that previously unknown archaeological resources will be encountered during construction activities. This would be a potentially significant impact. Mitigation measures are presented in **Section 5.2.5** for the treatment of unanticipated archaeological discoveries to reduce impacts to a less than significant level.

Response # 433-238

Refer to Response to Comment 433-230.

Response # 433-239

Refer to Response to Comment 433-231.

Response # 433-240

Refer to revised text in **Section 4.6**.

Response # 433-241

Property values are addressed in **General Response 2.15.5 (Appendix B)** of the FEIS which cites the 2006 Taylor study finding that "the opening of Indian casinos produces no statistically meaningful effect on nearby, off-reservation taxable sales or property." **Section 4.7.1** was revised to apply the conclusion to all types of residential property. While the value of the land for residential uses may decrease there is no significant effect to market value, potentially due to increased value for commercial uses.

Response # 433-242

Comment noted.

Response # 433-243

Comments noted, however, such potential taxes are not directly related to impacts to the physical environment.

Response # 433-244

The suggested models are not mandatory for an appropriate trip generation methodology. The trip generation methodology used is a regional trip generator distinctive with respect to the planned land-uses of Clark County. Vehicle trips were estimated from casino trip generation case studies which are generally analogous to the context of the proposed Cowlitz Casino project. Project specific factors that were considered include casino gaming-floor square footage, on-site hotel rooms, and employees among others. More detailed information on the trip generation methodology used can be found in the Supplemental TIS (**Appendix O** of the FEIS).

Response # 433-245

Refer to **General Response 2.19 (Appendix B** of the FEIS). Additionally, each of the alternatives includes parking spaces that have been designed to accommodate patrons and employees at the facility.

Response # 433-246

The boundaries for the TIS were drawn based on a reasonable assessment of the area of impact. The Supplemental TIS (**Appendix O** of the FEIS) has expanded the geographic scope of the traffic impact analysis to cover a greater coverage area to ensure that appropriate mitigation is provided for all traffic impacts. Portions of Vancouver and Portland were determined to be within the impact areas.

Response # 433-247

The estimation of costs for mitigation measures is not within the scope of evaluating impacts on the environment.

Response # 433-248

Comment noted.

Response # 433-249

The BIA, as lead agency determines the appropriate methodology for studies in the EIS.

Response # 433-250

Comment noted. Refer to **General Response 2.21 (Appendix B** of the FEIS) for further discussion of this issue.

Response # 433-251

Comment noted. However, the implication that commercial uses are environmentally more adverse than industrial facilities is probably incorrect.

Response # 433-252

Comment noted. Refer to **General Response 2.21 (Appendix B)** of the FEIS).

Response # 433-253

Comment noted.

Response # 433-254

Comment noted. Refer to **General Response 2.21 (Appendix B)** of the FEIS).

Response # 433-255

Refer to Response to Comment 433-70 and **General Response 2.21 (Appendix B)** of the FEIS).

Response # 433-256

Comment noted. Refer to **General Response 2.21 (Appendix B)** of the FEIS).

Response # 433-257

Comment noted. Refer to **General Response 2.21 (Appendix B)** of the FEIS). Policies discussed in the comment are not relevant to the project site as the land use designation is not defined as an Industrial Reserve Area (IRA).

Response # 433-258

Comment noted.

Response # 433-259

The comment is noted. Refer to Response to Comment 433-82.

Response # 433-260

Refer to Response to Comment 433-70 and **General Response 2.21 (Appendix B)** of the FEIS).

Response # 433-261

Comment noted.

Response # 433-262

Comment noted.

Response # 433-263

Comment noted. The Ridgefield Interchange site was recently included within the City of Ridgefield boundaries. Refer to **General Response 2.21** (Appendix B of the FEIS).

Response # 433-264

Section 4.9 states that there would be increased demands on the Clark County Sheriff's Office. The MOU (DEIS Vol. I, **Appendix C**) and the Tribe's EPHS Ordinance (**Appendix U** of the FEIS) provide that the Tribe would negotiate compensation with the Sheriff's Office reasonable direct and indirect costs which would reduce impacts to less than significant. A substation is not necessarily required to mitigate impacts. It would be the discretion of the Clark County Sheriff's Office to site any new facilities according to the needs of the department.

Response # 433-265

A 750,000 gallon closed-tank reservoir will be located within the boundaries of the proposed WWTP. Refer to DEIS Vol. II, **Appendix G** for its location.

Response # 433-266

Emergency response issues are addressed in **Sections 3.10** and **4.10**.

Response # 433-267

On January 19, 2007, Clark County Fire Department (CCFC) was contacted to determine if any hazardous materials responses have occurred on the La Center Interchange site. According to Chief Larry Bartel, the CCFD has not responded to a hazardous materials incident at the La Center Interchange site. This information has been added to **Section 3.12** of the FEIS.

Response # 433-268

The Phase I will be updated six months prior to the actual fee-to-trust acquisition.

Response # 433-269

Refer to Response to Comment 433-268.

Response # 433-270

Comment noted. An Environmental Data Resources (EDR) database search was conducted for the Ridgefield Interchange Site during development of the DEIS. It is located in DEIS Vol. III, **Appendix X**. A full Phase I will be conducted for the Ridgefield Interchange Site if it is selected as the Preferred Alternative.

Response # 433-271

These concerns are addressed in the FEIS quality of life discussion in **Section 4.7** and **General Response 2.18 (Appendix B** of the FEIS). Additionally, the discussion of community character was expanded in **Section 4.13**.

Response # 433-272

Refer to Response to Comment 433-45.

Response # 433-273

Indirect and growth-inducing impacts are discussed in **Section 4.14**. See also **General Response 2.22 (Appendix B** of the FEIS) and **Appendix M** of the FEIS, which presents an analysis of the kinds of development associated with other casino projects.

Response # 433-274

See **Section 4.15** for a revised discussion. **General Response 2.23 (Appendix B** of the FEIS) discusses in further detail the rationale for the geographic and temporal scope of the cumulative analysis.

Response # 433-275

Comment noted.

Response # 433-276

The geographic scope of the traffic impacts analysis was expanded in the Supplemental TIS (**Appendix O** of the FEIS) to include the I-5 Bridge over the Columbia River. It was determined that during the weekday PM peak hour from 5-6 PM and the peak hour on an event day from 6-7 PM would result in the largest traffic amounts over the bridge. However, it was determined that any increases in this area would not measurably affect traffic congestion, since trips to and from the casino site would come from a variety of locations and take a variety of rounds to get to and from I-5 and I-205.

Response # 433-277

The list of potential developments has been expanded in the supplemental TIS (**Appendix O** of the FEIS) and **Section 4.15**. The Tribe has no other development plans (refer to **Appendix E** of the FEIS, the Tribal Business Plan).

Response # 433-278

Comment noted. **Section 3.4** of the FEIS has been updated to include a discussion of current State and Federal regulations related to the analysis of greenhouse gas emissions and global warming. The potential adverse cumulative effects associated with greenhouse gas emissions as a result of the project alternatives is discussed in **Section 4.15**. Additional mitigation has been included in **Section 5.0** to address potential impacts.

Response # 433-279

Comment noted. Refer to **General Response 2.24 (Appendix B)** of the FEIS for a discussion of mitigation enforceability.

Response # 433-280

The Cowlitz Tribe has provided a limited waiver of sovereign immunity only to Clark County.

Response # 433-281

Comment noted.

Response # 433-282

Generally this means that the Tribe will strive to meet the goals and standards of Clark County but will not be bound by procedural requirements of the County, having the ability of a governmental body to establish their own procedures.

Response # 433-283

The EIS has been prepared by the BIA rather than the Cowlitz Indian Tribe. Accordingly, mitigation in this document is the BIA's assessment regarding what is appropriate mitigation. Final mitigation measures will be selected by the BIA in the Record of Decision.

Response # 433-284

These measures as stated in the socioeconomic assessment are measures that "might be considered" by the BIA, however, are not required to reduce any project impacts to less than significant. The Tribe has an MOU with Clark College regarding a program to provide pre-employment training through Clark County College which would aid in the hiring of local workers.

Response # 433-285

The MOU with the Ridgefield School District (DEIS Vol. III, **Appendix BB**) would help reduce project impacts but as it is an existing, enforceable agreement it does not need to be listed in mitigation.

Response # 433-286

Comment noted.

Response # 433-287

Comment noted. Refer to **Appendix N** of the FEIS for a discussion of the feasibility of northern alternatives.

Response # 433-288

Comment noted. Refer to **General Response 2.1 (Appendix B)** of the FEIS for a discussion of the NEPA process and an explanation of how comments on the EA were utilized in scoping the EIS.

Response # 433-289

Comment noted.

Response # 433-290

Comment noted.

Response # 433-291

Comment noted. Refer to Appendix O of the FEIS for the supplemental TIS.

Response # 433-292

Refer to Response to Comment 433-244. Additionally, trip generation was validated with that of other Washington casinos in a study, which is provided as **Appendix O** of the FEIS.

Response # 433-293

Comment noted.

Response # 433-294

Comment noted.

Response # 433-295

Refer to Response to Comment 433-291.

Response # 433-296

Refer to Response to Comment 433-291.

Response # 433-297

Refer to Response to Comment 433-291.

Response # 433-298

Both the traffic study (DEIS Vol. II, Appendix T) and the supplemental TIS (**Appendix O** of the FEIS) addressed this issue in detail and utilized data verified by the State of Connecticut to cross check the results. Refer to **General Response 2.19** (**Appendix B** of the FEIS), **Section 4.8** and **Appendix O** of the FEIS.

Response # 433-299

Comment noted. Refer to **Appendix O** of the FEIS for a supplemental TIS that takes into account more of the proposed and planned development in the area. Additionally, the trip distribution model in DEIS Vol. II, **Appendix T** utilized comparatively little traffic generated within La Center and also does not adjust for any presumed reduction in business of the existing card rooms.

Response # 433-300

Comment noted. Refer to **Appendix O** of the FEIS for further discussion of queuing issues.

Response # 433-301

Impacts of site-generated traffic merging onto and off of I-5 are determined in the LOS analysis of NW 319th Street/NW La Center Rd and I-5 Northbound and Southbound Ramps and Pioneer Street (SR 501) and I-5 Northbound and Southbound Ramps. Vehicle queuing is included in the TIS (**Appendix T** of the DEIS) and was discussed in **Section 4.8** of the DEIS under LOS impacts.

Response # 433-302

Since Alternative D does not propose to construct a casino or hotel facilities the calculation of trip generation rates is limited to employees of the office space. Therefore, the trip generation calculated in the Supplemental TIS (**Appendix O** of the FEIS) are correct calculations.

Response # 433-303

Comment noted.

Response # 433-304

Refer to **General Response 2.19 (Appendix B** of the FEIS), **Section 4.8** and **Appendix O** of the FEIS.

Response # 433-305

Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of peak hour factors. See also **Appendix O** of the FEIS for the supplemental TIS.

Response # 433-306

Comment noted. A majority of the traffic for Alternative D is assumed to be employee traffic.

Response # 433-307

Refer to Response to Comment 433-305.

Response # 433-308

The difference is closer to 23% as Spirit Mountain data was not used to determine trip generation for the Proposed Project, only to ensure that the model was basically correct. Accordingly, no adjustment of trip generation numbers is necessary

Response # 433-309

Refer to Response to Comment 433-305.

Response # 433-310

Refer to the Response to Comment A005-24.

Response # 433-311

Comment is noted. Refer to **Appendix O** of the FEIS for the Supplemental TIS.

Response # 433-312

Refer to the Response to Comment A005-24. Estimates were determined from peaking at events at the Mohegan Sun Casino in Connecticut. This is likely to be much more realistic than the traffic from Amphitheater events, which peak more dramatically. Events at a casino usually have a high percentage of people coming early to eat and drink, and staying after to eat, drink or gamble. Refer also to **General Response 2.19 (Appendix B** of the FEIS), **Section 4.8** and **Appendix O** of the FEIS.

Response # 433-313

Refer to **General Response 2.19 (Appendix B** of the FEIS), **Section 4.8** and **Appendix O** of the FEIS.

Response # 433-314

The discussion of trip distribution and assignment in **Section 4.8** determines that 91% of visitors to the casino would come from within the Portland-Vancouver metro area. Refer to **General Response 2.19 (Appendix B** of the FEIS), **Section 4.8** and **Appendix O** of the FEIS.

Response # 433-315

The supplemental TIS (**Appendix O** of the FEIS) was expanded to include pass-by trip assumptions used in the TIS (DEIS Vol. II, **Appendix T**). The analysis used a study of pass-by trip rates of several existing tribal casinos in Oregon to determine that pass-by traffic ranges from 30-40% of the total traffic into and out of the casino sites. Typically, those trips are deducted from trip calculations in order to isolate the added impacts of the casino site on the transportation system. However, for the purposes of this study no deduction from total trips was taken for pass-by traffic.

Response # 433-316

Traffic queuing is discussed in **General Response 2.19 (Appendix B** of the FEIS) and the supplemental TIS (**Appendix O** of the FEIS).

Response # 433-317

Comment noted.

Response # 433-318

Lane configurations for the LOS analysis for the La Center/I-5 intersections are consistent between the TIS (DEIS Vol. II, **Appendix T**) and **Sections 3.8** and **4.8** of the DEIS. Any changes in lane configuration made in the supplemental TIS (**Appendix O** of the FEIS) have been made consistent in **Sections 3.8** and **4.8** of the FEIS.

Response # 433-319

Impacts of site-generated traffic merging onto and off of I-5 are determined in the LOS analysis of NW 319th Street/NW La Center Rd and I-5 northbound and southbound ramps, and Pioneer Street (SR 501) and I-5 northbound and southbound ramps. Methodology used in the TIS (DEIS Vol. II, **Appendix T**) was developed in coordination with, and approved by, WSDOT.

Response # 433-320

Comment noted.

Response # 433-321

The comment is noted. Low traffic volumes are also indicative of a low customer base and market. Refer to **General Response 2.4 (Appendix B)** of the FEIS regarding the range of alternatives analyzed in the EIS.

Response # 433-322

Comment noted. As the property would be held in Trust for the Tribe, the NPDES permit would be issued by the USEPA. However, the requirements for that NPDES permit are likely to be very similar to the requirements in a permit issued by the DOE.

Response # 433-323

The projected levels of fecal coliform in the treated wastewater will be 2 colonies per ml, in contrast to the East Fork Lewis River, which has over 100 colonies per ml. Therefore, the discharge would reduce the concentration of fecal coliform in the River. Refer to **Appendix F** and **Appendix I** in the FEIS. The USEPA will determine whether the projected water quality of the treated wastewater is sufficient when they review the application for a permit.

Response # 433-324

As the NPDES permit would be granted by the USEPA, the DOE mixing zone requirements do not apply. Therefore, the mixing zone requirements will be based on discharging into the East Fork Lewis River, which is a perennial drainage. Additionally, mixing zone requirements only apply when the proposed discharge does not meet USEPA standards. Refer to Appendix F and Appendix I of the FEIS.

Response # 433-325

The methods for filtering stormwater (including oil/water separators) are provided in **Appendix G** of the FEIS.

Response # 433-326

No response required.

Response # 433-327

See Response to Comments 433-291 through 433-321.

Response # 433-328

See Response to Comments 433-143 through 433-156.

Response # 433-329

Refer to **Section 2.0** and **General Response 2.4 (Appendix B)** of the FEIS for a discussion of alternatives; **Appendix E** of the FEIS for the Tribe's Business Plan where the Tribe's unmet need is established; and **Appendix N** of the FEIS where the feasibility of other alternatives is discussed.

Response # 433-330

Refer to Response to Comment 433-158.

Response # 433-331

Refer to **General Response 2.1.4 (Appendix B)** of the FEIS).

Response # 433-332

Comment noted. The Tribe's economic plan is an appendix to the Tribe's Business Plan (**Appendix E** of the FEIS).

Response # 433-333

The applicability of various portions of Section 20 of the Indian Gaming Regulatory Act are outside the scope of this EIS. The purpose of the EIS is to make informed decisions on the fee-to-trust, reservation designation, and gaming management contract. Refer to **General Response 2.2.2 (Appendix B)** of the FEIS).

Response # 433-334

Interior Board of Indian Appeals (IBIA) appeals are not circumvented by a concurrent decision. No administrative appeal is possible. Decisions on the fee-to-trust and the reservation designation will be made by the Assistant Secretary - Indian Affairs. All decisions of the Assistant Secretary or of the Secretary are final for the Department and not subject to administrative appeal.

Response # 433-335

Comment noted. Refer to **Appendix B** of the FEIS for a discussion of these issues.

Response # 433-336

Refer to **General Response 2.12.1 (Appendix B)** of the FEIS) and **Section 3.6** for a discussion of the Tribe's ethnographic history. See also **General Response 2.4** for a discussion of alternatives.

Response # 433-337

Refer to **General Response 2.12.1 (Appendix B)** of the FEIS) and **Section 3.6** for a discussion of the Tribe's ethnographic history.

Response # 433-338

Refer to Response to Comment 433-337.

Response # 433-339

Refer to Response to Comment 433-337.

Response # 433-340

Refer to Response to Comment 433-337.

Response # 433-341

Refer to Response to Comment 433-337.

Response # 433-342

Refer to Response to Comment 433-337.

Response # 433-343

Comment noted. Refer to **General Response 2.4 (Appendix B)** of the FEIS) and **Section 2.0** for an expanded discussion of alternatives.

Response # 433-344

Refer to **General Responses 2.1.4, 2.2.2, and 2.12.1 (Appendix B)** of the FEIS).

Response # 433-345

No response necessary.

Response # 433-346

No response necessary.

Response # 433-347

No response necessary.

Response # 433-348

No response necessary.

COMMENT LETTER 29 – LOG # 434

Response # 434-1

Comment noted.

Response # 434-2

Refer to **Section 3.6.1** for a detailed discussion of the ethnographic history of the Cowlitz Tribe. Church records of baptism, marriage and burials at Ft. Vancouver list many Cowlitz members along with many other members of nearby Native American tribes.

Response # 434-3

Comment noted. Economic impacts to Spirit Mountain are discussed in **Appendix L** of the FEIS.

Response # 434-4

The BIA agrees that it has an obligation under NEPA to review and consider comments submitted by the public on the DEIS. The BIA has a responsibility to Grand Ronde regarding actions that may affect trust resources. This responsibility exists independent of the NEPA process. The BIA has fiduciary responsibility to the Cowlitz Indian Tribe as well.

Response # 434-5

Refer to Response to Comment 434-4.

Response # 434-6

Comments noted. Refer to **Appendix B** of the FEIS for further clarification of these issues.

Response # 434-7

Refer to Response to Comment 434-4.

Response # 434-8

Refer to **General Response 2.3 (Appendix B)** of the FEIS).

Response # 434-9

Comment noted. These issues are discussed in some detail in **Appendix B** of the FEIS.

Response # 434-10

The purpose and need statement has been revised in response to public comment and receipt of the Tribal Business Plan (**Appendix E**). The ability to satisfy the unmet needs of the Cowlitz Tribal Government is the predominant criterion of the Proposed Action.

Response # 434-11

Comment noted.

Response # 434-12

Refer to Response to Comment 434-10.

Response # 434-13

Comment noted. See **General Response 2.4** (**Appendix B** of the FEIS) and **Section 2.0** for an expanded discussion of alternatives, and **General Response 2.3** (**Appendix B** of the FEIS) and **Section 1.0** for purpose and need.

Response # 434-14

Refer to **General Response 2.12.1** (**Appendix B** of the FEIS) and **Section 3.6.1** for an expanded discussion of the ethnographic history of the Tribe.

Response # 434-15

Comment noted. The Tribe is not proposing to move the senior care and health care facilities.

Response # 434-16

See **Appendix B** of the FEIS for further discussion of this issue. **Appendix N** of the FEIS provides an assessment of the feasibility of the northern alternatives.

Response # 434-17

Refer to **General Response 2.2.2** (**Appendix B** of the FEIS). If copies are not already owned by the La Center library, copies of all general reference works cited in **Section 8** will be provided to them.

Response # 434-18

No prehistoric or ethnographic sites were located within the alternative project areas and OAHF has concurred with a finding of *No Historic Properties Affected* for the La Center Interchange Site (DEIS Vol. II **Appendices Q** and **R**). Mitigation measures presented in **Section 5.2.5** provide for additional Section 106 review if unanticipated discoveries are encountered once the land is in Trust.

Response # 434-19

The list of tribes to contact during the Section 106 process was received from the Washington State Governor's Office of Indian Affairs (GOIA). The Grand Ronde were not identified in that list (DEIS Vol. II, **Appendix R**). Subsequently, a letter requesting consultation pursuant to Section 106 was sent to Chairman Mercier of The Confederated Tribes of Grand Ronde Community of Oregon on January 12, 2007. Additionally, the Grand Ronde, as well as other nearby tribes, were sent copies of the DEIS and asked to provide comments. Therefore, the Grand Ronde have had adequate opportunity to comment on the DEIS.

Response # 434-20

Refer to **Response to Comment 434-14**.

Response # 434-21

Refer to **General Response 2.12.2 (Appendix B** of the FEIS). Additionally, a title search and historic land map search was conducted as part of the K & S Environmental, Inc. Phase 1 Environmental Assessment report (DEIS Vol. III, **Appendix V**).

Response # 434-22

Quality of life is evaluated in **Section 4.7** of the FEIS and is also discussed in **General Response 2.18 (Appendix B** of the FEIS). Additionally, this issue overlaps with community character which was expanded in **Section 4.13** of the FEIS.

Response # 434-23

Comment noted. These issues are addressed in **Sections 2.2 and 2.3** of **Appendix B** of the FEIS.

Response # 434-24

Comment noted. The referenced 2000 U.S. Census data relating to the Tribe's income and employment can not be relied on as reliable or valid because the Tribes federal recognition and official membership were not established until 2002, and there is no way to determine what percentage of tribal members may have self-reported their tribal affiliation in the 2000 census. Therefore the 2000 Census Data is not considered to accurately represent the income and employment status of the Tribe. The unmet needs of the Cowlitz Tribe are better defined in **Appendix E** of the FEIS, the Tribal Business Plan, submitted as part of the fee-to-trust application.

Response # 434-25

See **General Response 2.17 (Appendix B** of the FEIS) and **Appendix L** of the FEIS for an assessment of the impacts to the Spirit Mountain facility.

Response # 434-26

General Response 2.15.4 (**Appendix B** of the FEIS) addresses the availability of affordable housing in the area.

Response # 434-27

The Tribe's mitigation payments are not based solely on where workers would reside but are anticipated to help mitigate some impacts to public services and local jurisdictions. In-migrating workers would be spread throughout the secondary area reducing the impacts to any one jurisdiction. See Response to Comment A007-18, which addresses why workers would not be concentrated in La Center, Ridgefield, or Woodland but would be drawn from the larger secondary area. Additionally, new residents would contribute through taxes to local revenues, thereby reducing the impact to the infrastructure and services of local governments.

Response # 434-28

The projected wage and income would not be accurate without a characterization of tips. Without tips the average wage is estimated at approximately \$25,000, which is still an approximate 12% increase over La Center wages (DEIS Vol. II, **Appendix S**).

Response # 434-29

Comment noted.

Response # 434-30

Total employment and wages are not expected to differ between Alternatives A and B. Differences in square footage of the facilities results from the need to reconfigure the facilities, not from a proposed change in the business model.

Response # 434-31

Comment noted.

Response # 434-32

Comment noted. The suggestion requests a level of detail not necessary to informed decision making.

Response # 434-33

The comment is noted. Refer to **General Response 2.21** in **Appendix B** of the FEIS for a discussion of land use designations on the project sites and potential compatibility issues.

Response # 434-34

The County adopted an update to the GMP in 2007. The Draft Environmental Impact Statement for revisions to the GMP was released in August 2006. **Section 4.9** of the FEIS has been revised to clarify this fact.

Response # 434-35

Refer to the revised discussion of consistency with land use and zoning designations in **Section 4.9**. It was determined that potential impacts would be considered less than significant after mitigation.

Response # 434-36

Refer to the revised discussion of consistency with land use designations in **Section 4.9**. This expanded discussion clarifies that inconsistencies with land use designations could result in significant environmental effects associated with increased vehicles trips and rapid urbanization of the project area. Resulting impacts could occur associated with traffic; noise, air quality, public services, and aesthetics. These impacts are addressed in detail within each relevant chapter in the EIS. Mitigation recommended in **Section 5.0** for each respective issue area indirectly addresses potential land use impacts that could occur. Furthermore, as discussed in **Section 4.9**, potential land use impacts would be avoided through implementation of measures identified in the MOU with Clark County (DEIS Vol. I, **Appendix C**) and Tribe's EPHS Ordinance (**Appendix U** of the FEIS). These measures, including building setbacks, and conformity with Clark County codes and ordinances, have been developed with consideration of public safety and environmental impacts, as well as building appearance.

Response # 434-37

Comment noted. As noted in **Section 4.9** of the FEIS, adverse land use compatibility effects would not result from inconsistencies with adopted land use plans.

Response # 434-38

Refer to **Section 4.4** of the FEIS and DEIS Vol. I, **Appendix E**. Construction Emissions, including PM₁₀ emissions, and operational emissions, including traffic and bus emissions, were analyzed.

Response # 434-39

Comment noted.

Response # 434-40

Comment noted.

Response # 434-41

The *Cowlitz Casino Air Quality Supplemental Information* (**Appendix H** of the FEIS) includes emissions of SO₂ with regards to operational and construction output. The estimated SO₂ emissions have been added to **Sections 3.4** and **4.4**. The operational and area SO₂ emissions were compared to the regional emissions inventory (REI) (see **Section 3.4**) and found to be only 0.01% of the REI.

Response # 434-42

Comment noted. Refer to revised language in **Section 4.4** of the FEIS.

Response # 434-43

Refer to **Appendix H** of the FEIS and **Section 4.4** for an updated discussion of air quality impacts. **Section 4.16** has been revised to indicate that after mitigation the impacts from indirect emissions would still be significant.

Response # 434-44

As stated in **Section 4.4** of the FEIS, the USEPA does not require a permit for internal combustion engines that operate less than 500 hours per year. Each generator would be exercised weekly for 30 minutes for an annual total for all five generators of 130 hours. Therefore, no additional action needs to be taken at this time.

Response # 434-45

See **Table 3.4-3** in **Section 3.4** of the FEIS, which is a regional emissions inventory of NO_x, SO₂, VOC, and PM pollutants. While this is more applicable to the Proposed Project as a whole, emissions in the table are broken down by county. **Table 4.4-5** in **Section 4.4** shows the percentage increase of regional pollutants. A discussion regarding the impact of these increases follows the table.

Response # 434-46

A Prevention of Significant Deterioration (PSD) permit is required by the USEPA when a Proposed Project's stationary sources emits equal to or more than 250 tons per year (tpy) of any criteria pollutant. The Proposed Project would not emit 250 tpy of any criteria pollutant as can be seen in **Table 4.4-6** of **Section 4.4** of the FEIS.

Response # 434-47

Comment noted.

Response # 434-48

Refer to revisions in Section 5.0. This mitigation measure has been removed.

Response # 434-49

Comment noted.

Response # 434-50

Comment noted.

Response # 434-51

See **Section 4.4** of the FEIS, **Table 4.4-5**, which compares the buildout year (2010) emissions inventory (ambient air quality) with the Proposed Project's emission. A discussion follows.

Response # 434-52

Section 4.4 of the FEIS clarifies the permitting regulations once the land is taken into trust.

Response # 434-53

Northern Clark County is in attainment for all criteria pollutants (CO, NO_x, SO_x, Lead, Ozone, PM₁₀, and PM_{2.5}), therefore, under conformity Regulation 40 CFR 93.153 an analysis of the above pollutants is not required. Due to the USEPA attainment status for the County, the criteria pollutants are assumed to be in compliance with the NAAQS. A carbon monoxide analysis was performed based on information contained in the supplemental TIS (Appendix O of the FEIS) that indicates that three intersections in the area are/will be operating at LOS E or F; this carbon monoxide hotspot study is based on *Guideline for Modeling Carbon Monoxide from Roadway Intersections* (EPA, 1992a).

Response # 434-54

Comment noted. The project area is in an attainment area for all criteria pollutants, thus air emissions from the Proposed Project are assumed by the USEPA not to cause a violation of the NAAQS; therefore, no analysis is warranted for any criteria pollutant with respect to the NAAQS.

Response # 434-55

Comment noted.

Response # 434-56

See Response to Comment 434-54.

Response # 434-57

Due to reformulated gasoline and low sulfur diesel, coupled with new USEPA Regulations, SO_x emissions are small in comparison to the other criteria pollutant and, therefore, an analysis is not warranted.

Response # 434-58

Refer to **General Response 2.5 (Appendix B)** of the FEIS regarding impacts of the Proposed Project on regional water supply. Water demand is discussed in **Section 4.10** of the DEIS. Construction-related water use is not calculated into the water demand, as it constitutes a small percentage of the overall water demand for the Proposed Project. As discussed in **Section 4.10**, operation of the Proposed Project would require a peak water demand of 0.765 million gallons per day (mgd), which accounts for 11% of CPU's water supply system capacity. Peak water demand would occur during holiday weekends and accounts for 100% occupancy, which is unlikely to occur on most days of the week, during normal operating hours. Water demand would be covered by the existing and planned expansion of CPU's water supply capacity.

Response # 434-59

As noted in **Section 4.10** of the DEIS, the Tribe, like all other customers, will pay the necessary infrastructure costs to connect the site to the CPU mains. CPU will make the final decision on the locations and routes of the connections.

Response # 434-60

As noted in **Section 2.0, Section 4.10**, the Tribe's MOU with Clark County (DEIS Vol. I, **Appendix C**), and the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe will connect with CPU's water supply system. Mitigation was included in the DEIS in the unforeseen event that CPU's system would no longer have the capacity that is currently available. The impacts of developing an on-site potable water supply system, including on-site groundwater wells are described in **Section 4.14** of the DEIS. In conjunction with water recycling at the proposed WWTP, potable water demands would be reduced by up to 67%, thus reducing impacts to water rights holders. Therefore, if an on-site potable water system is developed, impacts to surrounding water rights holders would be minimal.

Response # 434-61

Section 5.0 of the FEIS has been updated to include the potential reduction rate of potable water use through the maximization of recycled water use. According to Table 2.2a of the wastewater engineering report (DEIS Vol. I, **Appendix G**), water usage could be reduced by up to 67% by maximizing recycled water use.

Response # 434-62

Refer to Response to Comment 434-61.

Response # 434-63

Refer to Response to Comment 434-60.

Response # 434-64

Refer to Response to Comment 434-60.

Response # 434-65

Water demand is discussed in **Section 4.10** of the DEIS. Water demand was calculated by using real data from a similar facility and comparing the square footages. The comment does not specify the guidance document in question. The State of Washington does require specific demand forecast methodologies to be followed when forecasting potable water demand for water purveyors. However, potable water would be supplied to the Proposed Project through connection to CPU's water supply system (DEIS Vol. III, **Appendix BB**). The Tribe's system would not be considered a purveyor of water supply and therefore the Washington guidelines do not apply.

Response # 434-66

Impacts related to stream, river, and/or wetland crossings that would be necessary to provide utilities to the Proposed Project are discussed in **Sections 4.14.3** through **4.14.5**.

Response # 434-67

Refer to the new BA (**Appendix I** of the EIS) for a discussion of wetland habitat. Appendix 9 of **Appendix F** (DEIS Vol. I) contains a description of wetland hydrology and potential impacts to wetlands. DEIS Vol. II, **Appendices L** through **O** also contain descriptions of the wetlands on the proposed locations and their hydrology. One inconsistency found in **Section 3.5** of the DEIS has been corrected.

Response # 434-68

Comment noted. **Section 3.5** has been updated. Refer also to **General Response 2.9** (**Appendix B** of the FEIS), which discusses wetlands and Waters of the U. S. delineation and permitting.

Response # 434-69

In the DEIS, Wetland Es was divided into 0.86 acres of Palustrine Forested Wetland and 0.74 acres of Palustrine Emergent Wetland. These two wetlands total 1.6 acres. The new BA (**Appendix I** of the FEIS) and **Section 3.5** of the FEIS have been modified to consider Wetland Es as one wetland totaling 1.6 acres.

Response # 434-70

Revisions have been made to **Section 3.5**. Refer also to **General Response 2.9**(**Appendix B** of the FEIS) concerning wetlands and permitting.

Response # 434-71

As can be seen in **Figures 3.5-5** and **3.5-8**, the riparian woodland (labeled in green in **Figure 3.5-5**) is not considered wetland habitat, but is considered to be within the riparian zone of the stream.

Wetland habitat borders the riparian woodland, but does not overlap it. Refer to **General Response 2.9 (Appendix B** of the FEIS), which discusses wetlands and permitting.

Response # 434-72

See revisions in **Section 4.5**.

Response # 434-73

Refer to **General Response 2.9 (Appendix B** of the FEIS) and Appendix 9 of DEIS Vol. I, **Appendix F**.

Response # 434-74

Refer to the updated information in **Section 4.5**. See also **General Response 2.9 (Appendix B** of the FEIS) for a discussion of wetlands and permitting.

Response # 434-75

Comment noted. Refer to additional mitigation in **Section 5.2.4**.

Response # 434-76

The off-site roadside ditches will not be impacted by the Proposed Project. SWPPP and BMP measures discussed in **Sections 5.2.2** and **5.2.4** of the FEIS would ensure that these ditches are not impacted.

Response # 434-77

The Interchange Justification Report (IJR) was undertaken for the I-5/La Center Interchange to alleviate current and future congestion and accident problems by modifying and improving access to mainline I-5. This document has been attached to the FEIS as **Appendix P**.

Response # 434-78

Operational impacts to traffic on I-5 resulting from the proposed interchange improvements were determined to be less than significant after mitigation. Methodology for determining trip distribution is discussed in **Section 4.9** of the EIS. Variations to this distribution pattern are speculative and do not warrant further analysis within the EIS. During the public review period, WsDOT reviewed and provided comments on the DEIS as well as the IJR. These comments are provided as Comment Letter 13 (Log # A016). The Washington State Transportation Commission (WSTC) works directly

with WsDOT in formulating transportation policy, and accordingly, may be involved with recommendations and findings regarding changes to the I-5 interchange. It is unknown what opportunities for public involvement will be provided during that process.

Response # 434-79

Interchange improvements have been recommended as mitigation and are not a component of the Proposed Project. Accordingly, a schedule for completion of recommended improvements and additional tasks associated with these measures has not been developed at this time.

Response # 434-80

Demand for public services and utilities in the region resulting from new employees and visitors generated by the project is addressed in **Section 4.14**. Quantification of this growth and the resulting impacts are supported through findings in the post-development review included as **Appendix M** of the FEIS. Cumulative impacts resulting from the Proposed Project in conjunction with regional growth are evaluated in **Section 4.15** of the EIS.

Response # 434-81

Comment noted.

Response # 434-82

Comment noted.

Response # 434-83

This map was considered in further review of northern alternatives. Refer to the alternatives discussion in **Section 2.0** and **General Response 2.4 (Appendix B)** of the FEIS). Refer also to **Appendix E** of the FEIS where the needs of the Tribal government are established, and **Appendix N** of the FEIS where the feasibility of these northern sites is reviewed.

Response # 434-84

Comment noted. For further discussion of issues that are procedural or legal rather than environmental in nature please refer to the discussion in Appendix B.

Response # 434-85

Comment noted.

Response # 434-86

Comment noted.

Response # 434-87

Comment noted.

Response # 434-88

Comment noted.

Response # 434-89

Comment noted.

Response # 434-90

Comment noted.

Response # 434-91

Comment noted. Refer to the **General Response 2.2 (Appendix B)** of the FEIS for further discussion of issues that are procedural or legal rather than environmental in nature.

Response # 434-92

Comment noted.

Response # 434-93

Comment noted. For BIA's review of this study please refer to **Appendix K** of the FEIS.

Response # 434-94

Refer to Response to Comment 434-93. Additional discussion in **Appendix B** of the FEIS. Information on the unmet needs of the Cowlitz Tribe are presented as **Appendix E** of the FEIS. BIA's review of the ability of northern sites to meet the Tribe's need is included as **Appendix N** of the FEIS.

Response # 434-95

Comment noted.

Response # 434-96

The appropriate references will be made available at the La Center library upon the publication of the FEIS.

The following websites were accessible on January 30, 2007:

- 1) California Air Resources Board (CARB), 2002. *California Emission Inventory and Reporting System: Particulate Matter Speciation Profiles: Summary of Overall Size Fractions and Reference Documentation*. . September 26, 2002. Available online at: <http://www.arb.ca.gov/ei/speciate/speciate.htm>. Accessed February 2006.
- 2) Clark County, 2004a. Clark County Comprehensive Plan 2003-2023. Available online at: <http://www.co.clark.wa.us/longrangeplan/review/adopted-plan-text.html>. Accessed June 13, 2005.
- 3) C-TRAN, 2005. *Reduced C-TRAN Boundary Unanimously Adopted*. March 30, 2005. Available online at: <http://www.c-tran.com/News/Boundary.html>
- 4) National Center for Educational Statistics, 2003. La Center and Ridgefield School District Information for the 2002-2003 School Year. Available online at: <http://nces.ed.gov/ccd/districtsearch/>. Accessed September 2005.
- 5) Yolo County Sheriff, 2004. *Yolo County Sheriff's Annual Report 2003-2004*. Available online at: <http://www.yolocountysheriff.com/>. Accessed June, 2006.

The following reference is now available at

<http://www.clark.wa.gov/longrangeplan/review/eis-draft.html>

Clark County, 2003. *Final Environmental Impact Statement for the Comprehensive Growth Management Plans of Clark County, Battle Ground, Camas, La Center, Ridgefield, Vancouver, Washougal, and Yacolt, Volume 3: Amended Draft Environmental Impact Statement*. September 10th, 2003. Available online at: <http://www.co.clark.wa.us/longrangeplan/documents/adoption/rev-deis/revised-DEIS.pdf>.

Response # 434-97

Comment noted.

Response # 434-98

Comment noted.

Response # 434-99

Comment noted.

Response # 434-100

Comment noted. This excerpt does not pertain to the environmental issues evaluated within the EIS. Refer to **General Response 2.2.2 (Appendix B)** of the FEIS).

Response # 434-101

Refer to Response to Comment 434-100.

Response # 434-102

Comment noted.

Response # 434-103

Comment noted. Refer to **Appendix L** for a discussion of economic impacts to Spirit Mountain from the Proposed Project.

Response # 434-104

Comment noted.

Response # 434-105

Comment noted.

Response # 434-106

Comment noted.

Response # 434-107

Comment noted. The purpose and need statement has been revised in response to public comment and receipt of the Tribal Business Plan (**Appendix E** of the FEIS). For further discussion of this issue refer to **General Response 2.3** (**Appendix B** of the FEIS).

Response # 434-108

Comment noted. Refer to the discussion of matters beyond the scope of the EIS in **General Response 2.2.2** (**Appendix B** of the FEIS).

Response # 434-109

Refer to Response to Comment 434-108.

Response # 434-110

Comment noted. The Proposed Action was chosen for its ability to meet the purpose and need. Refer to Response to Comment 434-107.

Response # 434-111

Refer to Response to Comment 434-108.

Response # 434-112

Refer to Response to Comment 434-110.

Response # 434-113

Comment noted. Refer to the updated alternatives discussion in **Section 2.0** and **General Response 2.4 (Appendix B)** of the FEIS). Refer also to **Appendix N** of the FEIS where the feasibility of northern sites is reviewed.

COMMENT LETTER 30 – LOG # 452

Response # 452-1

Refer to Response to Comment 433-25.

Response # 452-2

Refer to **Appendices F, G, and I** of the FEIS for a discussion on the potential for the Proposed Project to impact the East Fork Lewis River. **Appendix S** of the FEIS provides an analysis of the potential for the stormwater runoff and treated wastewater to impact the unnamed stream and the East Fork Lewis River. See also **General Responses 2.6, 2.7, and 2.9 (Appendix B)** of the FEIS) for additional discussion of this issue.

Response # 452-3

Refer to **General Response 2.13.1 (Appendix B)** of the FEIS) regarding impacts to law enforcement.

Response # 452-4

Comment noted. Refer to **Section 4.7** for a discussion of quality of life and **Section 4.8** for a discussion of impacts to traffic.

Response # 452-5

See **General Response 2.15.1 (Appendix B)** of the FEIS) regarding employee income. As discussed in **Section 4.7.1** of the DEIS, based on average household size and number of workers per household, there would be no casino job associated with a household income below \$19,480 annually, the level qualifying for federal food stamps. However, individual household characteristics vary in the number of wage earners and dependents per household.

Response # 452-6

There is no analysis given by the commenter as to why the Proposed Project would create an influx of students requiring English as a Second Language (ESL) services. If a portion of these new students required ESL or other language services, they would be only a percentage of the 99-145 new students and they would be spread among the schools of the secondary area reducing the impact to any one school or district. See **General Response 2.14 (Appendix B)** of the FEIS regarding impacts to schools. There is no analysis given by the commenter for why the project would affect bond levies.

Response # 452-7

The BIA has a government to government relationship with the Tribe. The Tribal members express their choices thru the elected Tribal Council, which would not agree with this statement.

Response # 452-8

An assessment of competitive effects on the Spirit Mountain Casino in Grande Ronde is included as **Appendix L** of the FEIS and discussed in **Section 4.7** of the FEIS.

Response # 452-9

See **General Response 2.16 (Appendix B)** of the FEIS regarding effects to the City of La Center.

Response # 452-10

Comment noted. Refer to **General Response 2.1.1 (Appendix B)** of the FEIS).

Response # 452-11

For the single project of this magnitude, which has been constructed and is in operation (Thunder Valley Casino, California), impacts have largely been consistent with the environmental documentation provided by AES.

COMMENT LETTER 31 – LOG # 470

Response # 470-1

Comment noted. Water resources are discussed in **Section 3.3** and **Section 4.3**.

Response # 470-2

The Proposed Project will not be directly impacting a Shoreline of Statewide Significance. The potential of the Proposed Project to impact the East Fork Lewis River is discussed in **Sections 3.4, 3.5, 4.4, and 4.5** of the EIS, as well as in **Appendices F, G, I, and S** of the FEIS.

Response # 470-3

Comment noted. Refer to **Appendices I and S** of the FEIS for a discussion of impacts to aquatic resources.

Response # 470-4

Currently, there are no TMDLs for the unnamed tributary or the East Fork Lewis River. However, the TMDL process has begun for the East Fork Lewis River and the final technical report that includes the TMDL should be completed in June of 2007.

Response # 470-5

Refer to **Appendices I and S** of the FEIS for a discussion of impacts to aquatic resources. See also **General Responses 2.6 and 2.7 (Appendix B** of the FEIS).

Response # 470-6

At no time will salmonids be exposed to 100% treated effluent. The unnamed seasonal stream that would receive the discharge does not have the potential to contain salmonids. The nearest downstream location of salmonids would be the confluence with the East Fork Lewis River. At this point, the unnamed stream is no longer seasonal and would not contain 100% treated effluent. Refer to **Appendices I and S** of the FEIS for a discussion of impacts to aquatic resources. See also **General Responses 2.6 and 2.7 (Appendix B** of the FEIS).

Response # 470-7

Please refer to response 470-6.

Response # 470-8

Please refer to response 470-6. Additionally, the NPDES permit will be issued by the USEPA, not the DOE.

Response # 470-9

Refer to **Appendix F** of the FEIS for a description of the projected levels of the different constituents in the treated effluent. Refer to **Appendices I and S** of the FEIS for a discussion of impacts to aquatic resources. See also **General Responses 2.6 and 2.7 (Appendix B** of the FEIS).

Response # 470-10

Comment noted. Refer to **Appendices F, G, and I**, as well as **Sections 4.4 and 4.5** of the FEIS and **General Responses 2.6, 2.7, and 2.10 (Appendix B** of the FEIS).

Response # 470-11

The project description regarding wastewater discharge to the unnamed stream has been updated to include an underground heat transfer system. The heat transfer system would lower treated wastewater temperatures to approximately 16°C during the summer (in accordance with the WAC water quality objective for surface water temperatures), and cooler in the winter depending on the ambient air and soil temperatures. For a comparison of this temperature and the temperature of the East Fork Lewis River, refer to **Appendix S** of the FEIS.

Response # 470-12

Since the amount of treated wastewater generated will be small in comparison to the average flow of the East Fork Lewis River, it is not likely to change the temperature of the River. In addition, the temperature of the discharge is likely to be cooler than that of the River, reaching no higher than 16°C in the summer. Please refer to **Appendix S**, which indicates the potential for the Proposed Project to have a beneficial impact on fish.

Response # 470-13

Soil infiltration was addressed in the Response to Comment 198-40.

Response # 470-14

Effluent from the Proposed Project's wastewater treatment facility is not expected to adversely affect adult or juvenile salmon. WAC water quality criteria for Class AA waters, which include aquatic habitat, state that pH must be maintained between 6.5 and 8.5. For more information, refer to **Appendix S** of the FEIS. See also **Appendices F, G, and I** of the FEIS.

Response # 470-15

Refer to **General Responses 2.6, 2.7, and 2.10 (Appendix B)** of the FEIS. See also **Appendix F** of the FEIS regarding water quality impacts of treated wastewater discharged from the Proposed Project and **Appendix I** of the FEIS for impacts to aquatic resources. Nothing will be discharged into a Water of the U.S. that isn't in compliance with a NPDES permit.

Response # 470-16

Refer to Response to Comment 470-15. The wastewater discharge is expected to comply with or exceed CWA and Washington State water quality standards. An NPDES permit shall be obtained from the USEPA and the Tribe will be in compliance with this permit.

Response # 470-17

Refer to Comment Response 470-16. NPDES standards account for these potential impacts.

Response # 470-18

Refer to Comment Response 470-16. NPDES standards account for these potential impacts.

Response # 470-19

Refer to Comment Response 470-16. The Tribe will comply with the NPDES permit.

Response # 470-20

No permit would be required for the Proposed Project under the Shoreline Management Act.

Response # 470-21

Refer to Comment Response 470-16. The Tribe will comply with the NPDES permit.

Response # 470-22

NPDES standards are designed to account for this. Mitigation measures required under the NPDES permit will ensure that impacts to the streambank at the point of discharge are minimal. For a discussion of the NPDES process, refer to **Sections 3.3** and **5.2.1**.

Response # 470-23

The Proposed Project is not far enough along for the Tribe to contract with any gravel supplier. The Tribe will purchase commercially-available gravel when the Proposed Project has progressed to that point.

Response # 470-24

Please refer to Comment Response 470-23.

Response # 470-25

The NPDES permit and the treatment facility operations account for the potential for plant failure.

Response # 470-26

The Tribe's discussions with the City of La Center have not progressed to that point. If upgrades to the La Center treatment facility are needed, the upgrades and their cost will be addressed at that time. This subject is outside of the scope of this document.

Response # 470-27

Yes, the Tribe will obtain a NPDES permit from the USEPA.

Response # 470-28

No, the Tribe is not under the jurisdiction of the DOE.

Response # 470-29

Comment noted.

Response # 470-30

As stated in **Section 2.0** of the DEIS, water for the Proposed Project will be supplied through the existing Clark Public Utilities system. According to **Section 4.10, Appendix G**, and by submission of a signed Letter of Intent to Contract for Water Service (**Appendix BB** of the DEIS) from CPU, CPU has the supply and pressure capabilities to serve the site.

Response # 470-31

Potential future actions on the site are outside the scope of this EIS.

Response # 470-32

An NPDES permit shall be obtained for all Alternatives requiring discharge to a Water of the U.S.

Response # 470-33

No, the Tribe's MOU with the County and EPHS Ordinance would cover the cost of the Proposed Project to the County.

COMMENT LETTER 32 – LOG # 471

Response # 471-1

Comment noted.

Response # 471-2

Refer to **General Response 2.12.1 (Appendix B** of the FEIS) and **Section 3.6** for a discussion of the Tribe's ethnographic history. See also **General Response 2.4** and **Section 2.0** for further discussion of alternatives.

Response # 471-3

Comment noted.

Response # 471-4

Refer to **General Response 2.12.1 (Appendix B)** of the FEIS) and **Section 3.6** for a discussion of the Tribe's ethnographic history.

Response # 471-5

Refer to Response to Comment 471-4.

Response # 471-6

No response required.

Response # 471-7

Comment noted.

Response # 471-8

Comment noted.

Response # 471-9

Refer to Response to Comment 471-4.

Response # 471-10

Comment noted.

Response # 471-11

Comment noted.

Response # 471-12

Comment noted.

Response # 471-13

Comment noted.

Response # 471-14

Comment noted.

Response # 471-15

Comment noted.

Response # 471-16

Comment noted.

Response # 471-17

Comment noted.

Response # 471-18

Comment noted.

COMMENT LETTER 33 – LOG # 476

Response # 476-1

Comment noted.

Response # 476-2

Comment noted. Refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** for a discussion of alternatives.

Response # 476-3

Comment noted.

Response # 476-4

Refer to Response to Comment 476-1.

Response # 476-5

Refer to **General Response 2.1.5 (Appendix B** of the FEIS) for a discussion of the need for a programmatic EIS.

Response # 476-6

Comment noted.

Response # 476-7

Refer to **General Responses 2.3 and 2.4 (Appendix B** of the FEIS). The Proposed Project's purpose and need has been refined in response to public comment. See changes made to **Section 1.0** of the FEIS.

Response # 476-8

Refer to Response to Comments 476-8.

Response # 476-9

Comment noted.

Response # 476-10

Comment noted.

Response # 476-11

Refer to Response to Comment 476-5.

Response # 476-12

Comment noted.

COMMENT LETTER 34 – LOG # 477

Response # 477-1

Comment noted. Refer to **Appendix B** of the FEIS for a discussion of these issues.

Response # 477-2

Refer to **General Response 2.12.1 (Appendix B** of the FEIS) and **Section 3.6** for a discussion of the Tribe's ethnographic history.

Response # 477-3

In an effort to gain public opinion and input throughout the environmental review process, the BIA, in collaboration with the Cowlitz Indian Tribe, has held multiple public meetings and extended various opportunities to the public to provide input and opinion (see **Appendix D** of the FEIS for copies of the Notice of Availability of the DEIS). These efforts extend beyond NEPA's minimum requirements for public participation in the environmental review process. Additionally, it should be noted that the Tribe has enter into an MOU with Clark County (DEIS Vol. I, **Appendix C**) and has offered to enter into one with the City of La Center. These actions indicate that a good faith effort has been made by the Tribe and the BIA to enter into a collaborative relationship with local communities. Refer to the expanded discussion in **Section 1.3** of the FEIS for a detailed description of compliance with NEPA procedural issues and **Section 1.4** of the FEIS for a discussion of the scoping process. See also **General Responses 2.1.2 and 2.1.3 (Appendix B** of the FEIS) for comments submitted on the

Environmental Assessment (EA) and PDEIS. Decisions on availability of information under FOIA are made by the BIA and are not based on the contents of this EIS. Refer to **General Response 2.2.2** for matters beyond the scope of the EIS.

Response # 477-4

The BIA has not pre-selected an alternative. However, the Tribe's preferred alternative is the Proposed Action. The BIA is obligated to consider the needs of the Tribe in its decision making process as part of its fiduciary responsibilities to the Tribe. Additionally, since the Tribe is the applicant in this project, the BIA is obligated to consider the preferences of the Tribe as well. Additionally, refer to **General Responses 2.3** and **2.4 (Appendix B** of the FEIS). The Proposed Project's purpose and need has been refined in response to public comment. See changes made to **Section 1.0** of the FEIS.

Response # 477-5

The DEIS considered an adequate range of alternatives by considering two locations, two different uses, and three sizes or configurations of casino. See **Section 2.0** where alternative locations, including northern alternatives, are discussed. See also **General Response 2.4 (Appendix B** of the FEIS). The cumulative impacts discussion was scoped, both geographically and temporally to avoid obscuring potentially significant socioeconomic data through dilution effects. Refer to **General Response 2.23**. A discussion of existing and proposed casinos is included within an amended **Section 4.15** and is also discussed in **General Response 2.23**. See also **General Response 2.17 (Appendix B** of the FEIS) for a discussion of impacts to Spirit Mountain Casino.

Response # 477-6

Comment noted.

Response # 477-7

Comment noted. The BIA reviewed the independent study and prepared a supplemental TIS (**Appendix O** of the FEIS), which pointed out numerous deficiencies in CARS' consultant's review.

Response # 477-8

Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis. This issue was adequately addressed in **Sections 3.8** and **4.8** of the FEIS. See also DEIS Vol. II, **Appendix T**. A supplemental TIS was prepared for the FEIS and is included as **Appendix O** of the FEIS. Updates to **Sections 3.8** and **4.8** of the FEIS have been made. It should be noted that the only predicted instances of level of service change for the I-5 or I-205 corridors occur on weekdays when special events are to be held at the casino-resort.

Response # 477-9

Refer to Response to Comment 477-8.

Response # 477-10

Refer to Response to Comment 477-8.

Response # 477-11

A discussion of traffic impacts from events held at the Cowlitz Casino Event Center is discussed in **Section 4.8** of the FEIS. See also the TIS (DEIS Vol. II, **Appendix T**) and the Supplemental TIS (**Appendix O** of the FEIS).

Response # 477-12

Refer to Response to Comment 477-8.

Response # 477-13

Comment noted.

Response # 477-14

Refer to Response to Comment 477-3.

Response # 477-15

Comment noted. Refer to **General Response 2.4** (**Appendix B** of the FEIS) and **Section 2.0** for a discussion of alternatives.

Response # 477-16

Refer to Response to Comment 477-3. See also **General Response 2.1.5** (**Appendix B** of the FEIS).

Response # 477-17

Comment noted. Refer to Response to Comment 477-15.

Response # 477-18

Section 2.9 of the FEIS provides further details on the consideration of northern alternatives. Also, refer to **General Response 2.4** (**Appendix B** of the FEIS) regarding the range of alternatives. It should be noted that the majority of the Cowlitz tribal members do not reside in Cowlitz County. Cowlitz Tribal members are dispersed throughout the states of Washington, Oregon and California.

Response # 477-19

Refer to Response to Comment 477-15. See **General Response 2.1.2** and **2.1.3 (Appendix B)** of the FEIS).

Response # 477-20

Comment noted.

Response # 477-21

Comment noted.

Response # 477-22

Comment noted.

Response # 477-23

Comment noted.

Response # 477-24

Federal agencies are not required to analyze every conceivable alternative. They are required to analyze an adequate range of alternatives. To be fully analyzed alternatives should meet the purpose and need of the federal agency. It is fully appropriate for federal agencies to consider the needs and desires of project applicants when determining what alternatives should be analyzed. In this instance, where the applicant is an Indian Tribe and the federal agency is the BIA, the BIA's fiduciary responsibilities to Indian tribes make it especially appropriate. For further discussion of this issue in general see **Appendix B** of the FEIS. For information on an expanded list of sites considered see **Section 2.0** of the EIS. For information on the unmet needs of the Cowlitz Tribe see **Appendix E** of the FEIS. For analysis of the feasibility of northern alternatives see **Appendix N** of the FEIS.

Response # 477-25

For a discussion of the need for a programmatic EIS see **General Response 2.1.5 (Appendix B)** of the FEIS). For a discussion of the cumulative impacts of other casino proposals refer to **General Response 2.23** and additions to **Section 4.15**.

Response # 477-26

Comment noted. Refer to **General Responses 2.3** and **2.4 (Appendix B)** of the FEIS) for a discussion of these issues.

Response # 477-27

Comment noted. Refer to Response to Comments 477-25 and 477-26.

Response # 477-28

Refer to the Response to Comment A005-24.

Response # 477-29

Refer to the Response to Comment A005-26.

Response # 477-30

For a discussion of background traffic growth rates refer to the Response to Comment A007-31, refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of peak hour factors, and for a discussion of trip generation refer to the Response to Comment A005-24.

Response # 477-31

Traffic congestion is measured at intersections because intersections are the point where traffic is delayed the greatest. Refer to **Sections 3.8** and **4.8** for further discussion of LOS analysis.

Response # 477-32

Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis.

Response # 477-33

Refer to **General Response 2.19 (Appendix B** of the FEIS), **Section 4.8** and **Appendix O** of the FEIS.

Response # 477-34

Air Quality mitigation measures provided in **Section 5.2.3** include operational impact measure D stating that the Tribe shall provide transportation (e.g., shuttles) to nearby population centers, major transit stations, and multi-modal centers.

Response # 477-35

Comment noted.

Response # 477-36

Refer Response to Comment A003-1. Trips generated in 2010 are assumed to be for full buildout of the Cowlitz Casino. No further development would occur to the project from 2010 to 2030, and therefore, 2030 trip generation would be the same as 2010.

Response # 477-37

Refer to the Response to Comments A003-1.

Response # 477-38

Refer to the Response to Comments A003-1.

Response # 477-39

Refer to the Response to Comments A003-1.

Response # 477-40

Comment noted, see revisions to **Section 4.4** where air pollution is considered on an airshed basis.

Response # 477-41

Comment noted.

Response # 477-42

Comment noted.

Response # 477-43

After mitigation, all intersections would operate at LOS D or better as specified in the MOU with Clark County (DEIS Vol. I, **Appendix C**) and the Tribe's EPHS Ordinance (**Appendix U** of the FEIS). Therefore, no adverse congestion would result from the Proposed Project. For discussion on the impacts to the I-5 bridge refer to Response to Comment A003-1.

Response # 477-44

Refer to **General Comment 2.19** for a discussion of peak hour factors. Analyzing economic impacts from traffic impacts is outside the scope of the environmental traffic impacts analysis, which considers impacts on the physical or natural environment.

Response # 477-45

The Supplemental TIS (**Appendix O** of the FEIS) includes further discussion on the methodology used to estimate traffic impacts. For discussion on specific issues of the methodology used to estimate traffic impacts refer to Response to Comment A005-24. See also the discussion on peak hour factors in **General Response 2.19 (Appendix B** of the FEIS), and the discussion on trip distribution and assignment in Response to Comment A008-26.

Response # 477-46

Refer to the Response to Comment A005-24.

Response # 477-47

Refer to the Response to Comment A005-24.

Response # 477-48

The year 2010 was selected as the full buildout year for the project. Land use on the affected parcels will be regulated by the Tribe.

Response # 477-49

As the resort casino is proposed to be at full buildout by 2010, no additional trip generation is expected.

Response # 477-50

Refer to **General Response 2.19 (Appendix B** of the FEIS), **Section 4.8** and **Appendix O** of the FEIS.

Response # 477-51

Refer to Response to Comment 477-50.

Response # 477-52

Comment noted.

Response # 477-53

Comment noted.

Response # 477-54

The Proposed Project's consistency with regional land use plans is analyzed in the **Section 4.9** of the EIS.

Response # 477-55

Refer to **General Response 2.19 (Appendix B** of the FEIS), and Response to Comment A003-1.

COMMENT LETTER 35 – LOG # 478

Response # 478-1

Comment noted. Storm water runoff is addressed in **Section 4.3** of the FEIS.

Response # 478-2

No response required.

Response # 478-3

Please refer to response to Comment 477-3.

Response # 478-4

Comment noted. Water quality is addressed in **Section 4.3** of the EIS.

Response # 478-5

No response required.

Response # 478-6

No response required.

Response # 478-7

Comment noted. For further discussion of the issue of range of alternatives refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** of the EIS.

Response # 478-8

Comment noted.

Response # 478-9

Comment noted. Refer to Response to Comments A004-1 through A004-12 and FEIS **Appendices F, G, and I**.

Response # 478-10

Comment noted.

Response # 478-11

Refer to **General Response 2.1.2 (Appendix B** of the FEIS) in regard to comments submitted in response to the Environmental Assessment. Refer to **Section 4.3** in the FEIS, and **Appendices F, G,** and the new BA at **Appendix I** of the FEIS for a discussion of potential impacts to surface waters. **General Responses 2.6** and **2.7** also discuss potential impacts to surface waters.

Response # 478-12

The amount of groundwater extractable from an area the size of the parking structure is negligible compared to the overall capacity of the groundwater aquifer. Dewatering activities would comply with the provisions of the NPDES permit for dewatering activities. In accordance with the provisions of the NPDES permit, groundwater extracted from building sites would be reused for dust suppression activities. Extracted groundwater that cannot be reused would be discharged by dust suppression trucks directly to the municipal sewer system to prevent impacts to surface water quality.

Response # 478-13

Section 4.10 of the FEIS has been updated to discuss the recent update of the GMP that resulted in the inclusion of the project site within the UGA of the City of La Center. The FEIS for the proposed La Center Comprehensive Plan Amendments in December 2006 notes that if the site "becomes a commercial or industrial center, the City would be capable of providing appropriate services and infrastructure."

Response # 478-14

As discussed in **Section 2.0** of the FEIS, treated wastewater would be stored in a 750,000-gallon closed-tank reservoir. The reservoir would be housed within the wastewater treatment building and, therefore, is not identified separately on the site plans.

Response # 478-15

Refer to Response to Comment 433-200.

Response # 478-16

Information concerning permit requirements is not available as the permits have not yet been issued. Permitted discharge into a waterbody, as long as it is within permitted parameters is not trespass by definition. In any instance this is a legal rather than an environmental question.

Response # 478-17

Comment noted. A 25-year storm event has a 4% chance of happening in any given year. Refer to **Appendix G** and **Section 4.3** of the FEIS for a discussion of stormwater impacts and the capacity of the 48-inch culvert under I-5.

Response # 478-18

Refer to **Sections 3.3** and **5.2.1** for a discussion of the NPDES permitting process. Refer to **Appendix F**, and the new BA **Appendix I** of the FEIS for discussions of the quality of the treated effluent, the quality of the receiving waters, and the potential for the treated effluent to impact the receiving waters.

Response # 478-19

Comment noted.

Response # 478-20

The culvert is discussed in **Section 4.3** of the FEIS and includes a discussion on the capacity of the culvert. As discussed in **Section 4.3**, upon implementation of the Proposed Project, stormwater would be diverted to constructed stormwater facilities. Because of the increase in impervious surfaces due to the development of the casino and auxiliary facilities, the amount of stormwater runoff would increase compared to existing conditions. With the implementation of the stormwater management plan, stormwater would be diverted from holding facilities to the culvert at levels consistent with existing conditions and the capacity of the culvert. The remainder of the detained stormwater would be diverted to the unnamed stream (after treatment through the stormwater treatment components of the stormwater management facilities).

Response # 478-21

A discussion of the mixed discharge flow is provided in **Appendix G** of the FEIS. Results of the supplemental stormwater report indicate actual release rates from the site will be substantially lower than the allowable release rates as determined by the Clark County Drainage Ordinance.

Response # 478-22

The Watershed Plan is discussed in **Section 3.3** of the EIS. The plan addresses future water rights issues within the basin. The Tribe would not be applying for water rights as a component of the project alternatives. Therefore, the Watershed Plan would not be applicable to the federal action of taking the land into trust, and the Proposed Project.

Response # 478-23

The temperature of the wastewater discharge and its impact to aquatic resources is discussed in **Sections 4.3** and **4.5** of the EIS, and in **Appendices F, I, S, and T** of the FEIS.

Response # 478-24

Additional baseline sampling has been performed and the results are included in **Table 3.3-2** in the EIS. The table includes the previous baseline sample data provided as DEIS Vol. II, **Appendix P**. The discussion has been updated in **Section 3.3**, to include an analysis of the most recent samples in conjunction with the previous baseline sample data. Results of the conglomerate of baseline data collected for the EIS indicate the unnamed stream is not a significant contributor to the fecal coliform load of the East Fork Lewis River. Furthermore, based on the treatment process of the proposed on-site WWTP, and the removal of existing fecal coliform sources from the site (agriculture and septic tanks) the total fecal coliform levels are anticipated to be below existing conditions. Therefore, tidal action and wind would not impact fecal coliform levels of the East Fork Lewis River.

Response # 478-25

Section 3.5 has been revised with language contained in Section 10 of the MOU regarding compliance with Clark County codes. The phrase "in a manner consistent with," is synonymous with the phrase "consistent with."

Response # 478-26

Refer to Response to Comment 470-4.

Response # 478-27

Refer to Response to Comment 478-17.

Response # 478-28

Refer to **Sections 3.3** and **5.2.1** for a discussion of the NPDES permitting process.

Response # 478-29

Comment noted.

Response # 478-30

Refer to **General Responses 2.6, 2.9, and 2.10 (Appendix B)** of the FEIS). Refer to **Sections 4.3 and 4.5 and Appendices F, I, S and T** of the FEIS. See also Response to Comment 478-17.

Response # 478-31

Please refer to **Sections 3.3 and 5.2.1** for a discussion of the NPDES permitting process. The Tribe is required to abide by Federal regulations but not State regulations. See also Response to Comment 433-200.

Response # 478-32

Refer to **General Responses 2.6, 2.9, and 2.10 (Appendix B)** of the FEIS). Refer to **Sections 4.3 and 4.5 and Appendices F, I, S and T** of the FEIS.

Response # 478-33

Water would be supplied by CPU (DEIS Vol. III, **Appendix BB**). As the demand of the Proposed Project is within the capacity of CPU, effects to the aquifer have been previously evaluated by the provider.

Response # 478-34

A preconstruction survey shall be conducted for all listed plants with the potential to occur on the site. If these plants are found on the site, appropriate mitigation measures will be developed and implemented in consultation with the U.S. Fish and Wildlife Service.

Response # 478-35

Refer to the new BA (**Appendix I** of the FEIS), as well as **Appendices F and G** of the FEIS.

Response # 478-36

Comment noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-37

The text in **Section 4.5** has been updated to identify that the community sewer treatment plant in question is the La Center WWTP.

Response # 478-38

Mitigation measures for impacts to wetlands are discussed in **Section 5.2.4** in the EIS. Refer to the new BA (**Appendix I** of the FEIS), and **General Response 2.9 (Appendix B)** of the FEIS).

Response # 478-39

Delivery of sewer services for Alternative D are discussed in **Section 4.10**. Construction of a wastewater pipeline to service Alternative D would be part of the agreement negotiated with the City of La Center WWTP as presented in mitigation measures in **Section 5.2.8**.

Response # 478-40

Refer to Response to Comment 478-14.

Response # 478-41

Comment noted.

Response # 478-42

The USEPA is responsible for determining whether to approve the Proposed Project under Section 401. Refer to responses to the USEPA's comments (Comment Letter 4 [Log # A004]). While the USEPA is not a Cooperating Agency, their letter focuses on potential 401 certification concerns. Also note that 401 certification is noted in the permits and approvals section.

Response # 478-43

The WAC Antidegradation policy is discussed in **Sections 3.3** and **4.3** of the EIS.

Response # 478-44

The possibility of connecting the La Center wastewater treatment facility is discussed in **Section 5.2.8** of the EIS.

Response # 478-45

The East Fork Lewis River is impaired for temperature and fecal coliform levels. The temperature of the proposed discharge will be lower than that of the East Fork Lewis River and will provide a haven for aquatic species at the confluence of the unnamed stream and the River. Fecal coliform is discussed in the new BA (**Appendix I** of the FEIS) and **Sections 4.3** and **4.5**.

Response # 478-46

Comment noted. Refer to Response to Comment 478-43.

Response # 478-47

Refer to the new BA (**Appendix I** of the FEIS) and the two baseline surface water quality studies prepared for the Proposed Project (DEIS Vol. II, **Appendix P** and **Appendix T** of the FEIS).

Response # 478-48

Refer to Comment Response 478-47. See also **Sections 4.3** and **4.5** of the EIS.

Response # 478-49

Refer to Comment Response 478-47. See also **Sections 4.3** and **4.5** of the EIS.

Response # 478-50

Refer to Comment Response 478-47. See also **Sections 4.3** and **4.5** of the EIS.

Response # 478-51

Refer to Comment Response 478-47. See also **Sections 4.3** and **4.5** of the EIS. See also **Appendix S** of the FEIS

Response # 478-52

Refer to Response to Comment 478-17.

Response # 478-53

Refer to **General Response 2.6** (**Appendix B** of the FEIS) regarding water quality. Further information is provided in the supplemental wastewater report provided as **Appendix F** of the FEIS. **Section 4.3** has been updated to include the additional information on wastewater quality provided by the supplemental report.

Response # 478-54

Refer to the new BA (**Appendix I** of the FEIS) and responses to the USEPA's comments (Comment Letter 4 [Log # A004]).

Response # 478-55

Refer to the new BA (**Appendix I** of the FEIS). Revisions have been made to **Section 4.5** as appropriate.

Response # 478-56

Refer to Response to Comment 478-55.

Response # 478-57

The resort is not within 2 miles of the runway. The airport runway is also less than 3,200 feet in length and thus is not regulated by the Federal Aviation Regulations under 14 CFR Part 77.13.

Response # 478-58

Comment noted. Information sufficient for permitting of all alternatives is usually not collected during the NEPA process. For further discussion of NPDES permitting and SWPPP, refer to **Section 5.2.1** of the FEIS. For a discussion of 401 certification and 404 permitting, refer to **Section 5.2.4** of the FEIS.

Response # 478-59

Comment noted.

Response # 478-60

Refer to Response to Comment A003-1 and **General Response 2.19 (Appendix B)** of the FEIS).

Response # 478-61

Refer to **General Response 2.19 (Appendix B)** of the FEIS) for a discussion of the geographic scope of the traffic analysis.

Response # 478-62

Comment noted.

Response # 478-63

Comment noted. See DEIS Vol. II, **Appendix S** and **Appendix K** of the FEIS for further discussion.

Response # 478-64

Section 4.10 includes an analysis of the increased number of calls for service and crime reports that can be anticipated for the Sheriff's Office. See **General Response 2.13.1 (Appendix B)** of the FEIS) regarding impacts to other law enforcement departments in the area.

Response # 478-65

Comment noted. Impacts to socioeconomics are discussed in **Section 4.7** of the EIS.

Response # 478-66

Refer to the discussion in **Section 4.7** and DEIS Vol. II, **Appendix S**. Note that to some extent substitution effects will be absorbed by expansion of the service/recreation/travel economic sector in the area.

Response # 478-67

Comment noted. Refer to DEIS Vol. II, **Appendix S** for further discussion of employment issues. See also **General Response 2.15.1 (Appendix B** of the FEIS).

Response # 478-68

Comment noted. Refer to DEIS Vol. II, **Appendix S** for further discussion of employment issues. See also **General Response 2.15.2 (Appendix B** of the FEIS).

Response # 478-69

Comment noted.

Response # 478-70

Comment noted.

Response # 478-71

There are no existing USTs on either of the alternative project sites. Additionally, the project description does not include USTs to be present on the project site. NEPA guidelines require hazardous materials sites to be identified and shown on a map in relation to the project site. It is also a requirement to analyze whether the Proposed Project would affect those hazardous materials sites as well as whether those hazardous materials sites would have an effect on the project site. This requirement is fulfilled by performing a regulatory agency database report that identifies hazardous materials sites both on the project site and sites within 1 mile of the project site. Those database reports are included as DEIS Vol. III, **Appendices W** and **X**. The FEIS discusses the potential for the adjacent hazardous materials sites to affect the project site.

Any unreported spills would not be listed on a regulatory agency database. The commenter states, “there have been fairly regular spills of hazardous substances at the adjacent Shell gas station.” If the commenter has witnessed regular diesel spills, these spills should be reported to the appropriate agencies. The adjacent vinyl fence company that the commenter is referring to is the Steenson Boats/United Salvage site. The Steenson Boats/United Salvage is discussed **Section 3.12** of the FEIS.

Response # 478-72

Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis.

Response # 478-73

Comment noted.

Response # 478-74

Comment noted.

Response # 478-75

Comment noted.

Response # 478-76

Comment noted.

Response # 478-77

Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-78

These species are not Federally-listed and would therefore be discussed as "migratory bird species" in **Appendix I** of the FEIS.

Response # 478-79

Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-80

Comment noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-81

The existing card rooms are considered in the analysis under the "no action alternative." Additionally, information on the card rooms is considered in the cumulative impacts discussion in **Section 4.15** of the EIS.

Response # 478-82

Refer to DEIS Vol. II, **Appendix S** for discussion of employment and wage impacts. See also **General Response 2.15.1 (Appendix B** of the FEIS).

Response # 478-83

See **General Response 2.13.2 (Appendix B** of the FEIS). The mitigation is appropriate as it addresses the increased cost to local governmental services from problem gambling.

Response # 478-84

Comment noted. Land use incompatibility is discussed in **Section 4.9** of the EIS.

Response # 478-85

A decision on whether to permit smoking would be within the Cowlitz Tribe's civil jurisdiction. This decision has not yet been made.

Response # 478-86

Refer to the Supplemental TIS (**Appendix O** of the FEIS) for an analysis of traffic impacts on emergency services.

Response # 478-87

Refer to the updated discussion in **Section 3.7.2** and **4.7.5** of the FEIS.

Response # 478-88

The Supplemental TIS (**Appendix O** of the FEIS) contains an analysis of traffic impacts on emergency services. It was determined that by mitigating to a minimum LOS D at the I-5 overpass and improving the interchange roads and NW 319th Street to urban standards, response times will be improved back to the no-build alternative as there will be less traffic queuing to bypass, as well as adequate space on the I-5 overpass and along NW 319th Street for vehicles to pull off to the side to allow emergency vehicles to pass. The FEIS has been revised to include traffic impacts to emergency services.

Response # 478-89

Section 4.13 of the DEIS analyzed the effect to several viewsheds from the development as a whole, including the hotel.

Response # 478-90

Screening could include native trees to the area that grow to approximately 100 feet or taller. Examples include Douglas-fir, Western red cedar, Ponderosa pine, and Western white pine. Due to the slower rate of maturity, a faster growing species such as Knobcone pine, which reaches approximately 80 feet in height, may be combined with these species while they mature. Recommendations were added to **Section 5.0**.

Response # 478-91

Statements in the EIS describing project related effects to topography do not contradict the finding that impacts to topography are considered less than significant. Given that the design of Alternative would preserve the major topographic features of the site (i.e., hills and slopes), and given the relatively small percentage of land that would be affected in the County and greater region, impacts to topography that would result from Alternative A are considered negligible and a less than significant impact.

Response # 478-92

Refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** of the FEIS for a discussion of the range of alternatives.

Response # 478-93

Refer to Response to Comment A007-3.

Response # 478-94

Refer to Response to Comment A007-3.

Response # 478-95

Refer to Response to Comment A007-3.

Response # 478-96

Refer to **General Response 2.1.2 (Appendix B** of the FEIS).

Response # 478-97

Comment noted. Refer to the discussion of the scoping process in **Section 1.4** of the FEIS.

Response # 478-98

Comment noted. Sending wastewater to a new treatment plant operated by the City of La Center is considered as mitigation in **Section 5.0**. It should be noted that the MOU between the Cowlitz Tribe and Clark County (DEIS Vol. I, **Appendix C**) envisioned Tribal construction of a WWTP on-site.

Response # 478-99

Comment noted.

Response # 478-100

Comment noted.

Response # 478-101

The purpose of NEPA is to provide sufficient information for informed decision making. Information is not usually provided on each alternative, which would be sufficient for providing permits. Information sufficient for a reasoned discussion and comparison of impacts is provided. For further information on NEPA procedures refer to **General Response 2.1 (Appendix B** of the FEIS).

Response # 478-102

Refer to the new BA (**Appendix I** of the FEIS) and **General Responses 2.6** and **2.7 (Appendix B** of the FEIS).

Response # 478-103

Stormwater and wastewater engineering reports were developed for the DEIS and included as DEIS Vol. I, **Appendix F** and DEIS Vol. II, **Appendix G**. Within the reports, various disposal methods were discussed, however surface discharge was concluded to be the most acceptable method of disposal due to project site specific constraints. Refer to **General Responses 2.6** and **2.7 (Appendix B** of the FEIS) regarding discharge of treated wastewater to the on-site unnamed stream.

Response # 478-104

Comment noted. Refer to **Section 4.15** and **General Response 2.23 (Appendix B** of the FEIS).

Response # 478-105

Refer to the new BA (**Appendix I** of the FEIS), for a discussion of potential impacts to surface water. Refer to **General Responses 2.19 (Appendix B** of the FEIS) in regard to potential impacts to traffic. The Storedahl Company is responsible for impacts due to mining operations. Indirect and cumulative effects are discussed in **General Responses 2.22** and **2.23** and in **Section 4.14** and **Section 4.15** in the FEIS.

Response # 478-106

The BIA is responding to each substantive comment submitted in the FEIS as required by 40 CFR 1503.4. The BIA has determined that it has not made substantial changes in the Proposed Action that are relevant to environmental concerns, that there are not significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or its impacts, and that the purposes of NEPA would not be furthered by issuing a supplement. Refer to **General Response 2.1.4 (Appendix B)** of the FEIS).

Response # 478-107

Comment noted.

Response # 478-108

Comment noted.

Response # 478-109

Comment noted.

Response # 478-110

Comment noted.

Response # 478-111

Refer to **Appendix F** of the FEIS and **Section 4.3** for a discussion of water quality impacts.

Response # 478-112

The stabilization basin has been removed from the project descriptions. Biosolids generated from the WWTP will be stored within a sludge storage basin and processed in a solids handling facility. Biosolids would be pressed and dehydrated according to DOE standards for Class A biosolids, which may be land applied.

Response # 478-113

The method used to determine stormwater runoff from the project site is provided as DEIS Vol. I, **Appendix F** and the results are summarized in **Section 4.3** of the EIS. For the Proposed Project standard methodology was used that includes the SCS runoff equation to determine runoff rates. As part of the equation, SCS curve numbers have been developed for the different land use, soil types and other factors to enable runoff rates and volumes to be determined. See Table III-1.3 in DEIS Vol. I, **Appendix F** for the runoff curve numbers. The soil types on site, as required by the SCS method,

were identified from the SCS Soil Survey of Clark County and were found to be Gee silt loam with a hydrologic soil group C and Odne silt loam with a hydrologic soil group D. In general, the Odne silt loam is found within the wetlands and drainage ways and the Gee silt loam is found on the upland areas.

Response # 478-114

Comment noted. Refer to responses to the comments received by the USEPA (Comment Letter 4 [Log # A004]).

Response # 478-115

As shown in **Section 1.6** of the EIS, the Tribe will obtain a NPDES permit for the discharge of treated wastewater. The NPDES permit will include waste discharge requirements (WDRs), which provide numeric limits of discharged pollutants to prevent degradation of water quality in receiving streams. If the permitting authority believes discharges from the Proposed Project would violate the CWA, then an NPDES permit would not be granted for the Proposed Project.

Response # 478-116

Refer to Response to Comment 478-112.

Response # 478-117

Comment noted. Refer to the Response to Comment 478-116

Response # 478-118

Comment noted.

Response # 478-119

Comment noted.

Response # 478-120

Comment noted. Refer to responses to USEPA comments (Comment Letter 4 [Log # A004]) regarding the capacity of the stormwater system.

Response # 478-121

Section 4.5 has been updated to reflect additional baseline water quality samples collected from the unnamed stream, onsite wetlands, and the East Fork Lewis River. The calculations of the average fecal coliform levels have been updated to include the additional samples. The additional samples, when considered with the previous baseline sampling event, do not alter the findings of the DEIS. The results indicate sources of fecal coliform from the La Center Interchange Site include cattle,

domestic animals including dogs and cats, and three septic systems. Refer to **Appendices I and T** of the FEIS.

Response # 478-122

As noted in **Section 4.9**, implementation of the Proposed Project would change the land use of the property from rural residential and agricultural to commercial. The contaminants associated with commercial development are different from those of agricultural operations. The BMPs suggested for the stormwater treatment facilities are approved by the USEPA for commercial sites.

Response # 478-123

Comment noted.

Response # 478-124

Comment noted. Refer to the Response to Comment 198-47

Response # 478-125

Refer to the supplemental wastewater report (**Appendix F** of the FEIS).

Response # 478-126

Refer to Response to Comment 478-125.

Response # 478-127

Refer to Response to Comment 478-125.

Response # 478-128

Refer to the new BA (**Appendix I** of the FEIS) in regard to the potential for the treated wastewater to impact the unnamed stream and East Fork Lewis River. A mixing zone analysis is only necessary when the waters to be discharged do not meet USEPA and CWA standards.

Response # 478-129

Refer to responses to comments from the USEPA (Comment Letter 4 [Log # A004]) and to the new BA (**Appendix I** of the FEIS).

Response # 478-130

Comment noted. Refer to the new BA (**Appendix I** of the FEIS) in regard to potential impacts to aquatic environments from the Proposed Project. As the NPDES permit would be issued by the USEPA, State standards are not applicable.

Response # 478-131

Refer to Response to Comment 478-125.

Response # 478-132

Refer to Response to Comment 478-125. See also **Appendix S** of the FEIS.

Response # 478-133

Refer to Response to Comment 478-125. See also **Appendix S** of the FEIS.

Response # 478-134

Refer to Response to Comment 478-125.

Response # 478-135

Refer to Response to Comment 478-125.

Response # 478-136

Refer to Response to Comment 478-112

Response # 478-137

Refer to Response to Comment 478-112

Response # 478-138

Refer to Response to Comment 478-112

Response # 478-139

As noted in the supplemental wastewater report (**Appendix F** of the FEIS), all backwash and cleaning water would be piped back to the headwater of the plant for treatment. Residual chlorine present in the backwash would be consumed during treatment, and therefore would not interrupt the biological treatment process of the proposed MBR system.

Response # 478-140

Refer to Response to Comment 478-139.

Response # 478-141

Refer to Response to Comment 478-139.

Response # 478-142

Comment noted. Refer to Comment Responses A004-1 through A004-12 and FEIS **Appendices F, G, and I**.

Response # 478-143

Comment noted. However, the low percolation rates found in the soils on the project site (dominated by clay) indicate that infiltration is marginal.

Response # 478-144

Comment noted. Refer to responses to the comments from the USEPA (Comment Letter 4 [Log # A004]). Additional information regarding the treatment, storage, and discharge of stormwater is provided in **Appendix G** of the FEIS.

Response # 478-145

Comment noted.

Response # 478-146

Comment noted. Refer to **Appendix G** of the FEIS in regard to the quality of the treated stormwater leaving the site. Also, as the treated stormwater will be discharged (in compliance with a permit) through pipes into the unnamed stream and not as sheet flow, it is considered a "point source" not a "nonpoint source." The USEPA definition of "point source" is any discernible, confined conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, or well.

Response # 478-147

Comment noted. Refer to **Section 4.3** in the FEIS for discussion on stormwater runoff and to **Appendix G** of the FEIS in regard to the treatment of stormwater and the quality of the stormwater leaving the site.

Response # 478-148

Comments noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-149

Comments noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-150

Comments noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-151

Comment noted, although implementation of pasture management is only a condition of project approval.

Response # 478-152

Comment noted.

Response # 478-153

Comments noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-154

Comments noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-155

Refer to the new BA (**Appendix I** of the FEIS), and the revised FEIS sections.

Response # 478-156

Comments noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-157

Comment noted.

Response # 478-158

Comment noted. Refer to the new BA (**Appendix I** of the FEIS).

Response # 478-159

While USEPA is not a Cooperating Agency, due to their responsibilities for NPDES permitting and 401 certification, USEPA has been involved in the production of the EIS in a manner similar to a Cooperating Agency, and has directed specific comments towards water quality impacts in the East Fork Lewis River. Refer to the USEPA comment letter (Comment Letter 4 [Log # A004]) and the BIA responses to water quality issues. Water quality issues in the East Fork Lewis River are also discussed in **General Response 2.6 (Appendix B** of the FEIS), with further documentation provided in **Appendices F** and **T** of the FEIS.

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Response # 479-1

Refer to the discussion of the extension of the comment period in **General Response 2.1.1** (**Appendix B** of the FEIS).

Response # 479-2

Comment noted. Decisions on availability of information under FOIA will not be made based on the contents of this EIS. Refer to **General Responses 2.2.1** and **2.2.2** (**Appendix B** of the FEIS).

Response # 479-3

Comment noted.

Response # 479-4

Comment noted. Issues concerning the title of the subject property are beyond the scope of environmental issues analyzed in this EIS. Refer to **General Response 2.2.2** (**Appendix B** of the FEIS).

Response # 479-5

Refer to Response to Comment 479-2.

Response # 479-6

Comment noted. However, it should be recognized that a likely consequence of taking the subject property into trust would be establishment of an initial reservation for the Cowlitz Indian Tribe. Additionally, the BIA feels that deliberately ignoring collected information and denying the public access to the decision making process would be inconsistent with the intent and purposes of NEPA; therefore, comments submitted by the public on the initial reservation are analyzed within this EIS.

Response # 479-7

This comment is a title rather than environmental issue. The property must be owned in fee by the Cowlitz Indian Tribe at the time of transfer to the United States in trust for the Tribe. It does not have to be owned in fee by the Tribe at the time the NEPA process is completed. If that were the case, the Cowlitz Tribe would be required to own in fee all properties considered as alternatives.

Response # 479-8

Comment noted. The restored lands decision is a finding by the National Indian Gaming Commission (NIGC) and this EIS is not being prepared in support of that decision. Tribal members' involvement

in the process is appropriate as applicants and cooperating agencies. For impacts to schools see **Section 4.10**, for taxes, crime and the job market refer to **Section 4.7**. Alternatives are discussed in **Section 2.0**.

Response # 479-9

The BIA is committed to a government to government relationship with the Cowlitz Tribe. Accordingly, the BIA accepts applications, comments and other input from the Tribe from their legitimately elected leadership. It should also be noted that individual members of the Tribe have the same rights as other members of the public to participate in the NEPA process.

Response # 479-10

The DEIS was not revised after it was released to the public; therefore, recirculation of the document and an extension of the comment period is not warranted. However, it should be noted that an extension of the comment period for the DEIS was previously granted. Refer to **General Response 2.1.1 (Appendix B of the FEIS)**.

Response # 479-11

Please refer to the individual response to Comment A007-1.

Response # 479-12

The report by EcoNorthwest was not submitted during the scoping period nor as comments on the Preliminary DEIS by a cooperating agency. Accordingly, it has been discussed and responded to within this FEIS as a comment on the DEIS submitted by the City of La Center. Refer to Response to Comment A007-12.

Response # 479-13

Refer to Section 4.7 for a discussion of the loss of La Center revenue. See also **General Response 2.16 (Appendix B of the FEIS)**.

Response # 479-14

See **General Response 2.14 (Appendix B of the FEIS)**. As discussed in **Section 4.14** the impacts to local businesses from substitution effects are less than significant and thus donations would be unaffected.

Response # 479-15

Regarding property values see **General Response 2.15 (Appendix B)** of the FEIS). Regarding impacts to schools see **General Response 2.14**. As property values are not expected to decline there would not be a resulting impact to school funding.

Response # 479-16

See **General Response 2.15.4 (Appendix B)** of the FEIS) regarding housing demand which would be largely provided by existing vacant units. The number of new students (99 - 145) is discussed in **Section 4.7** and would be distributed throughout the secondary area, reducing the impact to any one jurisdiction. School funding takes into account construction of new multi-family dwelling units through the school impact fee portion of development impact fees (see Clark County Code 40.610).

Response # 479-17

While traffic levels in some areas would increase from development, mitigation measures would ensure that a traffic level of LOS D is maintained, and therefore, no significant traffic increases would occur. In addition, if card rooms lose 66% of business, total traffic in the La Center area should go down.

Response # 479-18

See Response to Comment 452-6.

Response # 479-19

See **General Response 2.14 (Appendix B)** of the FEIS) regarding impacts to schools.

Response # 479-20

See **General Response 2.14 (Appendix B)** of the FEIS) regarding impacts to schools. The Tribe is not responsible for any current lack of funding to schools.

Response # 479-21

The EIS analyzes impacts to the Clark County Sheriff's Office and a separate distance analysis was not required. National studies have not found consistent increases or decreases in crime rates for casino communities. There is no anticipated decrease in property values as discussed in **General Response 2.15.5 (Appendix B)** of the FEIS). The Tribe has agreed in the MOU with Clark County (DEIS Vol. I, **Appendix C**) and the EPHS Ordinance to make payments in lieu of property taxes for revenue lost resulting from the removal of the land from the tax rolls (refer to **Section 1.5.7** of the FEIS). Thus, there would be no net loss of revenue collected from property tax as a result of the Proposed Project. As analyzed in **Section 4.10** there would be no resulting strain on existing

infrastructure after mitigation and thus no resulting tax increase. Crime statistics were based on Tribal casinos which had recently opened which is similar to the nature of the Proposed Project. Size is one among several factors including rural/urban setting, distance from other casinos, existing police services, on-site security presence, and existing crime rate among others. Should impacts be larger than expected, the MOU and the EPHS Ordinance provide annual renegotiation of the costs of providing law enforcement services. Response to the Grinols and Mustard study is provided in Response to Comment 479-29.

Response # 479-22

Comment noted. However, due to the traffic problems resulting from commuting noted by commenters, the project area has characteristics of a suburban area including an urban employment base.

Response # 479-23

Comment noted. The term "consistent" is used in the EIS to discuss the MOU terms. Refer to **General Response 2.24 (Appendix B of the FEIS)** for a discussion of mitigation enforceability.

Response # 479-24

Comment noted.

Response # 479-25

The jurisdictional effects are noted in **Sections 4.7, 4.9 and 4.10** of the EIS.

Response # 479-26

Impacts to problem gambling and crime were analyzed without regards to any similarities or differences between Class III casinos and cardrooms. While it is discussed in **Section 4.7** that there is already access to gambling in Clark County, this assumption did not affect the calculation of costs to treat potential increases in problem gambling from the project.

Response # 479-27

No expansion of the casino resort is proposed. In the event that a smaller-sized facility was initially approved, any significant subsequent expansion would be considered an amendment of the gaming management contract and would require National Indian Gaming Commission (NIGC) approval.

Response # 479-28

After full buildout, within the first 4 years, no expansion is proposed.

Response # 479-29

See Response to Comment 479-29. Crime levels were not used to determine impacts to fire and emergency medical services.

Response # 479-30

Clark County does not currently have a Business and Occupational tax (B&O tax). The commenter may be referring to the Washington State B&O tax and trust land would not be subject to this tax. See **General Response 2.13.2 (Appendix B)** of the FEIS). The mitigation is appropriate as it addresses the increased cost to local governmental services from problem gambling which is different than the total social cost.

Response # 479-31

The commenter misunderstands that the Tribe has committed to provide in-lieu payments through the MOU, regardless of the percentage of the net profit. In fact, the in-lieu payments for property tax are not calculated as a percentage of profits, they are calculated from the assessed value of the property. See **Table 4.7-3 in Section 4.7** of the FEIS.

Response # 479-32

Substitution and cannibalization effects to local businesses are addressed in **Section 4.14** of the DEIS. It was determined that the study area household retail demand could easily accommodate the increase in sales from the Proposed Project.

Response # 479-33

As detailed in Section 11 of the MOU (DEIS Vol. I **Appendix C**) and the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), payments in lieu of taxes are not linked to a percentage of net profit. They are calculated on the assessed value of the land or customary procedure of the County assessor.

Response # 479-34

The Supplemental TIS (**Appendix O** of the FEIS) includes a discussion of impaired driving related to casinos. While studies cited by commenters reached some conclusions that showed a correlation, the study by EcoNorthwest for the proposed Hood River Casino contradicted those findings. The Tribe will help mitigate impaired driving by adopting a Responsible Alcoholic Beverage Policy that shall include, but not be limited to, checking identification of patrons and refusing service to those who have had enough to drink, as mentioned in **Section 5.0**.

Response # 479-35

Impacts resulting from the Proposed Project to residents living within the vicinity of the alternative project sites are subsumed with the analysis of environmental consequences discussed in **Section 4.0** of the EIS. The geographic scope of analysis is limited as appropriate to fully disclose the impacts of the project. It should be noted that the Proposed Action is not expected to result in decreased home values or crime.

Response # 479-36

These socioeconomic impacts were estimated utilizing the well respected IMPLAN model, which is based on data from a large number of facilities nationwide.

Response # 479-37

Comment noted, however, this kind of information is not directly related to changes in the physical environment result from the proposed action or alternatives. See **Appendix M** for a discussion of kinds of indirect growth induced by gaming projects in the area.

Response # 479-38

The Socioeconomic Assessment (DEIS Vol. II, Appendix S) explicitly notes that there may be higher wages and benefits associated with casino jobs - compared to similar jobs elsewhere. This should reduce employee turn over. Due to the number of jobs provided at the project, there is not expected to be a long-term decline in unemployment. This is consistent with **Appendix S**, which estimates a 1.3% drop in unemployment.

Response # 479-39

See Response to Comment 479-29.

Response # 479-40

See **General Response 2.15.1 (Appendix B)** of the FEIS regarding concerns that employee income will be too low. As it is anticipated that the project would reduce the unemployment rate and employ people in the same industry with higher wages, it is not likely that average wage for the County will decline.

Response # 479-41

Comment noted. However, the BIA believes that the DEIS realistically presents the impacts.

Response # 479-42

Comment noted. Some Tribal members will be employed by the casino. See **Section 3.7** regarding Tribal demographics.

Response # 479-43

Comment noted.

Response # 479-44

Quantifying air toxins in vehicle exhaust is a new and emerging technology and is still in the development stage. No evaluation of MSATs was performed, however with the addition of new reformulated gas and older cars being replaced by new more fuel efficient cars that over time MSATs will decline. No heavy exposure to MSATs are anticipated.

Response # 479-45

There is no Federal, State, or Local Rule or Regulation that requires notification of residence for a noise study. The methodology that was used for the noise study is outlined in **Section 4.11.1** of the FEIS.

Response # 479-46

Comment noted.

Response # 479-47

Operational air pollution impacts are significant and unmitigable, due to the distance patrons will travel to and from the casino. There will be little impacts from the casino itself; less than 3% of total emissions. Furthermore, only a small percentage of the total vehicle emissions (which make up over 97% of the emissions) will occur within a 5 mile radius of the casino.

Response # 479-48

The on site operational emissions of criteria pollutant are less than 5% of the total emissions produced by the project. The other 95% of the operational emissions are emitted from vehicles traveling an average of 31.5 miles to and from the casino site; therefore, air pollutants are spread over an extremely large area. Given the meteorology (see **Section 3.4.1**) of the area and the low concentrations of criteria pollutants in the immediate area, it is unlikely that any of the criteria pollutants would have concentrations high enough to cause a violation of the NAAQS secondary standards. The secondary NAAQS protects public health, animals, crops, vegetation, and buildings.

Response # 479-49

Refer to the BA in **Appendix I** of the FEIS. The flyway zone over this particular area already receives noise and light pollution from the interstate and housing developments.

Response # 479-50

Refer to **General Response 2.10 (Appendix B)** of the FEIS regarding potential impacts to fish. Refer to **Appendix S** in regard to potential impacts from the proposed discharge of treated wastewater and stormwater on aquatic resources. Refer to **Appendix F** of the DEIS in regard to the capacity of the culverts in the vicinity.

Response # 479-51

Refer to the new BA in **Appendix I** of the FEIS in regard to the potential for the proposed discharge to impact the unnamed stream. Refer to DEIS Vol. II, **Appendix G** for a description of the water treatment facility and **Appendix F** of the FEIS for a discussion of the projected quality of the treated wastewater.

Response # 479-52

The cost of the WWTP is not an environmental issue, however, total cost is estimated at approximately \$14,000,000.

Response # 479-53

Comment noted. The plant is fully described. See DEIS Vol. II, Appendix G.

Response # 479-54

Refer to **General Response 2.1 (Appendix B)** of the FEIS in regard to concerns about comments not being addressed. Refer to **Appendix I** and **Appendix F** of the FEIS in regard to water quality and potential impacts to the East Fork Lewis River. Also refer to responses to the USEPA's comment letter (Comment Letter 4 [Log # A004]).

Response # 479-55

Cumulative impacts are discussed in Section 4.15 of the EIS.

Response # 479-56

As discussed in **Section 4.3** of the EIS the culvert is currently sized to accommodate a 25-year storm event. Any redesign would be the responsibility of WsDOT.

Response # 479-57

Reconstruction of a culvert under I-5 could be accomplished without closing down I-5.

Response # 479-58

The purpose of a Drainage and Grading Plan, which is provided in DEIS Vol. II, **Appendix F**, is to ensure that the amount of water being discharged from the site after development is the same as the amount of water being discharged from the site prior to development. **Appendix F** of the DEIS states on page 9 that the peak release rate for a 2-year storm shall not exceed half of the pre-development 2-year storm peak runoff rate. It also states that the peak release rates for 10-year and 100-year storms after development shall not exceed the respective pre-development storm peak runoff rates.

Response # 479-59

Refer to the new BA in **Appendix I** of the FEIS.

Response # 479-60

Refer to the new BA (**Appendix I** of the FEIS).

Response # 479-61

It is unclear which watershed the commenter is referring to. The proposed discharge rate would not be sufficient to alter the watershed. Refer to **Section 3.3** of the FEIS and **General Response 2.7** (**Appendix B** of the FEIS).

Response # 479-62

As described in the DEIS, both the La Center or Ridgefield systems have proposed upgrades. The Tribe will pay fair share costs for the ability to connect to the upgraded systems. Tribal participation will reduce some increased costs to residents.

Response # 479-63

The EIS discusses water supply and wastewater disposal for all alternatives. Refer to **Sections 4.3** and **4.10**.

Response # 479-64

Section 4.10 includes an analysis of the increased number of calls for service and crime reports that can be anticipated for the Sheriff's Office. See **General Response 2.13.1** (**Appendix B** of the FEIS) regarding impacts to other law enforcement departments in the area.

Response # 479-65

Refer to the Response to Comment A005-24.

Response # 479-66

Traffic effects are described in **Section 4.8**. Indirect and growth inducing effects are described in **Section 4.14**. Cumulative impacts are described in **Section 4.15**. As discussed in the Socioeconomic Cumulative Impact, an increase in the availability of public services, induced growth and commercial activity, improvements to the interchange, the construction of the casino-resort, natural growth of the City of La Center at a rate of 7.5%, and an anticipated MOU between the Tribe and City of La Center, would likely result in further development and the shift of La Center's economic activity closer to the I-5 corridor.

Response # 479-67

Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis.

Response # 479-68

The traffic analysis in **Section 4.8** analyzes impacts to adjacent roadways. Mitigation is provided to ensure a traffic level of LOS D is maintained. Additionally, if business for card rooms does drop 66%, local traffic conditions should actually improve. Since there is not a major shift to local streets anticipated, it is not recommend that law enforcement increase on these streets, except during a period after an event at the events center.

Response # 479-69

See **General Response 2.21 (Appendix B** of the FEIS) regarding the Proposed Project's compliance with local zoning laws and the Growth Management Act. Impacts to infrastructure and traffic were analyzed in **Section 4.0** along with the cumulative impacts in **Section 4.15**.

Response # 479-70

Refer to **General Response 2.19 (Appendix B** of the FEIS) for a discussion of the geographic scope of the traffic analysis.

Response # 479-71

Comment noted.

Response # 479-72

Comments noted. All traffic studies were conducted with appropriate temporal specificity.

Response # 479-73

Comment noted.

Response # 479-74

Comments noted. Refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** for a discussion of the range of alternatives.

Response # 479-75

Comment noted. However, construction of a differently sized casino from the one approved would be considered an amendment to the Management Contract to be approved by the NIGC. Accordingly, NIGC approval of the amendment would be required. Past experience indicates that the NEPA process would be reinitiated.

Response # 479-76

Potential affects to wildlife resulting from Alternative E are analyzed within **Section 4.5.5** of the EIS. Additionally, traffic related impacts of Alternative E are analyzed in **Section 4.8.5**. It should be noted that Alternative E was analyzed to an equal level of detail as the other development alternatives analyzed within the EIS as required by NEPA.

Response # 479-77

Comment noted.

Response # 479-78

Comment noted. Refer to **General Response 2.1 (Appendix B** of the FEIS).

Response # 479-79

Refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** for a discussion of the range of alternatives. **General Response 2.3** presents a revised purpose and need.

Response # 479-80

The purpose of the FEIS is to correct errors and incorporate relevant information and input received during the public comment period on the DEIS. Refer to the discussion of NEPA procedural requirements in **Section 1.3** of the EIS.

Response # 479-81

The comment is noted. The purpose of the EIS is to analyze the impacts that would occur from the Proposed Action. These impacts are discussed in **Section 4.0**.

Response # 479-82

Comment is noted. Refer to the discussion of matters beyond the scope of the EIS in **General Response 2.2.2 (Appendix B)** of the FEIS).

Response # 479-83

Refer to **General Response 2.4 (Appendix B)** of the FEIS) and **Section 2.0** for a discussion of the range of alternatives.

Response # 479-84

The comment is noted. Refer to **Section 1.3** for a discussion of compliance with NEPA procedures. See also **General Response 2.1 (Appendix B)** of the FEIS).

Response # 479-85

The comment is noted. Refer to Response to Comment 479-4.

Response # 479-86

Comment is noted. Refer to Response to Comment 479-82.

Response # 479-87

Comment is noted. Refer to Response to Comment 479-82.

Response # 479-88

Comment noted. This is not an environmental issue. Additionally, the BIA remains committed to a government to government relationship and supporting self governance with all the Tribes they serve, rather than intervening in internal Tribal matters.

Response # 479-89

Comment noted. The principal beneficiary would be the Tribal Government, which requires the funds to operate and provide services to all Tribal members.

Response # 479-90

The BIA believes the DEIS fulfills its responsibilities as a lead agency under NEPA

Response # 479-91

Comment noted.

Response # 479-92

Comment is noted. Please refer to Response to Comment A007-5.

Response # 479-93

Comment is noted. Please refer to Response to Comment A007-5.

Response # 479-94

Comment noted.

Response # 479-95

Comment noted. These are not environmental issues. Extension of comment periods is at the discretion of federal agencies.

Response # 479-96

The comment is noted. Refer to Response to Comment 479-2.

Response # 479-97

The comment is noted. Refer to the discussion of matters beyond the scope of the EIS in **General Response 2.2.2 (Appendix B)** of the FEIS).

Response # 479-98

Comment noted.

Response # 479-99

Comment noted. The BIA has encouraged public participation and conducted relations with the Cowlitz Tribe in a government to government manner.

COMMENT LETTER 37 – LOG # 480

Response # 480-1

No response required.

Response # 480-2

Refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** for a discussion of the range of alternatives. Other casinos in the area are addresses in cumulative impacts (**Section 4.15**).

Response # 480-3

This EIS is not being prepared for purposes of decision making for the Warm Springs proposal. Refer to the discussion of matters beyond the scope of the EIS in **General Response 2.2.2 (Appendix B** of the FEIS).

Response # 480-4

Alternatives are defined on the basis of purpose and need, which to a large part was determined based on the Tribe's economic needs for support of a Tribal government (refer to **Appendix E** of the FEIS). The federal agency's consideration of the needs and desires of an applicant are always appropriate and is amplified when the BIA's fiduciary responsibility to an Indian Tribe is present.

Response # 480-5

Comment noted, refer to **General Response 2.4 (Appendix B** of the FEIS) and **Section 2.0** for a discussion of alternatives.

Response # 480-6

Refer to **General Response 2.23 (Appendix B** of the FEIS) and **Section 4.15** for a discussion of the cumulative impacts of other casinos in the area.

Response # 480-7

The cumulative impacts analysis in **Section 4.15** was properly scoped to avoid the dilution of socioeconomic effects. However, additional discussion of existing and proposed gaming facilities has been added to **Section 4.15**.

Response # 480-8

It is a BIA policy decision whether or not to do a programmatic EIS. In this case the number of potential approvals is small and the BIA has no program for casino approval and development. Additionally, the BIA believes it is inappropriate to seek to protect the interests of some tribes, such as those already having casinos, by preventing others from exercising their legal rights to establish casinos. Creation of casino free zones, as has been suggested, or placing casinos outside of geographic areas allowed by exemptions to Section 20, would exceed BIA authorities. Further, the impacts of market competition is only marginally a subject for an EIS, as market competition's relationship to effects on the physical environment is tenuous.

Response # 480-9

Comment noted. Refer to **General Responses 2.1.5 and 2.23 (Appendix B)** of the FEIS).

Response # 480-10

Refer to Response to Comment 480-2.

Response # 480-11

Comment noted.

COMMENT LETTER 38 – LOG # 497

Response # 497-1

Refer to the discussion of comments submitted in response to the PDEIS in **General Response 2.1.3 (Appendix B)** of the FEIS).

Response # 497-2

Refer to Response to Comments A003-1 and A005-24.

COMMENT LETTER 39 – LOG # 498

Response # 498-1

Comment noted.

Response # 498-2

Comment noted.

Response # 498-3

Comment noted.

Response # 498-4

The BIA anticipates that the Tribal Government won't support it, as not providing sufficient funds for operation of an effective Tribal government. Additionally, it would appear that there would be difficulty in raising sufficient capital for project construction.

Response # 498-5

Comments noted, but in this case the Proposed Project is about meeting the needs of the Tribal government by providing sufficient funds for governmental operations and servicing of the Tribal membership. While benefits/effects to the entire community are an environmental consideration, they are not the purpose and need for the Proposed Project.

Response # 498-6

Comment noted.

Response # 498-7

Both the Cowlitz Tribe's Unmet Needs Report (included within **Appendix E** of the FEIS) and the EcoNorthwest study provided as comments from the La Center Cardrooms (Perkins Coie) demonstrate that Alternative D will not meet the Tribe's financial needs. Additionally, considering how long it would take to provide a return on investment, the availability of capital at reasonable interest rates is dubious.

Response # 498-8

Comment noted.

Response # 498-9

Comment noted.

Response # 498-10

Comment noted.

Response # 498-11

Regarding impacts to law enforcement and crime rates see **General Response 2.13.1 (Appendix B** of the FEIS). The EIS agrees with the assertion that law enforcement costs would be lower for Alternative D when compared to gaming alternatives.

Response # 498-12

Comment noted.

Response # 498-13

Comments noted, however Alternative D does not provide sufficient revenue to operate governmental programs for the Cowlitz Tribe.

Response # 498-14

Comment noted.

Response # 498-15

Comment noted. Impacts to property values are addressed in **General Response 2.15.5 (Appendix B** of the FEIS).

Response # 498-16

Comment noted.

Response # 498-17

LOS D or better under Alternative A, where under Alternative D with mitigation measures in place, all of the study intersections would show LOS D or better with the exception of NW La Center Road and NW Paradise Park Road, which would remain unacceptable at LOS E. Therefore, Alternative A is the environmental superior Alternative. The results of the impact analysis in the FEIS based on the Supplemental Traffic Report (**Appendix O** of the FEIS) are the same.

Response # 498-18

No response required.