

LETTER 19 (LOG # 166)

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BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

June 29, 2006

Stanley Speaks, Regional Director
Northwest Regional Office of the Bureau of Indian Affairs
911 NE 11th Ave
Portland, OR 97232

RE: DEIS Comments Cowlitz-Mohegan Casino Resort Project

Dear Mr. Speaks,

I live within one mile of the proposed Cowlitz casino in Ridgefield, Washington. I am against the proposal and believe it will catalyze a host of environmental and social problems in our community.

I am on the board of the Enterprise Paradise Point Neighborhood Association. The proposed casino will be in the middle of our neighborhood. Given the enormity of the DEIS, the board divvied up sections and studied them. I am writing as a private citizen. Our formal letter will be submitted separately.

Initially, I was struck by how big the DEIS is. It is overwhelming. However, when you break it up and study sections, it become apparent that it is overly superficial and has plenty of errors. Many of the supporting documents are satisfactory, however, the impacts are not scientifically and expertly analyzed in the DEIS. Instead, there is plenty of stock verbosity leading readers believe there is nothing to worry about or the impacts are not able to be mitigated and should therefore be accepted.

The Cowlitz were poorly served when simple errors that existed in the Environmental Assessment we not corrected in the DEIS. For example, Sec 3.9 incorrectly describes the intersection of I-5 and La Center Road. Actually, there is a gas station and an empty lot to the east and a vinyl siding business with a coffee drive through cabin in its parking lot and pasture to the west. Further south along the high way there are 3 businesses -second hand equipment sales, metal working and a tractor repair facility. To the north I-5 descends to the bridge over the east fork of the Lewis River passing house and a state park. The La Center exit is not a commercial interchange. The exchange that is described in the text is the Ridgefield exit, by Alternative Site E.

This immediately leads the reader to question how extensive is the sloppiness of the DEIS- how many similar errors are there that may contribute to a misrepresentation of the site to those who are unable to see it in person? And moreover, is such an approach an indication that the EIS is just a formality?

166-1

166-2

I did my specific investigations into noise and air quality. This is what I found:

- DEIS Figure 3.11-1 shows the noise monitor locations and the modeling for immediate neighbors. The traffic noise study took place on August 3 2005 with additional short term measurements July 23-27th. Not mentioned in the report: the weather was good and the wind predominantly from the NNW (at 5mph on the 3rd). If this is supposed to be scientific, why are such details missing? 166-3
- The neighborhood association received calls from residents who had heard or seen CH2MHill's flyer about conducting noise measurements but had not received any notification. These notices were not sent by mail but were placed in newspaper boxes. Some of these boxes have been unused for years. There were many residents who wanted noise levels taken at their homes but were not afforded the opportunity. 166-4
- Per DEIS (Air Quality) 3.4.1- Wind- ... "the wind is generally from the northwest in the months of April through September and from the east/southeast October through March. Not mentioned in the report: NOAA list the wind as annually being ESE and a speed of 7.8mph. It is not stated that the model was adjusted for wind direction. 166-5
- It appears, to a novice, that the data was collected in accordance with standard protocol. However, existing traffic noise data is used to verify the prediction model and the variance is not in accordance with WSDOT. 166-6
- DEIS noise technical report 3.3.2 "The difference between measured and modeled noise levels are within +/- 3 dBA allowed by FHWA. The close agreement verifies the accuracy of the noise prediction model for those areas. +/- 3 dBA may be allowed by the FHWA, - I am still waiting for verification on this. However, WSDOT traffic noise analysis abatement policy & procedures (the procedure referenced in the study) state the "measurement of the existing noise levels must be within 2 dBA of the modeled condition. 166-7

One decibel more is twice as loud.

How can the study be out of compliance with Washington State policies and procedures?

- The DESI does not address to cumulative additional noise. It breaks it out by traffic, construction and daily/night operational noise from the casino. This appears to be in accordance with what is required, because of all the exemptions in the laws- however it does not give a residents an accurate picture of what to expect. 166-8

- DEIS 4.11.2 Alternative A Operational noise impacts states that ... operational noise limits would be in compliance with daytime WAC limits of 57 dBA. However, when traffic noise is combined with operational noise – locations 4, 13, and 17 are over the limit. The dBA addition factor is from the FHWA.

166-8
Cont.

Location	Existing	Traffic	Operational Noise	Add	Total dBA
4	52	54	55	3	58
5	50	53	50	2	55
7	50	57	47	0	57
8	49	55	47	1	56
13	54	50	57	1	58
17	53	59	55	1	60

If they were using a model with an ESE wind what would the numbers be like? Most of the nearby residences would then be downwind from both the highway and the casino.

- Figures 3.11-1 maps modeled traffic noise to specific locations. Figure 4.11-2 maps dBA from operational noise- but does not pinpoint the locations (residence) noted on the highway traffic noise Figure 3.11-1.
- The air quality will diminish; however, this part of the county is so well within the EPA limits that there is no plausible argument on this count.

166-9

166-10

Overall, I was not impressed. The study is not compliant with state policy. I was frustrated by the use of dissimilar maps in the Noise Technical Report and the DEIS proper. I question whether the modeling gives a true picture of what the resident will hear and feel the study is biased toward the proposal.

166-11

I read other sections of the DEIS and find the document particularly lacking when it comes to water –both in and out. The is odd; it is my understanding that the only federal law the tribe must adhere to is the Clean Water Act yet the details of how they will do this are lacking.

166-12

- The need for a NPDES permit is glossed over.
- Appendixes F and G describe a host of negative impacts. Instead of addressing the issues described, the DEIS takes a birds-eye view and leads the reader to believe it is acceptable to dump treated effluent in a stream, which crosses federal, private and county property, and is dry for over half the year. In actuality, I believe the treated effluent cannot be mixed at a ratio of over 1/4 effluents to body of water. If the stream is dry, how can this work?

166-13

166-14

- How can the storm water legally pass under I-5? Rick Keniston, WSDOT SW Region Project Development Engineer, stated at an informational meeting that federal law prohibited any development from adding storm water to the highway system. This is not mentioned. 166-15
- Does the tribe have to be granted right-of-ways by private citizen if it must use a culvert? 166-16
- Regardless of how the effluent and storm water reaches the East Fork, how can it be insignificant to the river which is already in crisis? 166-17
- How can a coliform base line be established when the samples were delivered to the lab late? See Appendix P – Surface Water, no page number, Case Narrative, Inorganic Parameters “Coliform, Fecal by SM9221E. Sample(s) S-1, S-2, S-3, S-4, S-5, and S-6, collected 1/6/06 and samples S-1, S-2, S-3, S-4, S-5, and S-6, collected 1/10/06 were received past the recommended holding time.” This is egregiously sloppy. 166-18
- The river is a shallow estuary. In the summer, a 5 ft person can walk across the river at multiple points including where the stream enters. There is frequently more current flowing up river than down- this does not make for a good mixing and evacuation situation. Why is this not addressed? 166-19
- Water levels have been declining in north Clark County. The PUD is searching for additional wells to service to area. This is covered in Appendix G. However, there is no information as to how much depletion will be caused by the proposed casino; how will private wells be impacted; nor how future growth may be impacted. 166-20

Throughout the DEIS it is assumed that growth is coming so quickly that the proposed complex would be absorbed and unnoticed after 10 years. This is visible in the traffic study, the noise study, the air quality study and aesthetics. I think this is an exaggeration. 166-21

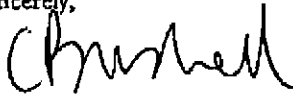
- County land use laws do not permit development on a scale that could ever result in the “absorption” of the proposed resort project. Proposed Site A is zoned residential/agricultural with a light industrial overlay and inclusion into the urban growth boundary expected in 15-20 years. According to local officials, a similar proposal, if privately funded, would never be allowed to proceed. How can the BLA trump local zoning laws and the Washington State Growth Management Act? Why is there so little mention of land use in the DEIS? 166-22
- Traffic on I-5 is at a crisis point. The Delta Park expansion is at the EIS stage, another crossing is in the scoping stage and the traffic is awful. There is no mention of how 18,000 cars will impact the current or predicted future traffic situations.
- The traffic studies relate only to the exits by the proposed sites. This is too pinpointed a view- a much larger population will be impacted by 18,000 cars.

- Why is there no mention of anticipated growth in casino traffic after opening in 2010? 166-23
- At this time, there are practically no multifamily dwellings, nor low-income rentals close to the proposed sites. These are available in North Portland, Vancouver (north to Hazel Dell area), and to some extent in Battle Ground and Woodland. Employees and patrons will be using I-5. 166-24
- On an aesthetic note, the hotel is expected to be 10 stories. Only the hospital at Salmon Creek- seven miles away, approaches such a height. Growth in suburban Vancouver, Salmon Creek, Battle Ground, Woodland, and Longview to the north has all taken the form of one-three story buildings, with the occasional 5 story building near the hospital. It is inconceivable to imagine the complex will blend in. 166-25

At the scoping meeting for the DEIS, I urged that the EIS be specific. Over the last few years, I have found the Cowlitz have been short on details and long on promise. The DEIS follows in the same vein. Clark County Commissioner Marc Boldt said at the DEIS comment meeting that if the Clark County Commissioners had received such a document, they would send it back for reworking at the preparers' (AES's) expense. 166-26

Analytical Environmental Services has not served the Cowlitz nor the citizenship well. The DEIS needs more work. I urge the BIA to make its decision using more substantial and applicable information.

Sincerely,



Cynthia Bushell