

LETTER 20 (LOG # 198)

Susan Gilbert, Enterprise/Paradise Point Neighborhood Association

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Telephone: 360 887-2600

July 10, 2006

Mr. Stanley Speaks, Regional Director
Northwest Region
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, Oregon 97232

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RESOURCES COMPLIANCE
Bureau of Indian Affairs - NWRO

RECEIVED
JUL 11 2006
BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

Re: DEIS Comments, Cowlitz Casino-Resort Project

Dear Mr. Speaks:

Attached you will find our association's extensive response to the DEIS, prepared by AES of Sacramento, California.

We found this document to be gravely flawed, incomplete, and in some cases, patently wrong. It would appear even to the untrained eye that the report should be re-done.

From a general perspective, it was evident that AES spent little or no time in and around the proposed development. This does not serve the Cowlitz tribe well nor does it serve the citizens of Clark County. It was evident that much of the data was biased in favor of the proposed development since many of these slanted conclusions appear to be outrageous. We have documented some of them in our response.

What is most disturbing to us is that the entire process seems to be broken down. There are few rules and regulations within IGRA, and this must be fixed by Congress. The fee-to-trust process is confusing to the general public and it has been frustrating not to have FOIA requests honored either in a timely manner or not at all. The citizens of our community have been short changed by our federal government. Our association will be sure that all of this is heard loud and clear by our legislators in Washington. It disturbs us greatly that the hours we spent responding to the EA, then to the scoping process resulted in no one at the BIA reading or taking into account any of our concerns. The City of Vancouver has articulated that very fact to you in its response to the early DEIS. Meetings were held when citizens could not get in to have their concerns heard, and ground rules that were laid down by your Bureau were not adhered to, thus frustrating citizens even more.

We understand that the tribe has submitted a revised fee-to-trust application. Is there no time limit put upon a tribe to submit a fee-to-trust application or can an application be re-done a number of times as the tribe learns more about serious claims brought by those in opposition of the original application? This seems unfair since the public is severely restricted by deadlines for their comments.

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Our association represents 1,000 citizens who live around the proposed development and whose lives will be adversely impacted for all time. We look forward to a final EIS that is more complete and fair. As the DEIS stands now, it is apparent that this piece of property is too environmentally fragile to support this intense development.

Sincerely,



Susan Gilbert, Chairman

Cover letter ratified by Board of Directors:

Cynthia Bushell
Vanessa Duplessie
Dan Kallem
Richard Stumpf

Cc cover letter only (DEIS response comments available upon request):

Senator John McCain
James Cason, Associate Deputy Secretary, Department of the Interior
George Skibine, Deputy Assistant Secretary, BIA
Representative Brian Baird

DEIS COMMENTS, COWLITZ CASINO-RESORT PROJECT

Prepared by:

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Ratified by Board of Directors

*Cynthia Bushell
Vanessa Duplessie
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Our neighborhood association, which includes approximately 1,000 citizens, surrounds the proposed Cowlitz casino project. We have been intensely involved in the fee-to-trust process for almost three years. We have brought to the attention of the BIA that the 152-acre parcel on which the Cowlitz tribe and Salishan/Mohegan LLC wish to develop into a mega-casino is one of the most environmentally fragile pieces of land in Southwest Washington. We find this DEIS to be lacking in every area, thus firmly proving the points we have described over and over to the BIA and to the DOI throughout this frustrating process. Our response documents our profound concerns.

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Table ES-1, page viii and ix – Less than significant designation has been put on stormwater runoff quantity. If seasonal stream is to become a perennial stream, then runoff will be substantially more than what it is today. Today, the seasonal stream introduces runoff into the East Fork only five months per year. The level of significance cannot be LS. Much more in-depth study must be done on effluent into seasonal stream as it affects a “Waters of the US” for the final EIS.

198-5

Table ES-1, page x – This is a patently incorrect statement. This detention pond would have to be enormous in order for the stormwater runoff coupled with sewer treatment effluent to be the same level as before the development, according to State of Washington standards. Where are the figures for combined total discharge into unnamed stream? Where on the schematic is the 750,000 gallon reservoir? The final EIS must show all reservoirs for both stormwater retention and treated sewage retention on illustrations of proposed development.

198-6

Table ES-1, page xv – NPDES permit required. Final EIS needs to expand upon this permit, needs to explore the “mixing zone” requirements, needs to include State of Washington study on TMDL loads on the East Fork and needs to illustrate how proposed development will affect the East Fork. NPDES individual permits are difficult to obtain. More detail is needed.

198-7

Appendix G, Water, Wastewater, Olson Engineering Figure “Onsite Wastewater Treatment Effluent Discharge Options”. This report and the accompanying figure were glossed over. The EIS needs to determine whether it is legal for the tribe to discharge effluent into pipes through private properties. The EIS needs to address what laws and regulations the tribe

198-8

must adhere to outside its sovereign territory. This may not be a real viable alternative and must be researched and reported in detail. If it is not a viable alternative, then the final EIS must articulate that fact.

198-8
Cont.

Table ES-1, page xix – “Waters of the US” Greater research is needed and articulated on the “Waters of the US”. This is a significant and pivotal point. See later remarks on USACE.

198-9

Table ES-1, page xxv – Pathological gambling. The tribe needs to promise a real amount. \$50,000/year for problem gambling is a joke. National Gambling Impact Study commission lists Oregon’s pathological gambling rate at 4.9%. This figure must be used for Southwest Washington as well, since it is in close proximity to Portland and since the DEIS states that most of the clientele will come from Portland metropolitan area. Therefore, the figure for counseling treatment is considerably higher than reported in the DEIS. The tribe must come out with a dollar rate that is in line with population percentages of problem gamblers in the region and that rate should exponentially escalate as problem gambling escalates. This must be nailed down so that taxpayers do not pick up this tab either in the near or distant future. Also, to compare the La Center card rooms with the proposed mega-casino is disingenuous. The card rooms have no slot machines, the number one culprit in pathological gambling problems. The final EIS needs to admit that \$50,000/year is too low, and it needs to reflect the fact that the La Center card rooms and a mega-casino comparison is not justifiable.

198-10

4.13-3 – Community Character – The community is not characterized by card rooms three miles away. Nor is the projected development even in the same town as the card rooms. The town of Ridgefield has no card rooms or gambling of any kind. This is an incorrect assumption and biased toward the tribe’s proposal. A description of the community character of Ridgefield must be included in the final EIS.

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Table ES-1, page xxxi, Construction waste – This is a vague directive. Who will monitor and enforce this vague directive? It must be made more succinct and the final EIS must address who will monitor and enforce it.

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Section 5.0 Mitigation Measures, p. 5-5. Says tribe will meet with SWCAA to work out complaints about construction pollution. How much can residents expect in terms of remediation once the horse is out of the barn? This needs to be elaborated upon in the final EIS.

198-13

Table ES-1, page xxxviii, Screening features and Section 4.13, Aesthetics, page 4.13-2, Visual Impacts – Viewshed B. This is absurd. To replace an existing field with a 10-story structure (110 feet is essentially 10 stories) and to say that screening from neighboring residences will reduce the level to less than significant is impossible. This is an impact that cannot be mitigated. The only way one could screen a 10-story building that sits atop the highest hill in the surrounding area is to plant 150-ft Douglas firs. This development will be the highest structure in a 10-mile radius. That it can be screened even partially from surrounding lands is disingenuous, at best. The DEIS claims that the viewshed will be affected in only the short term because development will be coming to the area. However, the report fails to say that there is no structure within a 10-mile radius that is 10 stories high. Nor will there be in the foreseeable future. This is an impact that cannot be mitigated. The final EIS must reflect what is really “on the ground” and admit that screening features cannot mitigate the impact.

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The impact of the use of reflective material and glass panels, as outlined on page 4.13-3, can be mitigated by changing the design of the structure to fit more into the surrounding area. The structure as it is described in the DEIS is an ecological nightmare. There is no suggested solution to this section. Real solutions must be explored. This is an environmentally sensitive area which is surrounded by endangered and threatened species. The final EIS must illustrate alternative designs that will be more compatible with the surrounding area.

198-15

Section 3.0, Affected Environment, page 3.3-12, last paragraph. This is of major concern to the East Fork of the Lewis River, a "Waters of the US". These high concentrations of pollutants discharged into this river cannot be mitigated properly. This is a river already in crisis and the Washington antidegradation policy protects all existing beneficial uses of the river. Since the river already does not meet fecal coliform and temperature standards, then the tribe cannot add any additional degrading qualities. This needs to be fully researched and reported in the final EIS. There is no mention of the Paradise Point State Park which has swimming, fishing, and boating and is one-quarter mile DOWNSTREAM from the mouth of the unnamed stream into which the tribe wants to discharge 500,000+ gallons/day of effluent and stormwater. In Section 3.3-10, 11, the DEIS misstates the applicable antidegradation policy. Since the EPA will probably refer to WAC rules on water quality, the final EIS must cover this point in detail. If the DEIS uses the Mohegan Sun as its example for sewage treatment, then a report containing the full analysis of the Mohegan Sun's discharge quality must be included in the final EIS.

198-16

Section 3.0, page 3.5-3, Riparian Corridor – The tribe needs to comply with the practices for riparian corridors as outlined by the Forestry Resources Plan of the DNR. This needs to be acknowledged and fully mitigated according to the FRP and fully documented in the final EIS.

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The Ridgefield National Wildlife Refuge was not ever contacted by AES. If the observations were made on the proposed property only over a one or two-day period, then a two-day daytime observation of the property is inadequate. The final EIS should include those scoping responses made by local citizens and reported during the scoping period as well as during the EA response period. A two-day daytime observation of the property is inadequate. As stated in the original response to the EA, the studies done by the wildlife refuge employees should be included in the EIS. They have chronicled extensively the bald eagle population and the feeding and nesting areas along the East Fork of the Lewis River. The DEIS is blatantly lacking in the study of bald eagle foraging grounds. It is evident that in preparing the DEIS, citizen comments were ignored. There is no mention in the DEIS of the proposed development being on the main north/south flyway for migrating birds, nor is there any mention of the bird species that travel to and from the Ridgefield National Wildlife Refuge and the La Center Bottoms directly over the proposed development. This must be chronicled in the final EIS.

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Section 3.0, Affected Environment, page 3.5-12, Fish Species. This part of the report is purely speculative and is not backed up by any facts. There is no factual proof that there are no fish species in the lower reaches of the stream where it meets the East Fork. Real data must be used and not just opinion. There is no room in an EIS for an opinion about the lower reaches of the East Fork from an out-of-state firm producing the EIS without factual proof. A full biological study must be made on the confluence of the unnamed stream and the East Fork of the Lewis River and contained in the final EIS.

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There is no mention in the DEIS of the temperature of the stormwater and sewage effluent runoff into the East Fork. Since temperature fluctuations at the mouth of the East Fork could spell disaster to migrating endangered fish species, a full analysis must be included in the final EIS. This is an impact that cannot be mitigated as the DEIS stands now. The EIS must include a year-round water quality sampling and analysis of all receiving waters including the unnamed stream. The final EIS must include analysis that shows the tribe can obtain a Section 401 Water Quality certificate. The EIS must include the fact that the East Fork of the Lewis River is tidal and that effluent will, at times, flow upstream during high tides. The DEIS does not mention the effluent already being put out by the City of La Center, which is approximately 3 miles upstream from the proposed development and how that output coupled with the proposed casino's output will affect water quality in the East Fork. This must be researched fully and reported in the final EIS.

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Section 3.0, Affected Environment, page 3.7-1, Socioeconomic Characteristics of the Cowlitz Indian Tribe – median income \$41,000? Is this Indian income or general population income? Not clear. It would appear that the Cowlitz Tribe members have a higher median income than Clark County residents. The final EIS must make this part more understandable. If, in fact, the Cowlitz mean income is more than the average for Clark County, then it must be stated in the final EIS that the tribe is not destitute.

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Section 3.0, Affected Environment, page 3.9-1, Setting, The second paragraph is incorrect. This paragraph does NOT describe the La Center interchange. It describes the interchange south of the La Center interchange. This blatantly wrong description was pointed out in the EA response prepared by Greg and Susan Gilbert and has, obviously, not been changed. If this report cannot get the correct interchange described for this project, what more egregious information is also incorrect. It leaves us to believe that none of our responses as a community was considered during the EA response period nor were scoping subjects considered. This is unconscionable. This has to be corrected in the final EIS and the BIA must make some statement to the public that it did not consider scoping responses from the public.

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Section 3.0, Affected Environment, page 3.11-6, Existing Noise Levels. This is a particularly bothersome section to those of us who live in and around the proposed development. We received numerous 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. The date of the summary of the existing noise level measurement was August 3. On this date, the wind was from the NNW. The closest residences were then upwind of the proposed site and the highway. It is common knowledge that wind direction during the summer months is almost exclusively from the northwest, thus minimizing any noise produced during the summer months that was measured from the two properties mentioned in the report. Another noise study must be done during winter months when the wind is predominantly from the east. The DEIS does not address cumulative additional noise. It breaks it out by traffic, construction and daily/night operational noise from the casino. A cumulative noise statistic should be included to give nearby residents a clear picture of what to expect. This would give a more fair overall noise indication for both summer and winter. There is also no information to inform residents of

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how much noise to expect in 2010. The final EIS needs to articulate whom residents are to contact locally for noise complaints. Who is local? County? State? Federal? The tribe does not have to comply with the state noise level requirements but we bring it up because this study is flawed and is biased toward the development proposal. The noise study needs to be more in depth and measured over a year's period and duly reported in the final EIS.

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Section 4.3, Water Resources. There is no mention of the back-up flooding that occurs on the intake end of the 4-ft. undersized culvert. There is evidence at that site that back-up flooding does occur during peak rain periods and this was not mentioned in the DEIS. How is the tribe going to mitigate this? If the intake of the undersized culvert floods from bare land, what kind of flooding can be expected when 3 mm square feet of impervious surface is added? A detailed study needs to be done on flooding above the culvert. The findings must be included in the final EIS.

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Section 4.13, Aesthetics, page 4.13-1, Visual Impacts - Viewshed B. The tribe cannot possibly think that planting a few trees will shield the residences west of the proposed development. There is not a tree tall enough to shield the surrounding area from this massive 110-foot structure which will sit atop the highest point in the surrounding area. The EIS must unequivocally state that surrounding residences will not be shielded from this massive structure. This impact cannot be mitigated and the final EIS needs to state that fact.

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Page 4.13-3, Community Character. This paragraph is so completely false that it is hard to even address it. The Cowlitz Tribe made a promise to the all of us in the neighborhood way back when they first introduced the idea of a casino that the structure would be true to northwest design and fit in with the surrounding area. Obviously, they were disingenuous. This monstrosity of 10 stories of steel and glass is about as unlike a northwest structure as any structure can be. That this DEIS can make the statement that riparian areas and trees "would provide a blending between the proposed development and the surrounding area" is absurd. One cannot claim that this impact will be less than significant. The steel and glass structure needs to be re-designed, not only to minimize the effect to surrounding residences, but also to avoid any confusion by the eagle and other fowl population to glare and light. Eagle habitat is less than a mile away. Some level of mitigation can be reached by altering the design of the structure to be more ecologically friendly. The final EIS must reflect that the present design is inappropriate for the site.

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Section 4.0, Environmental Consequences, Paragraph 3. The last sentence and, frankly, the whole paragraph is simply untrue. Despite Mr. Hovee's conclusions, one can draw just the opposite conclusion as reported recently by the Buffalo News on the Seneca-Niagara gaming operation in New York State. "When casino gambling arrived in Western New York, state and local leaders promised new hotels, restaurants, shopping centers and thousands of non-casino jobs. It's a promise never kept." (Buffalo News, 4/16/06). "The promise of spin-off development, new hotels, restaurants and stores, remains unfulfilled. One reason is competition from the Senecas. They took in \$58 million in food, beverage and entertainment sales at their two casinos last year." (Buffalo News, 4/16/06).

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The same can be said for towns and businesses around both the Foxwoods Casino and the Mohegan Sun Casino in Connecticut. There has been no "boom" to the economy in any of the surrounding communities. Members of our association traveled extensively to the towns surrounding the Mohegan Sun and interviewed school personnel, small business owners,

hotel and motel employees and found little to no increase in revenue for the businesses surrounding the Mohegan Sun complex.

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Paragraph three on page 4.14-5 is slanted toward supporting the tribe's proposal. There are many more reports that say just the opposite. The final EIS needs to include actual economic figures and reports from the towns surrounding the Mohegan Sun. It must also include the number of businesses started and the number of businesses failed due to the casino in the small towns of Ledyard, Preston, and Stonington since the casino was built so that a real comparison may be drawn to illustrate what will happen to the small towns around the proposed casino.

Section 4.0 Environmental Consequences, P. 4.8-4&5 - This paragraph is contradictory and must be re-done. It states that the late start time for the event center is so that patrons can utilize other offerings of the resort. Then in a later statement, it says that the late start time is so that rush hour traffic is not affected. The report should have then concluded that rush hour traffic would be, indeed, affected adversely. This may be an unmitigable impact to the freeway system. No mention of the venues at the Clark County Amphitheatre which is only 5 miles away from the proposed development occurring on the same nights as the events center. This needs to be fully outlined in the final EIS. The final EIS must reflect the true I-5 freeway problems when 5,000 cars are added for an event to the 18,000 cars already coming to the casino.

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Section 4.0 Environmental Consequences, Page 4.14-7, Water Supply. This paragraph is different from what we understand. Clark County - especially the north portion - is running out of water. The EIS needs to present projections for the future for north county. A movement is already underway to declare the Troutdale Aquifer, from which much of Clark County gets its water, as a single source aquifer. If this is granted, then the final EIS needs to address the effects this ruling will have on water usage by the casino. Further checking needs to be done with CPU for near term and, especially, cumulative long term water supply problems. These predictions need to be included in the EIS. What is particularly disturbing is that CPU may have the ability to serve the casino, but what about future large developments? To this date, CPU has not determined how or where it plans to get water for future use. A cumulative approach needs to be taken by CPU and then documented in the EIS. The final EIS also needs to address what real effect this proposed development will have on existing surrounding wells. There are no facts or figures to support any conclusions, only mention that shallower wells could be affected.

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Section 4.0, Environmental Consequences, Biological Resources. This development, outside the county urban growth area, with no sewer service, no infrastructure, incompatible with surrounding land use, with 3 MM sf of impervious surface, with a steel and glass structure producing glare 10 stories high, with lighting and reflection equal to the most intense of developments, spells a significant impact to listed species, both long and short term. There is not enough mitigation in the EIS to prevent massive disturbance of the wildlife corridor that will have regional significance. The final EIS must state that these environmental consequences cannot be mitigated.

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Appendix I, Biological - This report, done by Russell and Associates, was prepared for the tribe when the development was purported to be SMALL. This report should be disregarded and not included in the final EIS - an updated and detailed biological report should be

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developed that reflects the enormity of this proposed project. No data from this report should be utilized in any other part of the final EIS.

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Section 4, Environmental Consequences. Migratory Birds. The report does not indicate if the tribe will adhere to the Migratory Bird Treaty Act of 1918. This paragraph is not backed up with any factual information, but opinion only. If opinion is being considered, our opinion is that this area has not been developed yet, is rural in nature with residences on large lots. The East Fork of the Lewis River's banks are owned and managed by Clark County and are protected buffers to prevent any further degrading of a river already in crisis. To say that migratory birds' nesting, resting and feeding grounds disruption would not be significant is disingenuous. The DEIS cannot describe and illustrate the proposed development site vicinity as "rural residential and agricultural in nature" (Page 3.9-1, pp 4) and then claim in this paragraph that the current level of human activity surrounding the development is a high level. The EIS concludes once again in Section 4.5 Biological Resources, 4.5.1, Potential Effects to Wildlife, that there would be less than significant impacts to wildlife due to "an increase in human activity and structures on the La Center Interchange Site." WHAT STRUCTURES?? There is one gas station and one small vinyl fencing business. AES's conclusion is simply not correct and because of their conclusion, they dismiss all environmental effects this intense development will create. This must be corrected in the final EIS and all reports must not reflect contradictory statements.

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Section 5.0, Mitigation Measures, Page 5-7, Permit from USACE. The final EIS needs to articulate what part of a USACE permit the development may not be able to meet.

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Appendix M - Final Determination - This section indicates that a determination was made of the "Waters of the US" for the projected development by the USACE. Was this appealed, and, if so, the final EIS must include any and all correspondence of the appeal. The final EIS must reflect the constrictions on development into the Waters of the US.

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Section 4.5, Biological, page 4.5-5. "The WDFW has mapped two bald eagle nests within 1 mile of the La Center Interchange Site . . ." - THERE IS A NEWLY RECONSTRUCTED BALD EAGLE'S NEST APPROXIMATELY 0.5 MILES NORTHEAST FROM THE PROPOSED SITE. Further contact with the WDFWS is called for. Since the biological report done by Russell and Associates is outdated and based on a smaller development, further bald eagle studies must be conducted to bring the report up to date. This nest was probably not included in any of the DEIS research. Eagles have been seen by residents foraging and gathering nesting materials from the proposed site. This was reported in the EA responses and ignored by the DEIS. This is another indication that citizen comments were ignored. This Russell and Associates data must be disregarded in all sections of the final EIS and a new comprehensive biological report produced.

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Section 5.0, Mitigation Measures, 5.2.4, Biological Resources, Paragraph J, page 5-9 - What if it is determined that stream is impaired upon discharge? There is no mention in the DEIS of bank erosion in the unnamed stream off site. There was no study done on the unnamed stream from the north end of the culvert to the waterfall. The waterfall vertical measurement is wrong and needs to be corrected. Slopes in the area surrounding the unnamed stream are in excess of 30%. No mention was made of erosion and the accompanying sediment that would be carried to the East Fork from these steep slopes. There is no mention of the

198-36

"mixing zone" which will be a strict requirement of the Clean Water Act, and of an NPDES permit. Little to no attention is given in the DEIS to parameters of the Clean Water Act. The final EIS must consider all of the above subjects in detail.

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Appendix F, Stormwater, Olson Engineering, Page 3 of 20, 3.1 - "... stormwater runoff that flows over these soils often result in highly turbid water which is not amenable to treatment by settling." How will the tribe remove turbidity in the runoff that flows into the unnamed stream or that is created once the runoff is released from the wetlands on to other properties? A full analytical report must be produced in the final EIS.

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Appendix F, Stormwater, Olson Engineering, Page 3 of 20, 3.1.1 "Groundwater - Groundwater was encountered at depths ranging from 2 feet to over 15 feet."

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How can the tribe build a subterranean garage at a depth of 26 feet without displacing huge amounts of groundwater? How can this be mitigated and was this water displacement figured in total runoff from the site? Since there is concern about turbidity levels associated with the soils on the project site, can they be mitigated adequately with sedimentation filters? Gee silt loam and Odne silt loam can have suspended particles for years. No credence was given to citizen comments from those who live around the proposed site and the inability for the soil to percolate. This was totally glossed over in the report. A more detailed report on the displacement of water due to the garage needs to be prepared for the final EIS and dovetailed in with total stormwater runoff figures to give an accurate picture of the enormous amount of runoff that will be produced by this massive development.

Appendix F, Stormwater - P. 2 of 20, paragraph "B" - There is no mention here and little mention anywhere else in the DEIS of the undersized 4-ft. culvert under I-5 which will receive ALL OF THE STORMWATER AND TREATED SEWAGE EFFLUENT from the proposed project prior to exiting into the unnamed stream. Nor is the statement on page 4.3.1 supported by any evidence or modeling in the DEIS. A full study needs to be done for the final EIS to address how this culvert will accept all this runoff without having to be replaced by the tribe.

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Appendix F, Stormwater, P. 5 of 20 - Odne Silt loam has poor permeability. The final EIS needs to address how these wetlands will be able to percolate naturally and at what rate, given the 500,000 gallons per day of effluent and, during winter months, the addition of high stormwater runoff. This is a particularly confusing part of the DEIS and not explored explicitly or clearly written.

198-40

Appendix L - Wetland and Habitat Conservation Areas Determination Report

This report, done by ELS, Inc. was prepared on only half of the site - the northern half. There are serious wetlands on the south site. This report needs to be redone to reflect THE ENTIRE PROPOSED SITE. Appendix O seems to cover different wetlands subjects on the southern site but the both reports do not mesh with one another nor are they prepared by the same firms. This is confusing and difficult to read and compare. This report needs to be incorporated for both north and south sections of the proposed development and done by the same firm for continuity's sake in the final EIS.

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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

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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."

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This is a development that will be the largest single development seen in this part of the State of Washington, will create enormous amounts of stormwater and effluent runoff and will cost millions of dollars to build. Samples from surrounding surface water must not be compromised by outdated holding procedures. This could seriously affect the results of the tests. These tests must be re-done correctly. These tests must also be done during low water periods and high water periods to give an accurate account of surface water quality. The year-round water quality must be documented and reported in the final EIS.

ALTERNATIVE SITES

The tribe has acknowledged publicly that none of the alternatives except Alternative A has been considered to be viable. They have publicly stated that they do not intend to utilize any of the alternatives. (Ridgefield City Council Meeting, June 28, 2006 and BIA meetings, June 14 and 15, 2006).

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It is imperative in NEPA policy that VIABLE alternatives be discussed and their impacts fully discussed in the DEIS. There are no viable alternatives in this DEIS. All but one is located on the same piece of property. The only alternative not located on the same site is the Ridgefield Junction Alternative E where many of the same environmental concerns will be in evidence, including discharging into the East Fork of the Lewis River. Alternative E has even more environmental problems because McCormick Creek is a fish-bearing creek for endangered migrating salmon. The final EIS must contain other viable alternatives on other pieces of land that have no connection with Alternatives A-E and must include a full EIS study on any new alternative presented.

SUBJECTS NOT MENTIONED IN THE DEIS THAT MUST BE RESEARCHED AND REPORTED IN THE FINAL EIS:

No mention of Woodland Airport which is 2 miles from proposed site. The Cowlitz structure will need to have strobe lights which will adversely impact wildlife, especially eagles. Further study needs to be done and reported.

198-44

No mention of the truck weigh station just nine-tenths of a mile south of the 319th Street ramp exit. Trucks entering freeway from weigh station will cause a problem with exiting casino traffic. The weigh station is not illustrated in any schematics.

198-45

No mention of Paradise Point State Park (one-quarter mile downstream from the proposed development) and environmental impacts to water recreation and to how unnamed stream which travels through the park will affect park environs.

198-46

No mention of how tribe plans to discharge effluent through private properties if unnamed stream cannot be utilized. No mention of land use rules and regulations or of Washington States Growth Management Act or Clark County Comprehensive Plan that must be followed when part of their development is off of sovereign territory. Although water may be delivered under the county's comprehensive plan, sewer service is prohibited from being delivered over rural lands outside any urban growth boundary and may not be delivered until those parcels are annexed in to a city. Since the land surrounding the Cowlitz proposed development has not been brought in to any urban growth boundary and, obviously, not gone through any annexation process, the final EIS must report fully on how the tribe would plan

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for sewage service on Alternatives B-E. The final EIS also must include how the tribe plans to handle sewer service if they cannot get an NPDES permit.

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No mention of La Center sewage effluent mixing with proposed casino effluent and what result may be to a TIDAL river.

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No mention of mitigating traffic snarls when Clark County Amphitheatre has an entertainment venue the same night as the proposed tribe's entertainment center.

198-49

No mention of the devastating impact to I-5 corridor which is already choked coming from Oregon to Washington. Since the DEIS states that 80% of the patrons come from the south, then some mention of how the tribe plans to mitigate this enormous problem must be addressed. So must the disruption to commerce moving up and down the only north/south corridor. It is inexcusable that this was left out of the report. A full traffic analysis must be done from the City of Portland to Exit 16 addressing all hours of traffic.

198-50

*Susan Gilbert, Chairman
Enterprise/Paradise Point Neighborhood Association*

July 10, 2006

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