

*LETTER 37 (LOG # 480)*

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Michael Lang, Friends of the Columbia Gorge

Jul 13 06 06:23p

Friends of Columbia Gorge 503-241-3873

P. 1  
Comment Letter 480

# FRIENDS OF THE COLUMBIA GORGE

## FACSIMILE TRANSMITTAL SHEET

*Gerald Hendrickson*

TO: *Stan Speaks*

COMPANY: *BIA*

FROM: *Michael Lang*

DATE: *7/13/06*

FAX NUMBER:

TOTAL NO. OF PAGES: *11*

RE:

*COWHITZ DEIS*

- URGENT  
  FOR REVIEW  
  PLEASE COMMENT  
  PLEASE REPLY  
  PLEASE RECYCLE

NOTES / COMMENTS:

FRIENDS OF THE COLUMBIA GORGE  
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July 13, 2006

Stanley Speaks, Regional Director  
 Bureau of Indian Affairs  
 Northwest Regional Office  
 911 NE 11<sup>th</sup> Avenue  
 Portland, OR 97232

Re: Comments on Draft EIS for Cowlitz Indian Tribe Trust Acquisition and Casino Project

Dear Mr. Speaks:

Friends of the Columbia Gorge is a nonprofit organization dedicated to the protection and enhancement of the magnificent resources of the Columbia River Gorge National Scenic Area. Friends of the Columbia Gorge (Friends) has 3500 members who reside in the Columbia Gorge, the states of Oregon and Washington and across the nation.

480-1

Friends is very concerned by the draft environmental impact statement (DEIS) prepared by the Bureau of Indian Affairs for the proposed Cowlitz Tribe casino in La Center, Washington. The Cowlitz DEIS examines an inappropriately narrow range of alternatives, essentially allowing the Cowlitz Tribe to dictate the location for its proposed gaming facility. Moreover, the DEIS fails altogether to consider the likely cumulative effects of multiple casino proposals for the Portland area now pending before the BIA.

480-2

The same failings have also marked BIA's approach to the environmental analysis of the casino proposed by the Confederated Tribes of the Warm Springs Reservation for Cascade Locks, Oregon, a project that threatens significant damage to the sensitive resources of the Columbia River Gorge. See Letter to Stanley Speaks (March 24, 2006) (commenting on the deficiencies in BIA's scoping analysis for the Warm Springs Tribe's proposed casino). BIA's flawed approach to the evaluation of alternatives and the consideration of cumulative environmental effects in both cases thus appears to reflect an improperly narrow view of its responsibility to conduct meaningful analysis of environmental impacts of casino projects under the National Environmental Policy Act. Friends therefore submits the following comments, urging BIA to adopt a broader and more responsible approach to the environmental analysis of proposals for casino construction.

480-3

*Inadequate consideration of alternatives*

The draft Cowlitz EIS focuses almost exclusively on a single site, a tract of land in La Center, Washington that apparently has already been acquired or put under option by principals in the Cowlitz Tribe's leadership. The DEIS considers two slightly different alternatives for casino development on that site, as well as an alternative for development of an office park. The DEIS considers only one alternative location for the tribe's proposed gaming facility, a site on I-5 even closer to the City of Portland. Significantly, BIA does not consider any alternative sites that lie closer to the Cowlitz Tribe's aboriginal lands and the majority of its current membership north of Clark County. BIA thus appears to have accepted the tribe's economic interest in obtaining a gaming site close to the Portland market, without giving serious consideration to other locations that could meet the tribe's legitimate interests in economic development and establishment of reservation facilities.

480-4

As we noted in our March 2006 letter, BIA is proposing to take an equally narrow approach to its consideration of alternative locations for the Warm Springs Tribe's proposed casino. BIA's scoping report proposes to examine only two locations for that project, both of which lie in the Columbia River Gorge. It has to date refused to evaluate reasonable and available alternative locations on the Warm Springs Tribe's 640,000-acre reservation in central Oregon outside of the Gorge. Again, as with the Cowlitz proposal, BIA has apparently accepted the assertion by the Warm Springs Tribe that one particular location will best serve its economic interests, and has effectively abdicated its responsibility to examine alternative locations. As we note in our March letter, BIA's narrow approach in the Warm Springs Tribe's case is particularly egregious, since the massive casino the tribe proposes to build in Cascade Locks, Oregon threatens significant harm to a treasured national resource, the Columbia River Gorge.

480-5

The BIA's blind acceptance of the tribes' preferred sites in each of these cases violates the central mandate of NEPA for objective, independent analysis of proposed federal actions. As the Council on Environmental Quality's regulations emphasize, and as the courts have long recognized, the alternatives analysis "is the heart of the environmental impact statement." 40 C.F.R. § 1502.14. Presenting the environmental impacts of a proposed action and appropriate alternatives in comparative form "sharply defin[es] the issues and provid[es] a clear basis for choice among options by the decisionmaker and the public." *Id.* To fulfill this critical function, agencies are responsible for considering "all reasonable alternatives," including the alternative of taking no action and alternatives not within their jurisdiction. *Id.* The courts will not allow agencies simply to defer to a private applicant's identification of its desired goal. *Van Abbema v. Fornell*, 807 F.2d 633, 638 (7<sup>th</sup> Cir. 1986) ("[T]he evaluation of 'alternatives' mandated by NEPA is to be an evaluation of alternative means to accomplish the *general* goal of an action; it is not an evaluation of the alternative means by which a particular applicant can reach his goals.") (emphasis in original).

We urge BIA to reconsider its inappropriately-narrow approach to alternatives analysis for these tribal casino proposals. In each case, BIA should examine alternative locations that lie closer to the tribes' respective ancestral lands and their centers of

population, and that would minimize environmental impacts. In the Warm Springs Tribe's case, we have already called on BIA to consider reasonable alternatives outside the Columbia Gorge.

480-5  
Cont.

*Inadequate analysis of cumulative impacts*

On a broader scale, BIA fails altogether in the draft EIS to recognize the regional nature of this casino proposal, and its interrelationship with other pending and likely proposals for similar casino projects. The casino proposed by the Cowlitz Tribe is just one of several pending and imminent proposals for new gambling casinos in the Portland area. As we have noted, the Warm Springs Tribe is seeking approval of a massive \$389 million, 603,000 square-foot destination resort and casino 40 miles east of Portland, in Cascade Locks, Oregon. On May 5, 2006, the Portland *Oregonian* reported that the Klamath Tribes had filed an application for approval of yet another casino on I-5 near Wilsonville, Oregon, just south of Portland. Allan Brettman, *Tribes Stake Their Claims to Casinos*, *The Oregonian*, May 5, 2006. The paper noted that two Lake Oswego businessmen also want to open a non-tribal casino at the former Multnomah Greyhound Park in Wood Village. *Id.* Meanwhile, the Yakama Nation has also recently indicated that it intends to pursue construction of a new casino in Battleground, Washington, 25 miles north of Portland.

480-6

Each of these casino proposals openly seeks to exploit the Portland urban population as its gaming market, and taken together they portend a dramatic expansion of casino gaming in the Portland area. Moreover, the present proposals will likely spawn others, as other tribes, including tribes whose existing on-reservation casinos have been largely by-passed by the new casinos close to Portland, will inevitably feel pressure to protect their interests by building gaming facilities in the city area. These casinos will have profound individual and cumulative impacts on the Portland area's economy and environment, generating enormous volumes of automobile traffic, causing air pollution and traffic congestion and triggering secondary economic development and urban sprawl in the region surrounding the city.

480-7

The cumulative and synergistic effects of these casino proposals on the Portland area call out for a comprehensive regional assessment that evaluates broadly the impacts of expanded gaming on the economic, social, and natural environment of the area, and explores reasonable alternatives that might avoid or minimize such impacts. A comprehensive EIS would permit BIA, state and local governments, the tribes, and the affected public to explore regional solutions that fairly accommodate the tribes' interests in economic development while minimizing traffic and other environmental and social impacts, such as construction of gaming facilities on existing reservations or joint development by several tribes of a resort at a location that can best accommodate such development without undue environmental impacts. Such a comprehensive look would also permit the Department of the Interior to balance properly its trust obligations to each of the tribes in the region, since the individual casino proposals will obviously compete with each other for market share, and construction of casinos in the Portland area by one or a few tribes will inevitably harm the economic and social interests of other tribes, such as those with existing on-reservation gaming operations.

480-8

The BIA, unfortunately, is currently reviewing the impacts and alternatives for each of these proposals in isolation. The draft EIS for the proposed Cowlitz casino limits its consideration of cumulative effects to Clark County, and ignores all of the other pending casino proposals entirely. Similarly, BIA's scoping report for the Warm Springs Tribe's proposal squarely rejected any consideration of the impacts of the proposed Cascade Locks casino on counties with other tribal casino operations, *see* Scoping Report at p. 31-32, and does not appear to consider the potential cumulative effects of the development of multiple casinos in the Portland area at all. By effectively segmenting these proposals from each other, BIA's approach precludes a fair evaluation of the overall impact of these proposals on the Portland area, and prevents government decision-makers and the public from being able to assess alternatives that might more rationally balance the economic and environmental values at stake.

480-9

The BIA's approach is directly contrary to the requirements and purposes of the National Environmental Policy Act. As the Supreme Court has recognized, "when several proposals for ... actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together." *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976). As the Court noted, "[o]nly through comprehensive consideration of pending proposals can the agency evaluate different courses of action." *Id.* The federal courts have therefore held that "where several foreseeable similar projects in a geographical region have a cumulative impact, they should be evaluated in a single EIS." *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1312 (9<sup>th</sup> Cir. 1990). *Accord, e.g., LaFlamme v. FERC*, 852 F.2d 389, 401-02 (9<sup>th</sup> Cir. 1988) (remanding NEPA analysis to agency for further consideration of cumulative impact because agency examined single projects in isolation without considering the net impact that all the projects in the area might have on the environment).

*Conclusion*

BIA's restricted consideration of alternatives, and its failure to consider the potential cumulative and programmatic impacts from the multiple casino proposals that are currently pending or foreseeable, undermine the integrity of its NEPA analysis for the Cowlitz and Warm Springs proposals, and will likely lead to judicial reversal if left uncorrected. Friends of the Columbia Gorge urge you, therefore, to reconsider the BIA's approach to the scope of environmental review for both of these projects, and for other casino proposals that BIA will consider in the immediate future.

480-10

Sincerely,

  
 Michael Lang  
 Conservation Director



March 24, 2006

Stanley Speaks, Regional Director  
 Bureau of Indian Affairs  
 Northwest Regional Office  
 911 NE 11<sup>th</sup> Avenue  
 Portland, OR 97232  
 Fax: (503) 231-2201

**RE: Scoping Report for the Warm Springs Tribe's off-reservation casino proposal**

Dear Mr. Speaks:

Friends of the Columbia Gorge is deeply concerned with the Scoping Report issued by the Bureau of Indian Affairs ("BIA") on March 1, 2006 for the Draft Environmental Impact Statement being prepared by BIA on the Cascade Locks Resort and Casino Project proposed by the Confederated Tribes of the Warm Springs Reservation of Oregon (the "Warm Springs Tribe" or "the Tribe"). The Scoping Report continues BIA's inappropriately narrow focus on the specific casino project advanced by the Warm Springs Tribe, ignoring widespread public concerns raised by this organization and others regarding the extraordinary risks posed by this proposal to the sensitive values of the Columbia River Gorge, and ruling out any consideration of alternative locations outside the Gorge that might avoid such impacts. We call upon you to withdraw the Scoping Report, and to direct your staff to adopt an approach to the consideration of the environmental impacts and alternatives for this project that give appropriate weight to protection of the nationally-significant values of the Columbia River Gorge National Scenic Area.

Any consideration of the proper scope of BIA's environmental analysis for the Warm Springs Tribe's proposed casino must start with the truly extraordinary nature of this proposal, which seeks approval to build a massive resort complex in the center of the Columbia River Gorge and in the middle of a National Scenic Area. The Warm Springs Tribe's proposal contemplates construction of a \$389 million, 603,000-square-foot destination resort and casino, complete with a 90,000-square-foot gaming casino, a 241-room hotel, a 26,000-square-foot meeting and convention facility, a spa and fitness center, retail shops, a cultural and interpretive center, daycare facility, a variety of

restaurants, and parking for 3,700 vehicles. The resort is projected to draw more than 3 million visitors each year, requiring construction of a new interchange on I-84, and will undoubtedly spur significant secondary development in the surrounding area.

The Tribe proposes to develop this massive complex within the City of Cascade Locks, 40 miles east of the City of Portland, and squarely in the middle of the Columbia River Gorge National Scenic Area. The Columbia River Gorge National Scenic Area was established by Congress in 1986 to protect and provide for the enhancement of the scenic, cultural, recreational and natural resources of the Columbia River Gorge. As we have pointed out in our prior letters regarding the scoping process for this project, the Columbia River Gorge is one of America's most-highly-valued natural wonders. Millions of Americans are drawn each year to the Gorge's unparalleled natural beauty and grandeur. Its sensitive resources include majestic, largely pristine scenic vistas of the river and its surrounding mountains and forests; diverse wildlife populations, including bald eagles, ospreys and great blue herons; habitat for salmon, cutthroat trout and sturgeon; free-flowing forest streams and wetlands; and spectacular recreational opportunities along the Pacific Crest National Scenic Trail and many other trails, streams and campgrounds.

The development of a massive resort and casino complex will bring an unprecedented level and intensity of human activity to this protected area, inevitably scarring its natural landscape and causing profound damage to its sensitive resources. The Warm Springs Tribe's proposal to site this project in Cascade Locks thus regrettably, and in our view needlessly, puts the Tribe's legitimate interest in economic development squarely in conflict with the federal government's responsibility to protect the values of the Columbia River Gorge.

This central fact makes this proposal different by an order of magnitude from any other tribal casino proposal ever considered by BIA, and demands a broad approach to the consideration of the proposed project and its alternatives. To ensure that the Department of Interior can properly discharge its independent responsibilities both to the Tribe and to these protected public lands, the environmental review and decision-making process for this proposal must fully inform the BIA and the Secretary of the Interior of the potentially severe impacts of the proposed casino resort on the natural values of the Columbia River Gorge, and allow the agency and the Secretary to evaluate alternatives, such as locations outside the Gorge on the Tribe's reservation, that could fulfill the Tribe's interest in economic development without inflicting such harm on a treasured national resource.

Defining an appropriate range of alternatives to permit such informed decision-making is thus the most important task confronting BIA during the scoping process for the project. As the Council on Environmental Quality's regulations emphasize, and as the courts have long recognized, the alternatives analysis "is the heart of the environmental impact statement." 40 C.F.R. § 1502.14. *Accord, e.g., Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 666 (7<sup>th</sup> Cir. 1997) ("No decision is more important than delimiting what these 'reasonable alternatives' are.). Presenting the



environmental impacts of a proposed action and appropriate alternatives in comparative form “sharply defin[es] the issues and provid[es] a clear basis for choice among options by the decisionmaker and the public.” *Id.* To fulfill this critical function, agencies are responsible for considering “all reasonable alternatives,” including the alternative of taking no action and alternatives not within their jurisdiction. *Id.*

The breadth of the alternatives to be considered in a particular case is defined by the agency’s purpose in undertaking a proposed action, *Simmons v. U.S. Army Corps of Engineers, supra*, 120 F.3d at 666, and is framed by the statutory authority the agency is charged with exercising. As then-Judge Clarence Thomas noted in *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991), although an agency must take into account the needs and goals of the parties involved in an application, “more importantly, an agency should always consider the views of Congress, expressed ... in the agency’s statutory authorization to act, as well as in other congressional directives.” *Accord, id.* at 199 (“An agency ... must evaluate alternative ways of achieving *its* goals, shaped by the application at issue and by the function that the agency plays in the decisional process.”) (emphasis in original). The courts will not permit agencies to “slip past the strictures of NEPA” by “contriv[ing] a purpose so slender as to define competing ‘reasonable alternatives’ out of consideration (and even out of existence).” *Simmons v. U.S. Army Corps of Engineers, supra*, 120 F.2d at 666. Nor will they allow agencies simply to defer to a private applicant’s identification of its desired goal. *Van Abbema v. Fornell*, 807 F.2d 633, 638 (7<sup>th</sup> Cir. 1986) (“[T]he evaluation of ‘alternatives’ mandated by NEPA is to be an evaluation of alternative means to accomplish the *general* goal of an action; it is not an evaluation of the alternative means by which a particular applicant can reach his goals.”) (emphasis in original).

In this case, BIA’s decisional responsibility is framed by the Indian Gaming Regulatory Act (“IGRA”), which favors on-reservation locations for casinos and prohibits off-reservation gaming except under the special circumstances addressed in Section 20 of IGRA. The underlying statute discourages off-reservation gaming in favor of on-reservation sites, therefore on-reservation alternatives must be analyzed in detail in the Draft Environmental Impact Statement.

IGRA requires the Secretary of Interior to determine both whether the establishment of a gaming facility on these particular lands will be in the best interest of the Tribe and its members, and whether it will be detrimental to surrounding communities. 25 U.S.C. § 2719(b)(1)(A). The extraordinary values of the Columbia River Gorge for both the Tribe’s own members and for citizens in the surrounding communities plainly must weigh heavily in this determination. Moreover, the federal government has an independent legal duty to support and protect the Columbia River Gorge National Scenic Area under its establishing act. These responsibilities frame the range of alternatives BIA should consider, and plainly require the agency to identify and assess reasonable alternatives that could fulfill the Tribe’s needs for economic development while avoiding or minimizing harm to the values of the Columbia Gorge.

Regrettably, the scoping approach adopted for this project by your office fails altogether in this critical mission. The BIA Scoping Report issued on March 1, 2006 focuses the BIA's environmental analysis narrowly on the Warm Springs Tribe's specific proposal for a casino resort in Cascade Locks, without meaningful consideration of *any* alternative that might avoid, or even minimize, the impacts of a massive new casino in the midst of the Columbia Gorge. Apart from the no-action alternative, which BIA is required by law to address, the only alternatives to the Tribe's proposal that BIA will consider in detail are two development scenarios for a site at the Hood River, also within the Columbia River Gorge. Development at the steeply-sloping Hood River site is completely impracticable, as Friends of the Columbia Gorge has pointed out in our previous scoping comments, and would in any event threaten environmental damage to the Gorge as great as or potentially greater than that which would be inflicted by the Cascade Locks proposal. The BIA has thus foreclosed any real consideration of less environmentally damaging alternatives to the Tribe's massive Cascade Locks project, in direct violation of the National Environmental Policy Act.

The BIA's error begins with its inappropriately narrow definition of the project's purpose, as we have noted in our previous scoping comments. By defining the purpose of the proposed action as "improv[ing] the Tribe's long-term economic condition and support[ing] its self-sufficiency ... by allowing them [sic] to develop a gaming facility at a new location," Scoping Report 35, the BIA effectively forecloses any consideration of other forms of economic development that might meet the Tribe's needs. As we noted in our scoping comments dated December 30, 2005, the Warm Springs Tribe is in fact one of the most economically successful tribes in the nation, with an array of business and economic interests ranging from a highly-successful on-reservation resort, the Kah Nee Tah Resort, to ownership of various manufacturing, radio broadcasting, retail, and other commercial endeavors. There is no reason why BIA should view the Tribe's interest in further economic development as confined to new opportunities to conduct gaming operations. By focusing exclusively on a "new location," BIA's approach also arbitrarily eliminates from consideration the possibility that the Tribe's existing on-reservation casino could be expanded to generate more revenue.

But even if the BIA were justified in focusing solely on casino development, and in looking only at such development at a new location, the agency surely cannot justify its decision to consider only locations for the Tribe's proposed resort that lie *within the Columbia Gorge*. The BIA Scoping Report rejects without reasoned explanation any consideration of the potential development of a new casino elsewhere on the Warm Springs Tribe's reservation, such as along U.S. Highway 26, a major thoroughfare providing the most direct route between Portland and central Oregon, one of the nation's fastest growing regions. The BIA Scoping Report also fails to consider any off-reservation locations outside the Gorge where the Secretary might take land into trust for a future casino. Finally, the BIA's Scoping Report fails even to consider alternative scenarios for the Tribe's proposed casino and resort at Cascade Locks, effectively precluding the agency or the Secretary from assessing whether less extensive development might fulfill the Tribe's economic interests with less impact on the Gorge's resources.

On a broader scale, the BIA Scoping Report fails altogether to recognize the regional nature of this casino proposal, and its interrelationship with other pending and likely proposals for similar casino projects. The casino proposed by the Warm Springs Tribe is just one of several pending and imminent proposals for new gambling casinos in the Portland area. The Cowlitz Tribe is currently seeking approval of a massive \$510 million resort, complete with an 877,000 square-foot casino, resort hotel, and convention center in La Center, Washington, just 16 miles north of Portland. The Yakama Nation has also recently indicated that it intends to pursue construction of a new casino in Battleground, Washington, 25 miles north of Portland.

Each of these casino proposals openly seeks to exploit the Portland urban population as its gaming market, and taken together they portend a dramatic expansion of casino gaming in the Portland area. A recent report in *The Oregonian* noted that the Warm Springs and Cowlitz Tribes expect their casinos to "reap a combined \$665 million a year, surpassing the gambling at all nine of Oregon's tribal casinos." Allan Bretzman, "It's no bluff, Portland, Tribes see a jackpot here: The Warm Springs and Cowlitz are pushing for mega-casinos," *The Oregonian* (January 22, 2006). Moreover, the present proposals will likely spawn others, as other tribes, including tribes whose existing on-reservation casinos have been largely by-passed by the new casinos close to Portland, will inevitably feel pressure to protect their interests by building gaming facilities in the city area. These casinos will have profound individual and cumulative impacts on the Portland area's economy and environment, generating enormous volumes of automobile traffic, causing air pollution and traffic congestion and triggering secondary economic development and urban sprawl in the region surrounding the city.

The cumulative and synergistic effects of these casino proposals on the Portland area cry out for a comprehensive, regional assessment that evaluates broadly the impacts of expanded gaming on the economic, social, and natural environment of the area, and explores reasonable alternatives that might avoid or minimize such impacts. A comprehensive EIS would permit BIA, state and local governments, the tribes, and the affected public to explore regional solutions that fairly accommodate the tribes' interests in economic development while minimizing traffic and other environmental and social impacts, such as construction of gaming facilities on existing reservations or joint development by several tribes of a resort at a location that can best accommodate such development without undue environmental impacts. Such a comprehensive look would also permit the Department of the Interior to balance properly its trust obligations to each of the tribes in the region, since the individual casino proposals will obviously compete with each other for market share, and construction of casinos in the Portland area by one or a few tribes will inevitably harm the economic and social interests of other tribes, such as those with existing on-reservation gaming operations.

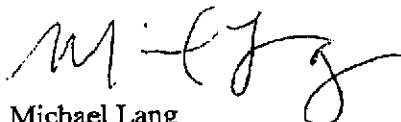
The BIA, unfortunately, is currently reviewing the impacts and alternatives for each of these proposals in isolation. The Scoping Report for the Warm Springs Tribe's proposal squarely rejects any consideration of the impacts of the proposed Cascade Locks casino on counties with other tribal casino operations, *see* Scoping Report at p. 31-32,

and does not appear to consider the potential cumulative effects of the development of multiple casinos in the Portland area at all. By effectively segmenting these proposals from each other, BIA's approach precludes a fair evaluation of the overall impact of these proposals on the Portland area, and prevents government decision-makers and the public from being able to assess alternatives that might more rationally balance the economic and environmental values at stake.

The BIA's approach is directly contrary to the requirements and purposes of the National Environmental Policy Act. As the Supreme Court has recognized, "when several proposals for ... actions that will have cumulative or synergistic environmental impact upon a region are pending concurrently before an agency, their environmental consequences must be considered together." *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976). As the Court noted, "[o]nly through comprehensive consideration of pending proposals can the agency evaluate different courses of action." *Id.* The federal courts have therefore held that "where several foreseeable similar projects in a geographical region have a cumulative impact, they should be evaluated in a single EIS." *City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1312 (9<sup>th</sup> Cir. 1990). *Accord, e.g., LaFlamme v. FERC*, 852 F.2d 389, 401-02 (9<sup>th</sup> Cir. 1988) (remanding NEPA analysis to agency for further consideration of cumulative impact because agency examined single projects in isolation without considering the net impact that all the projects in the area might have on the environment).

These obvious deficiencies in the scope of BIA's environmental review plainly undermine the integrity of its NEPA analysis for the Warm Springs Tribe's proposal, and will likely lead to judicial reversal if left uncorrected. Friends of the Columbia Gorge urge you, therefore, to reconsider the BIA's approach to the scope of environmental review for the Warm Springs Tribe proposed casino. We ask that you immediately withdraw the March 1, 2006 Scoping Report, and give direction to your staff to develop a scoping approach that will ensure that BIA and the Secretary of the Interior are properly informed about the impacts of the Tribe's proposed project and the availability of less-damaging alternatives that could fulfill the Tribe's economic interest.

Sincerely,



Michael Lang  
Conservation Director

cc: James Cason, Associate Deputy Secretary  
June Boynton, Environmental Specialist

**Attachments submitted by Michael Lang, Friends of the Columbia Gorge, are included within the administrative record and listed below:**

1. Duplicate copy of letter summarized within comment numbers 480-1 through 480-10
2. Duplicate copy of letter summarized within comment number 480-11