

# ***APPENDIX V***

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***TRIBAL GAMING AND EPHS ORDINANCES INTERPRETATION  
AGREEMENT LETTERS***



# Cowlitz Indian Tribe

January 24, 2008

Betty Sue Morris  
Chair, Board of Clark County Commissioners  
1300 Franklin, 6th Floor  
Vancouver, WA 98666-5000

Dear Commissioner Morris,

As you are aware, on January 8, 2008, the National Indian Gaming Commission approved the Cowlitz Indian Tribe's Ordinance No. 07-03. The approved ordinance incorporates Cowlitz Tribal Ordinance No. 07-02 entitled "Environmental, Public Health and Safety Protections for the Construction and Operation of the Cowlitz Indian Tribe Gaming Facility" which establishes standards for construction, maintenance and operation of any gaming facility and other development on the proposed trust land in Clark County and which provides an irrevocable limited waiver of sovereign immunity by the Tribe in favor of Clark County.

The purpose of this letter is to affirm for the Board of Clark County Commissioners the Tribe's intent that our ordinances establish an irrevocable limited waiver of sovereign immunity by the Tribe in favor of Clark County and that the Tribe will not revoke or modify either the waiver of sovereign immunity nor the environment, health and safety provisions of the ordinance. The Tribe understands that Clark County will be relying upon the Tribe's promises, contained in the ordinance, that our limited waiver of sovereign immunity and the environment, health and safety provisions of the ordinance are irrevocable and will not be withdrawn by any future action of the Cowlitz Tribal Council.

Sincerely,

John Barnett  
Chairman, Cowlitz Indian Tribe

January 24, 2008  
Commissioner Betty Sue Morris  
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Cc: Commissioner, Steve Stuart  
Commissioner, Marc Boldt  
Chief Deputy Prosecutor, Curt Wyrick  
Chief Civil Deputy Prosecutor, Rich Lowry  
Assistant Secretary Indian Affairs, Carl Artman  
Director NW Region BIA, Stan Speaks  
Director Indian Gaming Management, George Skibine  
Maria Wiseman, Office of the Solicitor



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CLARK COUNTY  
WASHINGTON

BOARD OF CLARK COUNTY COMMISSIONERS

Betty Sue Morris • Marc Boldt • Steve Stuart

February 5, 2008

Carl Artman  
Assistant Secretary  
Bureau of Indian Affairs  
US Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

George T. Skibine, Director  
BIA Indian Gaming Management Office  
US Department of the Interior  
1849 C Street, NW  
Washington DC 20240

Stanley Speaks, Director  
Northwest Region  
US Department of the Interior  
911 NE 11<sup>th</sup> Avenue  
Portland OR 97232

Dear Messrs. Artman, Skibine and Speaks:

On January 8, 2008, the National Indian Gaming Commission approved the Cowlitz Indian Tribe's Ordinance No. 07-03. The approved ordinance incorporates Cowlitz Tribal Ordinance No. 07-02 entitled, "Environmental, Public Health and Safety Protections for the Construction and Operation of the Cowlitz Indian Tribe Gaming Facility," which establishes standards for construction, maintenance and operation of any gaming facility and other development on the proposed trust land in Clark County and which provides an irrevocable limited waiver of sovereign immunity by the Tribe in favor of Clark County. Clark County is also in receipt of the attached January 24, 2008 letter from John Barnett, Chairman of the Cowlitz Indian Tribe.

The purpose of this letter is to notify the Department and to establish for the record in the fee-to-trust proceedings certain understandings by Clark County regarding these ordinances.

1. The Cowlitz Tribal ordinances establish environmental, public health and safety standards for the construction, maintenance and operation of any gaming facility and other development on the proposed trust land in Clark County which are consistent with and based upon the Tribe's obligations under the March 2004 Memorandum of Understanding between Clark County and the Cowlitz Indian Tribe.

2. The Cowlitz Tribal ordinances establish an irrevocable limited waiver of sovereign immunity by the Tribe in favor of Clark County for enforcement of the Ordinance and provide that the Tribe will not revoke or modify either the waiver of sovereign immunity nor the environment, health and safety mitigation provisions of the Ordinance. Clark County's future decisions and actions on all matters related to the Tribe's Clark County site will rely upon the Tribe's promises, as confirmed in the Barnett letter, that the Tribe's limited waiver of sovereign immunity and the environment, health and safety mitigation provisions of the Ordinance are irrevocable and cannot be withdrawn by any future action of the Tribal Council.

3. The comments submitted by the County on the Bureau's Environmental Impact Statement relating to the MOU apply equally to the Ordinance.

Sincerely,

A handwritten signature in cursive script that reads "Betty Sue Morris".

Betty Sue Morris  
Chair  
Clark County Commission

cc: Chairman John Barnett  
Maria Wiseman, Esq., Office of the Solicitor