

SECTION 1.0

PURPOSE AND NEED

1.1 SUMMARY OF THE PROPOSED ACTION AND ALTERNATIVES

Pursuant to the National Environmental Policy Act (NEPA), this Final Environmental Impact Statement (EIS) has been prepared by the Bureau of Indian Affairs (BIA), an agency within the Department of the Interior, to address the environmental impacts of proposed Federal actions intended to improve the long-term economic vitality and self-governance of the Cowlitz Indian Tribe (“Tribe”) by taking approximately 151.87 acres into Federal trust status for the Tribe for gaming and other tribal government purposes, and issuing a reservation proclamation (collectively, the “Proposed Action”). The Proposed Action also includes the approval of the Tribe’s gaming development and management contract by the National Indian Gaming Commission (NIGC), a federal agency.

Pursuant to 25 CFR Part 151, the BIA, as an agency under the authority of the Secretary of the Interior, is charged with reviewing and approving tribal applications to take land into Federal trust status. Pursuant to Section 7 of the Indian Reorganization Act (IRA) of 1934, 25 U.S.C. 467, the BIA also has the authority to proclaim lands acquired in trust as a reservation for a tribe. Under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2719(b)(1)(B), the BIA has the authority to determine whether lands acquired into trust qualify as the Tribe’s “initial reservation” for gaming purposes. The NIGC is charged with regulating gaming on “Indian lands” as mandated by IGRA. As part of its regulatory authority under IGRA, the NIGC reviews and approves all gaming development and management contracts between Native American tribal governments and outside management companies.

The FEIS, which consists of this document, DEIS Appendix Volumes I-III, and FEIS Appendix Volumes IV-VII, has been completed in accordance with the applicable requirements of NEPA and its implementing regulations and guidance. NEPA requires the BIA and NIGC to review and analyze the environmental impacts associated with the Proposed Action. This document provides a detailed description of the development alternatives and an analysis of the potential consequences associated with the developments that may result from the Proposed Action. The No Action alternative is also addressed as required under NEPA. This document includes a discussion of alternatives, avoidance of effects, and mitigation measures.

For the purpose of this EIS, the BIA serves as the Lead Agency for compliance with NEPA, with the NIGC serving as a Cooperating Agency. Additional Cooperating Agencies include the Federal Highway Administration (FHWA), the U.S. Army Corps of Engineers (USACE), the Washington Department of Transportation (WsDOT), the Cowlitz Indian Tribe, Clark County, the Clark County Sheriff's Office, Cowlitz County, the City of La Center, the City of Vancouver, the City of Ridgefield, the Port of Ridgefield, the City of Woodland, and the City of Battle Ground. Cooperating Agency acceptance letters are included in **Appendix A**, Volume I of the Draft EIS (DEIS).

1.1.1 SUMMARY OF THE PROPOSED PROJECT

The Proposed Action analyzed in this EIS involves improving the economic vitality of the Tribe and strengthening the Tribal Government by placing approximately 151.87 acres into Federal trust for the Tribal Government, issuing a reservation proclamation, and approving the Tribal Government's gaming development and management contract. The foreseeable consequence of the Proposed Action will be the development of a casino-resort complex, associated parking facilities, a recreational vehicle park, and Tribal Government facilities, including Tribal offices, a cultural center, and elder housing (collectively the "Proposed Project") by the Tribe. The proposed facilities would occupy the entire project site.

1.1.2 PROPOSED PROJECT LOCATION

The Proposed Project site is located in Clark County, Washington, 2 miles west of La Center, and 3 miles northeast of Ridgefield (**Figures 1-1** and **1-2**). The approximately 151.87-acre site encompasses eight contiguous tax lots adjacent to the west side of Interstate 5 (I-5) at the NW 319th Street Interchange. The project site is located between NW 41st Avenue and NW 31st Avenue, and is bisected by NW 319th Street (**Figure 1-3**). The tax lots, identified in **Table 1-1**, are located within portions of Sections 5, 8, and 9 of Township 4 North, Range 1 East, Willamette Base Meridian.

TABLE 1-1
ASSESSOR'S PARCEL NUMBERS – LA CENTER INTERCHANGE SITE

Reference #	APN	Size (acres)
1	210118-000	1.2
2	210122-000	69.2
3	211003-000	15.5
4	211005-000	0.9
5	211006-000	0.3
6	211035-000	27.9
7	211218-000	8.9
8	211002-000	27.9
Total		151.8

Source: Clark County Department of Assessment and GIS, 2004.

Figure 1-1

Figure 1-2

Figure 1-3

1.2 PURPOSE AND NEED

The Cowlitz Indian Tribe, which is currently landless, wishes to create a Tribal land base for its members and establish a Tribal Headquarters from which its Tribal Government can operate to provide housing, health care and other governmental services, and from which it can conduct the economic development necessary to fund these Tribal Government services and provide employment opportunities for its members. The Proposed Action serves the needs of the BIA by advancing the agency's "Self Determination" policy of promoting the Tribe's self-governance capability. It serves the needs of the Tribe by promoting meaningful opportunities for economic development and self-sufficiency of the Tribe and its members.

The unmet needs of the Cowlitz Indian Tribe are presented in the Tribal Business Plan, a required element of the fee-to-trust application submitted under 25 CFR 151 (**Appendix E** of the Final EIS [FEIS]). This plan details the Tribe's mission, goals and economic strategies for addressing the needs of the Cowlitz Tribe and its members. These include a sustained revenue stream to fund basic Tribal government infrastructure, the development of employment opportunities, the creation of a diverse and stable Tribal economy, and a variety of social programs to benefit Tribal members. Tribal governmental programs to address the needs of Tribal membership outlined in the Tribal Business Plan include: Tribal Government, Health Care and Social Services, Housing, Elder Care Services, Education, Cultural Preservation, Transportation, Environment and Natural Resources, and Tribal Enterprises. The annual budgetary requirements of these programs exceed \$113 million.

The Cowlitz Indian Tribe, which was Federally recognized in January 2002, has an enrollment of 3,544 people, with the majority (66%) between the ages of 18 and 65 (Cowlitz Indian Tribe, 2006). Of the total workforce of 2,349, approximately 20% are unemployed (Cowlitz Indian Tribe, 2005b).

The Tribal Government's purpose in requesting the approval of a gaming development and management contract from the NIGC is to allow the Tribe to team with an experienced casino management company to develop and operate the proposed casino-resort complex. The Tribal Government needs a developer/manager because it alone cannot secure the necessary financing to develop this project and it lacks the necessary expertise to manage the casino-resort complex. As previously stated, the NIGC's responsibility and authority for the regulation of gaming on Indian lands is derived from the IGRA.

The casino facility will be operated pursuant to the requirements of Federal law and a Tribal/State Compact that will be negotiated between the State of Washington and the Tribal Government. The casino-resort complex will provide the Tribal Government with a long-term, sustainable revenue base from which to fund government operations and Tribal programs that will decrease Tribal members' dependence on Federal and State funding. The Tribal Government plans to use revenues to fund a

variety of social, housing, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members, and to provide capital for other economic development and investment opportunities. The casino will provide employment opportunities for Tribal members and many local non-Tribal residents. Casino operations will also promote the purchase of goods and services, which may be provided by nearby communities. Additionally, funds from the Proposed Project will be used to assist local governmental operations, programs and services, and charitable organizations, including local educational institutions.

As a newly recognized, landless Tribe, the Tribe's need for a reservation and land base over which it can exert civil jurisdiction and governmental powers, as well as a headquarters facility from which it can develop and operate Tribal Governmental programs, is particularly acute. Having a reservation base is fundamental to the Tribe's ability to establish a stable Tribal Government, perform essential government functions, preserve Tribal culture, and generate Tribal Government revenues that will be used to provide its members with housing, health, and other social services. Designation of the land as the Tribe's reservation will also promote Tribal sovereignty and a sense of community by setting aside land over which the Tribe is recognized as having governmental jurisdiction by the United States. The alternative project sites are centrally located for a significant portion of the Tribe's members, who have become relatively widely dispersed over time as a result of the Tribe's historic circumstances. The planned Tribal housing is intended to provide elder members, who often are those most in need of assistance, with residences located near the Tribal offices that they will rely on for governmental services.

In addition, a number of Federal Indian programs are limited to Indians "on or near Indian reservations" further illustrating the importance of the Tribe having a designated reservation so that its members will be eligible for these Federal program benefits. Currently, access of Cowlitz Tribal members to the following Federal Indian programs is either constrained or precluded by the lack of a reservation: the Indian Business Development Program established under 25 USC 1521; the Financial Assistance and Social Services Programs regulated by 25 C.F.R. Part 20; Employment Assistance for Adult Indians regulated by 25 C.F.R. Part 26; Vocational Training for Adult Indians regulated by 25 C.F.R. Part 27; Education Contracts under the Johnson-O'Malley Act regulated by 25 C.F.R. Part 273; and the Food Distribution Program on Indian Reservations regulated by 7 C.F.R. 253 and 254.

In summary, the revenues from the Proposed Project will fund the operations of the Tribal Government and its social, housing, educational and health and welfare programs, including the elder housing and the cultural center that will be located on the project site. Operation of those Tribal programs and the Tribe's efforts to achieve self-determination and self-governance will be enhanced by the establishment of a reservation, as will access by Tribal members to a variety of Federal governmental assistance programs.

1.3 OVERVIEW OF THE NEPA ENVIRONMENTAL REVIEW PROCESS

NEPA requires that an EIS be prepared for major Federal actions that could significantly affect the quality of the human environment. This document has been completed in accordance with applicable requirements, including those set out in NEPA (42 U.S.C. 4321 *et seq.*); the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR Sections 1500 – 1508); and the BIA's NEPA handbook (59 IAM 3-H).

An Environmental Assessment (EA) was previously prepared by the Cowlitz Indian Tribe for a smaller-scale project on the La Center Interchange site. The EA was released for public review in March 2004. This document is available for review through the BIA. Subsequently, the Tribe decided to modify the Proposed Project and the BIA decided to proceed with an EIS to fulfill the requirements of NEPA.

1.3.1 SCOPING PROCESS

NEPA regulations state that the minimum requirement for initiation of the scoping process is filing of a Notice of Intent (NOI) to prepare an EIS. However, scoping may be initiated earlier, as long as there is enough information available on the proposal so that the public and relevant agencies can participate effectively. The BIA published an NOI in the *Federal Register* on November 12, 2004, describing the Proposed Action and Alternatives, and announcing the BIA's intent to prepare an EIS (DEIS Vol. I, **Appendix B**). During the NOI comment period (November 12 to December 13, 2004), the BIA identified 14 Cooperating Agencies: (1) NIGC, (2) FHWA, (3) USACE, (4) WsDOT, (5) the Cowlitz Indian Tribe, (6) Clark County, (7) the Clark County Sheriff's Office, (8) Cowlitz County, (9) the City of Vancouver, (10) the City of La Center, (11) the City of Ridgefield, (12) the Port of Ridgefield, (13) the City of Woodland, and (14) the City of Battle Ground (DEIS Vol. I, **Appendix A**).

A Scoping Report was published by the BIA in February 2005. Refer to **Section 1.4** for further details on the Scoping Report and scoping process.

1.3.2 DRAFT EIS AND COMMENT PERIOD

In April 2006, the Draft EIS was distributed to Federal, Tribal, State, and local agencies and other interested parties for a 90-day review and comment period. This comment period was subsequently reopened on August 4 and closed again on August 25, 2006. The total comment period lasted the duration of 145 days. Substantive comments received during the comment period, including those submitted or recorded at public hearings, are addressed in this Final EIS. The review and comment period on the DEIS began after the Notice of Filing with the EPA in the *Federal Register*. The

Notice of Availability (NOA) published by the BIA (**Appendix D** of the FEIS) provided the time and location of public hearing(s) to receive comments from the public concerning the DEIS.

1.3.3 FINAL EIS

All substantive comments received during the comment period, including those submitted or recorded at public hearing(s), are addressed in this FEIS. **Appendix A** of the FEIS includes the log of all comment letters received. CEQ Regulations for Implementing NEPA 40 CFR Section 1503.4 requires that “All substantive comments, or summaries thereof where the response has been exceptionally voluminous, should be attached to the final statement whether or not the comment is thought to merit individual discussion from the agency in the text of the statement.” Accordingly, all substantive comments, or representations thereof where identical comments have been submitted by multiple parties, have been included in this FEIS. Due to the considerable volume of comments submitted in response to the DEIS, the BIA has elected to limit redundancy and duplication by including a selective sample of letters within the FEIS that represents the full range of substantive comments received during the public review period. These letters are included as **Appendix C** of the FEIS.

Responses have been provided for each substantive comment submitted during public review of the DEIS. These responses are provided within the Response to Comments documents included with each of the representative comment letters in **Appendix C** of the FEIS, and are also addressed in **Appendix B** of the FEIS (General Comments and Responses) and reflected in modifications made throughout the text of the FEIS where necessary and appropriate. Any comments previously received during the scoping period and/or in response to review of the preliminary document have already been considered and addressed through modifications reflected in the DEIS released in April 2006.

The BIA will publish this FEIS and file it with the EPA. The EPA will then publish an NOA for the FEIS in the *Federal Register* marking the beginning of the 30-day period after which the BIA may decide on the Proposed Action.

1.3.4 RECORD OF DECISION

At the time of the decision, the BIA will prepare a concise public record of decision (ROD), which states what the decision is, identifies all the alternatives considered in reaching the decision, and discusses preferences among alternatives based on relevant factors including economic and technical considerations and the BIA’s statutory mission. The ROD also identifies and discusses all factors that were balanced and discusses whether all practicable mitigation measures have been adopted to minimize environmental effects. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. Specific details of adopted mitigation measures shall be included as

appropriate conditions in whatever approvals are being made by the lead agency. CEQ Regulations for Implementing NEPA, 40 CFR Section 1505.3, requires that “Mitigation and other conditions established in the environmental impact statement or during its review and committed as part of the decision shall be implemented by the lead agency or other appropriate consenting agency.” Therefore, the terms of a Record of Decision are enforceable and can be used to ensure execution of the mitigation measures identified therein.

Mitigation and Monitoring Program

Within the ROD a monitoring and enforcement program must be adopted and summarized where applicable for any mitigation. However, it should be noted that mitigation enforceable by parties other than the BIA, for example through permits or enforceable agreements, does not require a monitoring and enforcement program.

1.4 SCOPING

The CEQ Regulations for Implementing NEPA require a “scoping” process, to determine and narrow the range of issues to be addressed during the environmental review of a Proposed Action (40 CFR Section 1501.7). The scoping process entails a determination of the issues that will be addressed in the EIS by soliciting comments from agencies, organizations and individuals. All issues that were raised during the NOI comment period were considered during the scoping process. Additionally, the BIA determined that it would consider issues raised during the public review of the 2004 Draft EA prepared by the Tribe. The issues that were raised during the NOI comment period and public review of the 2004 Draft EA have been summarized within the *Cowlitz Casino Project Environmental Impact Statement Scoping Report*. This report was published by the BIA in February 2005 and is available for review from the BIA’s Northwest Region Office at 911 NE 11th Avenue, Portland, Oregon 97232. This EIS addresses the issues and concerns summarized in the scoping report. Alternatives analyzed within the DEIS were developed based on consultation with the Tribe and consideration of the comments received during the scoping process.

1.5 MEMORANDUM OF UNDERSTANDING AND TRIBAL ORDINANCES

In 2004, the Tribe entered into a Memorandum of Understanding (MOU) with Clark County (DEIS Vol. I, **Appendix C**). Under the MOU, the County has agreed to provide services to the proposed facility that include, but are not limited to, law enforcement, fire protection and emergency medical services. In return, the Tribe has agreed to ensure that the development and operation of the facility is consistent with certain specified County codes and ordinances and to provide payments to the County to offset County expenditures and impacts to County revenues. Additionally, the Tribe will establish a fund for charitable purposes and to mitigate potential problem gaming impacts. The MOU applies

to Alternatives A, B, C, and D on the La Center Interchange Site. The MOU does not apply to Alternative E on the Ridgefield Interchange Site.

An action entitled *Alexanderson et al. v. Board of Clark County Commissioners* was filed against the County, challenging the MOU. After a number of jurisdictional rulings, in December 2006 the Washington Court of Appeals determined that the MOU conflicted with, and therefore constituted a de facto amendment of, the County Comprehensive Plan. The Court remanded the matter to the Western Washington Growth Management Hearings Board, which had jurisdiction to review the MOU as a result of the Court's decision. In 2007, the Growth Management Board issued a decision that the MOU is invalid because it violates the Washington State Growth Management Act (primarily on grounds that the MOU is an amendment to the County's Comprehensive Plan and therefore the County should have complied with certain public participation requirements). The County appealed the Board's decision to the Thurston County Superior Court, which upheld the Growth Management Board's decision. The County appealed the Superior Court's decision to the Washington State Court of Appeals, and that appeal remains pending.

Because the *Alexanderson* litigation has resulted in uncertainty regarding the final legal status of the MOU and the mitigation measures contained in the MOU, in October 2007 the Tribe enacted two ordinances 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. The Tribe first enacted an Environment, Public Health and Safety (EPHS) Ordinance which: (i) obligates the Tribe to perform the mitigation measures included in the MOU, (ii) grants an irrevocable limited waiver of the Tribe's sovereign immunity to Clark County to allow an enforcement action by the County in state court; (iii) provides that the Tribe will not revoke or modify either the waiver of sovereign immunity or the environment, health and safety mitigation provisions of the Ordinance, and (iv) creates a Tribal Enforcement and Compliance Officer (TECO), whose duty is to ensure implementation of and compliance with the EPHS Ordinance. The Tribe submitted this ordinance to the Department for inclusion in the record supporting this Environmental Impact Statement.

The Tribe also passed a Gaming Ordinance Amendment that amended the Tribe's existing gaming ordinance and incorporated the entire Tribal EPHS Ordinance. The Gaming Ordinance Amendment therefore included mitigation measures equivalent to those in the MOU as part of the Tribe's gaming ordinance, and gave the federal government enforcement authority to ensure that the mitigation measures are implemented. As required by IGRA, the Tribe submitted the Gaming Ordinance Amendment to NIGC for approval.

On January 8, 2008, the Tribe's Gaming Ordinance Amendment was approved by NIGC. The NIGC's approval letter, Tribal Gaming Ordinance Amendment, and Tribal EPHS Ordinance are included within **Appendix U** of the FEIS. As a consequence of these two new Tribal Ordinances, the

Tribe is obligated to perform the same mitigation measures, and the County will be able to bring the same type of enforcement action against the Tribe, even if the MOU is ultimately invalidated in the litigation. In other words, the two tribal ordinances effectively replicate the MOU obligations and enforcement authorities, so that the outcome of the MOU litigation will not affect the EIS process. Both the Tribe and the County have indicated that they are relying on the Tribal Ordinances as an alternative vehicle for ensuring that mitigation measures equivalent to those in the MOU are implemented and enforced (**Appendix V**). However, it should be noted that the Tribal Ordinances do not constrain the County or commit them to further actions. Therefore, while mitigation is expected to be identical or equivalent, the structure of the Tribal Ordinances allows some potential differences in the specific mechanisms for implementing such mitigation measures (e.g. tribal provisions for certain services, including law enforcement and fire protection, if an agreement with the County cannot be reached).

1.5.1 LAW ENFORCEMENT

Pursuant to Section 3.0 of the MOU between the Tribe and Clark County (DEIS Vol. I, **Appendix C**) and Section 3(A) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe and the County will enter into a detailed agreement providing for law enforcement on the project site (the La Center Interchange Site). The agreement will outline, among other things, procedures for the cross training of any Tribal security force that may be created in order to provide for an effective working relationship with the Clark County Sheriff's Office. The agreement will also outline procedures for reimbursement of the Sheriff's Office for reasonable costs incurred in conjunction with furnishing law enforcement at the project site. In the event that the MOU is found invalid and a separate agreement is not reached for Police Protection Services, the EPHS ordinance requires the Tribe to establish its own Tribal Law enforcement services for the trust land consistent with the anticipated level of service to be provided by the County Sheriff's Department.

Section 4.0 and 5.0 of the MOU and Section 3(B) of the Tribe's EPHS Ordinance address jurisdiction and reimbursement of costs related to prosecutions by the Clark County Prosecuting Attorney's Office and the provision of court and jail services.

1.5.2 FIRE PROTECTION

Pursuant to Section 6.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(C) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe agrees to compensate Clark County Fire District (CCFD) 12 for costs associated with providing fire protection and emergency response services to Tribal lands and facilities as provided under a separate agreement between the Tribe and CCFD 12. Mechanisms for reimbursement of costs are discussed in further detail in the MOU and Tribal EPHS Ordinance. In the event that the MOU is found invalid and a separate agreement is not

reached for Fire Protection Services, the EPHS ordinance requires the Tribe to establish its own Tribal Fire Department services for the trust land consistent with the anticipated level of service to be provided by the County Fire District.

1.5.3 HEALTH DEPARTMENT

Pursuant to Section 7.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(D) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe agrees to comply with all health regulations adopted by the State of Washington and Clark County. The Tribe also agrees to obtain all required permits and to allow health inspectors access to the property to ensure compliance with all state and local health regulations.

1.5.4 TRAFFIC MITIGATION

Pursuant to Section 8.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(E) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe agrees to mitigate traffic, safety, and circulation issues in conformity with Clark County requirements; to obtain approval from Clark County and/or WsDOT on the design of public roadway, intersection, and interchange improvements prior to beginning the work; and to finance all reasonable costs associated with the public road system improvements.

1.5.5 SEWER AND WATER

In accordance with Section 9.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(F) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe shall provide sewage conveyance, treatment, and disposal through development of a new independent sewage treatment plant constructed by the Tribe on the project site (the La Center Interchange Site). Alternatively, the EPHS Ordinance allows for connection to a local wastewater treatment service provider as suggested as optional mitigation in **Section 5.0**. The Tribe shall provide water supply through connection to the existing Clark Public Utilities (CPU) system in accordance with Section 9.3 of the MOU and Section 3(F) of the Tribe's EPHS Ordinance.

1.5.6 CONSISTENCY WITH COUNTY ORDINANCES

In accordance with Section 10.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(G) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe has agreed to develop the trust lands and any structures and uses on the property in a manner consistent with certain specified Clark County codes and ordinances. The specified sections of the Clark County Code are those attached as Exhibit C to the MOU.

1.5.7 IMPACTS ON COUNTY REVENUES

In accordance with Section 11.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(H) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe has agreed to compensate the County on a biannual basis in lieu of property taxes for revenue lost resulting from the removal of the project site (the La Center Interchange Site) from the tax rolls; collect and remit sales tax as appropriate on all non-Indian sales which take place on the project site in business enterprises owned and operated by the Tribe; and make annual payments of the equivalent of a transient occupancy tax as would be payable by non-Tribal members to the County. 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**). Additionally, Section 11.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(C) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS) require the Tribe to participate in and make payments to the CCFD 12 Local Improvement District should one be established to secure funding for equipment and fire services (LID).

1.5.8 ADDITIONAL TRIBAL COMMITMENTS

In accordance with Section 12.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(J) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS), the Tribe agrees to establish the Cowlitz Tribe Education and Arts Fund for the support of charitable activities in Clark County, including arts, education and local government support. Additionally, the Tribe has agreed in Section 12.0 of the MOU (DEIS Vol. I, **Appendix C**) and Section 3(I) of the Tribe's EPHS Ordinance (**Appendix U** of the FEIS) to make an annual contribution of *not less than* \$50,000 to a program designated by the County that deals with and treats problems associated with compulsive behavior, including compulsive gambling.

1.6 REGULATORY REQUIREMENTS, PERMITS AND APPROVALS

The Proposed Project, and implementation of mitigation for adverse effects of the Proposed Project, will require Tribal, Federal, State and local permits and approvals. **Table 1-2** identifies each responsible agency and the potential permit or approval required.

TABLE 1-2
POTENTIAL PERMITS AND APPROVALS REQUIRED

Agency	Permit or Approval	Alternative
Federal		
National Indian Gaming Commission	Approval of Tribal gaming ordinances.	AA, AB, AC, AE
	Approval of gaming development and management contract.	AA, AB, AC, AE
Secretary of the Interior	Transfer of the selected alternative project site into Federal trust status for the Tribal Government and issuance of a reservation proclamation.	AA, AB, AC, AD, AE
U.S. Environmental Protection Agency	Issuance of National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Construction Activities as required by the Clean Water Act.	AA, AB, AC, AD, AE
	Issuance of an NPDES General Permit for Wastewater Discharge as required by the Clean Water Act.	AA, AB, AC
U.S. Army Corps of Engineers	Approval of permit(s) under Section 404 of the Clean Water Act for the filling of jurisdictional wetlands/waters.	AA, AB, AC, AD, AE
U.S. Fish and Wildlife Service	Section 7 Consultation under the Federal Endangered Species Act if endangered species may be affected by the project.	AA, AB, AC, AD, AE
State		
Washington Office of Archaeology and Historic Preservation	Consultation under Section 106 of the National Historic Preservation Act.	AA, AB, AC, AD, AE
Washington Department of Transportation	Approval of an Encroachment Permit for the construction of intersection improvements.	AA, AB, AC, AD, AE
County		
Clark County Board of County Commissioners	Approval of a road vacation for the rerouting of NW 319 th Street.	AA
Clark County Department of Public Works and Community Development	Approval of engineering and construction plans for intersection improvements.	AA, AB, AC, AD, AE
Clark County Department of Public Works and Community Development	Approval of an Encroachment Permit for intersection improvements.	AA, AB, AC, AD, AE

NOTE: The following abbreviations identify the alternatives:

- AA Alternative A – Preferred Casino-Resort Project
- AB Alternative B – Preferred Casino-Resort Project Without Rerouting NW 319th Street
- AC Alternative C – Reduced Intensity
- AD Alternative D – Business Park
- AE Alternative E – Ridgefield Interchange Site

Source: AES, 2006.