

1.0 PURPOSE AND NEED FOR AGENCY ACTION

This first chapter of the Cascade Locks Resort and Casino Environmental Impact Statement (EIS) addresses the purpose and need for agency action and describes the scope of this document. Additionally, it briefly describes the proposed action of the Bureau of Indian Affairs (BIA) and provides background information regarding this action, including applicable federal and state laws.

1.1 Proposed Action

The Secretary of the Interior, through the Bureau of Indian Affairs (BIA), is proposing to approve an application by the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe) for the fee-to-trust transfer of approximately 25 acres of land within the City of Cascade Locks, Hood River County, Oregon. After transfer, the land would be used for the development of a casino and related entertainment facilities (including dining venues, hotel, spa, and cultural experiences). The Tribe would also lease adjacent lands (approximately 35 acres) from the Port of Cascade Locks for ancillary facilities associated with the proposed project, including parking, site drainage, and utilities connections. The proposed casino project also would include local transportation system improvements necessary to provide access to the proposed development, as well as the addition of a new interchange on Interstate 84 (I-84) and closures of ramps at the existing Herman Creek and East Cascade Locks interchanges.

The acquisition of land in trust status must be approved by the Secretary of the Interior, as described in the Indian Reorganization Act (25 United States Code (USC) § 465) and the regulations set forth in 25 Code of Federal Regulations (CFR) Part 151. Gaming on lands acquired in trust after October 17, 1988, is subject to Section 20 of the Indian Gaming Regulatory Act (25 USC § 2719). The authority to approve or disapprove land acquisitions for gaming and gaming-related purposes (e.g., hotel, parking, entertainment facilities, etc.) is vested with the Assistant Secretary of Indian Affairs. These regulations and procedures are further described in Sections 1.3.4 through 1.3.6 of this chapter. The purpose of the Tribe's fee-to-trust application is for future use of the site for gaming and gaming-related purposes.

The BIA is preparing this EIS in accordance with the National Environmental Policy Act (NEPA), 42 USC §§ 4321 *et seq.*, and applicable NEPA regulations. BIA is the lead federal agency for preparation of the EIS. The Federal Highway Administration (FHWA) is a cooperating federal agency under NEPA (40 CFR 1501.6 and 1508.5). Four other agencies also are cooperating in the preparation of the EIS: Oregon Department of Transportation, Hood River County, City of Cascade Locks, and Port of Cascade Locks.

1.2 Purpose of and Need for Agency Action

The purpose of and need for agency action is to improve the Tribe's long term economic condition and support its self-sufficiency, both with respect to its government operations and its members.

At present, the Tribe faces a serious financial situation caused by steadily declining tribal revenues and shrinking tribal budgets against a backdrop of a rapidly growing and youthful tribal population with significant unmet social and economic needs, including but not limited to health care, housing, education, employment, and job skills. The Tribe's "Adjusted Governmental Needs" unmet by current revenues is approximately \$26 million per year. This number is expected to continue to rise as revenues continue to decline and tribal membership grows. The

unmet governmental needs hinder the Tribe's ability to adequately support tribal self-sufficiency, tribal investment in its economic and social services infrastructure, or tribal government provision of benefits and services to tribal members or to otherwise support the health and well being of the tribal community.

1.3 Background

The following section provides additional detail regarding the Tribe and the proposed casino project, and describes federal and state laws applicable to the proposed action.

1.3.1 The Confederated Tribes of the Warm Springs Reservation

The Warm Springs Indian Reservation, established by treaty with the federal government in 1855, consists of approximately 1,000 square miles of land in north central Oregon (Figure 1-1). The Columbia River, once part of the Tribe's territory, remains an important part of tribal tradition and culture. Prior to the Treaty of 1855, tribal ancestors relied on the Columbia River and its resources for food. In the Treaty of 1855, these Columbia River lands were ceded to the federal government (the "Ceded Lands") in exchange for land established for the exclusive use of the treaty tribes (i.e., the Warm Springs Indian Reservation). Although the Treaty of 1855 required tribal members to move from their traditional homes along the Columbia River and its Oregon tributaries to the Warm Springs Indian Reservation, the treaty reserved for tribal members important off-reservation rights to continue to fish, hunt, and gather roots and berries for ceremonial, subsistence, and commercial purposes within the Ceded Lands. These rights extended outside of the Ceded Lands at usual and accustomed fishing stations and on unclaimed lands. Many tribal members live year-round in communities along the Columbia River, and thousands of acres of individual Indian and tribal trust allotments are scattered along the Columbia River.

The Tribes and Bands of Middle Oregon who were signatories to the Treaty of 1855 practiced self governance. To meet the challenges of a modern society, in 1938 the people of the Warm Springs Indian Reservation voted to establish their government under the Indian Reorganization Act, 25 USC §§ 461 *et seq.* Governed by an 11-member Tribal Council, the tribal government is responsible for providing a full range of services, including education, health and recreation, public safety and law enforcement, public utilities, natural resources management, economic development, and community assistance. In addition to overseeing governmental services, the Tribal Council charters and oversees the Tribe's economic enterprises.

The 2000 U.S. Census reported the population of the Warm Springs Indian Reservation as 3,633. The Tribe's reported enrollment in January 1999 was 3,851. As of February 2006, tribal enrollment was 4,428, representing an average annual growth rate of approximately 2 percent for the seven-year period. At this rate of growth, tribal membership is projected to be approximately 7,147 by 2030.

1.3.2 Tribal Revenues and Economic Needs

Historically, most of the Tribe's revenues to support governmental services were from timber receipts. In recent years, hydropower has been a contributing source of revenue. Timber receipts have been declining in recent years due to reduction in log values, reduced demand for timber, and diminishing supplies. The long-term outlook for timber income continues to be pessimistic as the tribal forest resource adjusts to conservative sustained yield forest management practices and the national and global wood product markets continue to remain depressed.

In 1995, the Tribe opened a small casino on the reservation as part of the Tribe's Kah-Nee-Ta Resort to increase the Tribe's revenue base, improve employment, and promote economic self sufficiency. The casino is located approximately 11 miles from the nearest intersection with US 26 and accessible only by reservation roads that do not meet current highway safety standards. The remote location of the casino has limited its ability to attract visitors. Revenues from the casino have not offset the decline in timber revenues.

Tribal revenues have been insufficient to meet the Tribe's governmental needs and continue to decline. In addition, the declining role of federal revenue for all tribes is a contributing factor in the Tribe's need to identify new or expand existing revenue sources. The economic need of the Tribe is established in comprehensive annual financial reports, cash flow forecasts, a summary of adjusted governmental needs, a tribal census report, and other information compiled by the Tribe in *The Confederated Tribes of the Warm Springs Reservation of Oregon, Response to Request for Information related to Section 20(b)(1)(A) of the Indian Gaming Regulatory Act* (August 15, 2005), *Update of IGRA Sec. 20(b)(1)(A) Consultation Response of August 15, 2005 and Information Regarding Non-gaming Alternatives to Cascade Locks Casino* (May 8, 2006), and *Discussion of Adjusted Governmental Needs for the Confederated Tribes of the Warm Springs Reservation of Oregon* (August 28, 2006). These documents are provided in Appendix A. The Section 20 Response and Update (see Section 1.3.4) provide the following information regarding the financial needs of the Tribe:

- Nearly 33.2 percent of the tribal families on the reservation are living in poverty, compared to 9.7 percent for Oregon families statewide, according to the U.S. Census Bureau's American Community Survey of Oregon for 2003. Almost one-third (32.9 percent) of tribal members were reported below the poverty level in the 2000 U.S. Census.
- The median age of the tribe is 23.9 years, significantly lower than that of Oregon (36.3 years). The young population is described as "at-risk" by the Tribe with needs for special education, nutrition, health care, safe housing, job skills training, and higher family wages.
- The average age of death during the years 1983 to 2003 was 45 years old; 70 percent of deaths occurred before the age of 65, compared to the national average of 25 percent. The major causes of early death on the reservation are accidents, diabetes, heart disease, suicide, and liver disease.
- Approximately 41.6 percent of the tribal population is school-aged children. The high school drop-out rate of tribal members is more than 44 percent.
- The Tribe has had a long-term goal of building a new public elementary school (kindergarten through 5th grade) that will require a total tribal capital contribution of \$15 million. The Tribe would also like to construct a junior and senior high school on the reservation because current conditions require that all sixth grade-level tribal students and older be bused off-reservation to attend school in Madras, Oregon. The school bus ride for some students on the reservation is more than one hour each way.
- A new facility for the Children's Protective Services Department is needed at a cost of \$3.5 million. An additional \$300,000 is needed to complete funding for the Media Center, which houses the Tribe's noncommercial radio station, tribal newspaper, and public information services.

- The Tribe has estimated that annual unmet health care needs of tribal members are between \$4 and \$8 million. Additionally, the Warm Springs Clinic is expected to require extensive updates and renovation or replacement in the next 7 years.
- Other critical capital infrastructure projects include a new juvenile detention facility and an adult detention facility, community center, telecommunications and microwave infrastructure, Kah-Nee-Ta wastewater system upgrade, community water treatment plant expansion, upgrades to the Warm Springs Museum, and a rest stop and visitor's center along US 26.
- The reservation has a chronic housing shortage. Approximately 1,000 members live off-reservation, primarily in Madras, Oregon, and other bordering communities, because housing on the reservation is limited. Almost all of the land on the Warm Springs Indian Reservation is in trust status, meaning that the United States holds legal title to the land in trust for the benefit of the Tribe or individual tribal members. As a result, mainstream mortgage financing for homes is not available and the federal government or the Tribe must provide funds for home construction. Much of the housing on the Warm Springs Indian Reservation is substandard and tribal officials have identified a large number of uninhabitable trailers that must be removed from the tribal trailer park. The residents of the trailer park will need to be relocated and multi-unit apartment houses and other rentals need to be constructed as replacements. The Tribe estimates that \$35 million is needed to build sufficient housing on the reservation to meet tribal members' demand.
- Of the tribal population 16 years and older, the unemployment rate is 28.4 percent, which is more than three times higher than Oregon's unemployment rate of 8.7 percent. Approximately 33 percent of the tribal population 16 and older is not even in the labor force. Most employment available on the reservation is through tribal government or tribal enterprises.
- Reservation wages are below the state average and the median household income is significantly below that of the state (\$25,068 compared to \$40,319). Tribal per capita income is less than half of that for the state of Oregon: \$7,781 compared to \$20,940.

The Tribe has been experiencing a revenue decline. As a result, the 2006 budget has been cut by \$2 million. This budget was cut by eliminating entire tribal departments such as the Tribal Economic Development Department. The Tribe anticipates the 2007 budget will require an additional \$2 million cut and a further \$1.5 million reduction will be needed in the 2008 budget.

According to *The Confederated Tribes of the Warm Springs Reservation of Oregon, Response to Request for Information related to Section 20(b)(1)(A) of the Indian Gaming Regulatory Act* (August 15, 2005), the Tribe's "Adjusted Governmental Needs" unmet by current revenues is approximately \$26 million per year (Appendix A). This deficit is expected to grow. Insufficient funds have resulted in reduced services and employment for tribal members. Cash flow forecasts prepared by the Tribe's Finance Department for budgeting purposes show a steady decline in tribal revenues through 2011. The cash flow forecasts show that, beginning in 2006, expenditures are likely to exceed revenues, requiring the Tribe to take more from its Revenue Reserve Fund to provide minimal governmental services to the tribal members and reservation residents. Eventually, if this situation is not changed by significant new sustainable revenues, the reserve fund will be exhausted, forcing the Tribe to make more severe cuts in services and employment.

The \$26 million “Adjusted Governmental Need” is a current measure of the insufficient revenues for critical government operations only. Additional revenues are needed for the Tribe to achieve economic self-sufficiency, which requires capital investment and economic development on the self-sustaining reservation.

1.3.3 The Indian Reorganization Act and 25 CFR Part 151

The Indian Reorganization Act, 25 USC § 465, authorizes the United States to acquire land in trust status for individual Indians and tribes. The regulations set forth in 25 CFR Part 151 describe the authorities, policy, and procedures governing acquisition of trust land, including off-reservation acquisitions. The acquisition of land in trust status must be approved by the Secretary of the Interior. The land acquisition policy in Part 151 states that land may be acquired for a tribe in trust status:

- (1) When the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or
- (2) When the tribe already owns an interest in the land; or
- (3) When the Secretary determines acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

In reviewing a tribe’s request to approve a trust acquisition, Part 151 requires the Secretary to consider the need of the tribe for additional land; the purposes for which the land will be used; the impact on state and local jurisdictions resulting from the removal of the land from the tax rolls; jurisdictional problems and potential conflicts of land use which may arise; and information provided by the tribe allowing the Secretary to comply with NEPA and to make a determination concerning the presence of hazardous substances on the land. A tribe requesting land acquisition must also provide the Secretary with a letter or resolution by the tribe describing the proposal to acquire land and the tribe’s written consent of the acquisition.

For off-reservation acquisitions, Part 151 also requires the Secretary to consider the location of the land to be acquired; the tribe’s business plan detailing the economic benefits associated with the intended use of the land; and input from state and local governments having jurisdiction over the land concerning potential impacts of the acquisition (25 CFR § 151.11). In reviewing the location of off-reservation acquisitions, the Secretary is to consider the distance between the land to be acquired and the reservation. The greater the distance of the acquired land from the tribe’s reservation, the greater the justification will need to be to support the benefits to the tribe. After reviewing the relevant information, the Secretary makes a decision and notifies the tribe of its approval or disapproval of the tribe’s trust land acquisition request.

1.3.4 The Indian Gaming Regulatory Act (IGRA)

The IGRA of 1988, 25 USC §§ 2701-2721, regulates gaming by federally recognized Indian tribes and states that Indian tribes hold the exclusive right to conduct gaming activities on tribal lands if those activities are not prohibited by federal law or prohibited by the state in which the games are played. One of the stated purposes of IGRA is “to provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments....” 25 USC § 2702.

To ensure revenues raised from gaming promote tribal economic development, self-sufficiency, and strong tribal government, IGRA [25 USC § 2710(b)(2)(A)] limits the use of net gaming revenues to the following:

- Funding tribal government operations or programs;
- Providing for the general welfare of the Indian tribe and its members;
- Promoting tribal economic development;
- Making donations to charitable organizations; and
- Funding operations of local government agencies.

Under IGRA Section 20 (25 USC § 2719), gaming on lands acquired in trust by the Secretary after October 17, 1988 (i.e., the date IGRA was enacted), is prohibited, with some exceptions. Under one such exception, gaming is allowed on land acquired in trust after October 17, 1988, when:

“...the Secretary, after consultation with the Indian tribe and appropriate state and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the state in which the gaming activity is to be conducted concurs in the Secretary’s determination...” (25 USC § 2719(b)(1)(A))

Under IGRA, gaming is regulated in three categories: Class I, II, and III. The proposed action is for a Class III facility.

- **Class I** gaming refers to tribal games with minimal prizes that serve ceremonial or celebratory functions.
- **Class II** gaming is a narrowly defined class and includes bingo and similar games.
- All gaming not classified as Class I or II is categorized as **Class III**.

This subsection of Section 20 is often referred to as the Secretary’s “two-part determination” because the Secretary must determine that gaming on the newly acquired land both (1) would be in the best interest of the tribe and its members, and (2) would not be detrimental to the surrounding community. It gives states¹, local officials, and other tribes consultation privileges with the Secretary regarding the impacts of a gaming proposal on their communities. In addition to meeting the two-part test, the Secretary must gain concurrence from the Governor of the state in which the gaming activity is to be conducted.

1.3.5 Tribal-State Compact

IGRA also requires the creation of a Tribal-State Compact prior to initiation of Class III gaming on tribal lands (25 USC § 2710(d)(3)(A)). Tribal-State Compacts serve as a means to establish gaming activities and the management of those activities on tribal lands. Tribal-State Compacts identify the types of Class III gaming to be conducted; applicability and enforcement of regulations; and other matters pertinent to the tribe’s proposal. Generally, IGRA does not allow states to impair the right of an Indian tribe to regulate Class III gaming on tribal lands unless the tribal regulation is inconsistent with or less stringent than state laws and regulations made applicable by the Compact (25 USC § 2710(d)(5)).

¹ These powers and privileges are only applicable for the state in which the gaming activities are to be conducted or land acquisition shall occur unless the Secretary requests consultation with neighboring states.

Upon receipt of a tribe's request to enter into a Compact, IGRA calls upon the governing state to negotiate with the tribe in good faith (25 USC § 2710(d)(3)(A)). Should irreconcilable conflicts arise during negotiations, both parties are afforded the opportunity to seek resolution through the United States District Court or through mediation (25 USC § 2710(d)(7)). Once a Compact is signed by both the tribe and the state, the Secretary can approve, disapprove, or take no action (25 USC § 2710(d)(8)). The Secretary is allowed to disapprove the Compact only if it violates the provisions of IGRA or other federal laws, or violates trust obligations of the United States to the Indians (25 USC § 2710(d)(8)(B)). The tribal lands on which the Class III gaming facility would be located must be taken into trust before the Secretary approves a Tribal-State Compact (25 USC § 2710(d)(8)(A)).

1.3.6 Procedures for Gaming and Gaming-Related Acquisitions

The BIA Office of Indian Gaming Management (OIGM) is responsible for Indian gaming functions and activities remaining with, or delegated to, the Secretary of the Interior under the IGRA. The OIGM is also responsible for the review of recommendations from BIA regional offices regarding requests for the acquisition of land into trust for gaming and gaming-related purposes. The authority to approve or disapprove land acquisitions for gaming and gaming-related purposes is vested with the Assistant Secretary of Indian Affairs. The authority to accept title into trust for BIA has been delegated to the Regional Director.

A tribe requesting acquisition of land for gaming purposes is required to submit an acquisition package to the appropriate BIA regional office. The acquisition package must contain information and documents necessary to show the acquisition would be in compliance with Part 151, IGRA, NEPA, and other applicable federal laws, regulations, and Executive Orders. The Part 151 notification to state and local governments, IGRA Section 20 consultations, and the NEPA process are conducted under the guidance and leadership of the BIA Regional Office.

Upon satisfactory resolution of issues raised by the proposed acquisition of land for gaming, the Regional Director prepares and submits a memorandum of Proposed Findings of Fact and Conclusions relative to Part 151, IGRA Section 20, and NEPA, and other information deemed appropriate by the Regional Director, to the Assistant Secretary of Indian Affairs. The memorandum also must contain the Regional Director's recommendations for approval or disapproval of the acquisition. The Assistant Secretary reviews the submitted documentation and, for approved requests, notifies the Regional Director to complete the land acquisition pending: 1) the tribe's compliance with all federal requirements associated with the request and 2) a 30-day comment period that begins upon publication of the Assistant Secretary's proposed acquisition decision in the Federal Register. Barring no judicial impediment, the Regional Director then accepts title in trust for the BIA, records the deed in the county and with the appropriate BIA title office, and files the deed with the Bureau of Land Management.

Following approval of a gaming acquisition, the tribe must then complete its obligation under IGRA by passing a tribal ordinance or resolution that authorizes Class III gaming on the acquired property, and by entering into a Tribal-State Compact. The Secretary of the Interior may choose to approve or take no action. The Secretary is allowed to disapprove the Compact only if the Compact violates the provisions of IGRA or other federal laws.

1.3.7 Agreements for Cascade Locks Casino

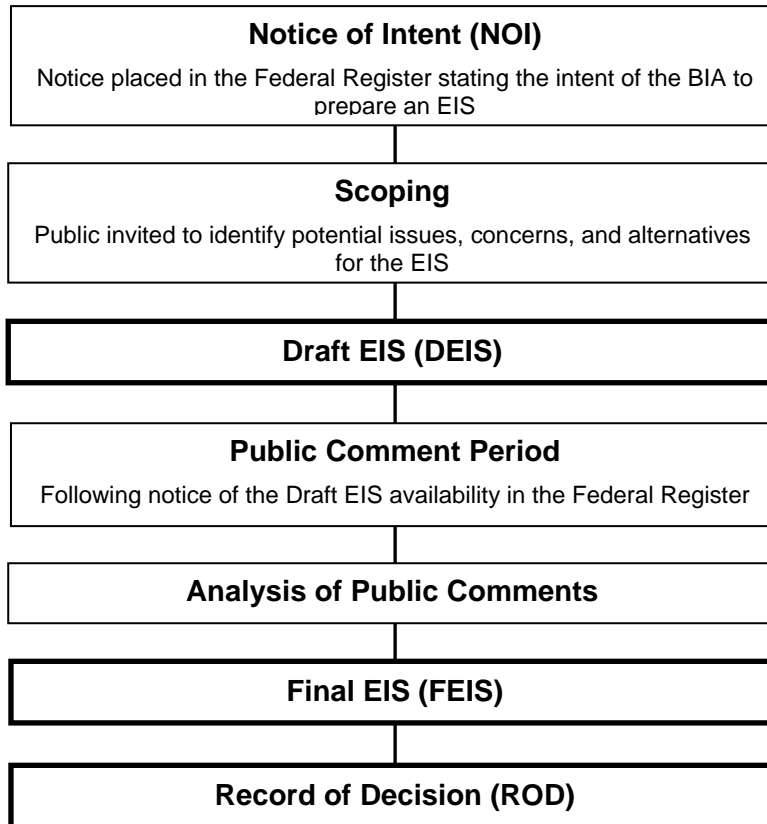
In 2005, the Tribe, City of Cascade Locks, Hood River County, and the State of Oregon signed a series of agreements pertaining to development of a casino in Cascade Locks. These agreements include a Tribal-State Compact for Class III gaming (dated April 6, 2005), a Memorandum of Understanding with the state regarding preservation of the Hood River Trust Lands (dated April 6, 2005), and a Memorandum of Agreement (MOA) with the City of Cascade Locks and Hood River County addressing impacts of the casino on the local community (dated March 25, 2005). The Tribe made these agreements to address local concerns about developing a casino in the Port of Cascade Locks Industrial Park and to secure the Governor's commitment to concur in the Secretary's two-part determination pursuant to IGRA Section 20(b)(1)(A). In a letter to Interior Secretary Norton dated April 29, 2005, 32 federal, state, and locally elected officials endorsed the Tribal-State Compact to develop a casino in Cascade Locks.

On April 8, 2005, the Tribe formally submitted Tribal Council Resolution No. 10,500 to the BIA's Northwest Regional Office and to the BIA OIGM in Washington, D.C., requesting the initiation of land-into-trust proceedings for the Cascade Locks casino site pursuant to 25 CFR Part 151 and IGRA Section 20(b)(1)(A). At the same time, the Tribe and the Governor submitted the Tribal-State Compact to the Secretary of the Interior for the 45-day review provided under IGRA Section 2710(d)(8). At the conclusion of the 45-day review period, the Secretary did not approve the Tribal-State Compact because, in accordance with IGRA, the land on which the Class III gaming facility would be located must be taken into trust for gaming before the Secretary can approve the Compact. As a result of this decision, and as recommended in the Secretary's disapproval letter, the Tribe is proceeding with its application to have BIA take the land into trust under 25 CFR Part 151 and IGRA Section 20(b)(1)(A). Assuming the 25-acre parcel of land is accepted into trust, the Tribe will resubmit the Tribal-State Compact for the Secretary's 45-day review.

1.4 The EIS Process and Scope

This EIS has been prepared to meet the requirements of NEPA, the Council on Environmental Quality's regulations implementing NEPA (40 CFR Parts 1500-1508); NEPA requirements in the Department of the Interior's Departmental Manual, Part 516 (National Environmental Policy Act), Section 6 (Managing the NEPA Process), and the BIA NEPA handbook (59 IAM 3-H).

The first formal step in the preparation of an EIS is the publication of a Notice of Intent (NOI) to prepare an EIS. The BIA published the NOI for this proposed action in the *Federal Register* on August 30, 2005 (70 Federal Register 51363). The NOI described the proposed action and identified the reasons an EIS is being prepared. It also initiated the scoping process and published information on public scoping meetings and opportunities to comment on the scope of the EIS. Based on public and agency comments received during the initial 45-day comment period following publication of the NOI, BIA refined the statement describing the purpose and need for federal agency action and developed a preliminary range of alternatives to be assessed in the EIS. With this new information available, BIA provided an additional 30-day comment period, specifically to seek input on the revised Purpose and Need statement and the range of alternatives.



The scope of an EIS covers the range of environmental issues to be addressed, the types of effects to be considered, and the alternatives to be analyzed. The EIS presents an analysis of reasonable alternatives and the potential impact those alternatives would have on the natural and human environment. The EIS scoping process is designed to provide an opportunity for the public and other federal, state, and local agencies to help determine the scope of the EIS.

BIA issued a Scoping Report on March 1, 2006 (revised August 9, 2006), to summarize the issues that were raised and comments received by members of the public and government agencies during the scoping period. The Scoping Report is available at the project website: www.gorgecasinoeis.com. This EIS responds to the major issues identified in the scoping report, including resources potentially affected by the project, the range of alternatives, and depth and breadth of the impacts analysis. This Draft EIS is not a decision document. The purpose of the EIS is to document the potential environmental, social, and economic consequences of constructing and operating the proposed project or alternatives. Specific functions of the EIS include:

- Provides site-specific environmental analyses for proposed facilities and activities and reasonable alternatives to the Tribe's proposal;
- Describes, analyzes, and discloses the biological, physical, social, and economic impacts that proposed facilities and activities and alternatives would generate;
- Identifies, where possible, the long-term impacts, secondary, and cumulative effects of the proposal and alternatives;
- Indicates possible mitigating measures which may be used to avoid or reduce impacts; and

- Provides documentation of the potential impacts for review and evaluation by interested public agencies, groups, and individuals and for use as a basis for decision-making.

The EIS is issued in draft form for public review and comment. BIA will consider all comments and other relevant information received during the comment period and will issue a Final EIS. No sooner than 30 days following the issuance of the Final EIS in the *Federal Register*, BIA will issue a Record of Decision (ROD) signed by the Bureau decision maker. The ROD will document BIA's decision to accept or reject the Tribe's application for a fee-to-trust transfer of the land within the City of Cascade Locks. Decisions by other jurisdiction to issue approvals related to the proposed project may be aided by the disclosure of potential impacts found in the EIS. The BIA assumes no responsibility for enforcing laws, regulations or ordinances which are under the jurisdiction of other government agencies.

The availability of the Final EIS and the ROD will be published on the project website (www.gorgecasinoeis.com) and in local media, as needed to reach the widest possible affected public, including minority or low-income communities. A 30-day appeal period is required after the ROD is published before the proposed action may be implemented. Opportunities to appeal the decision will be provided in accordance with BIA regulations and policies.