

MEMORANDUM OF UNDERSTANDING (MOU)

among:

UNITED STATES DEPARTMENT OF INTERIOR
Bureau of Indian Affairs (BIA)

UNITED STATES DEPARTMENT OF TRANSPORTATION
Federal Highway Administration (FHWA)

OREGON DEPARTMENT OF TRANSPORTATION (ODOT)

CITY OF CASCADE LOCKS

PORT OF CASCADE LOCKS

and

HOOD RIVER COUNTY

relative to:

Cascade Locks Resort and Casino Decision Documents Project

- I. **Purpose.** This MOU describes the intended relationships between the Bureau of Indian Affairs (BIA), Federal Highway Administration (FHWA), Oregon Department of Transportation (ODOT), City of Cascade Locks, Port of Cascade Locks, and Hood River County relative to the environmental impact statement (EIS) for the Cascade Locks Resort and Casino Project; collectively referred to as "Parties".

The Confederated Tribes of the Warm Springs (Tribes) intend to seek a fee-to-trust transfer of approximately 25 acres for development of gaming and related entertainment facilities (including dining venues, hotel, spa, and cultural experiences), within the City of Cascade Locks, Hood River County, Oregon, hereinafter referred to as "the Project". In addition to the fee-to-trust parcel, the Tribes intend to lease adjacent lands (approximately 35 acres) from the Port of Cascade Locks for ancillary facilities associated with the Project (including parking, site drainage, and utilities connections). The Project would also include transportation system improvements necessary to provide access to the proposed development, including possible modifications to access Interstate 84. The purpose of the proposed action is to improve the economy of the Tribes and help their members attain economic self-sufficiency.

The intended fee-to-trust transfer would require approval by the BIA. Modification of the access to Interstate 84 would require review and approval by FHWA and ODOT. For purposes of compliance with the National Environmental Policy Act (NEPA), the BIA intends to be the lead agency for the future Project and FHWA, ODOT, the City of Cascade Locks, Port of Cascade Locks, and Hood River County intend to be cooperating agencies.

II. Objective. Each agency identified in this MOU (i.e., BIA, FHWA, ODOT, City of Cascade Locks, Port of Cascade Locks, and Hood River County) intends to have some independent jurisdiction over the Project. The objective of this MOU is to facilitate cooperation among the Parties in the development of an EIS for the proposed Project that meets the requirements of NEPA and the participating agencies. This MOU outlines the intended responsibilities of each agency to ensure that the regulatory requirements of each agency are met. This MOU also provides suggested procedures for resolving conflicts.

III. Authority. The agencies enter into this MOU under the authority of the National Environmental Policy Act of 1969 (NEPA), as amended (Pub. L. 91-190, 42 U.S.C.), July 28, 1999 CEQ Memorandum on Designation of Non-Federal Agencies to be Cooperating Agencies in Implementing the Procedural Requirements of NEPA, September 21, 1998, and Department of Interior Policy on State, Local and Tribal Governments as Cooperating or Joint Lead Agencies Under NEPA.

By the authority granted in ORS 190.110 and 366.558, ODOT may enter into cooperative agreements with the United States Federal Government for the performance of work on improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

By the authority granted in ORS 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

IV. Responsibilities and Procedures

A. Responsibilities of the Lead Agency: BIA intends, to the extent of its involvement and jurisdiction in the proposed Project, to accept the following responsibilities:

1. Ensure that the NEPA documents meet the requirements outlined in Council on Environmental Quality (CEQ) regulations at 40 CFR 1500-1508, and ensure that the EIS is in compliance with all applicable laws, policies, Executive Orders, and guidelines with respect to potential Project impacts and mitigation measures.

2. Participate in all phases of EIS preparation and the permitting process, including attending inter-agency coordination meetings, reviewing draft documents and public notices, and participating in public scoping and DEIS public review meetings and hearings.
3. To the extent feasible, adhere to the attached schedule. The schedule may be modified by mutual agreement between the Parties: a) in the event that action or policy changes occur which affect proposed Project scope, or b) changes occur as a result of the public participation process.
4. Designate a representative(s) to serve as the day-to-day liaison or point of contact for this proposed Project.
5. Identify the significant environmental issues; identify economically feasible and prudent Project alternatives; and coordinate the decision process.
6. Review and approve the Draft EIS and Final EIS prior to release to the public.
7. Receive and review all agency and public scoping comments, comments on the Draft EIS and Final EIS, and assist where appropriate with preparing responses to comments.
8. Contribute to and maintain a comprehensive mailing list for distribution of Project information and NEPA documents.
9. Ensure that the cooperating agencies are consulted during the early stages of Project planning to be involved in the identification of alternatives, evaluation of environmental impacts, and development of recommendations for mitigation measures where impacts are unavoidable.
10. Ensure that all documents relative to the EIS are distributed to the cooperating agencies.
11. Prepare a Record of Decision for the fee-to-trust action.
12. Prepare necessary notices for publication in the Federal Register, including Notice of Intent, Notice of Draft EIS Availability, Notice of Final EIS availability, and Notice of Record of Decision.

13. Respond to appeals. BIA does not permit appeals of NEPA documents prior to project implementation.

14. Maintain an administrative record.

B. Responsibilities of Cooperating Agencies: FHWA, ODOT, The City of Cascade Locks, Port of Cascade Locks, and Hood River County intend, to the extent of their involvement and jurisdiction in the proposed Project to accept the following responsibilities:

1. Participate in the EIS process, including attending inter-agency coordination meetings, reviewing draft documents, and participating in the public scoping and Draft EIS public review processes.
2. Adhere to the attached schedule.
3. Designate a representative(s) to serve as the day-to-day liaison or point of contact for this proposed Project.
4. Identify the significant environmental issues, particularly those that relate to the agency's special expertise.
5. Review agency and public scoping comments, comments on the Draft EIS and Final EIS, and assist where appropriate with preparing responses to comments.
6. Contribute to a comprehensive mailing list for distribution of Project information and NEPA documents.

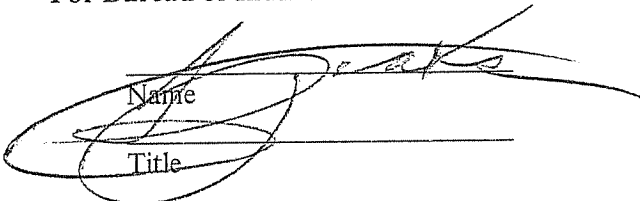
C. Individual Responsibilities: The following describes the intended individual responsibilities of agencies party to this MOU:

1. FHWA Responsibilities: FHWA intends to:

- a. Provide special expertise in all elements of the NEPA process pertaining to possible modification to the access to Interstate 84.
- b. Prepare a Record of Decision for possible modification to the access to Interstate 84.

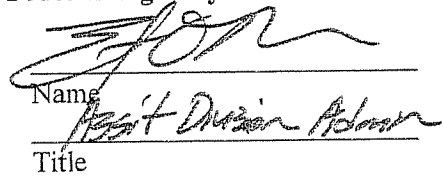
VI. Endorsements. We have read the foregoing and by signing this MOU, agree to our intent to provide services as outlined above.

For Bureau of Indian Affairs:


Name
Title

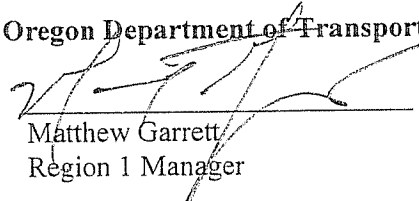
10/28/05
Date

For Federal Highway Administration:


Name
Asst. Division Admin
Title

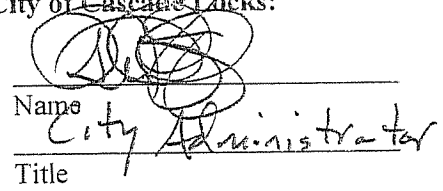
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Date

For Oregon Department of Transportation:


Matthew Garrett
Region 1 Manager

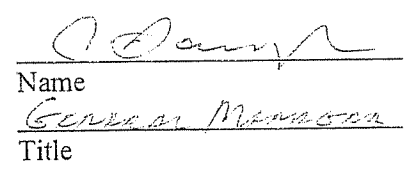
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For City of Cascade Locks:


Name
City Administrator
Title

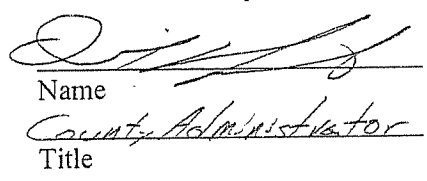
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Date

For Port of Cascade Locks:


Name
General Manager
Title

9-15-05
Date

For Hood River County:


Name
County Administrator
Title

9/8/05
Date