

Cascade Locks Resort and Casino Project Confederate Tribes of the Warm Springs Reservation of Oregon

Lead Agency:



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March 1, 2006
Revised August 9, 2006

SCOPING REPORT

for the
Draft Environmental Impact
Statement

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TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS.....	1
1.0 BACKGROUND	1
1.1 Introduction	1
1.2 Purpose of This Report	2
1.3 Proposed Project.....	2
1.4 Decision Processes.....	3
1.5 Public and Agency Involvement Plan.....	4
2.0 SCOPING PROCESS	5
2.1 Summary.....	5
2.2 Agency Coordination.....	6
2.3 Public Involvement	7
2.3.1 Public Notice	7
2.3.2 Project Web Site.....	10
2.3.3 Public Meetings.....	10
2.3.4 Other Involvement Opportunities.....	11
3.0 RESULTS OF SCOPING	11
3.1 Compilation of Input	12
3.2 Scoping Issues.....	14
3.2.1 Significant Issues	14
3.2.2 Other Issues to Assess	28
3.2.3 Issues Beyond the Scope of the EIS.....	29
4.0 PROPOSED ACTION AND ALTERNATIVES.....	35
4.1 Purpose and Need	35
4.1.1 Purpose.....	35
4.1.2 Need.....	35
4.2 Alternatives	35
5.0 EIS SCHEDULE AND PUBLIC REVIEW	39

Tables

Table 1: Agency Involvement Methods.....	8
Table 2: Open House Attendance and Input Received.....	11
Table 3: Tabulation of Scoping Comments.....	13
Table 4: Alternatives Screening Matrix	36

Appendices

- A. Notice of Intent
- B. List of Tribes, Elected Officials, Government Agencies, and Organizations Commenting
- C. Tribal, Elected Official, Government Agency Letters
- D. Report on Open House Input
- E. Court Reporter Transcripts
- F. Presentation Session Questions and Answers

ACRONYMS AND ABBREVIATIONS

BIA	Bureau of Indian Affairs
CEQ	Council on Environmental Quality
CWA	Clean Water Act
Draft EIS	Draft Environmental Impact Statement
DOI	U. S. Department of the Interior
EIS	Environmental Impact Statement
ESA	Endangered Species Act
Final EIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
HCRH	Historic Columbia River Highway
IAMP	Interchange Area Management Plan
IGRA	Indian Gaming Regulatory Act
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NSA	Columbia River Gorge National Scenic Area
ODEQ	Oregon Department of Environmental Quality
ODOT	Oregon Department of Transportation
RCWG	Regulatory Compliance Work Group
ROD	Record of Decision
TMDL	Total maximum daily load
Tribe	Confederated Tribes of the Warm Springs Reservation of Oregon

1.0 BACKGROUND

1.1 INTRODUCTION

The Confederated Tribes of the Warm Springs Reservation of Oregon (Tribe) proposes to develop a resort and casino in the City of Cascade Locks, Hood River County, Oregon. The purpose of the resort and casino is to improve the Tribe's long-term economic self-sufficiency, both with respect to its government operations and to its members, by allowing them to develop a gaming facility at a new location. To develop the resort and casino, the Tribe seeks a fee-to-trust transfer of approximately 25 acres in trust for the development of gaming and related entertainment facilities. Pursuant to Section 20 of the Indian Gaming Regulatory Act (IGRA), the Secretary of the Interior must also determine whether establishment of a gaming facility for the Tribe on these lands (1) will be in the best interest of the Tribe and its members and (2) will not be detrimental to the surrounding communities.

As part of the review and approval process for the fee-to-trust action and Section 20 determination, the Department of the Interior (DOI), through its Bureau of Indian Affairs (BIA), must comply with the National Environmental Policy Act (NEPA). Pursuant to NEPA requirements, BIA has determined that an environmental impact statement (EIS) is necessary to assess the potential impacts of the Tribe's proposal and alternatives to that proposal. The EIS

will be prepared in accordance with NEPA; Council on Environmental Quality (CEQ) Implementing Regulations, 40 CFR 1500-1508; DOI, Departmental Manual Part 516, 1-7 and 10; BIA Manual, Supplement 1 (The NEPA Handbook), 2004; and other relevant statutes, regulations, and DOI and BIA requirements.

1.2 PURPOSE OF THIS REPORT

The NEPA process is intended to ensure that environmental information is available to public officials and citizens before decisions are made and actions are taken. CEQ regulations at 40 CFR 1501.7 require an early and open process to determine the scope of issues to be addressed in an EIS and to identify significant issues related to a proposed action. This process is termed “scoping.” Scoping is used early in the NEPA process to identify the scope of the environmental analysis to be conducted. This report is intended to summarize the scoping process and results for the Cascade Locks Resort and Casino EIS.

This report describes the proposed project and federal actions; the program for agency and public involvement; the results of scoping, including the issues identified; the purpose and need for the proposed action; alternatives to the proposed project; and the EIS schedule and future opportunities for public involvement. Included as appendices are comment letters from tribal governments, elected officials, and government agencies, as well as a compilation of input from public scoping meetings.

1.3 PROPOSED PROJECT

The proposed project is development by the Tribe of a resort and casino within the City of Cascade Locks, in the Columbia River Gorge, 40 miles east of the City of Portland. To develop the resort and casino, the Tribe seeks a fee-to-trust transfer of approximately 25 acres in trust for the development of gaming and related entertainment facilities (including dining venues, hotel, spa, and cultural experiences). The 25 acres proposed for trust acquisition are part of a 120-acre industrial park located at the eastern edge of the city. In addition to the fee-to-trust parcel, the Tribe intends to lease approximately 35 acres from the Port of Cascade Locks for ancillary facilities associated with the resort and casino (including parking, site drainage, and utilities connections).

The project area is currently zoned as light and heavy industrial property, located within an existing industrial business park owned by the Port of Cascade Locks with direct access to the Columbia River. The property is adjacent to an active Union Pacific Railroad line that parallels Interstate 84 (I-84) to the south, and is bordered by Government Island Cove to the east and partially-developed, leased land to the north. To the west are the business park’s entry road and a wood products company. Access to the site from I-84 is currently available from secondary roads that join I-84 at the Herman Creek Interchange and Cascade Locks East and West Interchanges.

The project area is within an Urban Area as designated by the Columbia River Gorge National Scenic Area Act and thus exempt from the provisions of the National Scenic Area Management Plan. The project area is also within an area determined by the Indian Claims Commission in *Confederated Tribes of the Warm Springs Reservation of Oregon vs. United States* (Docket No. 198) to be aboriginal lands of the Tribe.

Although the eventual size and scope of the facilities may be modified based on information obtained through the EIS process or through final design, the Tribe's current proposal is for a \$389 million, 603,000-square-foot destination resort and casino. Initial plans include a 90,000-square-foot gaming casino, 241-room hotel, 26,000-square-foot meeting and convention facility, spa and fitness center, retail shops, cultural and interpretive center, daycare facility, and variety of dining options. Parking would be provided for 3,700 vehicles, including a multi-tiered parking garage (three levels, with the first level recessed into the ground) and two surface lots.

The proposed project also includes transportation system improvements necessary to provide access to the proposed development. Among the improvements to be studied as part of the proposed action is a new I-84 interchange at the existing Forest Lane overpass of I-84. The proposed improvements would include an over-crossing of the Union Pacific Railroad tracks to enter the Port of Cascade Locks Industrial Park and the resort and casino properties. The Tribe would be responsible for the cost of these transportation system improvements.

1.4 DECISION PROCESSES

To develop the proposed project, two federal actions are required:

1. Section 20 Determination

Pursuant to Section 20 of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719 (b)(1)(A), the first federal action would be a determination by the Secretary of Interior whether establishment of a gaming facility for the Tribe on newly acquired land in Cascade Locks would be in the best interest of the Tribe and its members and not detrimental to the surrounding community.

2. Fee-to-Trust Approval

Pursuant to 25 U.S.C. § 465 and 25 CFR Part 151, the second federal action would be the acquisition of a 25-acre parcel of fee land in trust status for purposes of developing the gaming facility.

As part of the review and approval process for the fee-to-trust action and Section 20 determination, compliance with NEPA is required. Because transportation system improvements to I-84 would be required, the Tribe's proposal also requires review and approval by the Federal Highway Administration (FHWA) and the Oregon Department of Transportation (ODOT), which also requires compliance with NEPA.

BIA, the lead federal agency, has determined that an EIS is needed to assess the potential effects of the Tribe's proposal and alternatives to that proposal. The purpose of the EIS is to

document the environmental, social, and economic consequences of constructing the proposed resort and casino and associated transportation system improvements. The EIS is not a decision document. Following completion of a Final EIS, a recommended fee-to-trust action will be forwarded by the BIA Regional Director to the Assistant Secretary for Indian Affairs for a final decision and documented in a Record of Decision (ROD). As a separate decision action, the Secretary of the Interior will make the IGRA Section 20 determination.

In addition to NEPA, the Tribal proposal is subject to a variety of federal, state, and local permits and review processes. Key among these are an Access Point Decision Report and an Interchange Area Management Plan (IAMP). Both FHWA and ODOT policies require an Access Point Decision Report for any change in access to an interstate freeway. The report is a stand-alone decision by FHWA that will be approved subsequent to EIS approval.

ODOT policies require that an IAMP be prepared for a new interchange to protect the proper function of the proposed interchange (Oregon Highway Plan Policy 3C; OAR 734, Division 51). The purpose of an IAMP is to protect the function of the interchange by maximizing the capacity of the interchange for safe movement from the adjacent freeway, to provide safe and efficient operations between connecting roadways, and to maximize the need for major improvements of existing interchanges. The IAMP will be prepared concurrently with the EIS and approved by the Oregon Transportation Commission.

Additionally, transportation system improvements are being coordinated with Union Pacific Railroad and the EIS will consider potential effects to rail service through the area.

1.5 PUBLIC AND AGENCY INVOLVEMENT PLAN

As an initial task in the NEPA process, BIA, through its EIS contractors, developed a Public and Agency Involvement Plan to define the elements of an ongoing public and agency involvement program for the preparation of the EIS and other required documentation for the project. NEPA charges BIA, as the lead agency, to:

- Disclose the known environmental impacts of proposed actions and alternatives.
- Provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected. (40 C.F.R. 1506.6).

The Public and Agency Involvement Plan sets forth the strategy for communicating with agencies, the public, and other interested parties about the project. It also defines the tools, timing, and strategies for obtaining public and agency input.

The current Plan addresses public and agency involvement elements through the scoping phase and is being revised to incorporate appropriate public and agency involvement elements for the remainder of the NEPA process. The intent is to have the scoping process help inform the design of appropriate public and agency involvement elements for the Draft EIS public

review process and other phases of the EIS. The Plan is posted on the project Web site, www.gorgecasinoeis.com.

2.0 SCOPING PROCESS

2.1 SUMMARY

The first formal step in EIS preparation is publication of a Notice of Intent (NOI) to prepare an EIS. The BIA published the NOI for the proposed project in the Federal Register on August 30, 2005 (Appendix A). The NOI describes the proposed action and its purpose and need. The NOI also announced the initiation of the formal scoping process with a 45-day public comment period that concluded on October 15, 2005.

Based on comments received during the initial public comment period, 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 beginning December 1, 2005, specifically to seek input on the refined purpose and need statement and preliminary range of alternatives.

As detailed below, multiple opportunities were provided for public and agency involvement during the scoping phase. Highlights of the scoping process include:

- Two public comment periods, totaling 75 days.
- Development of a four-tier program of agency coordination, with ten separate interagency coordination meetings conducted.
- During the initial public comment period, four public scoping meetings in Gorge communities and one in Portland, attended by approximately 675 persons.
- Four press releases to over 80 media outlets in Oregon and Washington, resulting in extensive media coverage of the project and public meetings.
- Over 1,800 comment letters from individuals, organizations, agencies, elected officials, and tribal governments.
- Almost 6,000 visits to the project Web site, with close to 40% of comments submitted via the site's comment form.

A wide range of issues for consideration in the EIS has been identified in the scoping comments. Among the most frequently mentioned issues are:

- The precedent of authorizing off-reservation gaming.
- Effects on the integrity of the National Scenic Area (NSA) and compliance with the NSA Act and Management Plan.

- Effects on I-84 and local streets.
- Air quality and visibility effects.
- Effects on the local infrastructure and public services, including utilities, schools, housing, and emergency services.
- Economic effects to local communities and other tribes.
- Induced growth and effects on local communities.
- Effects on natural resources and scenic values.
- Effects of gambling on moral values, social services, and community character.
- Alternative locations for casino development, most notably on the Warm Springs Reservation or in the Portland area.
- The viability of casino development at a Hood River site.

2.2 AGENCY COORDINATION

Based on the Public and Agency Involvement Plan, a four-tier program of agency involvement and government-to-government consultation was instituted during scoping and will continue throughout the NEPA process. Table 1 lists the functions and composition of the various interagency groups. The four tiers of the program are:

- *Partner Agencies -- Lead and Cooperating Agencies, Tribe*

As lead agency, BIA may request that other agencies having jurisdiction by law or having special expertise be "Cooperating Agencies." Cooperating agencies are expected to participate in all aspects of the NEPA process. FHWA, ODOT, the City of Cascade Locks, Port of Cascade Locks, and Hood River County have been designated as cooperating agencies. The Tribe also is considered to be a partner agency.

Two levels of partner agency involvement are being utilized: a Level 2 group composed of agency decision-makers and a Level 1 group of agency staff representatives that will serve as a working group in support of EIS preparation. Partner agencies met six times during the scoping phase.

- *Regulatory Compliance Work Group -- Agencies with Regulatory Authority*

A Regulatory Compliance Work Group (RCWG) has been established to advise on the project's regulatory acceptance. Invitees to participate include all agencies with jurisdiction over the proposed project site in Cascade Locks, an alternative site in Hood River, or proposed transportation system improvements. The RCWG met twice during the scoping phase.

An Access Working Group has been formed as a sub-committee of the RCWG to focus on transportation issues. The Access Working Group met twice during scoping.

- *Interested Agencies -- Agencies without Jurisdiction*

Interested agencies without regulatory jurisdiction will be briefed at key points during the process and asked to provide informal input. Eight interested agencies participated in an August 9, 2005 briefing and scoping session.

- *Tribal Consultation*

The Confederated Tribes of the Warm Springs Reservation of Oregon belong to the Columbia River Treaty Tribes, which also includes the Tribes and Bands of the Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation, and Nez Perce Tribe. These other treaty tribes have been contacted to determine how they wish to be involved in the NEPA process. These tribes and the Confederated Tribes of the Grand Ronde Community of Oregon have also been invited to participate in developing oral history reports to identify traditional cultural properties. Government-to-government consultation with the Columbia River Treaty Tribes and other interested tribes will occur in accordance with BIA and FHWA protocols.

All agencies were informed that BIA and its EIS contractors would be available for briefings. Briefings were provided to U.S. Forest Service National Scenic Area staff and to Columbia River Gorge Commission staff about the NEPA process, proposed inclusion of a Hood River alternative for analysis, and opportunities for involvement.

2.3 PUBLIC INVOLVEMENT

As with agency coordination, a variety of public involvement opportunities were provided during scoping in accordance with the Public and Agency Involvement Plan. These included the two public comment periods previously described, comment opportunities through the project Web site, five scoping open houses, and an offer of briefings to interest groups.

2.3.1 Public Notice

Notice of scoping public involvement activities was provided through publication of the NOI to prepare the EIS, press releases, broad press coverage, the project Web site, and agency and organizational Web sites and newsletters. The NOI was published on August 30, 2005 in the *Federal Register*. A press release announcing the initiation of public scoping was issued on August 18 to over 80 media outlets in Oregon and Washington. An August 29 press release announced the scheduling of an additional public open house in Stevenson, Washington. A September 12 press release served as a reminder notice of the public open houses. Extensive press coverage was provided by *The Oregonian*, *Hood River News*, *The Columbian* and other newspapers, as well as by a number of radio stations throughout the region. Portland area television stations provided coverage of the scoping open houses.

Table 1: Agency Involvement Methods

Tier	Function	Composition	Comments
Partner Agencies	<ul style="list-style-type: none"> ▪ Participate in all aspects of NEPA process. ▪ Review and comment on draft EIS elements. ▪ Share relevant information and data. ▪ Advise on process. 	<ul style="list-style-type: none"> ▪ Lead and Cooperating Agencies <ul style="list-style-type: none"> - BIA - FHWA - ODOT - City of Cascade Locks - Port of Cascade Locks - Hood River County ▪ Tribe 	
Level 1 Team	Provide day-to-day process advice and technical assistance.	Key agency staff	Meets every 4-6 weeks
Level 2 Team	Resolve and decide issues.	Agency decision-makers	Meets on as-needed basis
Regulatory Compliance Work Group (RCWG)	Coordinate regulatory aspects of project and ensure compliance with regulatory requirements.	Partner Agencies plus: <ul style="list-style-type: none"> ▪ Governor's Office (Economic Recovery Team) ▪ City of Hood River ▪ Washington Department of Transportation ▪ National Marine Fisheries Service ▪ U.S. Fish and Wildlife Service ▪ U.S. Army Corps of Engineers ▪ U.S. Forest Service, National Scenic Area ▪ National Park Service ▪ Gorge Commission ▪ Oregon Department of Environmental Quality ▪ Oregon Department of Fish and Wildlife ▪ Oregon Department of State Lands ▪ Oregon Department of Land Conservation and Development ▪ Oregon Parks and Recreation Department ▪ Oregon Office of Regulatory Streamlining ▪ State Historic Preservation Office ▪ Union Pacific Railroad 	Will generally meet in conjunction with Level 1 Team

Tier	Function	Composition	Comments
Interested Agencies	To be briefed at key points in the process. To provide informal input (official agency input to be submitted as part of public review).	<ul style="list-style-type: none"> ▪ Confederated Tribes of the Grand Ronde Community of Oregon ▪ Skamania County ▪ Multnomah County ▪ Sherman County ▪ Wasco County ▪ City of Stevenson ▪ City of North Bonneville ▪ City of Troutdale ▪ Port of Skamania County ▪ Port of Hood River ▪ Port of Klickitat ▪ Bonneville Power Administration ▪ Columbia River Intertribal Fish Commission ▪ Oregon State Police ▪ National Indian Gaming Commission 	Will meet at key points in the process
Access Working Group	Coordinate and advise on transportation issues generally and on FHWA 8-Point Access Decision Report and ODOT Interchange Area Management Plan (IAMP) specifically	Subset of RCWG	Meets every 4-6 weeks
Columbia River Treaty Tribes, Other Tribes	Government-to-government consultation in accordance with BIA and FHWA protocols	<ul style="list-style-type: none"> ▪ Yakama Nation ▪ Umatilla Tribes ▪ Nez Perce Tribe ▪ Grand Ronde Tribe ▪ Siletz Tribe 	

Notice of the additional public comment period was provided through a December 1 press release, the project Web site, and direct notice to over 1,700 parties on the project mailing list.

Coverage of the project and public comment opportunities was also provided through newsletters and on Web sites maintained by city and county agencies and a number of interest groups.

2.3.2 Project Web Site

A project Web site, www.gorgecasinoeis.com, was launched on August 18, 2005. The Web site provides information on the proposed project, EIS process, and comment opportunities. It also contains products developed to date, such as the NOI, Frequently Asked Questions, Purpose and Need Statement, alternatives, preliminary Significant Issues, and related documents. Responses to questions from open house presentation sessions are also posted. This Scoping Report will be posted on the Web site when finalized.

The Web site provides a description of the scoping process and comment opportunities, as well as a Comment Form to facilitate commenting. For the additional public comment period, input was specifically solicited on the purpose and need for the proposed action and alternatives to be considered or eliminated from detailed analysis in the EIS.

The Web site recorded a total of 5,960 visits during the scoping phase, with an average of 39 visits per day between August 18 and December 31, 2005. Close to 40% of scoping comments were submitted via the Web site.

2.3.3 Public Meetings

A series of five public scoping meetings were conducted to provide information on the project and to solicit public input. These meetings were intended to obtain input early in the NEPA process on issues and potential impacts to be assessed in the EIS, the purpose and need for the project, and alternatives to consider or eliminate from detailed analysis. The meetings were conducted in an open house format, rather than as public hearings. Court recorders were available at each meeting so that participants could provide individual, oral comments, which were recorded verbatim.

Each public scoping meeting used an open house format. In this format the project team made one or two presentations to provide information about the proposed project, the EIS process, and to answer questions. The meeting rooms were set up to provide multiple opportunities for participants to receive information and provide input. Stations contained project information, maps, and drawings of the proposed resort and casino. Flipcharts were set up near the information and participants were encouraged to write comments on them. Project team representatives were on hand to answer questions.

At each of the open houses, participants were given an opportunity to submit written questions that would be read and responded to during a question and answer session. These questions and responses are included as Appendix F and are posted on the project Web site. A compilation of open house input is provided as Appendix D and court reporter transcripts as Appendix E.

Approximately 675 persons attended the open houses, with about 25% of the attendance at each open house consisting of repeat attendees. Seventy individuals gave oral testimony to court reporters; 88 questionnaires were completed. Table 2 summarizes the attendance and input received at each open house.

Table 2: Open House Attendance and Input Received

Date/Location	Attendance	Completed Questionnaires	Court Reporter Statements	Presentation Session Questions	Written Statements
September 15 Cascade Locks, OR	166	16	18	47	9
September 17 Cascade Locks, OR	135	15	12	44	7
September 19 Portland, OR	125	28	18	56	7
September 21 Hood River, OR	121	15	10	46	6
September 28 Stevenson, WA	127	14	12	52	4
TOTAL	674	88	70	245	33

2.3.4 Other Involvement Opportunities

Through the project Web site, project staff advertised its availability on a limited basis to make presentations on the project to organized groups; however, no such requests were received.

3.0 RESULTS OF SCOPING

This section provides a compilation of the amount and type of input received during scoping and categorizes the issues identified. A list of tribes, elected officials, government agencies, and organizations that commented is included as Appendix B. Comment letters from Tribal governments, elected officials, and government agencies are attached as Appendix C.

3.1 COMPILATION OF INPUT

A total of 1,808 comments were received on the proposed project. Of these, 257 comments (14%) were received prior to issuance of the NOI, with most of these commenting on approval of a Tribal-State Compact. Almost 70% of the total comments were received during the initial public comment period. Approximately 300 comments (17%) were received during the additional comment period. The majority of these comments focused on the proposed purpose and need for the project and alternatives to analyze or eliminate from detailed analysis in the EIS.

Slightly over half of the comments were received via mail or fax, and almost 40% through the project Web site. The remainder was received via the five open houses.

Over one-third of the comments are form letters, including form e-mails and postcards, expressing opposition to the project. Letters that paraphrased form letter contents in a personalized manner were counted as personal letters. The bulk of form letters originate from the Portland metro area. Most out-of-state comments are also form letters.

Comments from individuals account for 95% of the comments received. Comments were received from 11 elected officials or bodies; four tribal governments; five agencies; and 25 interest groups or coalitions of groups.

Almost 80% of the comments originate in Oregon, and 12% in Washington. Half of all comments are from the Portland-Vancouver metro area. Approximately 12% of the comments are from Cascade Locks and other Hood River County locations; about 20% of all comments are from Oregon and Washington Gorge communities.

Generally speaking, comments from Oregon Gorge communities support the proposed project and comments from the Portland-Vancouver metro area and Washington communities oppose it. All form letter comments are in opposition to the project. The majority of the comments received during the additional comment period focus on the adequacy of the proposed purpose and need and range of alternatives, rather than taking a specific position on the project.

Table 3 provides a tabulation of comments based on form, type of respondent, geographic origin, and opinions expressed.

Table 3: Tabulation of Scoping Comments

Number of Scoping Comments	#	%
Total	1808	100
Pre-NOI	257	14
Initial Scoping Period	1250	69
Additional Scoping Period	301	17
Form of Response		
Letter or Postcard	963	53
<i>Personal</i>	397	41
<i>Form</i>	566	59
E-Mail	685	38
<i>Personal</i>	645	94
<i>Form</i>	40	6
Open House (1)	158	9
<i>Court Reporter Statements</i>	70	44
<i>Questionnaires</i>	88	56
Petition	2	0.1
Other	0	0
Total Personal Comments	1202	66
Total Form Comments	606	34
Type of Respondent		
Individual	1724	95
Federal Agency	3	0.1
State Agency	0	0
Local Government	4	0.2
Elected Official	13	0.7
Proponent (2)	11	0.6
Other Tribal	8	0.4
Civic Group	2	0.1
Environmental/Conservation Organization	14	0.7
Coalition of Groups	9	0.5
Anti-Gambling Group	2	0.1
Religious Organization	1	0.1
Other	3	0.1
Unsigned	14	0.7
Geographic Origin		
Total Oregon	1434	79
<i>Cascade Locks</i>	83	5
<i>Other Hood River County</i>	127	7
<i>Other Oregon Gorge</i>	73	4
<i>Portland Metro Area</i>	840	46
<i>Other Oregon</i>	311	17
Total Washington	221	12
<i>Washington Gorge</i>	85	5
<i>Vancouver Area</i>	74	4
<i>Other Washington</i>	62	3
Out-of-State	70	4
Out-of-Country	0	0
No/Incomplete Address	83	5

Number of Scoping Comments	#	%
Opinions Expressed		
Support Proposed Project	220	12
Oppose Proposed Project	1280	71
Comment on Purpose/Need (3)	2	0.1
Comment on Alternatives (3)	210	12
No Opinion Stated	96	5

1. Does not include 245 forms with questions submitted for response during open house presentations.
2. Includes individual Tribal members identifying themselves as such.
3. Comments received during the additional public comment period focusing on the revised Purpose/Need Statement and/or proposed Range of Alternatives.

3.2 SCOPING ISSUES

The list of scoping issues that follows is based on public and agency comments received during the two public scoping comment periods, as well as comments received by the Department of Interior on the Tribal-State Compact prior to the initiation of scoping. It is a consolidation/representation of the comments and is not intended to be all inclusive.

While the comments identify numerous sub-issues associated with the major issues, as well as suggestions for approaches to addressing the issues (e.g., research needs and mitigation), the list of issues that follows is limited to those that identify potential effects of the proposed project. ***The issues have been paraphrased as planning questions to be addressed in the EIS and ROD.***

All issues addressed in the EIS will be analyzed for potential positive and negative effects, including: short and long-term positive and negative impacts; direct, indirect and cumulative impacts; and unavoidable adverse effects. Mitigation measures to reduce or avoid potential impacts will also be identified. Issues related to satisfying federal, state, and local requirements and standards (e.g., threatened and endangered species, water quality, sewage treatment) will automatically be analyzed, even if not specifically listed as significant issues.

3.2.1 Significant Issues

NEPA requires federal agencies to focus analysis and documentation on the significant issues related to a proposed action. The following issues have been identified by BIA as significant issues to be assessed in the EIS. These significant issues will serve as the basis for developing and comparing alternatives. While the EIS will focus on these significant issues, all issues identified through scoping will be considered.

NEPA Process/Scope of EIS

1. EIS analysis area/scope of analysis

- What are the requirements under the Indian Gaming Regulatory Act to assess potential effects on communities on both sides of the river within a certain radius of the project?
- What national studies will be used to determine social, economic, and environmental consequences? What local communities with casinos will be considered?
- Will the EIS incorporate the results of studies on the effects of casinos elsewhere?
- Will the EIS consider potential air quality, water quality, traffic, public safety, and other effects on Washington communities?

2. Cumulative impacts and connected actions

- Will cumulative actions include all development that may result from the proposal, including population growth, residential development, commercial development, industrial development, transportation infrastructure expansion (expansion of I-84, the Historic Columbia River Highway, State Route 14, and the Bridge of the Gods), projected expansion of the urban growth boundaries of Cascade Locks and surrounding communities?
- Will the assessment of cumulative effects identify what resources if any, that are being cumulatively impacted; determine the appropriate geographic (within natural ecological boundaries) area and the time period over which the effects have occurred and will occur; look at all past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern; describe a benchmark or baseline; and include scientifically defensible threshold levels?
- Will potential effects on Mt. Hood National Forest lands, fish, and wildlife habitats and/or recreational uses be assessed?
- How will the effects of the project be compared to those of the Lewis and Clark bicentennial celebration and other Gorge tourism? Will the EIS compare the impacts of the proposed casino to other major development in the Gorge, e.g., Skamania Lodge, second Bonneville powerhouse, Bonneville Hot Springs Resort, etc.?

Purpose and Need

1. Purpose and need for fee-to-trust action

- What is the public need for the casino? Will the Purpose and Need reflect a broader public interest and need than that of the Tribe?
- How can the term "self sufficiency" be used to determine alternatives that do or do not meet the need? Will the Purpose and Need identify what economic activities and levels of revenue are necessary for "economic self-sufficiency?"

- Why do existing enterprises not adequately support tribal self-sufficiency, tribal government provision of benefits and services to tribal members, or the health and well being of the tribal community?
- In order to understand the Tribe's actual level of need, will quantification be provided of the economic position of the Tribe, including Tribal population and projected change, per capita income, casino and other business revenues, and other factors?
- To meet IGRA requirements, will the Purpose and Need be revised to "generate revenues for the Tribe", rather than restricting it to only one of a number of revenue generation options, i.e., gaming? Does the current Purpose and Need inappropriately incorporate what is actually an alternative, thereby restricting the range of alternatives?
- Will the Need statement be revised to define an actual need, rather than the need's causes?
- Will the Purpose statement be revised to either eliminate or validate assumptions, including that there exists a need for improvement of the Tribe's social and economic well-being?

Alternatives

1. Alternatives to be analyzed

- Will development of the site for a range of industrial uses under current zoning be considered an alternative and compared against the impacts of casino development? What would the environmental impacts of those uses be? What type of environmental review would be required for such uses?
- Will modifications to the project be considered, including:
 - Smaller casino
 - Riverboat in conjunction with landside resort
 - Non-gambling activities
- Will other Gorge locations be considered as alternatives to the Cascade Locks site, including:
 - Hood River
 - Government Rock
 - Celilo Village
 - Site not visible from river
- Will on-reservation sites be analyzed as alternatives, including:
 - Improvements to existing Kah-Nee-Ta Casino
 - Along Highway 26
- Will the EIS consider a variety of Portland/Vancouver locations for casino development, including:

- Multi-tribal casino at Delta Park/Portland Meadows
 - Memorial Coliseum
 - Near Airport
 - Swan Island
 - Gresham/Troutdale area
 - I-5 south or north of Portland
 - 80-acre site in Oregon City currently proposed for Yakama casino
 - Will alternative locations in Eastern/Central Oregon be analyzed, including:
 - The Dalles
 - Umatilla Army Depot
 - Biggs Junction/Arlington
 - Madras
 - Bend/Redmond
 - What non-gaming alternatives will be considered?
2. Alternatives to be eliminated
- Will substantive justification be provided for the elimination of alternatives? Will the economic studies cited as justification for elimination of alternatives be made available to the general public?
 - How are NEPA requirements for a reasonable range of alternatives met when alternatives are eliminated that would have far less environmental impact, provide more on-reservation employment, and are far less controversial? What is the basis for limiting alternatives to Gorge sites?
 - Why is the Hood River site not eliminated from detailed consideration, given that there are questions about jurisdiction, physical and regulatory constraints, development costs and access? Do these questions make this an unreasonable alternative?
 - In assessing analysis or elimination of on-reservation alternatives, will a comparison be made with the Cascade Locks site as to benefits to the Tribe in terms of employment; environmental, social and economic impacts to surrounding communities; consistency with IGRA; and legal complexities? Has the BIA previously required the consideration of on-reservation alternatives when conducting NEPA analysis for off-reservation casino proposals?

Transportation

1. Transportation system improvement alternatives
- Will alternatives to the proposed I-84 interchange improvements be considered, including:

- Creating a full interchange at the Government Rock/Herman Creek interchange; no interchange at Forest Lane
- New partial interchange: Eastbound exit for casino; westbound exit to Forest Lane
- In lieu of a new interchange, provide better local transportation connections, improve freight transit by rail, and provide non-auto modes for tourist traffic.

2. Scope of the transportation impacts analysis

- How many vehicle trips will be generated, including trips by employees and service and delivery vehicles?
- How will the positive effects of alternative fuels and hybrid cars be factored into trip generation projections?
- Will the EIS evaluate the level of service and overall traffic generation from various activities at the site including: various generators and modes such as hotel, casino, special events and other activities; construction traffic; and the level of service and overall traffic generation reasonably expected from project-associated growth in the surrounding communities? Will this evaluation be made on a daily, weekend, and seasonal basis?
- Will the traffic impacts analysis consider trips to/from Portland/Vancouver and to/from the Tri-Cities, White Salmon, Bingen, The Dalles? Will the traffic study include SR 14 from Stevenson to Vancouver?
- Will the EIS factor in a reduction in trips by local residents east to Hood River or west to Gresham/Portland for medical and banking services, retail shopping, and entertainment options? Will it factor in a reduction in commuter traffic on I-84 to Portland?
- Will the EIS compare the effects of casino traffic to traffic generated by industrial uses of the site?
- Will the transportation analysis take into account the existing recreation and destination uses along I-84 in the vicinity of Cascade Locks? Will the traffic impacts analysis distinguish between new trips and continuous trips to other destinations?
- Will the traffic study calculate road maintenance costs attributable to the project, including the costs associated with the use of studded tires?
- Will traffic impacts associated with other casinos be considered in estimating the effects of the proposed project?
- What is the scope of mitigation of traffic impacts that will be considered in the EIS?

3. General traffic issues

- What is the capacity of I-84 and local streets to accommodate additional traffic associated with the casino and induced development? Will there be congestion at the interchange serving the casino?

- Will the traffic analysis take into consideration that the Gorge is extremely sensitive to congestion and traffic blockage; that it is a narrow traffic corridor with no alternate routes?

4. Local street system

- Will the EIS acknowledge that the City's Transportation System Plan discusses the need for a full interchange to improve access to the Port's Industrial Park and that Cascade Locks is the only city in the Gorge that does not have a full interchange?
- What improvements will be made to Forest Lane to address safety and access?
- Will effects on the Bridge of the Gods be assessed? Will changes to the bridge be required?
- With casino development, how will other industrial users access undeveloped land to the north of the casino site?
- If public school buses travel the road systems associated with the project site, how will traffic be mitigated to ensure safe and timely schedules for public school transportation needs?

5. Conflicts with railroad uses

- How will conflicts with the Union Pacific Railroad, i.e., noise, access, and safety, be addressed?

6. Accidents/Safety

- Will the EIS recognize that the 8-10 mile stretch on either side of Cascade Locks is very dangerous in any kind of inclement weather and that traffic fatalities may increase due to increased traffic volume? How will hazards on I-84 associated with inclement winter weather and additional traffic generated by the casino be mitigated?

7. Alternative transportation modes

- Will the EIS evaluate transportation options such as a "Game Train," bus or light rail service from Portland, transport from the Amtrak in Stevenson, or boat service from Portland? Will the EIS recognize that the addition of a gaming establishment could increase public transportation opportunities in the Gorge region, including an Amtrak stop and expanded local bus service?
- Will shuttle bus service between Cascade Locks and the Warm Springs Reservation be considered?
- How will pedestrian and bicycle access and safety be addressed?

8. Mitigation

- How will the Tribe's MOU with ODOT and associated traffic management plan be factored into the assessment of transportation impacts?

9. Other

- Will the EIS consider the effects on energy consumption of having a casino this distance from Portland as most travel will be by energy inefficient private automobiles?
- Will the EIS evaluate the potential for and impacts of additional tourist boat activity on the Columbia River as a result of the project, e.g. air quality impacts and pollutant discharges?

Socioeconomics

1. General socioeconomic issues

- Will a comprehensive economic analysis be undertaken to identify potential effects of the proposed project on the City of Cascade Locks and the surrounding communities in Oregon and Washington, as well as on the Warm Springs Indian Reservation?
- What will be the time frame for the assessment of economic and social impacts; 10, 20, 50 years?
- For comparison purposes, will the socioeconomic effects of casinos on other communities in the state be examined?
- Will the demand for hotel rooms in the mid-Gorge, especially considering the recent closure of two motels in Hood River, be calculated?
- Will the EIS examine the effects of casino development on other potential economic development activities in Cascade Locks, particularly tourism-related activities such as sailboarding, hiking, and sightseeing?
- Will the Compact and the agreements between local governments and the Tribes be considered when studying the social and economic impacts, specifically the financial contributions and impact mitigation components?

2. Employment

- How many jobs will be created; at what wage levels? What percentage will be earmarked for local residents; for Tribal members? What percentage of work will be reserved for local contractors?
- What are the economic impacts on the Warm Springs Reservation, e.g., unemployment, of closing the Kah-Nee-Ta casino? What revenues will be earmarked to the Reservation? How does the Tribe plan to replace jobs on the reservation lost to the development in Cascade Locks for tribal members who do not wish to relocate to Cascade Locks?
- Will the EIS compare the job creation potential associated with casino development to other potential uses at the site?

3. Local economic issues

- What will be the consequences on property values and property taxes for Cascade Locks and Hood River County?
- How will the project impact existing restaurants, hotels, motels, RV facilities, and other overnight tourism lodging facilities? Will the EIS assess whether there will be a loss of workers from existing businesses? What nationally accepted professional or scholarly data will be used to evaluate the potential impacts over the next ten years?
- Will the EIS assess the current social and economic impacts of not having adequate public and essential commercial services (e.g., housing, medical, emergency) for current and future residents and visitors?

4. Social issues

- How will gambling-related social problems such as increased crime and gambling addiction be dealt with? What reputable, non-gambling funded studies are being consulted for identification and mitigation of gambling-induced problems?
- Will the EIS, based on credible data, quantify effects on churches for providing additional counseling services for gambling impacts such as divorce, job terminations, home foreclosure, gambling addictions, and crimes of embezzlement, theft, or fraud?

5. Quality of life

- How will effects on quality of life, including community character, demographics, and small town atmosphere, be assessed? Will Washington communities, particularly Stevenson, be included in such an assessment?
- Will the potential dislocation of current residents due to an increased cost of living be considered?

6. Environmental Justice

- Will the EIS consider, based on the experience of casinos elsewhere, effects on levels of poverty?
- Will the EIS assess whether low income or people of color communities will be impacted by the proposed project and disclose what efforts were taken to meet environmental justice requirements consistent with Executive Order (EO) 12898?

Public Utilities and Infrastructure

1. Public services

- What will be the need for additional public services, including public safety and emergency services, and for infrastructure improvements to be met?
- What impacts to local school systems in Hood River and Skamania counties can be expected?

- What are the plans for sewage and solid waste disposal? Does the City's system have the capacity to handle the additional demand?
- What water usage is projected? Does the City of Cascade Locks have sufficient water rights to meet projected needs? In a drought situation, will there be adequate water to serve all needs? Will fire suppression needs be considered?
- Can the demand for power be met without adversely affecting local homes, businesses, and industries?

2. Housing

- How will housing needs for employees be addressed? Where will employee housing be developed?

Land Use

1. Induced growth

- Will the effects of induced development, including pressure for urban growth boundary expansions, be considered? What will be the scope of such an analysis, i.e., what communities in Oregon and Washington will be included in the analysis?
- What types/how much induced growth has occurred with other Oregon and Washington casinos?

2. National Scenic Area Act

- Will the EIS address conformance of the project with the National Scenic Area (NSA) Act and Management Plan?
- How will direct and indirect impacts to the NSA be addressed? Although the proposed project is not within land covered by the NSA Management Plan, will the EIS describe off-site impacts that could detrimentally affect the Gorge? Will the EIS describe how the proposed design, construction, and operation of the project will comply with the standards and requirements for the NSA Act and the NSA Management Plan.

3. Local land uses

- If a casino is developed on these industrial lands, how much land will remain available for industrial development in Cascade Locks? Will the City be able to maintain a 20-year supply of industrial lands as required by Statewide Planning Goal 9?
- Will the EIS consider the impact of the casino to other proposed projects in Cascade Locks, e.g., the sailboat racing center currently proposed close to the casino site?
- What will happen to the Government Rock property owned by the Tribes? Will the EIS consider future potential uses there?

4. Compliance with land use regulations
 - Will the EIS assess whether the intended uses of the project site and expected off-site development are consistent with state and local land use standards?

Visual Quality/Aesthetics

1. Effects on views/viewpoints
 - How will visual effects, including from hiking trails and other viewpoints on both sides of the river, be assessed? Views from I-84? Views from the Columbia River?
 - Will the EIS evaluate the project's impacts to aesthetic resources on both sides of the Columbia River?
 - Will the review of visual impacts be based on standards and requirements of the National Scenic Area Act and Management Plan?
2. Visibility
 - What will be the scope of analysis of advertising, light pollution, and other visibility impacts? How will the EIS assess effects of light and glare from the project site on adjacent properties and communities across the river?
 - Do the layout and design of buildings consider the new "Dark Sky" limitations for outside lighting and advertising?
 - How will the visual impacts be mitigated?

Air Quality

1. Air Quality
 - What methodology will be used to assess the impacts of air pollution in Cascade locks and the National Scenic Area? Will modeling be able to predict air quality impacts in a gorge that often makes its own weather?
 - How extensive will the assessment of air quality and visibility impacts be? Will emission sources to be studied include boilers, emergency generators, and other secondary sources? Will the EIS evaluate the impacts on air quality and visibility caused by fugitive and exhaust emissions from construction, traffic, and bus emissions, and all point source emissions? Will the EIS analysis include airborne pollutants associated with the casino's day-to-day operations (such as industrial laundry facilities)?
 - Will effects to air quality, visibility, and regional haze in the National Scenic Area, Hatfield Wilderness Area, Mount Hood Wilderness Area, and Mount Adams Wilderness Area be assessed? Will the EIS discuss how the proposed project will impact Class I and Class II airsheds and maintain attainment of air quality standards? Will projected growth and land uses in Hood River, The Dalles, Stevenson, and Portland be factored in?

- Will air pollution effects on the local orchard business and on lichen species, petroglyphs, and other natural resources be assessed?
2. Acid rain
- Will the EIS address the existing acid rain problem in the Gorge and this project's contribution to it?

Biological Resources

1. Ecological Objectives

- The proposed casino would be located within the transitional zone between west-side and east-side forests; will the EIS address the unique biological value of this area?
- How will the EIS consider ecological objectives? Will ecological objectives be designed to protect water quality and to maintain and/or enhance the natural habitats in the Columbia Gorge for the benefit of fish and wildlife resources and the public? Will the EIS address measures that compensate for the loss of habitats of value to fish and wildlife?

2. Sensitive wildlife and vegetation species and habitat

- Will the EIS identify the endangered, threatened, and candidate species under the Endangered Species Act (ESA), and other sensitive species within the proposed project area for each alternative? In addition, will the EIS describe the critical habitat for these species and identify any impacts the proposed project will have on these species and their critical habitat? Will eagle and osprey nests across the river be considered?
- Will the EIS describe the current quality and potential capacity of habitat, its use by fish and wildlife on and near the proposed project area, and identify known fish and wildlife corridors, migration routes, and areas of seasonal fish and wildlife congregation? Will the EIS evaluate effects on fish and wildlife from habitat removal and alteration, aquatic and terrestrial habitat fragmentation caused by roads, land use, and management activities, and human activity? How will endangered species and habitat, including steelhead and salmon in Herman Creek and sensitive habitat in the adjacent millponds, be protected?
- Will field surveys be conducted to determine preferred bald eagle foraging locations, perch sites, and potential nesting trees that occur on Port of Cascade Locks lands to determine whether the project will have an impact on bald eagle foraging?
- Will the EIS address whether northern spotted owls are present on nearby Mt. Hood National Forest lands and whether the species or individuals of the species may be affected by construction and operational activities?
- How will the BIA ensure that its decision complies with the Migratory Bird Species Act of 1918, as amended? Will the EIS describe the migratory birds and migratory

bird habitats to be impacted (removed and/or degraded) during project construction, the time of year that removal of existing vegetation would take place, the migratory bird species that may be affected or occur within habitats affected by construction and ground disturbing activities, and measures (e.g., seasonal restrictions and/or habitat restoration) that will be used to avoid short and long-term impacts to nesting migratory birds?

- Will the EIS identify the extent to which essential habitat features such as potential or known nesting trees and snags will be removed and/or measures that will be used to avoid impacting nesting raptors? Will the project maintain existing large trees and snags on Port of Cascade Locks lands that provide suitable nesting, perch and forage sites for raptors and hole nesters?
- What major plant communities are present and affected? Will the EIS consider impacts on sensitive plant species, particularly those endemic to the Gorge? How will sensitive plant species in the vicinity be protected?
- What will be the impact of developing new impervious surfaces on existing vernal pools on the project site? What plan will be developed to accommodate preservation or mitigation or replacement of vernal pools at the project site?

3. Water resources

- What is the scope of the water quality analysis? Will the EIS disclose which water bodies may be impacted by the project, the nature of the potential impacts, and the specific pollutants likely to impact those waters? Will it also report those water bodies potentially affected by the project that are listed on the State's current 303(d) list and whether Oregon Department of Environmental Quality (ODEQ) has developed a water quality restoration plan (Total Maximum Daily Load) for the water bodies and the pollutants of concern? If a Total Maximum Daily Load (TMDL) has not been established for those water bodies on the 303(d) list, in the interim will the EIS demonstrate that there will be no net degradation of water quality to these listed waters?
- Will the EIS explain how anti-degradation provisions of the Clean Water Act would be met for the proposed project?
- Will wells and the aquifer in Cascade Locks be impacted? Will there be an aquifer recharge analysis for this property?
- Will the EIS address the effects on water quality from the runoff of hazardous materials from landscaping and from storm water associated with additional impervious surfaces? What are the plans for storm water containment?
- How will runoff into Herman Creek and the Columbia River be prevented? What type of containment system for road and parking lot run-off will be constructed?
- In the analysis of potential interchange improvement alternatives, will impacts on Herman Creek be considered, including any stream crossings needed, maintaining the natural stream flow, and connectivity of riparian habitat?

- Will any damage to the shoreline or other waterfront impacts result from the project and associated uses in the area?
- How will Government Cove be impacted?

4. Wetlands

- Will the EIS discuss how Clean Water Act (CWA) Section 404 requirements for wetlands would be met and evaluate potential impacts to adjacent wetlands or indirect impacts to wetlands such as hydrologic changes due to increases in impervious surface? Will the EIS disclose where there are known waters or wetlands that would be directly or indirectly affected by the proposed project?
- Will the EIS address compliance with Executive Order (E.O.) 11990, Protection of Wetlands?

Cultural Resources

1. Archaeological and historical uses

- Will the scope of the cultural resources analysis include identifying all historic properties or cultural resources potentially impacted by the project or associated off-site development, including traditional cultural properties, other Native cultural resources, and non-Native historic properties? Will the EIS evaluate the impacts to these identified historic properties and cultural resources, i.e., what are the impacts of the project and associated off-site development (e.g., housing, amenities) to the Bridge of the Gods?
- How will historical tribal uses of this area be factored in, including effects on sacred sites and fishing grounds?
- Will Cascade Locks history be considered, including the City's history of boom and bust cycles, historical uses of the project area, etc?

2. Historic Columbia River Highway (HCRH)

- Will there be impacts on the Historic Columbia River Highway historic district? Will the proposed interchange interfere with use and continuity of the HCRH, particularly for bicyclists?

3. Cultural heritage

- Will the EIS consider the negative cultural effects of not approving this proposal, in light of the cultural history of the Tribe in Oregon, particularly in the Columbia River Gorge?
- Will the EIS recognize the historical precedent of Tribal gambling in this area, including when Lewis and Clark passed through 200 years ago?
- How will the project affect the cultural heritage of the area?

4. Tribal fishing

- Will the EIS consider Tribal fishery impacts, including both positive and negative economic impacts to local over-the-bank selling of treaty-caught fish?

Noise

1. Noise impacts

- Does the project comply with 24 CFR 51, Subpart B that requires a Noise Assessment for proposed new construction? Has a noise contours map been developed for the project and does it show day-night average sound level (DNL)? How will any DNL's that are in excess of local ordinance requirements be mitigated?
- Will the EIS evaluate noise generating activities associated with construction and ongoing operations at the casino, including but not limited to: traffic to and from the casino, activities at the entertainment venue, etc. and the impact on surrounding wildlife, natural scenic values, and recreation sites throughout the Columbia Gorge? Will noise effects from increased traffic on county, city, and state roads in Skamania County be assessed?
- Will the cumulative effects analysis include effects on existing noise levels in Cascade Locks, including noise associated with railroad operations?

Recreation

1. Demand for additional recreation facilities

- What demand for additional recreational facilities and activities will be generated by the project? How much of this demand will be met on site or within Cascade Locks?

2. Effects on existing recreation facilities and the recreational experience

- Will the EIS assess the potential for and effects of increased visitation to existing facilities, e.g., Multnomah Falls and Crown Point; increased trail use, e.g., Pacific Crest National Scenic Trail; impacts on the Lost Forest area on the Washington side of the Gorge; and impacts on recreational use of the HCRH?
- Will the recreation analysis account for reductions in demand on existing Gorge recreation facilities from providing a new recreational opportunity at Cascade Locks?
- How will the Gorge backcountry/wilderness experience be affected? What will be the effects on natural resource-based recreation and associated tourism in the Gorge?
- How will access to Herman Creek and the Columbia River be maintained?
- Will the recreation analysis include potential impacts to the Lost Forest area on the Washington side of the Gorge, including trailhead access restrictions, noise pollution, light pollution, trailhead parking, loss of habitat, loss of recreational opportunity, and loss of aesthetic quality?

3.2.2 Other Issues to Assess

While the following issues will not serve as the basis for developing and comparing alternatives, they will be considered in the EIS or otherwise addressed as part of the NEPA process.

1. Notice of Intent
 - Will the Notice of Intent be revised to identify alternatives to the proposed action, as required by 40CFR 1508.22(a)?
2. Consultation
 - Will tribal consultation occur with nearby Indian tribes in a manner consistent with Section 20(b)(1)(A) of IGRA, the Department's trust responsibilities to tribes, and the 1994 Executive Memorandum entitled Government-to-Government IGRA Section 20?
 - How will Washington communities be consulted with and involved in the NEPA process?
 - Will local communities more than 10 miles from the project site, including all communities within the First Congressional District, be a part of the Section 20 consultation and no detriment review?
 - What consultation with school districts and other service providers will occur?
 - In order to comply with Section 106 of the National Historic Preservation Act, will BIA be consulting with the Grand Ronde and other appropriate tribes?
3. Monitoring and evaluation
 - How will the outcomes of locating a casino at Cascade Locks be monitored and evaluated?
 - What guarantee is there that the Tribe will abide by the recommendations in the EIS?
4. Tribal sovereignty
 - What impacts will tribal sovereignty have on the community?
 - Will tribal police have authority off federal trust land?
 - Will the tribes be subject to state and local land use laws and building codes?
5. Other approvals
 - What other permits and approvals are required?
6. Geology/Soils
 - Has a geo-tech study been done for the casino site? Because the casino will be built on landfill, what extra structural precautions will be taken for potential earthquake liquefaction? How stable is the filled area for development?
 - Will the project be affected by seismic faults or fractures?

7. Odor
 - Will the project affect or be affected by nuisance odors? What mitigation is proposed?
8. Hazardous materials
 - Does the project proposal include a full inventory and assessment of all hazardous materials associated with the project? Are there any unresolved hazardous materials issues at the mill located just north of this site?
9. Fire hazards
 - What additional level of fire hazards within the Gorge can be attributed to this project?
10. Thermal effects
 - Will the EIS address the thermal effects of paving and buildings?
11. Litter
 - Will the EIS address the potential for increased litter along I-84 associated with casino visitors?

3.2.3 Issues Beyond the Scope of the EIS

The following issues are considered beyond the scope for the EIS for the reasons indicated:

1. Precedent

- Will the EIS consider the precedential effects of approving the project in the context of off-reservation gaming in Oregon and how approval of the proposed project might force other Oregon tribes to seek off-reservation casinos of their own in order to protect their economies?

There are no precedential effects from a legal perspective because proposed development of a casino on new off-reservation land is reviewed on a case-by-case basis in accordance with the Indian Gaming Regulatory Act and trust acquisition regulations at 25 Code of Federal Regulations Part 151. It is overly speculative to assume that other Oregon tribes may seek additional off-reservation casinos.

- Will the EIS consider the precedential effects of approving the project in the context of off-reservation gaming nationwide? Will the analysis consider concerns expressed by the Secretary of the Interior and Congressional leaders regarding the intent of IGRA, the increase in applications to put off-reservation lands into trust for gaming, and the effects of off-reservation gaming and revenue-sharing agreements with states on the sovereignty of Indian tribes across the nation?

See the response above. The Secretary's views will be reflected in the Record of Decision; comments from Congressional leaders and other elected officials on this project will be included in the project record.

2. Tribal-State Compact

- Will the Compact have to be revised due to mitigation measures required by the EIS?

Not necessarily. The EIS and Compact are independent documents prepared by BIA pursuant to NEPA and by agreement of the Tribe and State, respectively. However, the Tribe and State may decide to include some or all of the EIS's recommended mitigation measures in the Compact.

- Given that the Compact is required for any Class III gaming under IGRA, isn't it a logical element in the sequence of approvals under the Section 20 process and thus relevant to the Purpose and Need?

On the basis of a recent interpretation of IGRA, the Secretary of the Interior has determined that land must be in taken into trust for gaming before a compact can be approved. As a result of this determination, reference to the Compact has been removed from the project Purpose and Need statement.

- Why has reference to the preservation of the Hood River Trust lands as agreed to in the Compact been deleted in the revised Purpose and Need statement?

See the response above. The preservation of the Hood River Trust lands will be identified as an effect of the proposed project.

3. IGRA/IRA

- Will the EIS address how replacing an existing on-reservation casino with an off-reservation casino for only financial reasons meets Indian Reorganization Act fee-to-trust criteria or IGRA criteria?

The EIS will assess effects of the proposed project and alternatives on the natural and human environments. The Record of Decision will include a determination of compliance with IRA, IGRA, and other applicable laws.

4. Financial Issues

- Who are the investors, including non-Tribal, in the project? Any foreign investors?

The Tribe is currently investigating funding sources. Information on investors is typically considered to be proprietary information and not disclosed in an EIS.

- What is the financial point of return for the Tribe in operating the casino?

Information on the Tribe's economic needs will be provided in the Purpose and Need statement. A financial point of return associated with the proposed action is confidential information

protected by IGRA. An analysis of Tribal finances is beyond the scope of this EIS and not required by NEPA.

- Would federal benefits to the Tribe be affected?

The proposed action is a means of developing revenue to support the needs of the Tribe and is not expected to affect the Tribe's ability to participate in federal programs (the Tribe receives no federal benefits per se).

- What are the effects on payments to local communities and on revenue sharing if a non-Indian casino is built in Oregon?

Such effects are overly speculative and not within BIA's purview.

- Will the EIS calculate the estimated tax loss to the state if cigarettes and liquor are sold tax-free at the casino?

This operational question is beyond the scope of the EIS; however, it should be noted that tax-free purchases are available only to Native Americans. Tax revenue payments will be determined through agreement between the Tribe and the State.

5. Economic effects

- Does the dedicated 6% in revenues to local communities go only to Cascade Locks or to counties statewide? Will any go to Washington communities? Is there provision to cover the costs to Skamania County and Stevenson for the casino's impacts on housing, schools, police, fire, and social services? What mutual aid assistance agreements will be put into place?

According to the Tribal-State Compact, "the assets of the Tribe's proposed Community Benefit Fund shall be expended for the benefit of the public primarily within Hood River, Wasco, Jefferson, Sherman, Gilliam, Wheeler, Deschutes, Crook, Clackamas, Multnomah and Washington Counties and, elsewhere within the State of Oregon." There is currently no specified distribution of funds to communities in the State of Washington. Payment to Washington jurisdictions is an issue between the Tribe and those communities.

- Will the economic analysis consider the effect of this casino on other rural counties in Oregon that are a home to tribal casinos, e.g., the Spirit Mountain Casino in Polk County?

Based on Department of Interior guidelines, effects on nearby communities are assessed. Effects on Polk County would be overly speculative given its distance from the proposed project area and absent information from the Grand Ronde Tribe detailing potential effects on the Spirit Mountain Casino and the basis for determining them.

- If a Cascade Locks casino opens, will other casinos see a drop in business and scaled back operations? Will any economic benefit to Cascade Locks be offset by

negative impacts in the towns of Lincoln City, Grand Ronde, and other communities with tribal casinos? What are the cumulative economic impacts to other Indian Tribes within 100 miles of the project site over the next ten years?

See the response above. The EIS will not attempt to quantify the potential socioeconomic impacts of the proposed casino on other tribal casinos in the region. The competitive advantages or disadvantages for each enterprise potentially affected by the proposed project can, in large part, depend on the relative skills of the management team of those enterprises, marketing, and other factors.

6. Johnson Act

- Does the project violate the Federal Johnson Act prohibition on slot machines on Indian lands?

The proposed fee-to-trust transfer does not authorize a specific type of gaming. Gaming activities are regulated by federal law that is beyond the scope of this EIS.

7. Labor laws/labor force

- Would the Tribes be required to follow equal opportunity employment laws and state labor laws such as minimum wage and workers' compensation?

This issue is beyond the scope of the EIS. The Tribal-State Compact (Articles VI, X, XI) describes how the State and the Tribe will coordinate their respective jurisdictions, the enforcement of gaming regulations, and conformance with health, safety, and environmental standards.

- Who will be responsible for training Tribal members for casino jobs? How will the training be done?

This is an operational issue beyond the scope of the EIS.

8. Proposed Gorge Wilderness

- How will the project affect or be affected by the recent Mt. Hood Wilderness proposal?

Wilderness legislation is at a proposal stage and assessment of potential effects at this time would be overly speculative. Direct, indirect, and cumulative effects on natural and human resources from the proposed project are being assessed irrespective of current or proposed land classifications.

9. Traffic analysis factors

- Will the EIS include a transportation demand management plan to reduce use of single occupancy vehicles?

No; there is no federal requirement for such. However, proposed mitigation may address a variety of trip reduction measures.

10. Moral values

- How are impacts on moral values considered?

Moral values are personal issues and beyond the scope of the EIS.

11. Bonneville Dam

- What will the impact be on Bonneville Dam, which provides power to the entire area?

None is anticipated.

12. Effects of sovereignty

- Will the EIS assess the socio-economic impacts of tribal sovereignty on statewide elections and on national decisions, specifically how unregulated funds, held by a sovereign nation and dependent on political decisions, will affect elections and public policy?

Such an analysis would be overly speculative and beyond the scope of this EIS.

- Once the land is transferred into trust and is no longer subject to local land use laws and controls, how will local concerns as expressed through land use laws be considered?

This issue is beyond the scope of the EIS. The Tribal-State Compact (Articles VI, X, XI) describes how the State and the Tribe will coordinate their respective jurisdictions, the enforcement of gaming regulations, and conformance with health, safety, and environmental standards and land use regulations.

13. Emergency/disaster planning

- What would be the implications to the project of major Columbia River flooding or dam rupture?

The implications would be similar to those for other facilities and uses in the Gorge.

- What emergency/disaster evacuation planning does the Tribe have for an earthquake, volcanic eruption, large-scale slide, terrorist attract, flooding of Herman Creek, or other disaster?

There is nothing unique about this project that would justify anything more than standard evacuation/disaster planning for public use facilities. As an operational issue, it is beyond the scope of the EIS.

- What emergency plans will be in place to ensure public safety in the event of a toxic spill on I-84 at or near the applicant's project?

See the response above.

- What is the contingency plan for those stranded in the Gorge when weather can change in a second during the winter?

See the response above.

14. Rezoning outside the project area

- Will the City consider rezoning the area north of the resort from high density residential to open space in order to buffer sound, light, and visual impacts from the river?

The City has indicated no intention to rezone the area. The EIS will evaluate the potential impacts of the proposed project on the surrounding area with respect to noise, lights, and aesthetics. If adverse impacts would occur, the EIS will make recommendations to minimize those impacts.

15. Long-term viability and contingency plans

- Will the EIS assess the long-term viability of a casino at this location given changing demographics, changes in mobility from rising fuel costs, increased competition, and other factors affecting the demand for gaming?

The history of casinos experiencing financial difficulties is limited to several isolated sites. As with any other tourism-related business, the casino could be subject to market fluctuations. It is overly speculative, however, to attempt to assess such unknowns.

- What contingency plan is there for the disposal of land and capital improvements of a failed casino at this location?

The land would remain in trust. Any major alternative use of the land would trigger a separate NEPA process and environmental and regulatory analysis.

4.0 PROPOSED ACTION AND ALTERNATIVES

4.1 PURPOSE AND NEED

4.1.1 Purpose

The purpose of the proposed action is to improve the Tribe's long-term economic condition and support its self-sufficiency, both with respect to its government operations and to its members, by allowing them to develop a gaming facility at a new location, either on the Warm Springs Indian Reservation or off-reservation, and to take advantage of economic opportunities provided by the U.S. Congress through the Indian Gaming Regulatory Act.

4.1.2 Need

At present, the Tribe faces a decade-long financial crisis as shown 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 the areas of health care, housing, education, employment, and job skills. The existing tribal gaming facility at Kah-Nee-Ta, other tribal enterprises, and natural resources do not provide the economic opportunities or revenue stream necessary 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.

4.2 ALTERNATIVES

While the Tribe's proposal is the basis for initiating the NEPA process, the EIS will identify and objectively evaluate a reasonable range of alternatives, including a no action alternative. Table 4 identifies alternatives to be analyzed in detail and alternatives considered but eliminated from detailed analysis. The Tribe's proposal is considered to be the proposed action. A preferred alternative, however, will not be documented by BIA (as lead agency) until completion of the environmental analysis. If it is clearly known at the time, a preferred alternative may be identified in the Draft EIS; otherwise, BIA will do so in the Final EIS. NEPA defines a preferred alternative as the alternative that the lead federal agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors.

Table 4: Alternatives Screening Matrix

Alternative	Background	EIS Status
1. No Action	Required under NEPA	Analyze in detail
2. Proposed Project: Cascade Locks Resort and Casino	<ul style="list-style-type: none"> • Tribal referendum to develop a casino in the Gorge • Tribal-State Compact; Governor's concurrence • Memorandum of Agreement between Tribe, City of Cascade Locks, and Hood River County 	Analyze in detail
3. Hood River Alternatives	<ul style="list-style-type: none"> • Tribe asserts reservation of right of access from Historic Columbia River Highway (HCRH); HCRH ownership issue unresolved • Tribe and State would still need to negotiate Compact for Class III gaming (if the State refuses to negotiate a compact in good faith, the Secretary of Interior can impose a compact) 	
<u>Option A:</u> Development of casino and related facilities on trust land only	<ul style="list-style-type: none"> • Feasible to construct a casino entirely on trust lands • No federal action required 	Analyze in detail
<u>Option B:</u> Development of casino on trust land and ancillary facilities on fee-to-trust lands	<ul style="list-style-type: none"> • Reduces complexity and cost of development relative to Option A • Requires application for additional 175 acres for fee-to-trust transfer • Fee-to-trust land would be for related facilities (e.g., parking and other infrastructure), not gaming; no Section 20 consultation required 	Analyze in detail
4. Expansion of Kah-Nee-Ta Casino	<ul style="list-style-type: none"> • Economic studies show that the casino is fully utilizing the available market and is limited by its current (remote) location • The existing casino is not meeting the Tribe's economic need (i.e., does not meet the revenue gap for general basic services, such as health care, schools, and other government and social services; natural and cultural resources protection; investment in employment opportunities on the reservation) 	Consider but eliminate from detailed study
5. Casino Development on Warm Springs Reservation at Gravel Pit Site (1.1 miles west of Warm Springs)	<ul style="list-style-type: none"> • Site has reasonable proximity to existing utilities and transportation infrastructure, including direct access from U.S. Highway 26 • Site has very few environmental constraints 	Analyze in detail

Alternative	Background	EIS Status
6. Casino Development on Other Warm Springs Reservation Sites <ul style="list-style-type: none"> · Museum area · He He Junction 	<ul style="list-style-type: none"> · Museum site (lower Shitike Creek) has extreme flood plain limitations; inadequate developable land area for a casino, conflicts with logging truck traffic at the Warm Springs Forest Products Industry mill site · Poor existing infrastructure at He He Junction site; prohibitive development costs, significant tribal member concerns exist about He He as this location is considered very important culturally 	Consider but eliminate from detailed study
7. Casino Development on Trust Land in Madras	<ul style="list-style-type: none"> · A Tribal referendum has been passed by the tribal electorate prohibiting casino development in Madras 	Consider but eliminate from detailed study
8. Casino Development at Government Rock	<ul style="list-style-type: none"> · Tribe owns in fee, but not trust; fee-to-trust application pending · Would require two-part determination from Secretary of Interior under IGRA Section 20 · Lack of infrastructure; significantly greater development costs · Would have greater environmental impacts than proposed project 	Consider but eliminate from detailed study
9. Casino Development in the Portland Area	<ul style="list-style-type: none"> · Tribe does not currently have any land in fee or trust in the Portland area; would need to purchase land and seek fee-to-trust action · Would require two-part determination from Secretary of Interior under IGRA Section 20 · Governor's stated policy with respect to the establishment of additional off-reservation gaming is that, at a minimum, the local community should support the proposal; Governor and Portland Mayor oppose casino development in the city · Portland is outside of the Tribe's ceded lands Tribe desires land in trust within its ceded area only. There is no evidence that tribal members would support a Portland location 	Consider but eliminate from detailed study
10. Casino Development in the Bend/Redmond Area	<ul style="list-style-type: none"> · Tribe does not currently have any land in fee or trust in the Bend/Redmond area; would need to purchase land and seek fee-to-trust action · Would require two-part determination from Secretary of Interior under IGRA Section 20 · Governor's stated policy with respect to the establishment of additional off-reservation gaming is that, at a minimum, the local community should support the proposal; there is no indication of community support for a casino 	Consider but eliminate from detailed study

Alternative	Background	EIS Status
11. Casino Development in The Dalles or Other Eastern Oregon Location	<ul style="list-style-type: none"> • The trust lands on I-84, while having access, have significant geological/soils limitations that could affect traffic movement on the Interstate highway • Governor's stated policy with respect to the establishment of additional off-reservation gaming is that, at a minimum, the local community should support the proposal; there is no indication of community support for a casino 	Consider but eliminate from detailed study
12. Casino Development at an I-5 Location	<ul style="list-style-type: none"> • Tribe does not have trust land along I-5 • I-5 is outside of the Tribe's ceded lands. Tribe desires land in trust within its ceded area only. There is no evidence that tribal members would support a casino at an I-5 location • Governor concurrence would be unlikely (based on previous attempt by another Oregon Tribe to develop a casino along I-5) 	Consider but eliminate from detailed study
13. Riverboat Casino at Cascade Locks Site	<ul style="list-style-type: none"> • There is not a significant difference between the proposed project and a riverboat casino, as upland development would still be required for parking, resort features and other services • The Tribe does not support a riverboat casino • For Indian gaming, the land must be in trust (per IGRA) • State policy limits leasing of submerged lands for exclusive uses 	Consider but eliminate from detailed study
14. Non-gaming Alternatives at Port of Cascade Locks Site	<ul style="list-style-type: none"> • Previous attempts by Port of Cascade Locks to market the site for development have not been successful • Insufficient revenue potential • Lack of support from the City and Port of Cascade Locks for non-gaming alternatives 	Consider but eliminate from detailed study

5.0 EIS SCHEDULE AND PUBLIC REVIEW

It is anticipated that the Draft EIS will be available for public review in October, 2006. A 45-day public comment period and public hearings will be provided by BIA to seek comments on the Draft EIS. Comments received on the Draft EIS will be considered in the preparation of a Final EIS, which is scheduled for completion in February/March, 2007.