

**Appendix F**

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**PRESENTATION SESSION QUESTIONS AND ANSWERS**

## **CASCADE LOCKS RESORT AND CASINO EIS**

### **Presentation Session Questions and Answers**

At each of the five open houses conducted in September, 2005 as part of the scoping process, participants submitted questions for response during a question/answer session. These questions are compiled below by topic. In preparing this compilation, some editing has been necessary and consists of:

- Combining identical or similar questions from multiple parties into a single question.
- Where possible, paraphrasing comments into questions.
- Eliminating comments that are purely statements of opinion or are questions posed as opinions. Those comments, however, have been entered as written into the scoping record.

### **Scoping Process**

1. *Why are public hearings not being held? At what point in the process will hearings be held; how many; where? Will decision-makers be present?*

At this initial phase of the NEPA process, public hearings are not required and are not customarily held. The intent of scoping is to solicit agency and public input on the issues, alternatives and impacts to be addressed in the EIS, rather than positions of support or opposition to the project. Public hearings tend to focus on the latter. In our experience, open houses offer more opportunities for constructive input than do public hearings. The five open houses held exceed the typical amount of public outreach.

A public hearing(s) will be held during the public review period for the Draft EIS. The number of and locations for hearings have not been determined. Representatives from BIA's Northwest Regional Office, FHWA's Oregon Division and ODOT Region 1 will be expected to be present at any hearings.

2. *Why is no opportunity for dialogue being provided?*

See the response above. Opportunities to ask questions of BIA and the consultant team, to present statements to court reporters, and to provide written input were provided at all the open houses. Agency staff, consultant team members, and Tribal representatives were available to answer questions and to engage in one-on-one dialogue.

3. *Why hasn't a public meeting been scheduled in Warm Springs or Madras to facilitate Tribal member participation?*

BIA received no request from the Tribe for such. The Tribal Council was consulted with about the open house schedule and expressed no concerns about the open house schedule. Tribal members attended all of the open houses.

4. *Will comments be accepted after October 15?*

An additional 30-day public comment period, ending December 31, 2005, is being provided. While comments may be submitted at any time during the NEPA process, those submitted after December 31 will not be considered in the preparation of a Scoping Report.

5. *What happens to the comments received at these open houses?*

Every comment is important and all opinions, feelings, suggestions, and observations will be carefully read and considered. Comments received during the scoping phase will be considered during preparation of a Scoping Report and in preparation of a Draft EIS. The review of public comments is not a vote-counting process. All comments carry the same weight, regardless of whether they are expressed once or in a hundred separate e-mail messages or letters. Petitions and form comments are counted as single responses and carry no more weight than individual comments.

### **NEPA Process/Scope of EIS**

1. *What are the timelines for completion of the NEPA process and for completion of construction?*

At this time, the NEPA process is expected to be completed in Fall 2006. The completion of the NEPA process would be signified by the issuance of a Final Environmental Impact Statement (FEIS) and forwarding of a recommended action by BIA to the Assistant Secretary of the Interior for Indian Affairs.

2. *Why is the EIS on a fast track? If an EIS process normally takes 2 ½ -3 years to complete, how will the proposed schedule enable a thorough identification of alternatives and review of impacts? Doesn't the expedited timeline increase the potential for a successful legal challenge?*

Pursuant to CEQ guidelines (40 CFR 1506.5(c)), the preparation of the EIS is being financed by the Tribes versus the BIA, which allows for a team of professional consulting firms to be dedicated to this project. The scoping process has provided a thorough identification of potential alternatives; the EIS will include a thorough analysis of potential impacts. The project's agency coordination program includes regular consultation and coordination with all agencies with jurisdiction over the project. One element of that program is a Regulatory Compliance Work Group that is intended to help expedite the regulatory approval process. Although the projected schedule may be considered to be expedited, all requirements of NEPA will be met.

3. *Why are so many environmental studies required when the land is zoned for this use? Would any other entity have to go through an EIS process to develop industrial uses at the proposed casino site? Or to develop within urban areas in the National Scenic Area?*

Any project that involves a federal action or federal funding requires an analysis of the project's effects on the human and natural environment in compliance with NEPA. The analysis includes an examination of potential effects that could occur outside of the area where construction activities occur. Other

developments or activities within the urban areas of the National Scenic Area that do not involve a federal action or federal funding, are not subject to NEPA.

*4. What are the qualifications of the consultants? Who chooses the EIS contractor? How does the BIA ensure that the EIS is neutral and unbiased?*

The consultant team is comprised of an interdisciplinary staff of engineers, planners, scientists, archeologists, economists, and other technical experts that have multiple years of experience in conducting environmental impact evaluations to meet the requirements of NEPA. The EIS contractor was chosen by BIA with input from the Tribe. The Tribe provided the BIA with the qualifications of three consultant teams and BIA selected the HDR team to prepare the EIS. As the lead agency, BIA oversees and reviews the development of the EIS and all technical studies related to the EIS. BIA ensures that the EIS and related technical studies present an objective evaluation of the proposed action and alternatives.

*5. Who is paying for all the environmental studies?*

See the response to #2 above. Because of limited personnel and funding, BIA and the Tribes have agreed, through a Memorandum of Understanding, that the Tribe will finance the preparation of the EIS by an outside consultant under the direction of BIA.

*6. What is the typical cost for an EIS?*

There is no "typical" cost for an EIS, as the cost varies based upon the scale of the project, the natural and human resources potentially affected, the level of public controversy, and other factors.

*7. How is public opinion weighed in the decision-making process? Will there be an opportunity to vote on this proposal? How do you weigh the opinions of people living in the project area versus those outside the area? Who makes the final decision; when? Will the decision be made on the basis of public opinion or scientific data, or is public opinion considered part of the data?*

Public opinion is important and all opinions, feelings, suggestions, and observations will be carefully read and considered. However, NEPA is not a vote-counting process. All comments carry the same weight, regardless of their origin or whether they are expressed once or in a hundred separate e-mail messages or letters. The NEPA process is intended to help public officials make decisions based upon understanding the environmental consequences of an action, not based upon public sentiment. The quality of public input is typically more important than the quantity.

For the fee-to-trust transfer, the Assistant Secretary of the Interior for Indian Affairs will be the decision-maker. The Secretary of the Interior will make the Section 20 determination. Both the Regional FHWA Director and the Oregon Transportation Commission (OTC) must approve any I-84 improvements. Decisions will be made based upon information contained in the EIS, public comment on the EIS, and compliance with applicable laws and regulations. Public opinion will inform but not dictate the decision.

8. *What is the EIS analysis area? Will the proposed Marine Park area be included? Will Bear Mountain be included?*

The analysis area is based on the range of influence the project would have on a particular resource. Most technical analyses address potential effects outside of the immediate footprint area of the proposed development; e.g., the current study area for the traffic analysis extends from the Herman Creek Interchange to the West Cascade Locks Interchange to the intersection of the Bridge of the Gods with SR 14, whereas the hazardous materials analysis examines the project site and adjacent properties.

9. *What will be the scope of analysis of induced development and other cumulative impacts?*

Induced development will be examined for the City of Cascade Locks and surrounding communities that could experience growth and development as a result of the resort and casino project. Induced development will be considered in the secondary impacts analysis for all resources evaluated in the EIS. A cumulative effects analysis will be conducted to determine how past, present, and reasonably foreseeable actions, when considered with the proposed action, could adversely affect resources.

10. *How will other large developments in the National Scenic Area, e.g. Skamania Lodge, be factored in?*

Major tourist facilities, such as Skamania Lodge, will be assessed as cumulative actions in the EIS. Cumulative impacts are defined as the impact to the environment that results from the proposed action when combined with other past, present and reasonable foreseeable future actions, regardless of what agency or person undertakes such other actions.

11. *What national studies will be used to determine social, economic and environmental consequences?*

For some resources, it is appropriate to consider previous studies when determining the type and amount of impact the proposed action could have. The technical teams completing the technical studies will draw from a variety of past research to inform their studies.

12. *Since this is a National Scenic Area, will impacts outside the immediate area, including to the entire US population, be considered?*

The analysis of impacts will vary by resource topic. For example, the assessment of potential water quality effects will likely be localized, while traffic impacts will be assessed over a much larger area. Effects on the overall integrity and functionality of the National Scenic Area will be addressed. Other impacts to the entire US population are both unspecified and likely beyond the scope of this EIS.

13. *How are effects to natural resources weighed against effects to the human environment?*

The human environment is interpreted comprehensively by NEPA to include the natural and physical environment and the relationship of people with that environment. The purpose of NEPA is to help decision-makers make decisions that are based on an understanding of the environmental consequences

of those decisions. Weighing beneficial effects against adverse impacts is an integral part of the NEPA decision-making process.

*14. Will a 90-day review period for the DEIS be provided, rather than the statutory minimum of 45 days?*

A decision on the length of the public review period will be made by BIA at the time of release of the Draft EIS.

*15. Are all documents produced in the EIS process open, public records, subject to Freedom of Information Act laws?*

Yes.

### **Proposed Action**

*1. Please explain, "fee to trust".*

A fee-to-trust action is a real estate transaction that converts land from private or individual (fee) title into federal title. Trust status can only be conferred by an Act of Congress, a court decision or settlement, or, most commonly, through an application through the U.S. Department of the Interior. If approved, the subject land will belong to the United States of America, with exclusive use and jurisdiction reserved for the Tribes.

*2. How was the 3 million-visitor estimate generated? Is this a starting number that will grow over time?*

The traffic studies planned in support of the EIS will estimate the number of people expected to visit the proposed resort and casino when it first opens and after 20 years. The three million figure was generated by outside parties.

*3. Why is only 25 acres being proposed for a fee-to-trust transfer, rather than the entire 60 acres needed for the project?*

The amount of land to be taken into trust was agreed upon by the City of Cascade Locks, Hood River County, and the Tribe in a Memorandum of Agreement (March 25, 2005). Because IGRA requires the casino to be developed on trust land, the casino building would be located on the 25-acre fee-to-trust parcel. The remaining land will be leased from the Port of Cascade Locks.

*4. What percent of the building will be casino versus resort facilities, interpretive center, and other uses?*

Current designs for the resort and casino have allocated approximately 15 percent of the building space for the casino. The remaining space includes the 250-room hotel, conference facilities, ballroom, restaurants, shops, exhibit hall, interpretive center, and support space.

5. *Who will operate the casino?*

The casino will be operated by the Warm Springs Gaming Enterprise.

6. *What is the proposed phasing of development?*

Development phasing is undetermined at this time. The EIS will analyze full build-out of the proposed project.

7. *How will the environment around the casino be enhanced, e.g. cultural opportunities?*

The environment around the casino will be enhanced through landscaping and other site designs. The resort and casino facility as well as the surrounding area will incorporate the history, traditions, and overall culture of the Tribe.

8. *What percent of gross revenues from casino operations will be specifically earmarked for the community of Cascade Locks? For Tribal education; social and human services?*

The Tribe has entered into a Memorandum of Agreement with the City of Cascade Locks and Hood River County that includes establishment of a Community Benefit Fund and measures to mitigate impacts to traffic and community services. According to IGRA, net revenues from any tribal gaming are not to be used for purposes other than to:

- Fund tribal government operations or programs;
- Provide for the general welfare of the Indian tribe and its members;
- Promote tribal economic development;
- Donate to charitable organizations; or
- Help fund operations of local government agencies.

9. *Will gasoline and diesel fuel be sold?*

Tribal representatives indicate that they have no intent to provide such services and have not included such in their proposal.

10. *Are any marina facilities, docks or other waterfront development planned?*

There are no marina facilities, docks or other waterfront development planned by the Tribe. The Port of Cascade Locks is studying the feasibility of such facilities on its property.

*11. How much construction employment will be earmarked to local Oregon and Washington firms?*

This is unknown at this time and beyond the scope of the EIS.

*12. Will sustainability principles be incorporated into the casino design and development?*

Tribal representatives indicate that sustainable design elements will be incorporated into the resort building, parking structures, and other site features.

*13. How does the size of the proposed casino compare to the Grande Ronde casino, proposed La Center casino, and other regional casinos?*

The proposed casino will be approximately the same size as the existing Grande Ronde casino and smaller than the proposed La Center casino.

*14. Will a public transportation program between the Warm Springs Reservation and the casino be included as part of the proposal?*

Public transportation alternatives will be analyzed as potential mitigation for traffic impacts. While a public transportation program between the Warm Springs Reservation and the casino has not been included as part of the Tribe's proposal, it may be recommended as mitigation.

*15. Will the casino operate 24 hours per day?*

Tribal representatives indicate that the hours of operation are undetermined at this time.

*16. How was the proposed amount of parking calculated? Are 3,700 spaces adequate? Will shuttles be provided; from where?*

The number of parking spaces included in the proposed action was determined outside of the NEPA process. The traffic studies to be completed in support of the EIS will estimate the number of trips to the site and determine whether the amount of parking proposed will meet the estimated need. Shuttle service is currently not part of the proposed project.

## **Financial Issues**

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

The Tribe is currently investigating funding sources.

2. *Who will fund the necessary interchange and local street improvements?*

The Tribe will fund a transportation impact study for ODOT and be responsible for the cost of transportation system improvements needed to serve the gaming facility and resort, including a potential new interchange on Interstate Highway 84 and local street improvements identified in the traffic impact study.

3. *What are the costs to federal and state agencies to process the EIS and other associated permits?*

Such costs are unknown at this time.

4. *What is the financial point of return for the Tribe in operating the casino?*

The 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.

5. *What economic activities and level of revenues are necessary to adequately support Tribal self-sufficiency, benefits and services?*

The EIS will define the purpose and need for the project, which will include an explanation of the Tribe's economic needs.

6. *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 federal benefits to the Tribe any differently than other revenue sources.

7. *If the Tribe could not maximize their economic benefits at Kah-nee-ta, how will they obtain additional economic benefits for their members with a new casino?*

The Kah-Nee-Ta casino does not currently provide adequate revenue to meet the basic needs of the Tribe, primarily due to its location relative to the market demand. The proposed resort and casino at Cascade Locks is larger than the Kah-Nee-Ta facility and is expected to generate more revenue due to its proximity to the Portland Metro area. With greater revenue, the Tribe can more adequately support the needs of the tribal community, including government services, health care, schools, employment, housing, and capital improvement projects.

## **Purpose and Need**

1. *How is the need for the proposed action determined?*

The need for the proposed action is established by the Tribe and is reviewed and approved by BIA.

2. *Why is a new casino needed if the Tribe is profiting from other non-gambling enterprises, e.g. dams, timber, museums? What is the financial need?*

Current revenues from all Warm Springs enterprises are not meeting the economic needs of the tribal government. The EIS will define the economic need and consider alternatives that could meet that need.

3. *Is it appropriate that generating "maximum revenue" is part of the purpose/need?*

The Purpose and Need statement has been revised to clarify that the purpose of the proposed action is to improve the long-term economic and social vitality and self-sufficiency of the Tribe. The need for the proposed action is based on the Tribe's 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 of the reservation 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.

## **Alternatives**

1. *How are the alternatives tested against the purpose and need?*

NEPA requires that all reasonable alternatives be considered to ensure that proposed actions are well conceived and thoroughly evaluated. Case law has determined that reasonable alternatives must provide clear choices for the decision-maker; respond to scoping issues, particularly significant issues; and meet the purpose and need for the proposed action. Alternatives that do not meet the purpose and need may be eliminated from detailed study in the EIS.

2. *Why were alternatives not identified in the Notice of Intent (NOI) as required by federal law?*

Regulations require that the NOI describe the proposed action and possible alternatives, *if known*. At the time of publication of the NOI, possible alternatives had not been identified. One of the purposes of scoping, which follows NOI publication, is to identify alternatives to be considered in the EIS. Based upon initial scoping comments, BIA has refined the statement describing the purpose and need for federal agency action and has developed a preliminary range of alternatives to be assessed in the EIS. With this new information available, BIA is providing an additional public comment period, specifically to seek input on the refined Purpose and Need and the range of alternatives to be analyzed in the EIS.

3. *What is the definition of "reasonable alternatives"?*

See the response to #1 above. Reasonable alternatives have been defined by the Council on Environmental Quality (CEQ) as those that are practical or feasible from a technical and economic

standpoint and using common sense.

4. *Will alternatives, including a no action alternative, be analyzed at the same level of detail as the Proposed Action?*

NEPA regulations require that the degree of analysis devoted to each alternative, including a no action alternative, be substantially similar to that devoted to the proposed action.

5. *Will development of the site for a range of industrial uses under current zoning be considered as an alternative to and compared against the impacts of casino development?*

The no action alternative will consider potential uses of the project area based upon current zoning and compare the impacts of such to those of the proposed action.

6. *Will non-gaming alternatives, e.g. other financial enterprises, be considered? Will moving the museum at Warm Springs to Cascade Locks be considered as an alternative?*

BIA is currently seeking input on eliminating such alternatives from detailed consideration based on preliminary economic analysis and tribal needs. Pursuant to NEPA, proposed alternatives that do not meet the purpose and need or are not reasonable for other reasons may be eliminated from detailed study in the EIS. Reasons for their elimination will be discussed in the EIS.

7. *Will a smaller casino be considered as an alternative?*

See the above response.

8. *Will improvements to the existing Kah-Nee-Ta resort and casino be considered as an alternative?*

See the response to #6 above.

9. *Will a replacement casino in a better location on the Reservation, e.g. on US 26 or US 97, be considered as a viable alternative?*

See the response to #6 above.

10. *Does the Tribe have other non-reservation lands that would be viable optional casino sites?*

Yes, the Tribe has trust land in various locations, including west of the City of Hood River. The viability of these sites for casino development will be assessed as part of the development of a range of alternatives.

*11. Will casino development in Portland, including a multi-tribal casino at the racetrack or Delta Park, be considered as an alternative?*

See the response to #6 above. The Tribe does not have trust land in Portland and there has been no proposal by the Tribe, the City of Portland, or the State of Oregon to develop a casino in Portland.

*12. Why not site the casino in Bend/Deschutes County in light of projected growth in Central Oregon?*

See the response to #6 above. As noted above for a Portland site, the Tribe does not have trust land in the Bend/Deschutes County area and there is no proposal for casino development there.

*13. Will a land swap for a casino outside the Gorge be considered?*

There has been no proposal that the Tribe is considering for a land swap for a casino outside of the Gorge.

*14. How is the proposed casino in La Center being considered?*

The proposed Cowlitz Indian Tribe casino in La Center, WA will be assessed as a cumulative action. It will not be considered as an alternative as it would not benefit the Warm Springs Tribe and thus does not meet the purpose/need for the proposed action.

*15. Will not serving alcohol at the casino be considered as an alternative?*

Under NEPA, such operational considerations would not be considered as alternatives for the proposed fee-to-trust action and associated resort and casino development. The serving of alcoholic beverages will be entirely at the discretion of the Tribe.

*16. Please clarify the situation in Hood River regarding trust lands available for development, Scenic Area Act applicability, and other issues related to casino development there?*

BIA is proposing to evaluate options for development of gaming facilities east of the City of Hood either on existing Tribal trust land or through a combination of trust land and a fee-to-trust transfer for development of ancillary facilities on adjacent lands owned by the Tribe. The EIS will all identify issues associated with casino development on those lands, including land use policy and environmental constraints.

*17. What is the US Forest Service position on the legality of casino development in Hood River? Does the Forest Service position invalidate a Hood River alternative?*

BIA will consult with the U.S. Forest Service to characterize the agency's policies and concerns and incorporate that input into its analysis of a Hood River alternative.

*18. How can the Hood River site be a reasonable alternative when 55 deficiencies were identified with the Tribe's EA for that site?*

A Hood River alternative is proposed for analysis as a reasonable alternative to the proposed action because it meets the stated purpose and need. A potential conflict with local or federal law does not necessarily render an alternative unreasonable.

*19. Will the EIS determine whether the Hood River site is a viable alternative?*

BIA is currently seeking input on consideration of the Hood River site as an alternative for full evaluation based on its ability to meet the purpose and need.

*20. How will the Hood River lands be protected? Are there any plans for development of these lands?*

The proposed action includes provisions for protection of Hood River trust lands in accordance with the Tribal-State compact.

*21. In lieu of a large surface parking area, will in-town overflow parking with a shuttle system be considered?*

Proposed surface parking lots, such as in-town parking and shuttle systems, could be considered as mitigation if significant adverse effects associated with surface parking are identified.

*22. Will the EIS evaluate transportation options such as a "Game Train" and bus or light rail service from Portland, or transport from the Amtrak in Stevenson, or boat service from Portland?*

Currently, there is no passenger rail service to Cascade Locks and there are no plans to provide such service in the foreseeable future. The traffic studies to be completed in support of the EIS will consider potential impacts of casino-related travel on traffic mobility in the area and identify measures to minimize those impacts. Mitigation measures could include alternative modes of transportation.

*23. If the interchange improvements are not approved, can the casino project go forward?*

The current road network requires improvements to accommodate traffic from the interstate highway and across the Union Pacific rail line to the resort and casino development. If transportation studies identify alternatives other than a new interchange at Forest Lane that would adequately accommodate traffic movement to the resort and casino development, these would be considered in the EIS.

## **Relationship to Other Casinos**

*1. Please clarify whether this is the first or the seventh off-reservation casino in Oregon.*

All nine of the federally recognized Indian tribes in Oregon operate casinos, although only three tribal

casinos (the Confederated Tribes of the Umatilla Reservation's *Wildhorse Casino*, the Burns Paiute Tribe's *Old Camp Casino*, and the Confederated Tribes of the Warm Springs Reservation's *Kah-Nee-Ta High Desert Resort and Casino*) are located on land that was established as Indian reservation land in 1988, when Congress enacted the Indian Gaming Regulatory Act. The other six tribal casinos were sited on land that was not part of an established Indian reservation in 1988. The Cascade Locks Resort and Casino would be the seventh Indian casino in Oregon that that is sited on land that was not part of an established Indian reservation in 1988.

2. *How does this process differ from procedures the other six Oregon casinos on non-tribal land went through? Isn't the difference between this proposal and other Oregon tribal casinos that this tribe currently has a reservation (with a casino) and therefore this is the only true off-reservation casino in Oregon and only the 4<sup>th</sup> in the country?*

See the response to #1 above. The six tribal casinos in Oregon that were sited on land that was not part of an established Indian reservation in 1988 obtained their land through administrative process or legislation as follows:

- Act of Congress: Confederated Tribes of the Siletz *Chinook Winds Casino*; Cow Creek Band of Umpqua Indians *Seven Feathers Casino*
- Congressional statute: Confederated Tribes of the Grand Ronde *Spirit Mountain Casino*
- BIA administrative procedures: Confederated Coos, Lower Umpqua, and Siuslaw Tribes *Three Rivers Casino*; Coquille Tribe *Mill Casino*; Klamath Tribe *Kla-Mo-Ya Casino*

The Confederated Tribes of the Grand Ronde; Confederated Tribes of the Siletz; Confederated Coos, Lower Umpqua, and Siuslaw Tribes; Cow Creek Band; and Coquille Tribe had restored reservation lands apart from the lands brought into trust for the casino.

3. *How will the EIS address the potential for additional requests for casinos in the Gorge?*

No other reasonably foreseeable requests for casino development in the Gorge have been identified. The EIS will discuss the State of Oregon's gaming policy limiting each tribe to one casino, note there are no other known applications for gaming in the Gorge, and indicate that additional casino development in the Gorge is unlikely due to the policy considerations, lack of developable lands, and other factors.

4. *How will other casinos in Oregon be affected by the development of this casino?*

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 and marketing.

5. *How many casinos can one tribe have? Since the Warm Springs consist of three tribes, are they entitled to three casinos?*

The state's policy is one casino per tribe. The three Warm Springs tribes are federally recognized as a single confederated tribe entitled to a single casino, just as are other confederated tribes.

## **General Effects**

1. *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?*

Section 20 of the Indian Gaming Regulatory Act (IGRA) allows gaming to be conducted on newly acquired land if the Secretary of Interior determines that 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. The BIA has been delegated responsibility to conduct consultation with the applicant tribe and appropriate state, local, and other nearby tribal officials. Appropriate state and local officials include the governor of the state in which the land is located and state and appropriate local officials of local governments within 10 miles of the proposed gaming establishment. Nearby tribal officials include the governing bodies of all tribes with Indian lands located within 50 miles of the proposed trust acquisition. The Regional Director of BIA may decide that a broader consultation is required.

2. *Will the EIS evaluate a complete range of environmental, social and economic consequences to Cascade Locks if the casino is not built?*

Yes, this analysis will be included in the evaluation of a no action Alternative.

3. *How will direct and indirect impacts to the National Scenic Area be addressed? How will meeting the intent of the NSA be addressed?*

The EIS will examine the direct and indirect impacts of the proposed project on the requirements of the NSA and NSA Management Plan. The proposed resort and casino in Cascade Locks is within the City's urban growth boundary, which is one of the 13 Urban Areas identified by National Scenic Area Management Plan. Urban areas are the primary focus of future growth in the NSA and are exempt from scenic area regulations, and no review of proposed development is required.

4. *What environmental impacts would put a halt to the proposed project?*

The EIS will identify the adverse and beneficial effects of the project on the natural and human environment. The BIA Regional Director will use the EIS, and other information obtained through the requirements of the Indian Gaming Regulatory Act and the fee-to-trust transfer process, to make a recommendation regarding the proposed fee-to-trust transfer to the Assistant Secretary for Indian Affairs Secretary and on the Section 20 determination to the Secretary of the Interior.

5. *Will the EIS compare the effects of casino visitation to those of the Lewis and Clark bicentennial celebration?*

The EIS will consider all past, present, and future visitation to the Gorge in assessing the potential cumulative impacts of the project on traffic and other resources. There will be no direct comparison of visitors to the Lewis and Clark celebration and visitors to the proposed casino.

6. *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?*

See the response to #5 above.

7. *Will the Compact and the agreements between local governments and the Tribe be considered when studying the social and economic impacts, specifically the financial contributions and impact mitigation components?*

Yes.

8. *How will the outcomes of locating a casino at Cascade Locks be monitored and evaluated?*

Monitoring requirements could be established by BIA or other regulatory agencies as part of their decisions on the fee-to-trust transfer, eight-point decision report, interchange area management plan (IAMP), or other permits.

### **Infrastructure Impacts**

1. *Will the impacts to schools and utilities in Cascade Locks be assessed, including beneficial impacts to the local school system?*

Yes, impacts (positive and negative) to schools and utilities (among other public services) in the City of Cascade Locks will be assessed as part of the socioeconomic analysis for the EIS.

2. *What consultation with school districts and other service providers will occur?*

The City of Cascade Locks, Port of Cascade Locks, and Hood River County are cooperating agencies for the EIS, and consultation with these parties is ongoing. Information pertaining to the existing conditions of and potential impacts on public services and resources, including schools, is obtained through coordination with the agencies directly responsible for those services and resources.

3. *What will be the need for additional public services and for infrastructure improvements?*

Socioeconomic and induced growth studies will examine the potential increase in demand for additional public services by estimating the number of people expected to move to the City of Cascade Locks and

other surrounding communities as a result of the proposed project. The EIS will assess the increased demand for public services and the ability of the existing system to meet the needs of an expanding community.

4. *What contributions will be provided to Cascade Locks to support additional law enforcement and emergency services?*

The Tribe has entered into a Memorandum of Agreement with the City of Cascade Locks and the Hood River County that pledges a contribution to support law enforcement, fire and emergency response services, and if needed, infrastructure improvements.

5. *Will Hood River County receive any funds to offset the demand for additional services and for infrastructure needs?*

See the response to #4 above.

6. *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?*

The Tribe has made no agreement with Skamania County or Stevenson to contribute to public services and facilities.

7. *How will housing needs for employees be addressed? Where will employee housing be developed?*

The socioeconomic impact analysis will consider housing needs for employees, the available housing stock, and need for new housing in the area for employees of the casino and future population growth induced by the casino. The proposed project does not include employee housing.

8. *What are the plans for sewage and solid waste disposal?*

The EIS will evaluate the plans for sewage and solid waste disposal for the resort and casino, as well as effects of the development on the existing system.

9. *How will stormwater runoff be handled? Does the City's system have capacity to handle the additional demand?*

The Tribe intends to manage stormwater runoff with an on-site treatment system, the impacts of which will be discussed in the EIS.

10. *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?*

The EIS will address impacts to utilities, including water supply for potable use and fire suppression.

## Social and Economic Impacts

1. *How will effects on community character, e.g. small town atmosphere, be assessed?*

The EIS will examine community demographics, neighborhood cohesion, and existing and planned land use guidance documents such as the City of Cascade Locks Downtown Plan. Impacts to community character will be based on anticipated changes to population, land use, social services and other elements that contribute to the social environment.

2. *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?*

Yes, as part of the assessment of a no action alternative.

3. *How are impacts on moral values considered?*

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

4. *Have studies of other casinos shown crime increases in surrounding communities?*

Previous studies will be considered in the evaluation of potential impacts of the proposed project.

5. *How will gambling-related social problems such as increased crime and gambling addiction be dealt with? Who will pay for services for problem or addicted gamblers? What reputable, non-gambling funded studies are being consulted for adequate mitigation of gambling-induced problems?*

IGRA requires the Tribe to examine the potential effects of the gaming establishment on the surrounding community, including impacts on social services and infrastructure, and consider providing programs for compulsive gamblers. EIS will address these potential impacts on the surrounding communities. The Tribe has included measures to mitigate such impacts in their Compact with the State and in their Memorandum of Understanding with the City of Cascade Locks and Hood River County.

6. *How comprehensive will the economic analysis be?*

The economic analysis will examine 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.

7. *What economic impacts on non-tribal residents in surrounding communities will be assessed?*

All reasonably foreseeable economic impacts to the City of Cascade Locks and the surrounding

communities will be examined. These impacts include household income and employment, induced commercial and industrial development, and contributions to local government services and infrastructure.

8. *What will be the property tax consequences for Cascade Locks and Hood River County of locating a casino at Cascade Locks?*

Property tax impacts will be assessed as part of the EIS socioeconomic analysis.

9. *What revenues will Cascade Locks receive directly, e.g. taxes, percent of profits?*

The Tribe has pledged to provide the City of Cascade Locks with funding for law enforcement, fire and emergency response services, infrastructure or for other community benefit purposes, as identified in the Memorandum of Agreement between the Tribe, the City, and Hood River County.

10. *Does the dedicated 6% in revenues to local communities go only to Cascade Locks or to counties statewide? Will any go to Washington communities?*

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.

11. *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.

12. *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?*

The Tribe has estimated that approximately 60 jobs would be eliminated with the closure of the Kah-Nee-Ta casino; however, they expect to create over 1,700 new jobs at the proposed Cascade Locks Resort and Casino. The Tribe proposes to change operations of the Kah-Nee-Ta resort toward sustainable tourism and enhance other tribal services and enterprises through the revenues produced by the proposed project. These factors will be considered in the economic impact analysis for the EIS.

The purpose of the proposed project is to meet the growing economic needs of the reservation. Other than the revenue sharing payments and Community Benefit Fund described in the Tribal-State Compact, the EIS will assume that revenue from the proposed project will be used by the Tribe for the needs of their members.

*13. 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?*

The EIS will review information provided by the Tribe to determine the impact of the proposed project on employment in the region.

The Tribe has not indicated that they have earmarked jobs for local residents or Tribal members, nor have they indicated that they have reserved work for local contractors.

*14. How will job creation potential, as compared to other potential uses, be weighed?*

This will be examined in the EIS socioeconomics analysis. The analysis will compare the number of potential jobs that would be created by the proposed project and the amount of jobs that would be created under a no action alternative, which makes an assumption about future use of the land if the resort and casino were not built.

*15. How will tax-paying businesses in Cascade Locks be affected by this tax-exempt enterprise?*

Impacts of the project on local businesses will be discussed as part of the EIS socioeconomics analysis.

*16. How will environmental justice be dealt with? What is being done to ensure that the Native American population is not discriminated against in this process?*

The EIS will include analysis of environmental justice issues and conformance with federal requirements. Specific outreach to the Tribe is occurring through government-to-government consultation, the Section 20 determination process, and the project's public and agency involvement program. Section 20 of IGRA requires the Secretary of Interior to determine that the gaming establishment on newly acquired land (1) will be in the best interest of the Indian tribe and its members and (2) will not be detrimental to the surrounding community. The BIA is consulting with the Tribe and appropriate state, local, and other nearby tribal officials to comment on the proposed acquisition by addressing questions/issues relating to the Secretary's two-part determination. The EIS will present information to assist the Secretary in making this two-part determination.

## **Land Uses**

*1. Why isn't the proposed casino subject to the requirements of the National Scenic Area Act?*

See the response to General Effects #3 above.

*2. Will the effects of induced development, including pressure for UGB 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?*

Yes, the EIS will consider the effects of induced growth of the project. An induced growth scenario will be the basis for the secondary impacts analysis in the EIS. The analysis will include the cities of Cascade Locks, Hood River, North Bonneville, and Stevenson, the Carson River Valley community, and surrounding counties.

3. *What types/how much induced growth has occurred with other Oregon and Washington casinos?*

Induced growth associated with other tribal casinos will be considered in the analysis. However, the situation in Cascade Locks may not be comparable due to restrictions on growth associated with the City's urban growth boundary and the National Scenic Area.

4. *Will the EIS consider other economic development authorized within the Gorge, e.g., Skamania Lodge, second Bonneville powerhouse, Bonneville Hot Springs Resort?*

This development will be assessed under Land Use generally and under cumulative effects specifically. Also see the response to General effects #5 and 6.

5. *What effect does the location of the proposed project within an industrial area have on the EIS? If a casino is not developed, what other uses could occur on this industrial land? What would the environmental impacts of those uses be? What type of environmental review would be required for such uses?*

The fact that the project is proposed to be built within an industrial area does not affect how the project will be evaluated in the EIS. The Port of Cascade Locks site is zoned for heavy and light industrial uses. The EIS will evaluate potential impacts of a no action alternative that will include assumptions about potential future use of the site based on zoning.

6. *If a casino is developed on these industrial lands, how much land will remain available for industrial development in Cascade Locks?*

Industrial land will remain available to the west of the proposed project site (near Herman Creek) and at the western edge of the City. The EIS will assess effects of the project on the short and long-term supply of industrial lands within the City.

7. *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.

8. *Will the EIS consider the impact of the casino to other proposed projects in Cascade Locks, e.g. CRGA, the sailboat racing center currently proposed close to the casino site?*

Other reasonably foreseeable actions in Cascade Locks will be included in the assessment of cumulative effects.

9. *Can the casino be expanded at a future date? How would future expansion be limited? Will an expansion require an EIS?*

The casino would only be able to be expanded within the boundaries of the 25 acres of fee-to-trust lands. Expansion within that area would not require an EIS.

10. *What will happen to the Government Rock property owned by the Tribe? Will the EIS consider future potential uses there?*

The EIS will consider potential uses based upon current zoning. There are no known plans for a change in current uses.

## **Transportation**

1. *What is the scope of the transportation impacts analysis?*

- *Will truck traffic be considered?*
- *Will traffic impacts in Stevenson be assessed and mitigated? 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 Highway 14 from Stevenson to Vancouver?*
- *Will effects on the Bridge of the Gods be assessed? If bridge expansion is determined to be needed, how will it be financed?*

The transportation impact analysis will characterize the effects of the proposed project on traffic and transportation facilities, including the I-84 corridor in the vicinity of Cascade Locks, Forest Lane and Wa-Na-Pa Street in the City of Cascade Locks, the Bridge of the Gods, and SR 14 at the intersection of Bridge of the Gods. Impacts to traffic volumes outside of these study segments will be estimated based on directional traffic volumes at the study intersections/segments. The analysis will consider the mix of vehicles using the roads in the study area (i.e., including truck traffic volumes). If significant impacts to transportation facilities and traffic are identified in the analysis, mitigation measures will be recommended.

2. *How many vehicle trips will be generated? How many trips by workers and service and delivery vehicles?*

Trip generation to the proposed Cascade Locks Resort and Casino is currently being projected and will include traffic generated by resort and casino visitors, employees, and other traffic (including service and delivery traffic) that may result from the proposed project.

3. *What is the capacity of I-84 and local streets to accommodate additional traffic?*

Local streets, I-84, and its associated existing interchanges will all be included in the transportation impact analysis. The analysis will consider traffic generated by the proposed project, including where the traffic would be coming from and whether the existing roadways can accommodate additional traffic generated by the project.

4. *Will effects on I-84 and local roads of additional studded tires be assessed?*

The transportation impact analysis will consider the impacts of additional traffic generated by the project on the transportation facilities based on capacity of the affected roadways. It will not specifically address use of studded tires.

5. *Will the transportation analysis take into account the existing recreation and destination uses along I-84 in the vicinity of Cascade Locks?*

Traffic volumes generated by existing recreation opportunities and other destinations in the I-84 corridor will be part of the existing conditions analysis for transportation.

6. *Will the analysis consider traffic associated with economic development in Hood River, other Gorge communities or in Portland that generate traffic on I-84?*

The transportation impact analysis will consider the effects of induced growth (i.e., development that could occur as a result of proposed project) and other reasonably foreseeable developments in the communities within Hood River County, Oregon, and Skamania County, Washington.

7. *Will the risk of increased accidents, both winter and summer, be factored in? How will hazards on I-84 associated with inclement winter weather and additional traffic generated by the casino be mitigated? Have fatalities due to alcohol consumption increased on the roads near the Warm Springs casino? How will this be monitored after construction of the proposed casino?*

The transportation impacts analysis will evaluate the effects of the project on traffic mobility and safety. The performance of the transportation system under the proposed action will be compared with ODOT's minimum transportation operational performance thresholds. If the analysis determines that significant impacts to the transportation system could occur as a result of the project, mitigation measures will be recommended.

8. *What improvements will be made to Forest Lane to address safety and access?*

The proposed project includes plans for a new, full interchange with I-84 at the existing Forest Lane overpass to improve safety and access to the project site. The new interchange would include an overpass to replace the existing at-grade crossing of the Union Pacific Railroad tracks. Other

improvements to Forest Lane are not included in the proposed project; however, if the project would result in significant impacts to Forest Lane, the EIS will recommend measures to mitigate those impacts.

9. *How will the positive effects of alternative fuels and hybrid cars be factored into trip generation projections?*

Improvements in fuels and vehicles to reduce vehicular emissions of green house gases will be factored into the analysis of air quality impacts associated with traffic generated by the resort and casino.

10. *Will the EIS factor in a reduction in trips east to Hood River or west to Gresham/Portland for medical and banking services, retail shopping, and entertainment options?*

The analysis of future traffic conditions resulting from the proposed project will consider the effects of additional commercial development in the City of Cascade Locks that could occur as a result of the project (i.e., induced growth) on traffic conditions in the area.

11. *With casino development, how will other industrial users access undeveloped land to the north of the casino site?*

This area will continue to be accessible via Port Industrial Parkway.

12. *What grade will be required for an overpass of the railroad tracks?*

The design of the railroad overpass is in progress and will be reviewed for compliance with ODOT and Union Pacific Railroad standards.

13. *How will conflicts with the railroad, e.g., noise, access and safety, be avoided?*

The proposed project includes replacement of the existing at-grade crossing of the Union Pacific Railroad corridor with an overpass to eliminate vehicle-train conflicts and improve safety of the crossing.

14. *What is the scope of mitigation of traffic impacts that will be considered in the EIS?*

If the analysis determines that significant impacts to the transportation system and traffic could occur as a result of the project, mitigation measures will be recommended.

## **Cultural Resources**

1. *How will historical uses of this area be factored in?*

The EIS will consider historic use of the area to determine whether cultural resources (practices, artifacts, structures, properties, etc.) would be affected by the project.

2. *Do tribes other than the Warm Springs have historic claims to the area around the proposed casino?*

The four Columbia River Treaty Tribes (i.e., the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of the Yakama Indian Nation) have reserved rights to anadromous fish in the Columbia Basin through treaties signed in 1855 with the United States. The Port of Cascade Locks site is within the area determined by the Indian Claims Commission in the *Confederated Tribes of the Warm Springs Reservation of Oregon v. United States* (Docket No. 198) to be the Tribe's aboriginal lands exclusive of the claims of any other tribe or tribes.

## **Natural Resources**

1. *Since 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?*

A complete Phase I Geotechnical Investigation was performed on the site to provide a preliminary assessment of the fill materials and subsurface conditions at the site. This included researching the origin and nature of the fill material, subsurface investigations, groundwater monitoring, laboratory testing, and preliminary geotechnical design recommendations. This information will be included in the EIS and used by project engineers and planners in designing facilities.

2. *Has a geo-tech study been done for the casino site as was done in Hood River? Will these studies be made available to the public?*

Yes, with the exception of proprietary financial data, all information used in support of the EIS, including geotechnical studies, will become part of the public record.

3. *What information is used to determine the presence of threatened and endangered species? What listed or potential species are present? Will eagle and osprey nests across the river be considered?*

The consultant team is researching the Oregon Natural Heritage Information Center database; conducting field surveys of wildlife habitat, botanical resources, wetlands, and aquatic resources; and consulting with U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Oregon Department of Fish and Wildlife to determine the presence of threatened, endangered, and other sensitive species. The findings of this investigation and potential effects on listed species will be presented in the EIS.

4. *What protections will be afforded to endangered species and the adjacent millponds? How will sensitive plant species in the vicinity be protected?*

Potential impacts to biological resources, including protected species, will be characterized in the EIS and mitigation measures will be recommended where appropriate. Mitigation measures will be developed in consultation with the resource agencies having regulatory authority.

5. *How will Government Cove be impacted?*

The analysis of potential impacts to biological resources will include potential impacts to resources in Government Cove. The analysis will consider effects from construction, long-term use of the site, and induced growth, and cumulative actions.

6. *What legal recourse is available if the Tribe does not provide the stated \$50-100 million over 25 years to protect salmon habitat?*

The EIS will address the direct, indirect, and cumulative effects of the project on fish habitat as it relates to the proposed project and make recommendations to mitigate adverse impacts where appropriate. There is no stated investment of \$50-100 million for salmon habitat protection related to the proposed project. The question of investments by the Tribe in salmon habitat protection is beyond the scope of the EIS.

## **Air Quality**

1. *What methodology will be used to assess the impacts of air pollution in Cascade Locks and the National Scenic Area (NSA)? Who is preparing the air quality analysis?*

The air quality analysis will examine existing air quality in the NSA and the existing sources that contribute to air quality degradation. The existing conditions analysis will include best available data from the Oregon Department of Environmental Quality, USDA Forest Service, U.S. Geological Survey, the Southwest Washington Clean Air Agency, and the University of Washington. A dispersion model that incorporates traffic data from the transportation impact analysis and information about other on-site sources of emissions (boilers and generators at the resort and casino) will be used to estimate pollutant emissions associated with the proposed project. The analysis is being prepared by the consultant team.

2. *How extensive will the assessment of air quality impacts be? Will projected growth and land uses in Hood River, The Dalles, Stevenson and Portland be factored in?*

The air quality impacts analysis will estimate the direct effects of the project on local and regional air quality in the first year of operation of the resort and casino and in the plan year of 2028. The analysis will consider induced growth when describing secondary/indirect effects of the project and other reasonably foreseeable actions not related to the project when describing cumulative effects.

3. *Will emission sources to be studied include boilers, emergency generators and other secondary sources?*

Yes, all of the potential new emission sources associated with the proposed project will be studied to estimate their impact on air quality within the project area.

- 4. In terms of emissions, will a heavy industrial development scenario be compared to the proposed casino development?*

Potential use of the site under a no action alternative will be considered in the assessment of impacts of that alternative.

- 5. Will mitigation be required to offset air pollution impacts?*

If the analysis determines that significant impacts to air quality could occur as a result of the project, measures to mitigate those impacts will be recommended.

- 6. Will the EIS address the existing acid rain problem in the Gorge and this project's contribution to it?*

The air quality analysis will fully examine the existing conditions within the Gorge, including acid rain, and how the project may impact the existing conditions.

- 7. How will the Tribe deal with air pollution that is eroding their own petroglyphs?*

If the air quality analysis indicates that the proposed project would adversely affect air quality and contribute to an existing air pollution problem, measures to mitigate those impacts will be recommended.

## **Visual Quality**

- 1. How will visual effects, including from hiking trails and other observation points above the casino, be assessed?*

Surveys are being conducted of the project area and surrounding areas in Oregon and Washington where the project area is potentially visible. This survey will include views from hiking trails in the project vicinity. The analysis will create a photo simulation of the project from key viewpoints. FHWA's Visual Impact Assessment guidance is also being used to conduct the visual analysis with respect to the interchange.

- 2. Will light pollution be considered?*

Light pollution will be considered in the evaluation of visual impacts. The evaluation will include review of the lighting plan for the site and identification of effects of artificial light on the surrounding environment.

- 3. Will RV's be parked inside a parking garage or outside; will they be in view of the freeway?*

RV parking is currently proposed to be located in the surface parking lot west of the proposed resort and casino and north of Bear Mountain Forest Products. The visual simulation analysis will include the potential visibility of this parking lot from key viewpoints.

4. *Do the layout and design of buildings consider the new "Dark Sky" limitations for outside lighting and advertising?*

The EIS will evaluate visual impacts associated with lighting and signage. Information provided by the design team will be used in the evaluation. If the evaluation determines that adverse effects would result from lighting, the EIS will identify mitigation measures consistent with the Dark Skies initiative to reduce adverse effects.

## **Recreation**

1. *How will easy river access be protected?*

The proposed project does not preclude access to the Columbia River from other Port of Cascade Locks or nearby properties.

2. *How will enjoyment of natural resource-based recreation and associated tourism be affected?*

The EIS will examine potential impacts from the proposed resort and casino on recreation and tourism in the area.

## **Other**

1. *What is Class III gaming?*

IGRA regulates three types of gaming: Class I, Class II, and Class III. Class I gaming refers to tribal games with minimal prizes that serve ceremonial or celebratory functions. Class II gaming is narrowly defined to include bingo and similar games. Class III gaming includes all forms of gaming that are neither Class I nor II, and is often referred to as casino-style gaming. Games commonly played at casinos, such as slot machines, black jack, craps, and roulette, fall in the Class III category, as well as wagering games and electronic facsimiles of any game of chance.

2. *What guarantee is there that the Tribe will abide by the recommendations in the EIS? What is the oversight on the project after the fee-to-trust transfer?*

Decisions on the fee-to-trust action and Section 20 determination will be based upon the EIS and may be contingent upon the Tribe's agreement to meet mitigation requirements. Those decisions, as well as the Tribal-State Compact and Tribal-local government agreements, will be legally binding on the Tribe and subject to standard legal redress. BIA and the state will have ongoing legal oversight on gaming activities.

3. *What impacts will tribal sovereignty have on the community? Will tribal police have authority off federal trust land? Will the Tribe be subject to state and local land use laws and building codes?*

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.

4. *Would the Tribe be required to follow equal opportunity employment laws and state labor laws such as minimum wage and workers' compensation?*

See the response to #4 above.

5. *Who will be responsible for training Tribal members for casino jobs? How will the training be done?*

This issue is beyond the scope of the EIS.

6. *Is there any plan to introduce gambling to the sternwheeler?*

No.

7. *What other permits and approvals are required?*

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 concurrently with the EIS. ODOT policies require that an IAMP be prepared for a new interchange to protect the proper function of the proposed interchange. The IAMP will be prepared concurrently with the EIS and approved by the Oregon Transportation Commission. Additionally, transportation system improvements will need to be coordinated with Union Pacific Railroad and consider potential effects to rail service through the area.

8. *How soon after the Secretary of the Interior approves the fee-to-trust transfer will construction begin?*

This is unknown at this time, although it is assumed that construction will begin as soon as final decisions are made on the fee-to-trust transfer and Section 20 determination and all requisite permits obtained.

9. *Why can't Indians build a casino wherever they want on aboriginal lands?*

IGRA regulates gaming on Indian lands, which the Act defines as: (a) all lands within the limits of any Indian reservation, and (b) any lands held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

10. *Please clarify the misinformation in The Oregonian about the location of the proposed casino.*

The September 15, 2005 edition of *The Oregonian* erroneously labeled a front-page photo of a rock quarry on industrial land outside the project area as the proposed casino site.

11. *Please state your position on having a statewide or regional referendum to determine the public's position on the proposed casino.*

The requests for a fee-to-trust transfer and for gaming pursuant to IGRA are being processed in accordance to applicable regulations and legal procedures. Decisions on those requests are not subject to public referendum.

12. *Where can agreements between the City and Port of Cascade Locks and the Tribe be viewed?*

When finalized, the Memorandum of Agreement will be posted on the EIS website.

13. *Has the Secretary of the Interior denied the Compact? If so, on what grounds?*

The Secretary determined that the Cascade Locks property must be taken into trust and compliance with the requirements of Section 20 of IGRA addressed before acting on the Tribal-State Compact, and disapproved the Compact at this time.

14. *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 pursuant by BIA pursuant to NEPA and by agreement of the Tribe and State, respectively. However, the Tribe and State may determine that the inclusion of some or all of the recommended mitigation measures in the EIS is appropriate.

15. *Have any environmental studies been conducted on the mill that is between the casino site and Herman Creek?*

Phase I and Phase II Environmental Site Assessments for hazardous wastes and materials have been conducted on the parcel of land between the proposed project site and Herman Creek.

16. *Why are old aeriels being used in displays when the trees that screened the site burned down two summers ago? Is the shoreline accurately depicted in the open house displays?*

The aerial photos that were used in the open house displays were the most recent aerial photographs that the project team had of the proposed project site at the time. The EIS will include recent photos of the site to accurately depict the existing conditions. The shoreline is accurately depicted.