

October 23, 2008

R.A. Whistler
Acting Regional Director
Bureau of Indian Affairs
The Federal Building
911 N.E. 11th Avenue
Portland, Oregon 97232- 4169
FAX: 503-231-2201

Re: Section 20 Consultation Regarding the Confederated Tribes of the Warm Springs Reservation Proposed Cascade Locks Casino

Dear Mr. Speaks:

My name is Todd Mohr and I serve as a Planning Commissioner for the city of Cascade Locks, Oregon. According to section 20(b)(1) of the Indian Gaming and Regulatory Act, the Secretary of the Interior is required to make a two-part determination whether gaming is in the best interest of the applicant tribe and *not detrimental to the surrounding community*. To satisfy the requirements of 25 C.F.R. § 292.13(b), the Secretary must consult with appropriate **state and local officials**, including officials of other nearby Indian tribes to ensure that an off-reservation casino would not be detrimental to the surrounding community.

I am writing in my capacity as an appointed official of Cascade Locks to address potential impacts that would result from the Confederated Tribes of the Warm Springs Reservation's proposed off-reservation casino in Cascade Locks. Please accept this letter as a summary of the negative impacts on our community and a request that BIA deny the Tribe's application at this time.

Response to BIA Factors. According to your consultation letter and the section 20 regulations, BIA seeks comment on the areas listed below. The proposed Cascade Locks casino will have serious negative impacts under each of the following categories:

1) **Environmental Impacts**

The proposed casino with its immense parking lots and huge buildings will be visible for miles in the Gorge and also visible from the nearby Pacific Crest National Scenic Trail. The proposal includes a resort and casino building with a building area of 610,000 square feet, a maintenance building with a footprint of 20,000 square feet, and 3,718 parking spaces that would cover 992,000 square feet. The project site would cover 60 acres (roughly 65 Portland city blocks). The facility would operate 24 hours a day and would attract more than three million annual visitors by its second year of operation and more than four million annual visitors by its tenth year of operation. A development of this size would significantly increase the level of light pollution in the Gorge.

The proposed casino resort would result in significant emissions of air pollutants. New sources of emissions would include vehicle trips for the projected three to four million annual visitors to the facility, a boiler and water heater at the facility, and hundreds of new housing units associated with the project. Air pollution is already at a dangerous level in the Gorge. The Forest Service reports that visibility is impaired 95% of the time. A recent study showed that fog and rain in the Gorge is 10 to 30 times more acidic than usual Northwest rainfall.

Lastly, hundreds of thousands of square feet of casino development along the banks of the Columbia River would harm fish and wildlife habitat. The proposed site is an environmentally sensitive area that hosts numerous sensitive species and habitat. The excavating and drilling that would accompany a construction of this magnitude, along with the impacts of thousands of vehicles daily, would disturb fish, wildlife, and plants and threaten existing habitats. Nearby Herman Creek, which would be temporarily dewatered by the proposed highway expansion and new casino freeway interchange, supports wild runs of steelhead and salmon that are listed as threatened under the Endangered Species Act.

2) Socioeconomic Impacts

Locating a large casino resort in the small town of Cascade Locks (pop. 1,100) would lead to an explosion of unplanned growth, increasing pressure to greatly expand our urban growth boundary that currently protects surrounding scenic area lands.

The proposed facility is projected to accommodate an average of 8,827 people every day. This is eight times more people than currently live in the entire town of Cascade Locks. The proposed facility would introduce enormous growth pressure to the Columbia River Gorge and surrounding areas, ruining the small-town character of Cascade Locks.

The DEIS states that the proposal would likely generate a need for hundreds of new residential units in the study area, including a projected 59 units in Cascade Locks, increasing the competition for affordable local housing.

Lastly, the project would remove an unacceptable amount of available industrial land from Hood River County's dwindling supply. The project would in one fell swoop remove almost half of Cascade Locks' industrially zoned land (60 of 129 acres).

3) Business Impacts

The casino is likely to have a detrimental effect on existing local businesses. The majority of visitors to Cascade Locks will be directly to the casino development by way of a new, four-lane highway interchange. Hotels, restaurants and small businesses located in the downtown area Cascade Locks will be bypassed.

Dr. Earl Grinols, a professor of Economics at Baylor University explains in his book *Gambling in America: Cost and Benefits* in 2004, "these (casino) companies do not take their profits and throw them back into the local economy." Statistics range from 35% to 87% of the profits are sent out of states in the form of vendor contracts, capital investment dividends and parent company profit sharing. **This money does not get reinvested into the community, which is the foundation of economic development.**

4) Costs

Cascade Locks has no means of mitigating the impacts generated by the proposed casino. Our resources are limited, and heavily dependent on the quality of the Gorge's natural resources. Casino development will impair the quality of those resources, likely negatively impacting tourism and thus Cascade Lock's revenues.

The casino proponents claim the Warm Springs Tribes - Oregon Benefit Fund is a source of funding to mitigate for the adverse impacts resulting from the casino resort. However, this fund does not exist anywhere except within a tribal gaming compact that was denied by the Department of Interior in May of 2005, pursuant to its authority under the Indian Gaming Regulatory Act (IGRA) 25 U.S.C. § 2710(d)(8)(C). As a result, this tribal gaming compact is null and void.

Even if there was a valid compact, revenue for the benefit fund would only be provided as long as no private casinos are operated within the State of Oregon. All revenue from this fund would cease upon the operation of a "non-Indian casino in the State." (Compact, Article XV, page 65)

In the nullified compact, all expenditures from the CBF are discretionary and would be spread among 11 counties in Oregon. There is no requirement to spend even one dollar to benefit local communities in the Gorge. All language relating to specific expenditures of funds contains the word "may" rather than "shall." (See attachment from the nullified compact titled "Community Benefit Fund," Article XVI, pages 77-79)

In the nullified compact, the entire community benefit fund dissolves if non-tribal casinos are established in Oregon.

Termination of Fund Contributions. The Tribe's contributions to the Community Benefit Fund established in this Article are required only so long as no non-Indian casino is operated in the State pursuant to a change in the Oregon Constitution that allows the operation of such a non-Indian casino in the State. (Article XVI, Community Benefit Fund, Page 79)

While the environmental, social, economic, and health related impacts from the casino resort would be enormous, there is no assurance that any funding would be provided to offset these impacts.

5) **Gambling Impacts**

Social impacts such as problem and pathological gambling would have a regional impact. The National Opinion Research Center found that the presence of a gambling facility within 50 miles roughly doubles the prevalence of problem and pathological gamblers. Cascade Locks will be faced with the social cost of treating gambling addiction and associated crime.

The 2000 Census showed the per capita for Cascade Locks was \$15,359, over \$6,000 lower than the average US per capita income. Statistics show that individuals with lower household incomes are most apt to habitual gambling; inevitably leading to even further economic difficulty that triggers marriage struggles, greater challenges in parenting, and possibly other harmful addictions. Therefore Cascade Locks is in danger of facing detrimental impacts from habitual gambling.

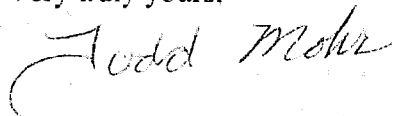
6) **Other Negative Impacts**

Traffic impacts would have cumulatively significant effects in Cascade Locks. Associated pollution, accident risks, drunk driving and other significant cumulative impacts would impact the areas immediately surrounding the proposed locations for the casino.

The Columbia River Gorge is a spectacular scenic area that offers world-class environmental, historic, aesthetic and recreational values. These values, in turn, support a strong tourist economy based on fishing, biking, hiking, camping, wind surfing, sailing, kite boarding, scenic drives, and other activities. This tourism supports the regional economy. At the same time, the values that support this tourism-based economy also make the area surrounding the Gorge an extraordinary place to live. Casino development is antithetical to these values and activities, and the Tribe's proposed resort will seriously degrade the Gorge's unique resources. These resources are the foundation on which Cascade Locks depends for its economy and for the quality-of-life enjoyed by its residents. I therefore appreciate your careful consideration of the detrimental impacts described in response to your consultation letter and ask for prompt action to reject the Warm Springs casino proposal.

Thank you for your consideration of these remarks. Should you have any questions, please do not hesitate to contact me at 541-374-8787.

Very truly yours,



Todd Mohr