

6.0 CONSULTATION AND COORDINATION

6.1 Consultation

This chapter details the processes used in preparing the EIS when consulting with agencies and governmental entities having jurisdiction by law or special expertise, as well as consulting with the general public.

6.1.1 Public and Agency Involvement Plan

A *Public and Agency Involvement Plan* was developed to define the elements of the program for the preparation of this EIS and other required NEPA documentation for the project. Independent of the NEPA public and agency involvement program, the BIA conducted consultation pursuant to Section 20 of the Indian Gaming Regulatory Act (IGRA) (see Section 6.1.5).

The *Public and Agency Involvement Plan* (see www.gorgecasioneis.com) sets forth the project strategy for consultation and communication with agencies, the public, and other interested parties. The plan consists of the following elements:

- Project Communication and Coordination Methods
- Identification of Stakeholders
- Agency Involvement Methods
- Public Involvement Methods
- Scoping Report

The Plan was revised in December 2006 to add an element on public review of the Draft EIS.

6.1.1.1 Project Communication and Coordination Methods

Project communication and coordination methods include the creation and maintenance of project mailing lists, establishment of a project website (www.gorgecasinoeis.com), and communication with the media, elected officials, interest groups, and the general public. Project communication and coordination is also accomplished by collecting, tracking, and responding to comments.

Specific communications during the scoping phase included publication of a Notice of Intent (NOI) to prepare an EIS in the *Federal Register*; four press releases to more than 80 media outlets in Oregon and Washington; project information disseminated through the project's website and other agency and organization websites and newsletters; and notice via email or direct mail to all parties on the project mailing list of public scoping meetings and the availability of a Scoping Report. Communications also included requests for consultation with tribes, the State Historic Preservation Officer (SHPO), U.S. Fish and Wildlife Service, and National Marine Fisheries Service. This consultation is detailed in Section 6.1.2.

The release of the Draft EIS for public review is being announced through publication of a Notice of Availability (NOA) in the *Federal Register*, a press release to media outlets in the region, posting on the project's website, and notice via email or direct mail to all parties on the project mailing list.

6.1.1.2 Identification of Stakeholders

Project stakeholders are identified as individuals or groups who have the potential to be affected by or who are interested in the proposed project. Stakeholders were identified early in the project, with other groups and individuals being added as the project progressed. More than 1,700 individuals and organizations were identified as stakeholders through the scoping process.

6.1.1.3 Agency Involvement Methods

A program of agency involvement and government-to-government consultation was instituted during scoping and will continue throughout the NEPA process. In general, agencies and other governmental entities are involved as cooperating agencies for the EIS, regulatory compliance agencies (i.e., agencies having jurisdiction over the project but not included as cooperating agencies), or interested agencies (i.e., agencies and other governmental entities that are stakeholders in the project but have no regulatory jurisdiction). Meetings and briefings were held with agencies during the scoping phase to solicit comments, concerns, and regulatory compliance issues. Consultation with these agencies is ongoing throughout the NEPA process. The roles and responsibilities of involved agencies are described in Section 6.1.2.

6.1.1.4 Public Involvement Methods

As with agency consultation, a variety of public involvement opportunities are being provided in accordance with the *Public and Agency Involvement Plan*. During the scoping phase, these included two public comment periods during scoping, comment opportunities through the project website, five scoping open houses, and an offer of briefings to interest groups.

6.1.1.5 Scoping Report

A *Scoping Report*, issued on March 1, 2006 (revised August 9, 2006), describes the scoping process and its results, and identifies significant issues to be assessed in the EIS. The Scoping Report (exclusive of its appendices) is provided in Appendix M.

6.1.2 Agency Consultation

6.1.2.1 General Agency Consultation

Agency consultation was initiated with a chartering meeting to identify partner agency agreements, roles and responsibilities, and the process for partner agency coordination. Partner agencies include BIA as the lead NEPA agency, and FHWA, ODOT, City of Cascade Locks, Port of Cascade Locks, and Hood River County as cooperating agencies. These agencies are actively involved in all phases of the NEPA process. To actively solicit input from the partner agencies, two work groups were established: a Level 1 work group of agency staff representatives who served as a working group in support of EIS preparation, and a Level 2 work group composed of agency decision-makers.

In addition to these partner agency groups, a regulatory compliance work group was established, composed of agencies with jurisdiction over the project, to advise on regulatory issues and requirements. A fourth agency group included interested agencies without regulatory jurisdiction. Finally, an Access Working Group was established to advise on required transportation studies and transportation system improvements. The following is a brief description of each group and its role.

Level 1 Work Group

The Level 1 work group consists of partner agency staff representatives who provide support in preparation of the EIS. The Level 1 work group met approximately every two weeks during the scoping phase and on an as-needed basis since then. The Level 1 work group oversees the development of technical studies, reviews draft EIS elements, defines regulatory and procedural requirements, and provides hands-on advice and assistance in the development of the EIS and other related products. Level 1 work group members include the BIA, FHWA, ODOT, City of Cascade Locks, Port of Cascade Locks, Hood River County, and the Tribe.

Level 2 Work Group

The Level 2 work group consists of agency decision-makers from each partner agency. The group meets approximately every two months for briefings on project status and to provide needed direction on project management issues. The group also convenes as needed to resolve differences among partner agencies.

Regulatory Compliance Work Group

A regulatory compliance work group provides guidance on the project's regulatory acceptance. Invitees included all agencies with jurisdiction over the proposed Cascade Locks Resort and Casino project and/or the Hood River Alternative, as follows:

- City of Hood River
- Columbia River Gorge Commission
- Forest Service, Columbia River Gorge National Scenic Area
- National Marine Fisheries Service
- National Park Service
- Oregon Department of Environmental Quality
- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development
- Oregon Department of State Lands
- Oregon Governor's Office (Economic Revitalization Team)
- Oregon Office of Regulatory Streamlining
- Oregon Parks and Recreation Department
- Oregon State Historic Preservation Office
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- Washington State Department of Transportation

The regulatory compliance work group met twice during the scoping phase. To focus on transportation issues, an access working group was formed as a subcommittee of the regulatory compliance work group. The access working group also met twice during the scoping phase.

Access Working Group

Staff from ODOT, FHWA, local governments, and the consultant team participate in an Access Working Group to advise the Level 1 and 2 work groups on traffic analyses, the Access Point Decision Report (APDR), Interchange Area Management Plan, and transportation system improvements. This group met numerous times during preparation of the Access Point Decision Report to develop and analyze a range of options for improving access to I-84 for the proposed Cascade Locks Resort and Casino.

Interested Agencies

Interested agencies without regulatory jurisdiction were 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. The following are identified as interested agencies:

- Bonneville Power Administration
- City of North Bonneville, WA
- City of Stevenson, WA
- City of Troutdale, OR
- Columbia River Intertribal Fish Commission
- Confederated Tribes of the Grand Ronde Community of Oregon
- Multnomah County, OR
- National Indian Gaming Commission
- Oregon State Police
- Port of Hood River, OR
- Port of Klickitat, WA
- Port of Skamania County, WA
- Sherman County, OR
- Skamania County, WA
- Wasco County, OR

Agency Briefings

All agencies were informed that the BIA and its EIS contractors would be available for individual briefings on the progress of the NEPA process. Briefings were provided to Forest Service National Scenic Area staff and to Columbia River Gorge Commission staff about the NEPA process, the proposed project and alternatives, and opportunities for involvement.

6.1.2.2 Specific Agency Consultation State Historic Preservation Officer (SHPO)

As required by Section 106 of the National Historic Preservation Act, consultation for the proposed Cascade Locks Resort and Casino project was initiated with the Oregon SHPO in July 2005. To facilitate ongoing consultation, SHPO is a member of the project's regulatory compliance work group.

Consultation related to the Historic Columbia River Highway, a National Historic Landmark in the vicinity of Hood River, included:

- A February 2006 interagency scoping meeting to identify issues, potential impacts, recommended mitigation, and regulatory process requirements associated with the Historic Columbia River Highway.
- Visits to the Cascade Locks Resort and Casino and Hood River Alternative project sites in conjunction with the interagency scoping meeting.
- An April 2006 presentation to the ODOT Historic Columbia River Highway Advisory Committee to obtain input on effects of proposed transportation improvements at Cascade Locks on the Historic Columbia River Highway.
- A June 2006 response to additional information requested from the Advisory Committee.
- A September 2006 presentation to the Advisory Committee to obtain input on conditions of no adverse effect on the Historic Columbia River Highway in Cascade Locks.
- A January 2007 meeting with the Advisory Committee to develop conditions of a no adverse effect on the Historic Columbia River Highway in Cascade Locks.

As existing tribal land is not affected by the proposed action, consultation with the Tribal Historic Preservation Officer is not required.

U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS)

Pursuant to Section 7(c) of the Endangered Species Act, consultation with the USFWS and the NMFS was initiated in July 2005. Due to the presence of listed and proposed species, Biological Assessments were prepared and submitted to the USFWS and the NMFS as part of the consultation process.

To facilitate ongoing consultation, USFWS and the NMFS are members of the project's regulatory compliance work group.

6.1.3 Tribal Consultation

The Confederated Tribes of the Warm Springs Reservation of Oregon is one of the Columbia River Treaty Tribes, which also includes the tribes and bands of the Yakama Indian Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. Tribal consultation with these treaty tribes and other nontreaty tribes has consisted of the following primary activities:

- Government-to-government consultation in accordance with BIA and FHWA protocols.
- Section 20 consultation with all tribes within a 50-mile radius of the proposed project.

- Invitation to treaty tribes and the Confederated Tribes of the Grand Ronde Community of Oregon to participate in development of oral history reports to identify traditional uses and cultural properties related to the proposed Cascade Locks Resort and Casino project site.
- Invitation to Confederated Tribes of the Grand Ronde Community of Oregon and other nontreaty tribes to participate as Interested Agencies.

6.1.4 Public Involvement

Public involvement opportunities have been provided in accordance with the *Public and Agency Involvement Plan* and are summarized below. During the scoping phase, two separate public comment periods were provided. The initial 45-day comment period began with the August 30, 2005 publication of the NOI in the *Federal Register* and concluded on October 15. 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.

Opportunities for public input on the Draft EIS are identified in a December 2006 revision to the *Public and Agency Involvement Plan* and include a 60 day comment period, public meetings, comment page on the project's website, and presentations to stakeholder groups on a request basis.

6.1.4.1 Public Notice

Notice of scoping and public involvement activities was provided through publication of the NOI, press releases, broad press coverage, the project website, and agency and organizational websites and newsletters. A press release announcing the initiation of public scoping was issued to more than 80 media outlets in Oregon and Washington.

Three press releases announced the scheduling of public meetings. 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.

Notice of the additional public comment period was provided through a December 1, 2005, press release, the project website, and direct notices to more than 1,700 parties on the project mailing list.

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

6.1.4.2 Public Website

A project website, www.gorgecasinoeis.com, was launched on August 18, 2005. The website provides information on the proposed project, EIS process, and comment opportunities, including a comment form. 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.

The website recorded 5,960 visits during the scoping phase. Close to 40 percent of scoping comments were submitted via the website.

6.1.4.3 Public Meetings

Five public scoping meetings were conducted in September 2005 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. At each of the open houses, participants were given an opportunity to submit written questions that were read and responded to during a question and answer session. Responses to these questions were also posted on the project website.

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

Community events were utilized to distribute informational EIS background materials and informally solicit input through questionnaires and other similar mechanisms.

6.1.4.4 Scoping Report

The March 1, 2006 (revised August 9, 2006), Scoping 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 (Appendix M). Appendices to the *Scoping Report* include comment letters from tribal governments, elected officials, and government agencies, as well as a compilation of input from public scoping meetings. These are available at the project website (www.gorgecasinoeis.com).

Results of scoping are reported, including a compilation of the amount and type of input received during scoping and a categorization of the issues identified. A total of 1,808 comments were received. Issues identified in those comments are consolidated and paraphrased in the *Scoping Report* as planning questions to be addressed in the EIS. Significant issues that serve as the basis for developing and comparing alternatives are identified for 13 topics, e.g. transportation, biological resources, etc.

The Scoping Report is posted on the project website and a notice of its availability was provided to all parties on the project mailing list.

6.1.5 Section 20 Consultation

In June 2005, the BIA Regional Director invited by letter the Tribe, as the project applicant, and appropriate state, local, and other nearby tribal officials, to comment on the proposed trust acquisition for Indian gaming pursuant to Section 20 of the Indian Gaming Regulatory Act (25 USC 2719 § [b][1]). This consultation letter (Appendix N) contained a request for comments on the proposed acquisition by addressing questions/issues relating to the two-part determination. The state and local officials for this consultation process included the Governor of Oregon and local governments within a 10-mile radius of the proposed gaming facility: City of Cascade Locks, Hood River County, Multnomah County, Skamania County, City of North Bonneville, City

of Stevenson, and Carson River Valley CDP. Nearby tribal officials include the tribal governing bodies of all tribes with Indian lands located within 50 miles of the proposed gaming facility. The consultation letter provided for a 30-day comment period.

6.2 Coordination

Table 6-1 summarizes agency-regulated activities and required federal, State of Oregon, and City of Cascade Locks permits and approvals anticipated to be required to construct and operate the Cascade Locks Resort and Casino.

Table 6-1: Coordination and Compliance Requirements

Authority	Issuing Agency	Regulated Activity/ Nature of Permit	Required Permit or Approval Name
Federal			
Bald Eagle Protection Act (16 USC 668-668d, 54 Stat. 250)	U.S. Fish and Wildlife Service	Act prohibits effects to Bald and Golden Eagles	Review required; no permit
Endangered Species Act (ESA) (7 USC 136; 16 USC 460 et seq.)	U.S. Fish and Wildlife Service	Potential effects to federally listed threatened and endangered species (vegetation and wildlife) and their habitats	ESA Section 7 consultation (letter of concurrence)
	National Marine Fisheries Service	Potential effects to federally listed threatened and endangered species (salmonid and other aquatic species) and their habitats	ESA Section 7 consultation (Biological Opinion)
Magnuson Stevens Fisheries Conservation and Management Act (16 USC 1801 et seq.)	National Marine Fisheries Service	Potential impacts to Essential Fish Habitat	Essential Fish Habitat consultation concurrent with ESA Section 7 consultation
Migratory Bird Treaty Act	U.S. Fish and Wildlife Service	Prohibits the take of migratory bird species, including their nest and eggs	Review and compliance
National Historic Preservation Act (16 USC 470 and 36 CFR Parts 60 and 61)	Advisory Council for Historic Preservation (in cooperation with the Oregon SHPO)	Potential impacts to cultural resources (i.e., historic and archeological) that are either eligible for listing or listed in the National Register of Historic Places	Review and compliance with Section 106 of the National Historic Preservation Act
Department of Transportation Act of 1966 (49 USC 303)	Federal Highway Administration	Use of publicly owned park or recreation property, wildlife, or water fowl refuge, or historic sites	Section 4(f) Evaluation
Clean Water Act (CWA) (33 USC § 1344)	U.S. Army Corps of Engineers	Fill within waters of the U.S.	CWA Section 404 Permit (Nationwide Permit or Individual Permit)

Table 6-1: Coordination and Compliance Requirements

Authority	Issuing Agency	Regulated Activity/ Nature of Permit	Required Permit or Approval Name
Clean Water Act (CWA) (33 USC § 1341)	U.S. Environmental Protection Agency (authority delegated to the Oregon Department of Environmental Quality)	Actions that may result in the degradation or impairment of water quality	Water Quality Certification under Section 401 of the CWA
Clean Water Act (CWA) (33 USC § 1342 and 40 CFR §§ 122-125)	U.S. Environmental Protection Agency (authority delegated to the Oregon Department of Environmental Quality)	Construction activities disturbing more than one acre of land	National Pollutant Discharge Elimination System (NPDES) permits for storm water and wastewater under Section 402 of the CWA
Executive Order 12898: Environmental Justice	Authority delegated to U.S. Environmental Protection Agency	Addresses actions that may affect minority and low income populations	Review and compliance
Executive Order 13186: Responsibility of Federal Agencies to Protect Migratory Birds	Authority delegated to U.S. Fish and Wildlife Service	Actions that have, or are likely to have, a measurable negative effect on migratory bird populations	Review and compliance. Coordination with the U.S. Fish and Wildlife Service
Executive Order 13045: Protection of Children from Environmental Health and Safety Risks	Authority delegated to U.S. Environmental Protection Agency	Actions that may disproportionately pose environmental health and safety risks to children	Review and compliance
Executive Order 13175: Consultation and Coordination with Indian Tribal Governments	Any federal agency	The formulation or implementation of policies that have tribal implications	Review and compliance
Oregon State			
Oregon Revised Statute (ORS) 358, ORS 390, ORS 97.740 and Oregon Administrative Rule Chapter 736, Divisions 50 and 51	Oregon State Historic Preservation Office (in cooperation with the Advisory Council for Historic Preservation)	Potential impacts on cultural resources	Review and compliance with Section 106 of the National Historic Preservation Act
ORS 196.795-990	Oregon Department of State Lands	Removal or fill of material in waters of the state	Removal/Fill Authorization
	Oregon Department of Transportation	Development of new interchange	Interchange Area Management Plan review and approval
City of Cascade Locks			
	City of Cascade Locks	Construction of facility	Building permits and development approval