

List of Exhibits

<u>Pages</u>	<u>Exhibit</u>
1, 28	1. Warm Springs Tribal Resolution
1,67	2. BIA letter to City of Hood River 7/26/01
1, 27, 36	3. City of Hood River comment letter 7/31/01
1, 36	4. County of Hood River comment letter 8/21/01
1	5. Teunis Wyers letter 8/6/01 (for County of Hood River)
1	6. No Casino comment letter 8/1/01
1	7. No Casino Dept. of Interior letter 8/21/01
1	8. Friends of the Columbia River Gorge comment letter 8/17/01
1, 36	9. US Forest Service comment letter 8/15/01
1	10. US Rep. Brian Baird comment letter 8/13/01
1	11. US Rep. Greg Walden extension letter 8/22/01
1, 37	12. BIA comment extension letter 8/20/01
2, 27	13. City letter to BIA regarding. FOIA denial 9/18/01
11	14. "Native American Success Stories" by Doug Badow, 5/11/98
14	15. BIA letter to Lynette Crowley, 4/9/91
14	16. "Hood River is tribes' 'Ace in the Hole' in casino siting dispute" by Brad Cain, 3/5/00
14, 37	17. "Tribes say Hood River casino site not a bluff" by Steve Lundgren, 8/15/01

<u>Pages</u>	<u>Exhibit</u>
14	18. Photo by Darryl Lloyd
15	19. "Land buy signals intent for casino near Hood River" by Stu Watson, 5/20/01
15	20. "Tribe wants exemption for parcels at casino site" by Kathie Durbin, 8/8/01
15	21. Proposed Access Route Map
16	22. State of Oregon Constitution
16	23. Warm Springs Gaming Compact
27	24. BIA checklist for land acquisitions
27	25. Warm Springs Tribal Constitution and By-Laws
29	26. BIA letter to City denying FOIA request 8/10/01
29, 44	27. March 26,2001 Shakopee Sioux letter
30	28. 1993 Mashantucket Pequot decision
30	29. BIA Press Release
34, 36	30. Governor Kitzhaber Cascade Locks press release 11/4/99
35	31. "Decision on casino site will deal new hand" by Courtenay Thompson and Jeanie Senior, 10/24/99
36	32. Gorge Commission Comment letter 8/20/01
36	33. Klickitat County comment letter 8/14/01
36	34. Historic Columbia River Highway Advisory Committee comment letter 8/17/01
38	35. BIA memo on parking facilities

<u>Pages</u>	<u>Exhibit</u>
38, 43	36. BIA letter to Ms. Vakos 9/5/01
39	37. BIA checklist for gaming acquisitions
43	38. "Tribe has 'every right' to build HR casino" by Dennis Karnopp, 8/8/01
43	39. "Treat rights: Tribe talks to CL neighbors" by Raelynn Gill, 9/30/01
45	40. 1998 BIA rejection of SMSC
47	41. Memorandum from Acting Phoenix Area Director
47	42. BIA Muskogee letter to Darcilla Freeman
47	43. BIA Muskogee letter to Naomi Haikey
47	44. BIA Muskogee letter to Cainey Roberts
48	45. BIA Muskogee letter to Louis Hobia
61	46. Don what is this Exhibit – not identified
65	47. 1998 Hood River County Voter Survey Results

Comments Submitted by the City of Hood River, Oregon
In Opposition to
The Trust Application by
The Confederated Tribes of Warm Springs
Regarding land within
The National Scenic Area

Submitted to the
Bureau of Indian Affairs
For inclusion into
The Administrative Record
October 5, 2001

WHEREAS, The Confederated Tribes of the Warm Springs Reservation of Oregon ("Tribe"), has acquired the real properties, adjacent to existing trust lands within area ceded by the Treaty of June 25th, 1855, as described on Exhibits "A", "B", and "C", attached hereto; and,

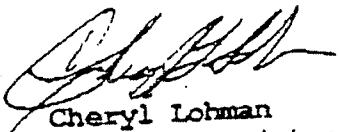
WHEREAS, Having title to such lands held by the United States of American, for the benefit of the Tribe, is in the best interests of the Tribes; now, therefore

BE IT RESOLVED, By the (Twenty-First) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, Section 1(a) and (l) of the Tribal Constitution and By-Laws, that the Secretary of the Interior is requested to take title to those lands described in Exhibits "A", "B", and "C", attached hereto, in trust, for the benefit of the Tribes.

CERTIFICATION

The undersigned as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Tribal Council is composed of 11 members of whom 6, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held this 9th day of April 2001; and that the foregoing resolution was passed by the affirmative vote of 3 members, 1 member abstaining, 1 member not voting, and the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

NOTED: APR 18 2001



Cheryl Lohman
Acting Superintendent



Charles V. Jackson
Secretary-Treasurer

ATTACHMENTS EXHIBIT "A", "B", and "C"

cc: Secretary-Treasurer
Superintendent
Administrative Services Center

ORIGINAL

EXHIBIT "A"

Parcel 1

All that portion of the Southwest quarter of the Northwest quarter of Section 32, Township 3 North, Range 11 East of the Willamette Meridian, in the County of Hood River and State of Oregon, which lies South of the Old Columbia River Highway. ALSO a strip of land lying North of said highway and bounded on the West by the Section line between Sections 31 and 32, and bounded on the East by a straight line commencing at a point on the approximate northerly right of way of said highway 75 feet East of the West line of said Section 32 and terminating at a point on the centerline of the existing Koberg Beach Road 200 feet East of the West line of said Section 32; thence from this centerline point South $33^{\circ}38'41''$ East 78 feet and along the centerline of the existing Koberg Road to a point; thence South $55^{\circ}51'59''$ East 210.48 feet; thence North $84^{\circ}17'06''$ East 160.66 feet to a point off the projected centerline of the said Koberg Road; thence South $85^{\circ}48'24''$ East 324.23 feet to a point; thence North $45^{\circ}26'26''$ East to the southerly right of way line of the Union Pacific Railroad; thence along said southerly right of way line to the North line of the Southwest quarter of the Northwest quarter of said Section 32; thence westerly along said North line to the North 1/16 corner between Section 31 and said Section 32. ALSO all that portion of the Northwest quarter of the Northwest quarter of said Section 32 which lies South of the Union Pacific Railroad right of way.

Parcel 2

All that portion of Government Lots three and four, and the Southwest quarter of the Northwest quarter, Section 32, Township 3 North, Range 11 East of the Willamette Meridian, in the County of Hood River and State of Oregon, lying southerly of the southerly right of way line, as the same has been revised and is now established, of the Oregon-Washington Railroad & Navigation Company; EXCEPTING THEREFROM those portions thereof conveyed to said Oregon-Washington Railroad & Navigation Company or its predecessors by deeds from John H. Koberg, et ux., one recorded September 13, 1895, in Book lettered V, page 432, Deed Records Wasco County, Oregon (Book lettered E, page 390, Deed Records Hood River County, Oregon) and the other recorded December 19, 1917 in Book 12, page 147, Deed Records Hood River County, Oregon.

EXCEPTING THEREFROM all that portion of the Southwest quarter of the Northwest quarter of Section 32, Township 3 North, Range 11 East of the Willamette Meridian in the County of Hood River and State of Oregon, which lies South of the Old Columbia River Highway. ALSO a strip of land lying North of said highway and bounded on the West by the Section line between Sections 31 and 32, and bounded on the East by a straight line commencing at a point on the approximate northerly right of way of said highway 75 feet East of the West line of said Section 32 and terminating at a point on the centerline of the existing Koberg Beach Road 200 feet East of the West line of said Section 32; thence from this centerline point South $33^{\circ}38'41''$ East 78 feet and along the centerline of the existing Koberg Road to a point; thence South $55^{\circ}51'59''$ East 210.48 feet; thence North $84^{\circ}17'06''$ East 160.66 feet to a point off the projected centerline of the said Koberg Road; thence South $85^{\circ}48'24''$ East 324.23 feet to a point; thence North $45^{\circ}26'26''$ East to the southerly right of way line of the Union Pacific Railroad; thence along said southerly right of way line to the North line of the Southwest quarter of the Northwest quarter of said Section 32; thence westerly along said North line to the North 1/16 corner between Section 31 and said Section 32. ALSO all that portion of the Northwest quarter of the Northwest quarter of said Section 32 which lies South of the Union Pacific Railroad right of way, the combined area being 10 acres more or less.

EXHIBIT "B"

Parcel 1: Beginning at a point on the South line of the Northwest quarter of the Northeast quarter of Section 31, Township 3 North, Range 11 East of the Willamette Meridian, in the County of Hood River, State of Oregon, that is 773.1 feet West of the Southeast corner of said legal subdivision; thence North $16^{\circ} 29'$ East along the Westerly line of that tract conveyed to Hood River County by deed recorded in Deed Book 62 at page 318, a distance of 312 feet, more or less, to the center line of the Old Columbia River Highway; thence Northwesterly along said Highway a distance of 640 feet, more or less, to the West line of said Northeast quarter; thence South along said West line a distance of 400 feet, more or less, to the Southwest corner of said Northwest quarter of the Northeast quarter; thence East along the South line of the last mentioned legal subdivision a distance of 530 feet more or less, to the point of beginning.

Parcel 2: Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter of Section 31, Township 3 North, Range 11, East of the Willamette Meridian, in the County of Hood River, State of Oregon; thence with an assumed bearing of due West along the South line of said quarter quarter a distance of 300 feet to the Southwest corner of that certain tract of land conveyed to the City of Hood River by Deed recorded June 21, 1944, in Book 31, at page 76, Deed Records Hood River County, said point being the true point of beginning of the property herein described; thence continuing due West along the South line of said quarter quarter a distance of 473.1 feet, thence North $16^{\circ} 29'$ East a distance of 292 feet, more or less, to the Southerly right of way line of the Old Columbia River Highway, thence Easterly along said right of way line a distance of 360 feet, more or less, to the Westerly line of said property conveyed to the City of Hood River, thence South $18^{\circ} 51'$ East along said property line a distance of 170 feet, more or less, to the point of beginning.

Parcel 3: The Southwest quarter of the Northeast quarter of Section 31, Township 3 North, Range 11 East of the Willamette Meridian, in the County of Hood River, State of Oregon; EXCEPT that portion in the Old Columbia River Highway.

EXHIBIT "C"

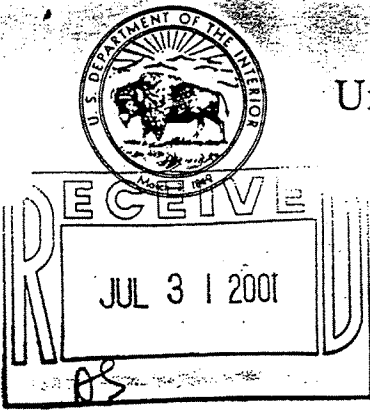
The East half of the Southeast quarter of Section 31, Township 3, North
Range 11 East of the Willamette Meridian, in the County of Hood River and
State of Oregon.

United States Department of the Interior

Real Estate Services.

BUREAU OF INDIAN AFFAIRS
 Warm Springs Agency
 PO Box 1239
 Warm Springs, OR 97761-1239

JUL 26 2001

**CERTIFIED MAIL # 7000 1530 0002 7118 9901 : RETURN RECEIPT REQUESTED**

City Council
 City of Hood River
 P. O. Box 27
 Hood River, OR 97301

Dear Sirs:

This agency has under consideration, an application for acquisition of land by the United States to be held in trust for use and benefit of The Confederated Tribes of the Warm Springs Reservation of Oregon. The proposed use of the property is for operation of a casino gaming facility.

The property is described as follows:

See attached pages entitled EXHIBIT "A", EXHIBIT "B" and EXHIBIT "C".

A determination to acquire or not to acquire this property in trust will be made in the exercise of the Secretary of the Interior's discretionary authority. To assist the Secretary in the exercise of that discretion, and pursuant to regulations in Title 25, Code of Federal Regulations, Part 151, entitled "Land Acquisitions", we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of this property from the tax rolls, we also request the following information:

- (1) The annual amount of property taxes currently levied on the property.
 \$_____.
- (2) Any special assessments, and amount thereof, which are currently assessed against the property. _____ \$_____.
- (3) Any governmental services which are currently provided to the property by your jurisdiction. _____.
- (4) If subject to zoning, how the property is currently zoned.

Please address the information and comments to the Bureau of Indian Affairs, Attention: Mrs.

Cheryl Lohman, Acting Superintendent, Warm Springs Agency, P. O. Box 1239, Warm Springs, Oregon, 97761. Any comments received within 30 days of the date of receipt of this letter at the above address will be considered. You may be granted an extension of time to furnish comments, provided you submit written justification requesting such extension within 30 days of receipt of this letter. Your comments will be made available to the applicant. You will be notified of the decision to approve or deny the application.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the address above. Please contact the Branch of Real Estate Services at telephone number (541) 553-2419; contact person: Everett Patt, Realty Officer, to make an appointment to review the application.

Sincerely,



Acting Superintendent

Enclosures

EXHIBIT "A"

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EXHIBIT "B"

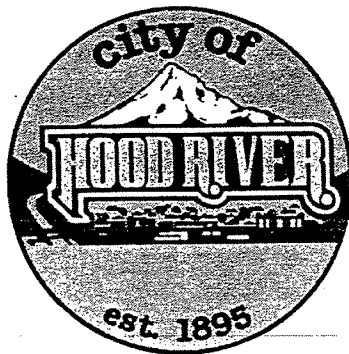
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EXHIBIT "C"

The East half of the Southeast quarter of Section 31, Township 3, North
Range 11 East of the Willamette Meridian, in the County of Hood River and
State of Oregon.



Mayor:
Paul Cummings

Councilors:
Andrea Klaas
Carrie Nelson
Linda Rouches
Chuck Haynie
Paul Thompson
Scott Reynier

July 31, 2001

Mrs. Cheryl Lohman
Acting Superintendent
Warm Springs Agency
P.O. Box 1239
Warm Springs, Oregon 97761

Ms. Marion Peterson
FOIA Coordinator
Bureau of Indian Affairs
911 N.E. 11th Avenue
Portland, Oregon 97232

Dear Mrs. Lohman and Ms. Peterson:

I am writing to you on behalf of the Hood River City Council regarding the trust land acquisition request of the Confederated Tribes of the Warm Springs. We understand that the Tribe has submitted a trust acquisition request for several parcels of land located in the immediate vicinity of the City of Hood River. The Tribe intends to use the land for gaming purposes. With respect to that trust land acquisition request, the purpose of this letter is to: (1) express the City's strong opposition to the Tribe's request; (2) assert our statutorily guaranteed right to participate in decision-making on the request through consultation under Section 20 of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2719; (3) request a copy of the Tribe's application and all other relevant documents pursuant to the Freedom of Information Act (FOIA); (4) seek clarification regarding the role of your office, the Regional Director's office, and BIA headquarters in Washington, D.C. for this gaming-related trust request; (5) confirm that BIA will prepare an EIS on this proposed action; and (6) request an extension of the comment period.

At the outset, the City states for the record that it is strongly opposed to this trust land request. Our City is the municipality closest to the land involved. We will be directly and adversely affected by the Tribe's request, should it be granted.

The City of Hood River is a small rural community. With a population just under six thousand, we are not, and never will be, capable of mitigating the traffic congestion a casino will bring to our town. Access to the proposed site requires use of the Historic Columbia River Highway, which goes directly through the center of our business district. The overuse of such an historic landmark will undoubtedly have an adverse effect on our community, as well as on the tourists who visit our fine city and on whom our economy increasingly depends. The City and local merchants have invested millions of dollars in urban renewal for our downtown business core, the benefits of which will be lost if locals and visitors avoid downtown because of traffic congestion. In addition, parts of the Historic Highway (which is only two lanes wide throughout its length) are narrow by today's standards and therefore less able to accommodate the motor home and RV traffic which we understand can increase if a casino is built. Constant use of our city street network will require more street maintenance, a more prominent police presence, additional garbage pickup, etc., all of which are an expense to the citizens of the City of Hood River for which there will be no guarantee of reimbursement.

In addition to the traffic impacts, there is enormous political will in the community to oppose a casino east of Hood River. Individual reasons vary, but for many the opposition is based on a conviction that a gambling facility is diametrically opposed to the outdoor, scenic and recreational experience of Hood River that has shaped our economic development vision and inspired the National Scenic Area Act. With regard to the specific location, many are outraged that the casino would interfere with the use and scenic enjoyment of the Mark Hatfield State Park, which recently re-opened a section of the Historic Highway through the Mosier Twin Tunnels. More than \$10 million in tax dollars went into restoration of the trailway and tunnels for foot and bicycle traffic. The road leading to the park is unsuitable for heavy traffic. It is inevitable that siting a casino adjacent to the park will devastate its scenic beauty and recreational value.

As the decision-making process on the Tribe's request proceeds, the reasons for the City's opposition will be developed in greater detail and submitted to BIA for consideration. We believe it is clear that such a trust land request cannot be approved under 25 C.F.R. 151.11, which applies to off-reservation trust lands, due to the serious adverse impacts such action would have on our community. In addition, this request will have to be denied on environmental grounds and, as explained below, pursuant to Section 20 of IGRA. We also seriously question whether the Tribe can show a legitimate need to have this land taken into trust pursuant to 25 U.S.C. 465 and 25 C.F.R. 151.10(b).

Second, the City objects to the BIA's failure to notify us of the Tribe's request and seek our input. This trust land request is subject to Section 20 of IGRA. The request involves post-1988 lands that are not within or contiguous to the Tribe's reservation. As a result, the very purpose for which this land will be taken into trust—gaming—is prohibited unless the stringent exceptions set forth in Section 20 are satisfied. This provision requires BIA to consult with "local officials," which clearly includes in this case the Hood River City Council.

Furthermore, Section 20 prohibits gaming on these lands if such a use is determined to be detrimental to the surrounding community or is not concurred in by the Governor. These prerequisites will clearly prohibit the use of these lands for gaming, inasmuch as there is no question such a use will have a devastating impact on Hood River. In addition, Governor Kitzhaber has made clear that he will not concur in any such off-reservation gaming.

Third, to participate fully in BIA's review process and exercise our consultative role under Section 20, we request copies of the Tribe's application and all other documents in the possession of BIA related to this trust land request. The City Council believes that it is entitled to this information pursuant to Section 20 and that it should not be necessary to submit a request to obtain it. However, to preserve our legal rights to this documentation, the Council hereby requests all of this material pursuant to FOIA, 5 U.S.C. § 522 *et seq.*, and the Department of the Interior's FOIA regulations, 43 C.F.R. § 2.11-2.20.

In addition, the City requests all documents pertaining to the trust land status of tax lot number 3N 11E 32, tax lot 400 and tax lot 200. These parcels of land are purportedly held in trust for the Tribe, and the Tribe has asserted that it intends to use them for gaming purposes. However, none of the records we have reviewed demonstrate that this land is in trust. We therefore request from your agency all documents in the possession of BIA that indicate the trust land status of this property. We request that this information be made available to us immediately to enable the City to comment in a meaningful and timely way on the Tribe's request.

Fourth, according to BIA's letter of July 20, 2001 to the Hood River County Board of Commissioners and the Tribe's own well-publicized intentions, the purpose of this trust land request is to undertake the development of a casino. As a result, it is our understanding that this request is subject to BIA's policy requirements that dictate review and final action on the request to be handled by headquarters in Washington, D.C. We therefore request clarification from you in writing that this understanding is correct, and an explanation of what the role will be for the Warm Springs Agency and the BIA Regional Office.

Warm Springs Agency/BIA
July 31, 2001
Page Four

Fifth, the City Council states for the record its position that this trust land request requires the preparation of a comprehensive EIS under the National Environmental Policy Act. The Tribe proposes to build a casino in one of the most scenic and ecologically valuable locations in the United States. This area is subject to protection under federal and state law, and the casino and its attendant development and public use will have a devastating impact on the Columbia River Gorge and its environmental, recreational and aesthetic values. There can be no doubt that such impacts will necessitate a full EIS, subject to public review and consultation with the City.

Finally, as a result of the foregoing issues and the significant controversy associated with this casino proposal and trust land application, the City requests a 60-day extension of the comment period. It is unreasonable to expect that meaningful comments can be developed on a proposal of such significance and complexity within a mere 30 days. The insufficiency of the existing comment period is further confirmed by the failure of BIA to even make the application available to interested parties for review. Please confirm that this request has been granted as soon as possible.

Thank you for your attention to the points raised in this letter. For purposes of coordinating the review of this application with the City, please contact Mr. Lynn Guenther, the City Manager.

Sincerely,



Paul G. Cummings
Mayor

cc: Governor John Kitzhaber
Senator Gordon Smith
Senator Ron Wyden
Representative Greg Walden
Secretary Norton
Assistant Secretary McCaleb

PGC:as

COPY

Exhibit 4

DAVID MERIWETHER
COUNTY ADMINISTRATOR

TEL. (541) 386-3970
FAX (541) 386-9392



HOOD RIVER COUNTY

BOARD OF COMMISSIONERS

JOHN R. ARENS - CHAIR
CAROL YORK - DISTRICT NO. 1
BOB HASTINGS - DISTRICT NO. 2
CHUCK THOMSEN - DISTRICT NO. 3
LES PERKINS - DISTRICT NO. 4

309 STATE STREET

HOOD RIVER, OREGON 97031-2093

Assistant Secretary Neal McCaleb
United States Department of the Interior
Office of the Assistant Secretary-Indian Affairs
1849 C. Street, NW
Washington, D.C. 20240

August 21, 2001

Mrs. Cheryl Lohman, Acting Superintendent
Warm Springs Agency
P.O. Box 1239
Warm Springs, OR 97761-1239

Stanley Speaks, Northwest Regional Director
United States Department of the Interior
Bureau of Indian Affairs, NW Region
911 NE 11th Avenue
Portland, Oregon 97232-4169

RE: Application of Warm Springs Confederated Tribes for Trust Land Acquisition

Dear Mr. McCaleb, Mrs. Lohman and Ms. Peterson,

Following are the preliminary comments from the Hood River Board of Commissioners on behalf of Hood River County regarding the trust land acquisition request of the Confederate Tribes of the Warm Springs for several parcels currently under the jurisdiction of Hood River County. We understand that the tribe intends to use these parcels in conjunction with the construction and operation of a Class III Gaming Facility and supporting facilities, as noted in the BIA's letter of July 20, 2001.

Additional comments will be submitted by the county during the decision-making process as we are given an opportunity to review the Tribe's complete application materials. The county must emphatically reiterate its request that we receive the completed application including all of the information listed in the federal regulations for acquisition of off-reservation lands. Without the benefit of these application materials, we cannot adequately comment on the application. Given the lack of specific information regarding this proposal, the comments below are necessarily speculative. Hood River County contends that this application should be rejected outright, due to the lack of specificity regarding proposed uses and the failure of the applicant to adequately address the application consideration criteria found in 25 CFR 151.11.

With that disclaimer, the county makes the following comments regarding the trust acquisition application in order to preserve its statutory rights to participate fully in the BIA's review process and exercise our consultive role under Section 20 of the IGRA.

Hood River County has undertaken a department-wide assessment of the potential impacts associated with locating a casino and supporting facilities on these lands. We believe there are potential significant impacts involving nearly every county department, and as such, request that an assessment of these potential impacts be conducted and reviewed as part of this process.

1. LAND USE.

First, the proposal conflicts with the current land use and zoning designations of these parcels, the past and present uses of these parcels, and the cultural and historical significance of these parcels under the current land use regulations.

The existing trust property, along with all of the recently purchased parcels which are the subject of this application, are within the boundaries of the Columbia River Gorge National Scenic Area. Pursuant to the Columbia River Gorge National Scenic Area Act, Pub. L. 99-663 (1986), this is the only National Scenic Area (NSA) in the nation. Hood River County has jurisdiction over these parcels pursuant to the adoption and approval by the Columbia River Gorge Commission of the county's land use development ordinances implementing the NSA Management Plan. A large-scale development such as that contemplated for these properties should be evaluated against criteria contained in the NSA Management Plan. The development contemplated could be prohibited in these areas. The Management Plan was written to ensure that the scenic, cultural, recreational, and natural resources in the Columbia River Gorge are protected and enhanced. The planned uses must be assessed in consideration of impact upon these resources.

In addition to the applicable land use zoning regulations, the BIA is required to implement the procedural aspects of the Scenic Area Act to determine whether the acquisition would be consistent with the Act. Section 14(d) of the Act requires that federal decisions affecting the Scenic Area be reviewed by the Forest Service to determine whether they are consistent with the Act. The Secretary of Agriculture also must determine that the acquisition would be consistent with the Scenic Area Act and related plans, ordinances and decisions. Until such consistency review is complete, the BIA should not process the requested action.

2. HISTORIC AND CULTURAL RESOURCES.

Second, although the Historic Columbia River Highway (HCRH) is a subset of NSA cultural resources, it deserves separate mention because it is a cultural and recreational resource. The HCRH is a national historic landmark and is the first highway in the country specifically designated as a Scenic Highway. There have been millions of dollars expended to restore the old HCRH into a magnificent walking/cycling trail. The proposed development area is within the immediate vicinity of the Historic Highway. Further, with proposed access points onto the Historic Highway, including at least one of which is past the trailhead, potential development impacts should be addressed. The potential for large volumes of vehicular traffic over a walking/cycling trail, with a significant portion of larger vehicles such as RV's, could significantly impact this Historic Highway, and consequently, the experience of its current users.

Even if a casino were not constructed on the newly acquired fee lands, the conversion to trust could still have significant impacts on the HCRH. Removal of the protections included in the CRGNSA Management Plan could allow other non-compatible development adjacent to the HCRH and the Senator Mark O. Hatfield West Trailhead. The current land use designations prohibit development in or adjacent to Public Recreation land that would adversely affect existing recreational use.

3. ENVIRONMENTAL IMPACT STUDY.

Third, the County feels that consideration of this request certainly requires that a full Environmental Impact Study be conducted. There are few locations within the United States that can come close to matching the scenic and ecological significance of this land. This area is subject to extensive environmental regulation and protection under federal, state and local law. Moreover, there are at least three known endangered or threatened species within two miles of the subject properties. These include golden eagle, bald eagle and falcon nesting sites. The subject proposal must be analyzed within the context of the potential impacts upon these species, in accordance with the requirements of the Endangered Species Act.

Archeological, historical and cultural impact analyses of the significance of the proposed properties should also be conducted as part of this proposal. Given the potential scope of development, the significant levels of site disruption and alteration that could occur, the proximity of the Historic Columbia River Highway, and the sites' location in the National Scenic Area, it is extremely critical that these studies occur, in addition to an Environmental Impact Analysis.

The County therefore requests that a full EIS study be prepared, including a record of consultation with appropriate authorities regarding environmental, endangered species, water quality, fish and wildlife, wetlands, transportation, air quality, cultural, historical value, hazardous waste, and toxic material issues.

4. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES.

Fourth, the subject properties are not located within a fire district. The closest fire services are found in the Pine Grove Fire District. That district is manned by volunteers and is approximately 5 miles away from the subject properties. Depending upon the size and height of developed structures, it is quite possible the district does not have adequate equipment, such as a ladder truck capable of reaching the height of a casino roof, to handle a structural fire of any significance. It is also unknown if proper water pressure would be available for fire fighting. The safety impact from insufficient fire fighting capability would therefore be significant. Consideration should also be given to the possibility that fire protection, via inclusion into a fire district, might not be available. The process for amending the boundaries of a fire district requires affirmative resolutions from both the Fire Special District and the Hood River County Board of County Commissioners. Such resolutions can be and have been very controversial. It is unknown if the Pine Grove Fire District Board would be amenable to a request to enlarge their district.

In addition, the subject properties are subject to significant danger of wildfires. The existing trust property, proposed for location of the casino facility, is halfway up a steep hill with a slope of greater than 50%. An interstate highway and an active railway line are located at the bottom of the slope. Burning debris tossed from automobiles and sparks from trains have routinely started fires throughout the Columbia River Gorge. Should a fire start at the base of the slope, it would travel up the slope much faster than could be responded to by any local fire district.

There have also been a number of vehicular access points to the subject properties proposed or discussed. Most of the proposed routes include access via the Historic Columbia Highway. A fire, hazardous spill on the highway/railway or natural disaster at the proposed site or between the site and Highway 35 could trap employees and visitors with no available means of escape, either by vehicle or by foot. Additionally, the Historic Highway is a narrow, two-lane road, incapable of withstanding the traffic load that an emergency evacuation would bring from a casino and related support facilities.

Finally, current emergency dispatch services and 911 staffing levels are not adequate to accommodate the anticipated additional call load resulting from the development of a casino and related facilities. The median age of customers is expected to be older than the current area population mix, resulting in an increase in medical emergencies, falls or other complications. The current emergency infrastructure and response system capability should be analyzed to determine need given the increased demand.

5. LAW ENFORCEMENT.

Gambling activities invariably result in the presence of large amounts of cash. Large amounts of cash attract human predators and organized crime. The County is very concerned that undesirable elements will be attracted to Hood River with the intent of preying on gamblers and our local citizens. While the City and County of Hood River maintain professional, well-trained police and sheriff departments, they are relatively small. A significant increase in felonious crime would impact those departments' ability to provide adequate protection to all our citizens. Additional resources may be required to provide adequate law enforcement, and should be examined relative to this application.

6. INCREASED TRAFFIC AND INADEQUACY OF EXISTING ACCESS.

The proposed development of the properties in question will have significant impacts on an already inadequate transportation infrastructure system. The closest major interstate highway access, at MP 64, already experiences significant delays during periods of peak demand. The impacts of the proposed uses will certainly create additional delays and congestion, which could be detrimental to the farm-to-market transport of orchard and timber products, mainstays of Hood River County's economy.

Direct access to the properties in question requires access via a steep grade to the higher elevations of the Columbia River Gorge. Access to the sites is not only problematic, but creates significant safety concerns. Issues such as bus access, winter travel conditions, the age of the typical

patron, the impacts of negotiating steep grades at night and/or following alcohol consumption, etc., should all be examined as part of this review process.

Given these significant and relevant concerns, a Traffic / Transportation System Impact Analysis which will seek to evaluate and mitigate these impacts should be a critical part of the review process.

7. INFRASTRUCTURE.

Oregon law precludes extension of sewer services outside the Urban Growth Area. The proposed casino site is outside the UGA; its proposed location would make a septic system difficult at best, and perhaps impossible, given the large number of visitors and employees. Therefore a sewer system would most likely be required. Hood River County has serious concerns regarding the construction and operational oversight of a sewer system/facility if the developers are not required to adhere to any regulatory authority.

The nearest power provider would be Pacific Power. Pacific Power has indicated it is unsure if current equipment would be adequate to provide service to a casino complex, as they are unsure of the power requirements. Additionally, the electrical feeder that the casino would be connected to is the longest one in Hood River.

The proposed casino location is not included within the boundaries of a water district. The nearest water district is Crystal Springs. The nearest available water line is a 2" line and the largest diameter Crystal Springs water line anywhere near this area is 4". Previous informal discussions between the developers and Crystal Springs indicate that up to a 12" dedicated line would be required. It is estimated that installation of a 12" line would require approximately 5 miles of line to be installed. It is unknown if current water rights and supplies would suffice to service a casino complex. As with the fire district, for Crystal Springs to expand their service area, it requires an affirmative vote of both the Crystal Spring Board and the County Commissioners.

8. SOCIAL IMPACTS.

The County Health Department and associated organizations providing social and rehabilitative services are not adequately programmed to accommodate the additional needs resulting from the proposed use. Gambling addiction programs, alcohol treatment services, family counseling services, and other anticipated social impacts must be analyzed and mitigated within the context of this application.

It is also our understanding that trust lands are exempted from all forms of sanitation training and inspections. This has the potential to cause widespread sickness and even death through untrained food handlers, improper siting of septic systems, improperly installed and maintained potable water systems, etc. Epidemic diseases appear to be on the rise throughout the United States and the rest of the world. A casino in Hood River could very well become the most visited spot in Oregon. Such a massive influx of visitors greatly increases the likelihood that communicable diseases will be introduced into the community. A significant outbreak of any disease could overwhelm our limited health care resources.

9. STRUCTURAL INTEGRITY.

It is our understanding that the Tribes are not required to follow State building code regulations on Trust lands and are exempted from building inspections. The County is seriously concerned with this structural integrity issue especially due to the precarious proposed location of the casino, perched on a steep slope and subject to high wind loads. Building codes are a fundamental protection that cannot be overlooked. Unregulated construction practices could result in serious harm to the public and even a significant loss of life should walls collapse, etc.

10. APPLICABLE LAW.

As stated above, as the decision making process on the Tribe's request proceeds, the county will develop its comments in greater detail and submit those to the BIA. The county would also like to state for the record that we believe this trust land request cannot be approved under 25 CFR 151.11, which applies to off-reservation trust lands, due the serious adverse impacts such action would have on the county. In addition, the county questions whether the Tribe can show a legitimate need to have this land taken into trust pursuant to 25 CFR 151.10(b). Further, section 20 of the Indian Gaming regulatory Act (IGRA) prohibits gaming on these lands because it would be detrimental to the community, and Governor Kitzhaber will not concur in approval of gaming on off-reservation lands.

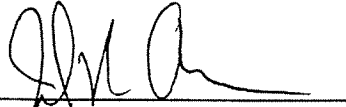
11. COMMENT PERIOD.

Because of the significant concern associated with this casino proposal and trust land application, we reiterate our request that the BIA extend the comment period at least an additional 90 days. It is absolutely unreasonable to expect the county to submit informed comments on such a significant and complex issue in 30 days.

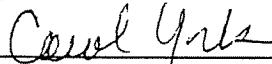
In sum, the county would like to state that many of the concerns raised in our comments above reflect what we believe will be additional burdens that would be placed on area resources, infrastructure and services by the tribe's development proposal. Generally, the county's predominant concerns are the irreversible impacts that a casino and related development facilities would have on our community. Hood River County is strongly opposed to the Tribe's casino proposal and trust land application, and for that matter, any large-scale development proposal on this land.

Thank you for your time and attention to these matters. Please confirm that our request for an extension has been granted as soon as possible.

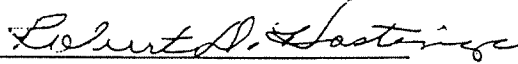
Sincerely,
Hood River County
Board of Commissioners



John R. Arens, Chair



Carol York, Commissioner



Robert Hastings, Commissioner



Chuck Thomsen, Commissioner



Les Perkins, Commissioner

TW/lmk

cc: Dennis Karnopp
Governor John Kitzhaber
US Senator Gordon Smith
US Senator Ron Wyden
US Representative Greg Walden
Secretary Gale Norton
