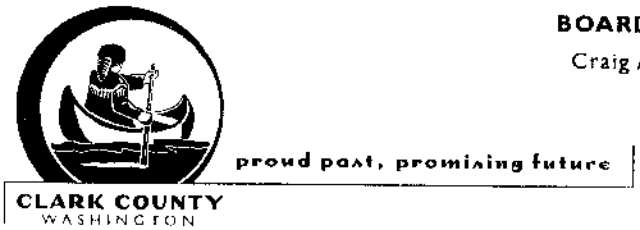
BOARD OF CLARK COUNTY COMMISSIONERS
Craig A. Pridemore • Betty Sue Morris • Judie Stanton



June 16, 2004

June Boynton
Environmental Protection Specialist
U.S. Department of Interior
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, OR 97232-4169

Dear Ms. Boynton:

With this letter and enclosures we wish to supplement our comments dated May 13, 2004 regarding the environmental assessment for the Cowlitz Indian Tribe 151.87 fee-to-trust transfer project located in unincorporated Clark County, near La Center, Washington.

We have received your response of June 10, 2004. We appreciate the information that you have provided regarding regulatory controls and processes for lands that may be brought into federal trust.

However, we continue to have concerns that the environmental assessment does not provide an adequate foundation for assessing potential impacts and deciding the questions of approval for trust status, an initial reservation, and a casino. The necessary information to decide these questions has not been forthcoming. It is essential that an in depth evaluation be accomplished to ascertain compliance with relevant county codes. The cornerstone of the memorandum of understanding (MOU) between the tribe and the county is to comprehensively mitigate the impacts of the tribe's acquisition as developed by seeking consistency with relevant county ordinances (see attachment 1, Exhibit C from the subject MOU); by mitigating environmental impacts of trust land uses; and by being consistent with building and design standards set forth in county ordinances.

To facilitate the evaluation, we are supplying a summary of land uses that could theoretically be accommodated to produce income for the tribe. Clearly, the impact of using the land to its full income-producing potential would be far greater than the impact of the hypothetical casino portrayed in the environmental assessment. Please see attachment 2.

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In noting the intensity of the potential trust land development, we are compelled to restate our view that the desire to keep all options open for the tribe has resulted in an overly general environmental assessment of a trust application. We are compelled, moreover, to reinforce our previous request to ensure that local impacts are thoroughly considered in accordance with CFR 151.11 for an off-reservation acquisition and that an environmental impact statement will be forthcoming at the appropriate time in accordance with the National Environmental Policy Act as applicable to BIA actions.

We look forward to your response.

Sincerely,

Betty Sue Morris, Chair

Judie Stanton, Commissioner

Craig A. Pridemore, Commissioner

BOCC/mk

2 Attachments
- Relevant county codes
- Build out assessment

c: Stanley Speaks, BIA Regional Director
Greg Argel, BIA Realty Officer
John Barnett, Cowlitz Indian Tribe
Governor Gary Locke
U.S. Senator Patty Murray
U.S. Senator Maria Cantwell
Congressman Brian Baird

EXHIBIT C

TITLE 13 – PUBLIC WORKS

Chapter 13.10	USE OF SEWERAGE SYSTEM
Chapter 13.12A	UTILITY PERMITS
Chapter 13.16	AGENCY WORK
Chapter 13.20	INFORMATIONAL SIGNS
Chapter 13.26A	WATER QUALITY
Chapter 13.30A	CLEAN WATER FUNDING

TITLE 14 – BUILDINGS AND STRUCTURES

Chapter 14.04	BUILDING CODE
Chapter 14.08	PLUMBING CODE
Chapter 14.12	MECHANICAL CODE
Chapter 14.14A	DANGEROUS BUILDING CODE
Chapter 14.16	HOUSE AND STREET NUMBERING
Chapter 14.20	SWIMMING POOLS
Chapter 14.28A	CLARK COUNTY ENERGY CODE
Chapter 14.32	MOBILE HOME PERMITS

TITLE 15 – FIRE PREVENTION

Chapter 15.12	UNIFORM FIRE CODE
Chapter 15.13	WILDLAND URBAN INTERFACE / INTERMIX ORDINANCE
Chapter 15.16	MINIMUM FIRE FLOW—EXCEPTIONS

TITLE 40 – UNIFIED DEVELOPMENT CODE

SECTION 40.100.070 – DEFINITIONS

SECTION 40.260.080 – FOREST PRACTICES

CHAPTER 40.320 – LANDSCAPING AND SCREENING

40.320.020 LANDSCAPING IN THE PUBLIC RIGHT-OF-WAY

40.320.030 LANDSCAPING PLAN

CHAPTER 40.350 – TRANSPORTATION & CIRCULATION

SECTION 40.350.030 – STREET AND ROAD STANDARDS

A. Overview

40.350.030(A)(1) Purpose.

40.350.030(A)(3) Relationship to comprehensive plan.

40.100.070 Definitions.

40.350.030(A)(4) Functional classifications—Purpose.

40.350.030(A)(5) Functional classifications—Urban roads.

40.350.030(A)(6) Functional classifications—Rural roads.

40.350.030(A)(7) Scenic routes.

40.350.030(A)(8) Urban reserve, urban holding areas and rural centers.

B. Standards for a Development Review

40.350.030(B)(1) Transportation impact study.

40.350.030(B)(2) Circulation plan.

40.350.030(B)(3) Transportation design criteria.

40.350.030(B)(4) Access management.

40.350.030(B)(5) Frontage roads/improvement.

40.350.030(B)(6)	Off-Site road improvement.
40.350.030(B)(7)	Intersection design.
40.350.030(B)(8)	Sight distances.
40.350.030(B)(9)	Street extensions.
40.350.030(B)(10)	Private roads.*
40.350.030(B)(11)	Joint driveways.
40.350.030(B)(12)	Cul-de-sacs and turnarounds.
40.350.030(B)(13)	Urban neighborhood traffic management.
40.350.030(B)(14)	Urban transit circulation standards.
40.350.010(A)-(C)	Pedestrian/bicycle circulation standards.
40.320.030	Landscaping plan.
40.320.030(B)(15)	Right-of-way standards.
40.550.010	Road modifications.

C. Specifications for Design and Construction

40.350.030(C)(1)	Transportation standard specifications.
40.350.030(C)(2)	Construction plan requirements for transportation and utility improvements.
40.350.030(C)(3)	Transportation design specifications.
40.350.030(C)(4)	Transportation construction specification.

SECTION 40.370.010 – SEWERAGE REGULATIONS

SECTION 40.370.020 – WATER SUPPLY

CHAPTER 40.380 – STORMWATER & EROSION CONTROL

CHAPTER 40.410 – CRITICAL AQUIFER RECHARGE AREAS (CARAs)

CHAPTER 40.420 – FLOOD HAZARD AREAS

CHAPTER 40.430 – GEOLOGIC HAZARD AREAS

CHAPTER 40.440 – HABITAT CONSERVATION

CHAPTER 40.450 – WETLAND PROTECTION

SECTION 40.550.010 – ROAD MODIFICATIONS

CHAPTER 40.570 – STATE ENVIRONMENTAL POLICY ACT (SEPA)

40.570.010	AUTHORITY AND CONTENTS
40.570.020	GENERAL REQUIREMENTS
40.570.030	DEFINITIONS
40.570.040	THRESHOLD DETERMINATIONS
40.570.050	ENVIRONMENTAL IMPACT STATEMENT (EIS)
40.570.060	NOTIFICATION AND COMMENCING
40.570.070	USE OF EXISTING ENVIRONMENTAL DOCUMENTS
40.570.080	SEPA AND COUNTY DECISIONS
40.570.090	CATEGORICAL EXEMPTIONS
40.570.100	AGENCY COMPLIANCE
40.570.110	FORMS

Attachment 2

proud past, promising future

CLARK COUNTY
WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

MEMORANDUM

RECEIVED
JUN 11 2004
Board of Commissioners

TO: Bill Barron

FROM: Rich Carson RAC

DATE: June 11, 2004

SUBJECT: Projected Cowlitz Impact

Summary: At buildout, assuming a mix of gaming and commercial uses, the 151.87 acre parcel in LaCenter could have a substantive impact upon the surrounding community. Based on a conservative estimate of land uses and their impacts, full buildout can be reasonably expected to generate 47,116 average vehicle trips per day on weekdays and 63,952 average vehicle trips per day on weekends. This is roughly equivalent to four to five major retailers like a COSTCO in one location. It can be expected to generate 183,000 gallons of sewerage per day. This assessment assumes the tribe does not develop residential housing, as per their initial statements. If, over time, the tribe's plans change, the impacts will change.

Because the land use mix and location is not known, the community has no way to determine if the site will push local infrastructure and school systems over capacity. The accompanying infrastructure improvement needs cannot be calculated until the actual land use mix and the location on the entire site is determined.

Purpose:

Provide an estimate of the impact of a fully built out 152 acre Indian trust land. Use the Tulalip experience with uses as a guide.

Known uses and impacts:

a) The current proposal has a 41,800 square foot casino, parking for 350 customers, 20 rv;s and 100 employees.
b) The uses on the rest of the site have not been proposed.
c) The tribe proposes to build and maintain a wastewater treatment facility.

d) The tribe proposes to use the land for the maximum economic benefit

Assumptions:

a) The tribe has agreed to develop consistent with county codes. DCD will use county codes to project buildout.
b) The tribe will comply with NEPA and other federal requirements.
c) DCD will assume that internal access will be provided in the same way the county would require.
d) DCD will assume a mix of uses that provides long term income generation for the tribe. The use mix will replicate a commonly found mix in Clark County with the addition of the casino.

North of 319th Street:
Net land area=57.42 acres=1,435,500 square feet of casino\commercial space.

South of 319th Street:
Commercial net land area = 60.53 acres = 1,511,150 s.f. of commercial space.

The mix includes:

a. The south side of 319th includes these uses and approximate square feet:

Motel	82,200
Fast food	13,300
Gas	18,700
General commercial	278,700
Parking\landscape	723,900
Motel phase 2	104,000
Gas phase 2	18,700
Restaurant phase 2	20,800
Parking\landscape phase 2	250,000

b. The north side of 319th includes these uses and approximate square feet:

Casino	45,000
Restaurant\theater	103,000
Parking\landscape	296,000
Casino phase 2	175,000
Parking\landscape phase 2	660,000
Commercial phase 2	155,000

e) Stormwater retention\detention areas are treated as deductions to the total buildable land area, and is treated on site.

Variable Analysis:

Projection of the impact of a development is based on many variables. As illustrated below, the impacts will vary with the number of square feet, employees, customers, etc.

Variables Affecting Impacts

Topic\Impact area	Variable
Number of buildable acres	Wetlands Protected habitat Road dedications Isolated areas Protected archeological sites Right of ways-internal
Number of acres dedicated to each land use	Economic viability Preference
Trip generation on local roads	Number of square feet in each use. Intensity of use. Location of internal and external access points. Characteristics of vehicle mix. Characteristics of peak hour trips (length of peak hour and intensity and co-incidence between uses). Traffic control. Transit service. Number of trips that are internal to the site. Number of trips that pass by the site.
Sewerage generation	Number of square feet in each use. Specific use of square footage. Number of employees. Number of hours of operation. Number of public facilities.
Stormwater generation	Slopes in relationship to site plan. Soils. Rainfall patterns. Percent of site in impervious surface. Change in vegetation from current to future uses. Regional facility versus facilities designed to serve individual uses.
Water consumption	Number of employees in each use. Numbers of hours of operation. Numbers of customers. Numbers of users. Numbers of parking paces. Square feet of landscaped areas. Character of heating and cooling systems. Character of food service.

The level of detail provided in the current environmental assessment makes it literally impossible to predict the future impact of development of this site.

Potential Impacts From the Projected Land Use Mix:

Without a residential component:
Average daily traffic, weekday: 47,116 trips
Average daily traffic, weekend: 63,952 trips
Sewerage in gallons per day: 183,000 gallons

A	Casino
B	Theater and Restaurant
C	Commercial
D	Commercial
E	Commercial
F	Commercial
Dotted	Parking and Landscape

The site layout is presented for purposes of illustration and may not reflect the design proposed by the tribe, the actual square footage of buildings, or the final layout. Locations of buildings, accesses, preserved areas, etc. are for illustration only.

Major Roads
State Route
Interstate
Arterial
Roads
Municipal Jurisdiction
Unincorporated
Incorporated

(Scale 1:6000)
200 0 200 400 600 800 Feet

Community Development Development Engineering

CLARK COUNTY
WASHINGTON

N

Plot Date: Jun 15, 2004 Map produced by:

Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.