

ENVIRONMENTAL IMPACT STATEMENT SCOPING REPORT

Confederated Tribes of the Colville Reservation Fee-To-Trust and Casino Project

City of Pasco, WA | August 2025 | EIS-24-002

Lead Agency:

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Section 1 | Introduction

1.1 SUMMARY

The Bureau of Indian Affairs (BIA) has initiated the preparation of an Environmental Impact Statement (EIS) to analyze the potential environmental consequences of the Confederated Tribes of the Colville Reservation (Colville Tribes) Fee-To-Trust and Casino Project, which consists of the trust acquisition of an approximately 160-acre parcel (Project Site) in the City of Pasco within Franklin County, Washington, and the subsequent development by the Colville Tribes of a casino, hotel, conference/event center, restaurant/bars, and supporting parking and infrastructure (Proposed Project) within the Project Site. The BIA serves as the Lead Agency for compliance with the National Environmental Policy Act (NEPA).¹ The federal Proposed Actions required to implement the Proposed Project include:

- 1) The fee-to-trust acquisition by the BIA of the 160-acre Project Site; and
- 2) Issuance of a 2-part determination by the Secretary of the Interior for gaming eligibility of the Project Site under the Indian Gaming Regulatory Act (IGRA).

A 30-day scoping comment period was initiated on April 3, 2024, and was extended by an additional 30 days through June 3, 2024 to solicit input from the public and agencies regarding the scope of the EIS. A virtual public hearing was held on April 24, 2024. The purpose of the public scoping comment period and hearing was to identify potential environmental issues, concerns, reasonable mitigation measures, and alternatives to be considered in the EIS. This scoping report describes the EIS scoping process, explains the purpose and need for the Proposed Action, describes the proposed alternatives and summarizes the issues identified during the scoping comment period. Comments received during the scoping comment period are included in **Attachment 1**.

1.2 SCOPING PROCESS

The scope of an EIS is the range of environmental issues to be addressed, the types of impacts to be considered, and the range of project alternatives to be analyzed. The purpose of scoping is to identify issues that should be analyzed in an EIS and eliminate unimportant issues from further study. A Notice of Intent (NOI) describing the Proposed Project and announcing the scoping comment period was circulated for public and agency review on April 3, 2024 (**Attachment 2**). The NOI was posted online at <http://www.colvilleeis.com>, published in the Tri-City Herald newspaper on May 8, 2024, and was sent to various federal and local agencies through direct mailings (**Attachment 3**).

¹ Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to NEPA, 42 USC. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The BIA verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 CFR § 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum. The BIA has also voluntarily considered the Council on Environmental Quality's rescinded regulations implementing NEPA, previously found at 40 CFR § 1500–1508 (2020), as guidance to the extent appropriate and consistent with the requirements of NEPA and Executive Order 14154.

Comments received during the scoping process are included as **Attachment 1**.

1.3 PUBLIC INVOLVEMENT

Public involvement opportunities provided during the scoping included the public comment period. A virtual public hearing was held on April 24, 2024, and comments were received via mail and email.

1.3.1 Public Notice

The public was notified of the initial 30-day scoping comment period for the EIS beginning on April 3, 2024 through the publication of the NOI (**Attachment 2**) posted online at <http://www.colvilleis.com>, publication of the NOI in the Tri-City Herald newspaper and in the Federal Register, and direct mailing of the NOI to various federal and local agencies and interested parties (**Attachment 3**). In response to requests received during the comment period and public hearing, the scoping comment period was extended for an additional 30 days through June 3, 2024. The comment period extension was announced via publication in the Tri-City Herald newspaper, as well as on the project website (**Attachment 4**).

1.3.2 Project Website

A project website, <http://www.colvilleeis.com>, was launched on April 3, 2024. The website provides information on the Proposed Action, EIS process, and public comment opportunities. It also provides documents developed to date, including the NOI and this scoping report. Additional documents, including the Draft and Final EIS, will be added to the website as they are released.

1.3.3 Mail and Email

Through the scoping notices, the public was invited to submit comments via mail or email during the scoping comment period, which concluded on June 3, 2024. A total of 80 written comments were received during the scoping comment period (**Attachment 1**).

1.3.4 Public Meeting

A virtual public scoping hearing was held on April 24, 2024, to provide project information and to solicit public input on the EIS scope and alternatives. The hearing was 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 Proposed Project, and alternatives to consider or eliminate from detailed analysis. A court reporter/stenographer attended the public scoping hearing to record oral comments (**Attachment 5**). Approximately 100 people attended the meeting, 50 of whom provided oral comments.

1.4 COOPERATING AGENCIES

Under NEPA, the BIA is the lead agency for the evaluation of the Proposed Action. Pursuant to NEPA Section 107 (a)(2), the BIA may request that another agency, having jurisdiction by law or having special expertise with respect to anticipated environmental issues be a “cooperating agency.” Cooperating agencies participate in the scoping process and, at the lead agency’s request, may develop information to be included in the EIS. The BIA has formally invited the United States Environmental Protection Agency (USEPA), Washington Department of Transportation (WSDOT), City of Pasco (City), and Franklin County (County) to serve as cooperating agencies for the EIS.

As of the date of this scoping report, the USEPA has declined to be a cooperating agency, the County has accepted, and the City and WSDOT have not responded (**Attachment 6**).

Section 2 | Alternatives

2.1 PURPOSE AND NEED

The purpose and need for the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus satisfying both the Department of the Interior's (Department) land acquisition policy as articulated in the Department's trust land regulations at 25 CFR Part 151 and the principal goal of IGRA as articulated in 25 USC § 2701. The authority to act on the Tribe's application is governed by the Department's regulations at 25 CFR § Part 151, in particular the requirements at 25 CFR § 151.3 and 151.11.

2.2 BACKGROUND

The Colville Tribes are comprised of the following 12 bands: Chelan, Chief Joseph Band of Nez Perce, Colville, Entiat, Lakes, Methow, Moses-Columbia, Nespelem, Okanogan, Palus, San Poil, and Wenatchi Tribes totaling approximately 9,290 members. The traditional territories of the Colville Tribes extend across eastern Washington and into portions of British Columbia, Oregon, and Idaho covering approximately 39 million acres. The Colville Reservation is located in the north-central portion of Washington in a sparsely populated remote area. The current Reservation encompasses 1.4 million acres of land, and the Colville Tribes also have 9,166 acres of off reservation management areas. Currently, the Tribes operate three casinos on the Colville Reservation. Due to the Reservation's remote location, the existing casinos largely rely on patrons that travel substantial distances. Approximately 50% of patrons travel more than 40 miles one-way, and many travel from Canada. Additionally, the existing casinos are small gaming facilities that do not completely meet the Tribes revenue needs necessary to support tribal members and tribal government operations.

The Project Site lies within the traditional territory of the Palus (or Palouse, Palouis) Tribe, which extends from the confluence of the Snake and Clearwater Rivers in the east to the confluence of the Snake and Columbia Rivers in the west. The confluence of the Snake and Columbia rivers was a prominent feature on the landscape, and ethnographic research shows that other tribes frequented the area along with the Palus. The Palus Tribe is identified as a member Tribe by both the Colville Tribes and the Confederated Tribes of the Yakama Nation. The Project Site also lies within lands ceded by the signatory tribes under the Treaty of 1855, including the Palus Tribe, collectively identified as the Yakama Nation. While the Palus Tribe is a signatory to the 1855 Treaty that established the Yakima Indian Reservation, many Palus did not relocate to the Yakima Reservation and instead established homesteads within their traditional territories. Pressures from Euro-American settlement eventually scattered Palus families, with many eventually moving to both the Colville Indian Reservation and the Yakima Indian Reservation.

2.3 PROPOSED PROJECT

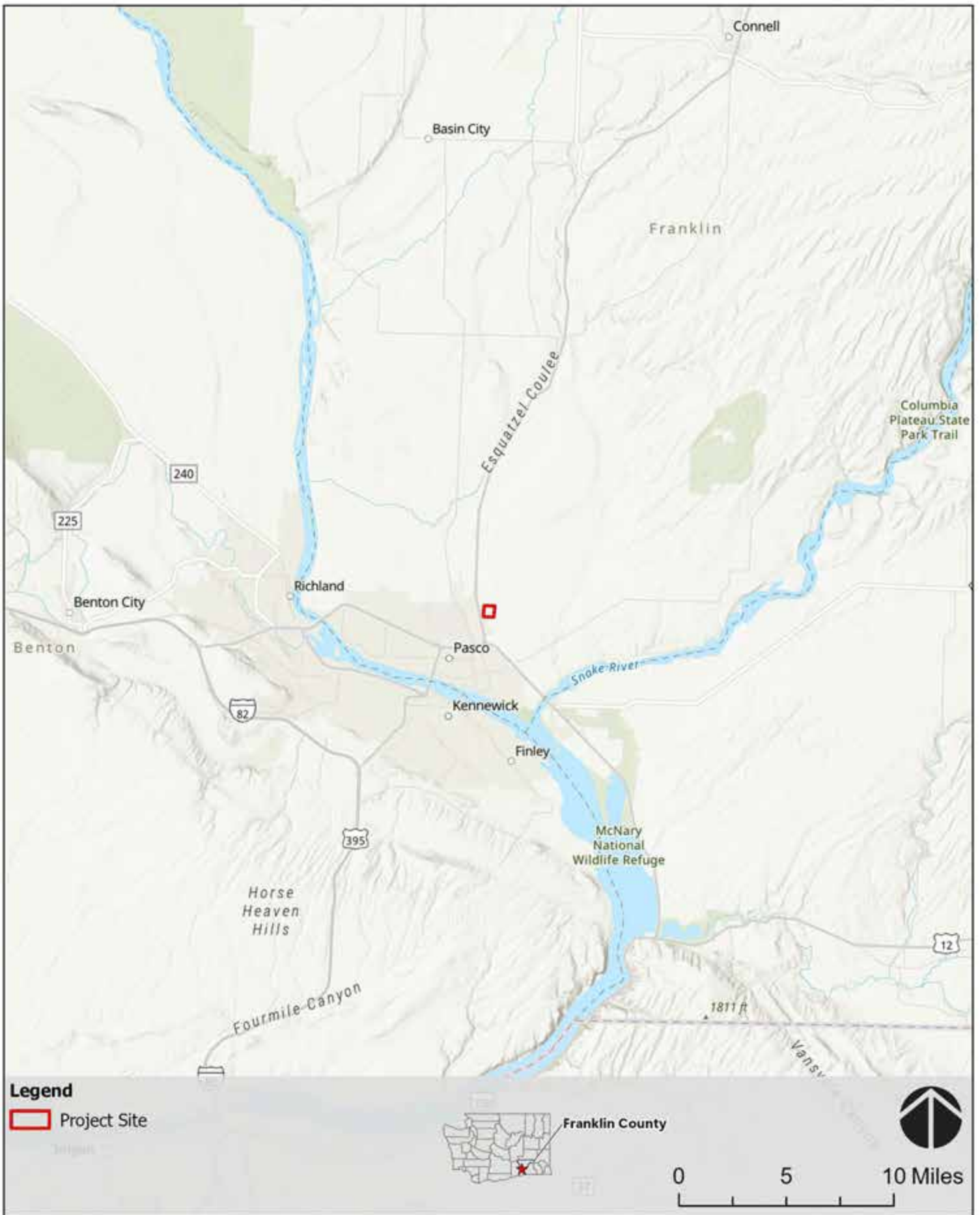
The Tribes submitted an application to the BIA requesting that the Secretary of the Interior take the approximately 160-acre Project Site into trust for the benefit of the Tribe pursuant to Section 5 of the Indian Reorganization Act, 25 USC § 5108, and its implementing regulations. The Project Site is located in the City of Pasco within Franklin County, Washington, just east of U.S. Highway 395 (**Figures 1 and 2**). Local access from U.S. Highway 395 to the Project Site is provided by Kartchner Street and North Capitol Avenue. Currently, the Project Site consists of an open agricultural field (**Figure 3**).

The Proposed Project components are shown in **Table 1**, and includes the development of a casino, hotel, conference/event center, restaurant/bars, and supporting parking and infrastructure within the Project Site. The proposed casino facility includes approximately 2,000 gaming devices and 30 table games. The hotel would be eight stories in height with 200 guest rooms. Other amenities include restaurants, an event center, approximately 1,500 surface parking spaces, stormwater retention ponds, and other supporting utilities. A conceptual site plan is included in **Figure 4**.

Access to the Project Site would be provided through two proposed access driveways along N. Capitol Avenue. Domestic water supply for the Proposed Project would be provided through connection to the water main located along N. Capitol Avenue, and wastewater generated would flow through connections to the existing City sewer line located along N. Capitol Avenue.

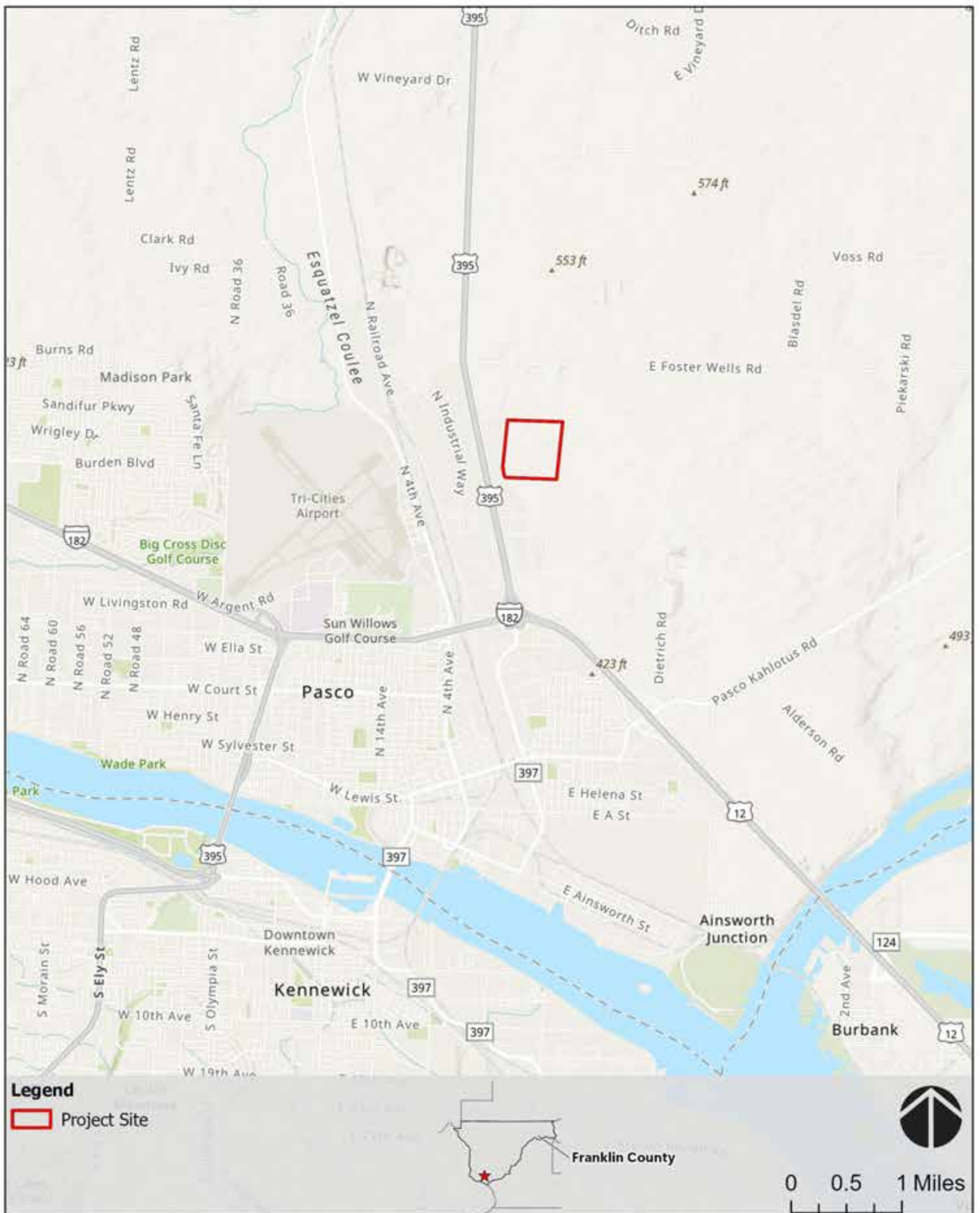
Table 1: Proposed Project Components

Component	# of Units	Square Feet
Casino		
Gaming Floor	2,000 Slots	70,500
Table Games	30 Tables	7,500
Center Bar	-	2,500
Sports Bar/Lounge	-	2,000
Casual Dining	200 Seats	6,000
Grab-n-Go	100 Seats	2,800
Back of House/Support	-	83,400
Hotel		
Guestrooms	200 Rooms	135,800
Swimming Pool	-	3,000
Fitness Center	-	1,000
Coffee Shop	50 Seats	1,200
Steakhouse	150 Seats	6,000
Back of House/Support	-	21,700
Event Center		
Event Space	350 Seats	8,750
Pre-Function	-	2,190
Back of House/Support	-	3,490
Other		
Central Plant	-	4,600
Surface Parking	1,500 Spaces	



Esri, NASA, NGA, USGS, City of Pasco, Oregon State Parks, State of Oregon GEO, WA State Parks, GIS, Esri, TomTom, Garmin, SafeGraph, FAO, METI/NASA, USGS, Bureau of Land Management.

FIGURE 1
REGIONAL LOCATION



Esri, NASA, NGA, USGS, WSU Facilities Services GIS, City of Pasco, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METU

FIGURE 2
SITE AND VICINITY



Esri Community Maps Contributors, WSU Facilities Services GIS, City of Pasco, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

FIGURE 3
AERIAL OVERVIEW



Eri Community Maps Contributors, WSU Facilities Services GIS, City of Pasco, Oregon State Parks, State of Oregon GEO, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin,

FIGURE 4
ALTERNATIVE A

2.4 ALTERNATIVES IDENTIFIED BY THE PUBLIC

During the public scoping period, several potential alternatives to the Proposed Project were identified by commenters. Specifically, comments suggested the analysis of:

On-Site Alternatives

- A reduced intensity alternative;
- An alternative use/non-gaming alternative; and
- A no action alternative.

Off-Site Alternatives

- An on-reservation casino;
- A casino within the Colville Tribes' historic territory;
- A casino closer to the Colville Tribes' Reservation that could employ Colville Tribal members; and
- A "joint venture" casino that is operated by the Colville Tribes in collaboration with the Confederated Tribes of the Yakama Nation and/or the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

As discussed below, these alternatives were considered by the BIA and were either chosen for full evaluation in the EIS or eliminated from further consideration.

2.5 ALTERNATIVES TO BE ANALYZED WITHIN THE EIS

The EIS will evaluate a reasonable range of alternatives to meet the purpose and need for the Proposed Action. The following alternatives will be evaluated within the EIS:

Alternative A: Casino (Proposed Project)

Alternative B: Reduced Intensity Casino

Alternative C: Non-Gaming

Alternative D: No Action

Under Alternatives A, B, and C, the Project Site would be transferred from fee to federal trust status. Other anticipated federal actions include, but are not limited to, compliance with the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) permit for stormwater, consultation with the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to federally listed species, and consultation pursuant to Section 106 of the National Historic Preservation Act (NHPA) regarding potential impacts to cultural resources. **Table 2** summarizes proposed alternatives to be analyzed in detail in the EIS.

Table 2: Summary of Alternatives

Alternative	Description
Alternative A: Casino (Proposed Project)	Alternative A is the Tribe’s Proposed Project. See description in Section 2.2 and Figure 4 .
Alternative B: Reduced Intensity Casino	As with Alternative A, Alternative B would involve the fee-to-trust transfer of the Project Site and subsequent development of a casino; however, under Alternative B the intensity of the development would be reduced compared to Alternative A. Alternative B would include the development of a casino and food and beverage facilities totaling approximately 108,700 square feet (sf) of building space, with 1,500 surface parking spaces and associated infrastructure (Figure 5). Alternative B would not include the development of the hotel and event center proposed under Alternative A.
Alternative C: Non-Gaming	Alternative C would involve the fee-to-trust transfer of the Project Site and subsequent development of three retail warehouses and surface parking (Figure 6). Each warehouse would total approximately 117,500 sf, and the parking lot would contain approximately 507 spaces. Similar to Alternative B, the intensity of development under Alternative C would be reduced compared to Alternative A.
Alternative D: No Action	NEPA Section 102(2)(C)(iii) requires inclusion of an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative. Under the no action alternative, none of the development alternatives considered within the EIS would be implemented. The no action alternative assumes that that the Project Site would not be taken into trust and the existing agricultural land uses on the Project Site would remain unchanged.

2.6 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM FURTHER CONSIDERATION

During the NEPA process, federal agencies are required to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources” (NEPA Section 102(2)(F)). The range of alternatives considered must be reasonable in light of the proposal and the facts of the case, meaning alternatives should be technically and economically feasible and meet the purpose and need for the proposed action (NEPA Section 102(2)(C)(iii)). Alternatives other than the no action alternative were screened based on five criteria:

- 1) Extent to which they meet the purpose and need of the Proposed Action;
- 2) Feasibility from a technical and economic standpoint;
- 3) Feasibility from a regulatory standpoint (including ability to meet the requirements for establishing connections to newly acquired lands for the purposes of the restored lands);
- 4) Ability to avoid or minimize environmental impacts; and
- 5) Ability to contribute to a reasonable range of alternatives.

Proposed alternatives considered but rejected from full analysis are listed in **Table 3**. These alternatives were eliminated because they were determined infeasible or would not fulfill the stated purpose and need of the Proposed Action (**Section 2.1**).



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FIGURE 5
ALTERNATIVE B



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FIGURE 6
ALTERNATIVE C

Table 3: Alternatives Considered but Eliminated from Further Consideration

Suggested Alternative	Reason for Elimination from Consideration
<p>Off-Site Alternatives</p>	<p>The Tribes already own the Project Site in fee, and does not own other off-reservation property that would be suitable for gaming and economic development. The Tribes’ reservation is located in a sparsely populated remote area. Due to the reservation’s remote location, the three existing on-reservation casinos largely rely on patrons that travel substantial distances. Additionally, the existing casinos are small gaming facilities that do not completely meet the Tribes revenue needs necessary to support tribal government operations, and much of the Tribes’ remaining reservation land consists of dense forest. Therefore, the Tribes seek to establish an off-reservation economic land base in a more populated region.</p> <p>Consideration of a highly speculative circumstance under which the Tribes would be able to purchase an alternative site that could be developed with an economic enterprise with which to fund the tribal government would not aid in expanding the range of alternatives in a manner that promotes informed decision-making. Consideration of such an alternative would speculate that the Tribe would be able to purchase said site, and that the financial benefits of developing such a site would accomplish the purpose and need for the Proposed Action. Therefore, consideration of an alternative site was rejected from full analysis as it would not meet the definition of a reasonable alternative that is feasible from an economic and technical standpoint, and thus would not accomplish the purpose and need for the Proposed Action. Additionally, as the Project Site is already disturbed and utilized for agriculture, it is unlikely that an alternative site would result in fewer environmental impacts than the proposed alternatives. Other properties owned by the Colville Tribe are largely located in the same economically depressed regions as the existing gaming facilities. Colville properties in close proximity to population centers are few, and do not provide adequate space to construct a gaming facility capable of generating the revenue needed to fund the tribal governments unmet needs.</p> <p>Therefore, the off-site alternatives discussed above have been eliminated for a variety of reasons, including inability to reduce the environmental impacts of the Proposed Project, not contributing to a reasonable range of alternatives, and not meeting the purpose and need of the Proposed Project.</p>
<p>Joint-Venture Casino</p>	<p>A “joint venture” casino that is operated by the Colville Tribes in collaboration with the Confederated Tribes of the Yakama Nation and/or CTUIR would likely result in impacts similar to Alternative A. Therefore, a joint-venture casino would not result in different physical environmental consequences from what would already be assessed in the EIS. Additionally, there is no federal authority that would enable the Department to approve land into trust for two or more Tribes. The Colville Tribes could choose to partner with CTUIR and/or Yakama Nation as a development partner, but this would not change the underlying federal actions or the physical environmental consequences that would result from what is already being addressed and considered.</p>

Section 3 | Issues Identified During Scoping

3.1 INTRODUCTION

The following section lists each of the issue areas and areas of controversy raised by members of the public or government agencies during the scoping process described in **Section 1.2**. Specific issues and questions are discussed in each section along with the anticipated scope of the issue to be discussed in the EIS. General comments, concerns, and questions not falling within one of the major issue areas below, or topics that do not fall within the scope of the EIS, are discussed in **Section 3.2.16**. Additional issues not specifically raised but that the BIA and Tribe intend to address in the EIS also are discussed. Copies of comments submitted during the scoping process are included in **Attachment 1**.

3.2 ISSUES IDENTIFIED DURING SCOPING

This section contains a summary of substantive comments received during the NEPA scoping process relating to the scope of the EIS. Comment summaries are categorized by issue area. A general summary of the expected scope of the EIS for each issue area is also provided.

3.2.1 Project Alternatives and Purpose and Need for the Proposed Project Comments

Comments regarding potential alternatives to the Proposed Project are discussed in **Section 2, Alternatives**. The following general comments regarding the purpose and need for the Proposed Project and alternatives were provided during scoping:

- A commenter states that the Project Site is far from the Colville Tribes' reservation boundary and the Colville Tribes' need for a casino in Pasco is questionable given the Tribes' existing three on-reservation casinos;
- A commenter states that the EIS should articulate the purpose and need of the proposed action clearly. To enhance public transparency, it's recommended to use plain language to describe the purpose and need; and
- A commenter recommends that the EIS include a reasonable range of alternatives that align with the stated purpose and need for the Proposed Project, including a no action alternative, and that efforts should be made to select alternatives that prioritize environmental protection, restoration, and enhancement.

Scope

Section 1 of the EIS will summarize the purpose and need of the federal Proposed Action. The EIS will also include a background section relevant to the purpose and need, and a description of a reasonable range of alternatives considered and assessed as well as the potential environmental impacts associated with each alternative. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.2 Land Resources

Comments

The following comments regarding geology and soils were provided during scoping:

- The EIS should study the impact of site grading and development on local geology and residents.

Scope

The EIS will include a description of the geological, topographic, and soil conditions on the Project Site, as well as an analysis of potential impacts resulting from proposed alternatives. The impacts from potential earthquakes in the area will also be addressed. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.3 Water Resources

Comments

The following comments regarding water resources were provided during scoping:

- Given regional water shortages, the EIS should study the Proposed Project's impact on local water supplies, including effects on wildlife, vegetation, and community water needs.
- A commenter requests consideration of the Clean Water Act;
- A commenter states that construction projects can have significant impacts on water quality, including changes to hydrology, stormwater runoff, and habitat fragmentation. To adequately assess these impacts, a commenter recommends that the EIS include the following:
 - Detailed descriptions of the existing ecological characteristics of the Project Site and potential impacts to waters of the U.S.;
 - Evaluation of existing and proposed roads associated with the Proposed Project and potential associated impacts to water quality;
 - Analysis of hydrologic cumulative effects on the Project Site and vicinity, including impacts to groundwater and surface water resources; and
 - Identification of relevant federal permits, licenses, and authorizations needed for implementation of the Proposed Project, including those associated with the Clean Water Act (CWA).
- A commenter states that under the CWA, specific regulatory requirements that should be addressed in the EIS include:
 - CWA § 303(d): Identification of impaired waters in the area of the Project Site and efforts related to Total Maximum Daily Loads (TMDLs);
 - CWA § 401: Coordination regarding certification of proposed federal licenses or permits affecting waters of the U.S.;
 - CWA § 404: Identification of discharges to waters of the U.S. and description of control measures and best management practices; and
 - CWA § 402 and Stormwater: Identification and management of discharges during construction and operation, consideration of low-impact development techniques, and compliance with Section 438 of the Energy Independence and Security Act to reduce stormwater runoff from federal development projects.

Scope

The EIS will include a description of watersheds, drainage patterns, floodplains, groundwater conditions, and water quality on the Project Site and the surrounding vicinity, as well as analysis of potential impacts resulting from proposed alternatives. The EIS will address issues related to CWA compliance, site drainage, stormwater runoff, water demand, and wastewater generation, including impacts to surface water and groundwater quality. Mitigation measures to avoid impacts to water quality and water resources, if warranted, will be recommended in the EIS.

3.2.4 Air Quality

Comments

The following comments regarding air quality were provided during scoping:

- A commenter recommends the proposed casino be smoke-free.
- The EIS should analyze air quality impacts during construction and subsequent operation, including impacts from vehicle emissions;
- The EIS should include a detailed discussion of ambient air conditions, National Ambient Air Quality Standards (NAAQS), and any applicable criteria pollutant non-attainment and maintenance areas in the analysis area and vicinity;
- The EIS should estimate criteria pollutant emissions and associated sources, such as diesel emissions from construction equipment;
- A commenter requests that the EIS consider impacts associated with emissions of carbon dioxide equivalent (CO₂e)² and mitigation, including the following:
 - Changes to the watershed having to do with snowpack, runoff, precipitation, landslides, wildfire, and hydrology;
 - Measures to mitigate impacts resulting from CO₂e emissions, including measures that provide for diverse, healthy ecosystems resilient to climate stressors and that reduce CO₂e emissions; and
 - Tools like the National Oceanic and Atmospheric Administration's (NOAA) Climate Mapping for Resilience and Adaptation tool to understand climate projections and hazards specific to the Project Site.
- The assessment contained in the EIS should cover potential air quality impacts during construction, maintenance, and operational activities, including air toxics and criteria air pollutants like diesel particulate matter emissions and fugitive dust emissions;
- The EIS should document and identify exposure of these pollutants to nearby populations;
- The EIS should assess air pollution and public health impacts from increased vehicle traffic and project operations, including construction and daily operations; and
- The EIS should discuss measures to minimize air quality impacts and decrease the exposure of emissions to sensitive populations during construction, maintenance, and operational phases of the Proposed Project.

² Certain gases in the atmosphere have been shown in scientific studies to contribute to rising global temperatures and more frequent or severe weather events. Because these gases vary in their heat-trapping potential, they are standardized and expressed in terms of carbon dioxide equivalent (CO₂e).

Scope

The EIS will include a description of the regional climate, existing air quality, and pollutants of concern in the vicinity of the Project Site, as well as an analysis of potential impacts that could result from implementation of the proposed alternatives.

Potential impacts associated with emissions of CO₂e will be analyzed within the cumulative section of the EIS. Mitigation measures, if warranted, will be recommended in the EIS.

3.2.5 Biological Resources

Comments

The following comments regarding biological resources were provided during scoping:

- The Proposed Project could result in impacts to natural resources;
- The EIS should identify federally and state-protected species and their critical habitats that may be impacted by the Proposed Project;
- The EIS should identify how resources, ecosystems, and communities in the vicinity of the Project Site have been or will be affected by previous, ongoing, and anticipated activities;
- The EIS should assess potential effects of the Proposed Project on biological resources and address compliance with requirements of the Endangered Species Act (ESA);
- The EIS should address consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the ESA. Additionally, impacts to identified Essential Fish Habitat (EFH) within or near the Project Site should be addressed, where applicable;
- The EIS should consider impacts to surrounding water bodies and associated riparian areas and/or potential wetlands and whether permitting is required under the Clean Water Act;
- The EIS should analyze potential construction, maintenance, and operational noise impacts to wildlife and aquatic species;
- The EIS should detail the Proposed Project's impacts on local flora, fauna, and habitats and should consider proximity to the Columbia River; and
- The EIS should discuss coordination with the Washington Department of Fish and Wildlife to establish protective practices for biota and habitat during project implementation.

Scope

The EIS will include a description of habitats, waters of the U.S., and federal and state-listed species that may occur on the Project Site and will assess reasonably foreseeable impacts of proposed alternatives on these resources. The EIS will address consultation requirements of Section 7 of the Endangered Species Act. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.6 Cultural and Paleontological Resources

Comments

The following comments regarding cultural and paleontological resources were provided during scoping:

- A commenter requests the EIS address federal trust responsibilities of the CTUIR and any adverse

effects casino construction would have on its members;

- A commenter questions the cultural resources survey and screening methods used;
- The EIS should include robust tribal consultation. A commenter states that the cultural resources report indicates limited tribal consultation and did not include consultation with the Yakama Nation;
- A commenter has concerns regarding the ethnographic context, archaeological methods and results, consultation, and inadvertent discoveries protocol in the cultural resources report titled *Colville Tribes Casino and Commercial Project, Franklin County, Washington*, and states that the report omits significant historical associations with the Yakama Nation and relies heavily on sources affiliated with the Colville Tribe. A commenter provides a summary of potential omissions and is concerned that the report's ethnographic context does not recognize the Yakama Nation's historical presence and the cultural significance of the area to the Yakama people;
- A commenter states that reliance on the Washington State Department of Archaeology and Historic Preservation archaeological model may be insufficient for identifying culturally significant sites. The proximity to known historical Yakama villages suggests that the methods used may not adequately capture the presence of significant cultural resources; and
- A commenter states that the Project Site is within the Yakama Nation's Treaty-defined territory, and therefore potentially contains significant archaeological and cultural resources. The EIS should assess the impact on these resources and ensure NHPA compliance.

Scope

The EIS will contain a cultural resources analysis with an expanded ethnographic discussion that identifies historical and archaeological resources located within the Project Site. The Yakama Nation's historical presence and the cultural significance of the area to the Yakama people will be discussed in the EIS. Any reasonably foreseeable impacts to historical and archaeological resources will be analyzed within the EIS. The EIS process will include a cultural records search. The BIA will comply with the consultation requirements under Section 106 of the NHPA. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.7 Socioeconomics

Comments

The following comments regarding socioeconomics were provided during scoping:

- A commenter states that the Port Commission is in support of efforts to improve the economy in the Pasco region that enhance tourism;
- A commenter states the Proposed Project will reduce property taxes and that the EIS should discuss how restitution might be made to the City, County, and Port of Pasco;
- A commenter states the Proposed Project will impact other local businesses;
- A commenter states that the EIS should include a specific analysis of reasonably foreseeable and disproportionate impacts on surrounding Indian reservations, indigenous communities, tribal governments, and tribal casinos;
- A commenter states that CTUIR currently struggle with the ability to hire employees at the Wildhorse Resort and Casino, and that the Proposed Project would exacerbate this issue;
- A commenter states Legends Casino is the largest contributor to support over 11,000-plus tribal members of the Yakama Nation, and feels the Proposed Project would impact Legends Casino;

- A commenter states the Proposed Project would provide opportunities for employment;
- Several commenters state that the Proposed Project will bring employment and training opportunities to Colville Tribal members, members of other tribes local to Pasco, and local citizens;
- Several commenters state that the casino could bring economic benefits and self-sufficiency to future generations;
- A commenter emphasizes the need to assess the long-term economic viability of the Proposed Project;
- A commenter requests a thorough evaluation of the socioeconomic impacts of the Proposed Project, including its effect on CTUIR's Wildhorse Resort and Casino revenues, employment opportunities, and governmental programs and services;
- The EIS should assess job creation impacts on local communities, and should consider housing needs and economic migration effects;
- Various commenters were concerned that the Proposed Project could negatively impact the local economy, particularly affecting the Yakama Nation and the CTUIR;
- The EIS should evaluate the demand for affordable housing due to increased employment;
- A commenter suggests allocating a portion of the Proposed Project's profits to the Yakama Nation to offset potential economic impacts of the Proposed Project on the Nation's Legends Casino Hotel;
- Various commenters emphasize the need for the EIS to carefully analyze and mitigate potential socioeconomic impacts, including employment, social services, and public services impacts on other tribes;
- A commenter recommends incorporating EJSscreen analysis into the EIS to identify potential environmental justice concerns related to the Proposed Project, including the following:
 - Methodologies from the Promising Practices for EJ Methodologies in NEPA Reviews Report to assess potential direct and indirect impacts of the Proposed Project, as well as increased vulnerabilities of certain populations;
 - Guidance from the Council of Environmental Quality's Environmental Justice Guidance Under NEPA;
 - Potential environmental justice concerns for Environmental Justice Indexes at or above the 80th percentile in the state and/or nation;
 - Individual block groups within or intersecting at least a 1-mile radius of the Proposed Project, as well as transient users;
 - Supplemental data of state, county, and local reports, such as Washington's Environmental Health Disparities mapping tool;
 - Consideration of both short-term and long-term impacts on communities with environmental justice concerns, including indirect and cumulative effects;
 - Analyzation of both chemical and non-chemical stressors associated with population changes related to the Proposed Project; and
 - A cumulative impact assessment using a systematic approach to characterize combined effects from exposures to stressors across affected populations or communities.

Scope

The EIS will include a description of the socioeconomic conditions of the Tribe, local community, nearby Tribes, and surrounding communities, including the Yakama Nation and the CTUIR.

The EIS will analyze socioeconomic effects, including effects to local governments, employment, housing,

local business revenue, substitution and competitive effects, property values, problem gambling, and crime rates, as well as the reasonably foreseeable and disproportionate impacts of the project alternatives on minority and low-income populations. Although several comments and suggestions regarding environmental justice were raised during scoping, the EIS will not include an analysis of those issues in accordance with current federal directives.³ Mitigation Measures to offset potential socioeconomic effects will be included in the EIS, if warranted.

3.2.8 Transportation

Comments

The following comments regarding transportation were provided during scoping:

- A commenter states the location on U.S. Route 395 has heavy traffic and stresses that the EIS should assess safety;
- The EIS should assess the Proposed Project's impacts to the state highway system, including U.S. Route 395 in the vicinity of the Project Site and the Hillsboro Street Interchange and Foster Wells Road intersection, and recommend mitigation as warranted. Commenter notes that U.S. Highway 395 near the Project Site is a Highway of Statewide Significance with an operational threshold of LOS D.
- The EIS should identify necessary infrastructure improvements as well as impacts of and costs to implement such improvements;
- The EIS should evaluate increased traffic impacts on local roads and highways, including necessary improvements due to the Proposed Project. Public transit infrastructure and shuttle services should also be assessed; and
- The EIS should assess whether the state highway system generally conforms with current WSDOT traffic standards and safety guidelines.
- The EIS should include a comprehensive traffic study.

Scope

The EIS will include a description of the local traffic conditions, including an analysis of existing study area roadways and intersections with the potential to be impacted by traffic resulting from the proposed alternatives. Bicycle, pedestrian, safety, and transit conditions in the vicinity of the Project Site will be described and associated impacts will be assessed. The EIS will additionally provide an estimate of the total daily trips and peak hour trips generated by proposed alternatives and will include an analysis of reasonably foreseeable impacts to study area roadways and intersections.

³ Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to NEPA, 42 USC. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility.

3.2.9 Land Use

Comments

The following comments regarding land use were provided during scoping:

- The EIS should evaluate conflicts with local land use regulations, including potential impacts on nearby agricultural, residential, and protected lands.

Scope

The EIS will identify existing land use policies applicable to the Project Site, including zoning and land use regulations. The EIS will assess potential conflicts with nearby airports. The potential for land use conflicts, including potential impacts on any nearby agricultural, residential, and protected lands, will be addressed. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.10 Public Services

Comments

Scoping comments requested that the following issues related to public services be evaluated and/or addressed in the EIS:

- A commenter states a number of agreements have been developed with local governments including the Pasco City Council, Board of Pasco, and Franklin County Commissioners; and
- The EIS should assess the impact on local public services, including police, fire, and emergency services, considering the removal of the Project Site from the tax rolls and increased demand from project visitors.

Scope

The EIS will include a description of the public services that currently serve the Project Site and vicinity, including utilities, solid waste collection and disposal, schools, parks, fire protection, law enforcement, and emergency medical services. The EIS will provide an analysis of any reasonably foreseeable impacts to these services. Mitigation measures, if warranted, will be recommended in the EIS.

3.2.11 Noise

Comments

The following comments regarding noise were provided during scoping:

- The EIS should analyze potential construction, maintenance, and operational noise impacts to nearby sensitive receptors (e.g., residences, recreational users, etc.);
- The EIS should study the Proposed Project's impact on local noise levels;
- Describe the timing, duration, and reoccurrence of these noises at distinct stages of the Proposed Project; and
- Recommends identifying mitigation measures to lessen or avoid potential adverse impacts.

Scope

The EIS will include a description of the surrounding ambient noise environment. The EIS will provide an analysis of any reasonably foreseeable impacts to sensitive noise receptors in the vicinity of the Project Site. The indirect impacts of noise on wildlife will be addressed in the Biological Resources section. Mitigation measures, if warranted, will be recommended in the EIS.

3.2.12 Hazards and Hazardous Materials

Comments

- The EIS should assess hazards related to increased visitor inflow due to the Proposed Project.

Scope

The EIS will include a description of the potential hazardous materials on-site and in the vicinity of the Project Site. The EIS will disclose incidences of past and current hazardous materials incidents and involvements, if any. The EIS will address the potential for impacts associated with hazardous materials, or the use of these materials during construction and operation of proposed alternatives. The EIS will address wildfire risks. Mitigation measures, if warranted, will be recommended in the EIS.

3.2.13 Visual Resources

Comments

- The EIS should study the Proposed Project's impact on light pollution and scenic views.

Scope

The EIS will include a description of the Project Site and surrounding land uses and community character. The EIS will provide an analysis of any reasonably foreseeable impacts to visual resources, including light pollution and interruption of scenic views. Mitigation measures, if warranted, will be recommended in the EIS.

3.2.14 Indirect Effects

Comments

The following comments regarding indirect impacts were provided during scoping:

- The EIS should analyze reasonably foreseeable indirect impacts, including growth-inducing effects from construction and operation.

Scope

The EIS will provide an analysis of reasonably foreseeable indirect and growth inducing effects from implementation of the proposed alternatives within the socioeconomics section. Mitigation measures, if warranted, will be discussed in the EIS.

3.2.15 Reasonably Foreseeable Cumulative Impacts

Comments

Comments on reasonably foreseeable cumulative impacts of specific issue areas (e.g., biological resources, air quality) are incorporated into the respective issue areas summarized above.

NEPA requires that agencies consider “any reasonably foreseeable environmental effects of the proposed agency action.” NEPA Section 102(C)(i), 42 USC 4332(C)(i). Cumulative impacts refer to the environmental impacts resulting from combined effects of a proposed action along with past, present, and foreseeable future actions. The Department’s Procedures for the Implementation of NEPA define ‘reasonably foreseeable future actions’ as:

...federal and non-federal activities not yet undertaken, but sufficiently likely to occur, that a Responsible Official of ordinary prudence would take such activities into account in reaching a decision. These federal and non-federal activities that must be taken into account in the analysis of cumulative impact include, but are not limited to, activities for which there are existing decisions, funding, or proposals identified by the bureau. Reasonably foreseeable future actions do not include those actions that are highly speculative or indefinite (43 CFR Part 46.30).

The following additional comments regarding cumulative impacts were provided during scoping:

- The EIS should analyze reasonably foreseeable cumulative impacts from construction and operation of the Proposed Project;
- A commenter is concerned that the Proposed Project will threaten long-term sustainability of the local economy;
- The EIS should identify how resources, ecosystems, and communities in the vicinity of the Project Site have been or will be affected by previous, ongoing, and anticipated activities;
- The EIS should specify the resources to be analyzed, those that are not included, and provide reasons for exclusion. For each resource analyzed, the EIS should:
 - Assess the resource's current state as a measure of past impacts;
 - Evaluate trends in the condition of the resource to determine present impacts, such as improvement, decline, or stability;
 - Identify existing, planned, and anticipated projects in the area that could contribute to cumulative impacts;
 - Project the future conditions of the resource by analyzing the combined impacts of foreseeable projects or actions on existing conditions and trends; and
 - Propose mitigation measures or conservation actions that can be consistently and transparently applied to future projects to address cumulative impacts effectively.

Scope

The EIS will address reasonably foreseeable cumulative impacts of proposed alternatives in consideration of past, present, and foreseeable future action. Appropriate mitigation measures will be identified as warranted. To address emissions of CO₂e, the EIS will discuss potential impacts on the watershed, hydrology, and project operations, including using tools like NOAA’s Climate Mapping for Resilience and Adaptation. The EIS will discuss best management practices that will be incorporated into project design.

3.2.16 BMPs/Mitigation Measures

Comments

- A commenter requests that the Proposed Project should implement green technology.
- A commenter requests that the EIS evaluate proposed mitigation measures and ensure they fully address environmental impacts.
- A commenter has several suggestions regarding pollution prevention and green buildings, including:
 - Incorporating green building techniques to reduce waste generation and energy consumption while protecting the health, livelihood, and culture of Tribal residents;
 - Exploring opportunities for implementing green infrastructure technologies to further reduce environmental impacts and promote sustainability; and
 - Adopting hazard-resistant building codes to increase safety, reduce financial loss, and support rapid recovery after disasters, such as the 2021 International Building Codes.

Scope

The EIS will discuss best management practices that will be incorporated into project design and will include mitigation measures to reduce identified significant impacts to less than significant levels. At the time of the decision of the Proposed Project, the BIA will prepare a public Record of Decision (ROD). The ROD will discuss whether all practicable mitigation measures have been adopted to mitigate environmental harm. If all practicable measures are not adopted, the BIA must state why such measures were not adopted. The BIA will prepare a monitoring and compliance plan for mitigation, which will be attached to the ROD, to monitor implementation of mitigation measures.

3.2.17 Procedural and Non-NEPA Issues

Comments

The following procedural and non-NEPA comments were raised during scoping:

- Commenter asserts that Congress has limited new tribal trust land to lands that consolidate or strengthen tribal governance over reservations, reduce checkerboarding, or protect tribal homelands, which requires a connection between the location of new trust land to a Tribe's reservation or ancestral territory.
- Commenter asserts that the Indian Gaming Regulatory Act limits gaming activities on lands taken into trust after October 17, 1988, unless certain location-based conditions are met, including if the lands (i) are within or contiguous to the tribe's reservation; or (ii) were acquired pursuant to a land claim settlement, for an initial reservation, or restoration of a reservation after termination. The Secretary may only allow gaming on newly acquired trust land that don't meet the aforementioned requirements if, with the state governor's concurrence, the Secretary determines that gaming is in the best interest of the tribe and is not detrimental to the local community.
- A commenter states the importance of creating employment opportunities both within and outside the boundaries of the reservation. The commenter feels the revenue from this project could be used to support unmet needs of the Colville Tribal Government;

- A commenter expresses the need to diversify their economy in the greater Tri-cities area by increasing tourism;
- A commenter states that the CTUIR has tribal trust land within 25 miles of the proposed casino. The commenter states that the nearby Indian Tribe definition set forth in 25 CFR § 292.2 is relevant and that construction of a casino will impact CTUIR government functions, infrastructures, and services;
- A commenter states the construction of the casino will impact the Wildhorse Foundation funded by the one casino CTUIR operates;
- Multiple commenters state the Proposed Project would not only adversely impact local tribal members but also cities and counties across the region. The commenters are concerned with the precedent and whether tribes would be moving away from their headquarters and building casinos and encroaching on other tribes' treaty lands;
- A commenter states that it is the responsibility of the federal government to establish government-to-government relationships for gathering comments on the Proposed Project;
- A commenter questions whether the BIA is equipped to handle additional lands in trust;
- A commenter states that the BIA has a fiduciary responsibility to consult with their tribe and they feel they had no consultation from the BIA or from Colville;
- A commenter states the reason the Colville have three facilities is when negotiating the gaming compact they were able to have more than one facility;
- A commenter requests consultation with the Federal Trade Commission because the treaties do not discuss gambling;
- Multiple commenters state that the Project Site and City of Pasco are within the Yakama Nation's treaty-defined territory;
- A commenter states that compacts entered into by the State and Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.
- A commenter urges decision-makers to respect territorial boundaries and consider the perspective of the Yakama people;
- A commenter states the Colville Tribes should be allowed to grow outside existing reservation boundaries as the Tribes are an executive order Tribe;
- A commenter advocates for tribal unity and cooperation and states the Project Site is part of the aboriginal territories of the Colville Tribes, specifically the Palus Band;
- A commenter recommends that meetings be recorded and that those recordings be shared;
- A commenter states the CTUIR and Yakima Nation Tribes lost rights to Palus territories with the Treaty of 1855;
- A commenter asserts that Yakama Nation and CTUIR should not influence the Colville Tribes' business ventures;
- A commenter criticizes recent meetings held without adequate Colville Tribes representation;
- A commenter encourages the BIA to consult with and incorporate feedback from Tribes when making decisions regarding the Proposed Project, and that the EIS should describe the issues raised during the consultations and detail how those issues were addressed for a transparent and inclusive decision-making process;
- A commentator expresses concerns with facilitating meaningful public engagement and recommends that the EIS outline a comprehensive plan. Recommendations include the following:
 - Review and incorporate community feedback received during the NEPA process, ensuring that engagement strategies are sensitive and responsive to community needs and concerns;
 - Reflect community input in the decision-making process, utilizing robust engagement practices such as community-based workshops to foster discussion and address issues

- collaboratively;
- Conduct early and frequent outreach efforts to collect and integrate community feedback throughout the NEPA process, prioritizing transparency and inclusivity;
- Provide translation and interpretation services to accommodate linguistically isolated populations, ensuring that language barriers do not hinder participation;
- Address technology barriers by offering alternative engagement methods for communities without reliable internet access or digital literacy;
- Schedule meetings at accessible times and locations, including evenings and weekends, to accommodate community members' schedules and commitments;
- Give ample notice of meetings and commenting opportunities to allow community members sufficient time to prepare and participate effectively;
- Promote engagement opportunities through various channels used by affected communities, such as local newspapers, radio stations, and social media platforms; and
- Communicate project-related information using plain language to ensure that it is easily understandable for community members with diverse reading abilities.
- A commenter requests an additional 45-day scoping extension;
- A commenter requests an additional one-week extension;
- A commenter requests several procedural changes to any future public meetings, including more notice of the meeting, that meetings be held in person and not virtually, and flyers to inform of any meetings to be held;
- A commenter is concerned that granting the Colville Tribes' petition sets a harmful precedent for expanding off-reservation gaming, including the effect on the state's ability to regulate gaming safely and respectfully;
- A commenter urges the BIA to provide a consistent and clear definition of the Proposed Project to facilitate effective participation in the EIS process and accurately analyze its environmental impacts;
- A commenter raises concerns about the handling of the fee-to-trust application by the BIA, citing issues with redactions, lack of notice, and failure to respond to comments. They stress the need for lawful processing of the application, considering the CTUIR's treaty rights and status as a Nearby Indian Tribe under 25 CFR § 292; and
- A commenter emphasizes the Yakama Nation's historical land rights, extending into areas now known as Canada, Idaho, Montana, and Oregon as stated in the Treaty of 1855.

Scope

The EIS will be prepared in accordance with applicable requirements, including those set out in NEPA (42 U.S.C. 4321 et seq.), the Department of the Interior's Procedures for the Implementation of NEPA (43 CFR Part 46), and the BIA's NEPA Guidebook (59 IAM 3-H). These issues will be discussed to the extent required under the NEPA process. While generally these are legal and policy issues, sufficient information will be provided to allow public understanding of the background, issues, and processes involved, and to encourage informed comment by the public and consideration of decision makers. Only the potential physical environmental impacts of the Proposed Action and alternatives will be analyzed in the EIS. Other social and economic factors related to the fee-to-trust and IGRA two-part determination process will be addressed within the BIA's Record of Decision. The BIA will ensure inclusive decision-making by conducting consultation with Tribes during the NEPA process. In response to requests raised during the scoping process, the NOI comment period was extended an additional 30 days. Refer to **Section 1.3.1**.

Section 4 | Schedule and Public Review

The Draft EIS will be distributed to federal, tribal, State, and local agencies and other interested parties for at least a 45-day review and comment period. The review and comment period will begin after publication of the Notice of Availability (NOA) by the USEPA in the Federal Register. A NOA will also be circulated locally, which will provide the time and location of the public hearing to receive comments from the public on the Draft EIS. Substantive comments received on the Draft EIS during the comment period, including those submitted or recorded at public hearings, will be addressed in the Final EIS.

Attachment 1
Scoping Comments

From: [Mogavero, Tobiah C](#)
To: [Bibiana Sparks](#); [Ryan Sawyer](#); [KT Alonzo](#); [David Zweig](#)
Subject: FW: [EXTERNAL] NOI Comment Colville Tribes Fee-to-Trust, and Casino Project
Date: Thursday, April 25, 2024 9:08:01 AM

Public scoping comments.

From: Mogavero, Tobiah C
Sent: Thursday, April 25, 2024 9:04 AM
To: Asah Yallup-aronica <asah.yallup.aronica@gmail.com>
Subject: RE: [EXTERNAL] NOI Comment Colville Tribes Fee-to-Trust, and Casino Project

Hello Asah,

This email confirms that your comments have been received on the 24th of April, 2024 and will be considered by the BIA in the NEPA process for the proposed Colville Casino Project.

Respectfully,

Tobiah Mogavero
BIA NEPA Coordinator
971-940-5875

From: Asah Yallup-aronica <asah.yallup.aronica@gmail.com>
Sent: Wednesday, April 24, 2024 8:37 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comment Colville Tribes Fee-to-Trust, and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello my name is Asah yallup I may have not been heard on zoom if not here is my note

As a member of the community, I am deeply concerned about the recent proposal. Our community relies heavily on our natural resources for our livelihoods and the sustenance of future generations. However, the introduction of this casino threatens to disrupt these resources and our local economy.

The construction and operation of this casino could have significant environmental and economic consequences. Not only does it pose a threat to our natural resources, but it also raises questions

about the sustainability of our local economy in the long term.

I believe we must consider the future generations and the impact our decisions will have on their ability to thrive. By allowing this casino to proceed without careful consideration of its effects on our resources and economy, we risk compromising the well-being of our community and future generations.

Additionally, I would like to explore the possibility of generating additional monthly income for our community through the casino. I propose that a portion of the casino's profits be allocated to our community's per capita funds, ensuring that all members benefit from its operation.

Therefore, I urge the Bureau of Indian Affairs to thoroughly assess this casino's potential impacts on our resources and economy. All aspects of this proposal must be carefully evaluated to ensure the long-term sustainability of our community.

Thank you for your attention to this matter.

Sincerely,
Asah Yallup
Member of Yakama nation

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#); [David Zweig](#)
Subject: FW: [EXTERNAL] NOI Comments Colville Tribes Fee to Trust and Casino Project
Date: Friday, April 26, 2024 7:04:15 AM

From: Mogavero, Tobiah C
Sent: Friday, April 26, 2024 7:03 AM
To: latesha florence <lateshaflorence@gmail.com>
Subject: RE: [EXTERNAL] NOI Comments Colville Tribes Fee to Trust and Casino Project

Hello Latesha,

This email confirms that your comments have been received on the 25th of April, 2024 and will be considered by the BIA in the NEPA process for the proposed Colville Casino Project.

Respectfully,

Tobiah Mogavero
BIA NEPA Coordinator
971-940-5875

From: latesha florence <lateshaflorence@gmail.com>
Sent: Thursday, April 25, 2024 12:47 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comments Colville Tribes Fee to Trust and Casino Project

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Hello,

I am a Colville Tribal member and am in support of the new proposed casino.

I believe we should be able to expand and grow outside of our reservation boundaries. This property is part of the aboriginal territories of the CCT, specifically the Palus band.

Although we are not a treaty tribe, we are an executive order tribe which means we should still have the same rights and respect to hunt and fish and provide from the lands taken from us.

In addition, tribes should not be fighting against each other and we should all be able to work together. Had Yakama bought the land and taken the initiative to develop their economy I would be in nothing but support. We all have ancestors who experienced the same mistreatment of white settlement, we should all stand together.

Thank you for taking my comments into consideration.

Latesha Florence

From: [Mogavero, Tobiah C](#)
To: [Bibiana Sparks](#); [Ryan Sawyer](#); [KT Alonzo](#); dzweig@avdmanagementllc.com
Subject: FW: [EXTERNAL] Pasco casino
Date: Monday, April 29, 2024 3:43:27 PM

FYI.

From: Mogavero, Tobiah C
Sent: Monday, April 29, 2024 3:42 PM
To: Kevin Girard <cageycoug@hotmail.com>
Subject: RE: [EXTERNAL] Pasco casino

Hello Kevin,

This email confirms that your comments have been received on the 29th of April, 2024 and will be considered by the BIA in the NEPA process for the proposed Colville Casino Project.

Respectfully,

Tobiah Mogavero
BIA NEPA Coordinator
971-940-5875

From: Kevin Girard <cageycoug@hotmail.com>
Sent: Monday, April 29, 2024 3:30 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Pasco casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I know I am getting way ahead of myself, but if indeed a casino is built, it should be all smoke free. Wildhorse is our family's choice currently due to air quality. Thanks, KG

Sent from my Verizon, Samsung Galaxy smartphone

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] PALUS TRADITIONAL TERRITORY FOR THE COLVILLES - IN SUPPORT
Date: Thursday, May 2, 2024 11:17:37 AM

From: D E <dej.williams@gmail.com>
Sent: Thursday, April 25, 2024 8:10 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: D E <dej.williams@gmail.com>
Subject: [EXTERNAL] PALUS TRADITIONAL TERRITORY FOR THE COLVILLES - IN SUPPORT

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Mogavero:

I am an enrolled member of the Colville Tribes and descend from the Palus, Wenatchi and Nez Perce bands of the Colville. I, along with my family have been a part of the Children of the Palus who for years have been returning to the traditional territory of the Palus and the Pasco area. We have been sharing our culture and words with the people of Pasco during their Cinco De Mayo festival and the RiverFest celebration. We have returned to the territory and want to express that we encourage your support in our continued efforts.

With the Treaty of 1855, the Umatilla and Yakima Tribes lost their rights to the traditional territories of the Palus. Our people who were moved to the Colville Reservation never signed into a Treaty and should be allowed to establish business rights in the Pasco area. We have been welcomed by the City of Pasco and they are welcoming the Palus of the Colvilles to their home.

At no time should the Yakama or the Umatilla be able to have a say in what business ventures we are opening up to because they feel it will affect their bottom line. We have the right to establish the Pasco area as our traditional territory. In light of the recent meeting on 4/24/24 that was held, I'm glad a few of the Colville members were able to attend but it should have never happened without the Colville's there.

Please do the right thing and support the Palus Tribe of the Colville people and our exercising the right to pursue the land and a possible business venture in the Pasco area. Thank you, Deidre Ellsworth, Nespelem, WA

--

Deidre Ellsworth



Legislative Building
Olympia, WA 98504-0482

Washington State Senate

Phone: (360) 786-7550
FAX: (360) 786-1999

April 30, 2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos

Dear Regional Director Mercier:

As Washington State Senators, we believe that tribes are an integral part of this country's history, culture, and future. It is important to remember that Tribal Nations are sovereigns, each with their own peoples, histories, cultures and territories. Today, we write to express concern about the Confederated Tribes of the Colville Reservation's ("Colville") intent to establish and operate a gaming facility in Pasco, Washington, 165 miles south of their reservation and within another sovereign Nation's Treaty-defined Territory.

We believe by granting the Colville their petition to establish and operate a casino in another Tribe's territory (the Yakama Nation) sets a very harmful precedent for expanding gaming beyond the State's intention to regulate gaming in a safe and respectful manner and enter into careful compact negotiations with federally recognized Tribes both within the State, and if this Colville petition is granted, potentially with those out of State Tribes whose ceded areas include Washington.

We share the Yakama Nation's concern and join in their opposition to another Tribe operating a casino in their Treaty Territory. Regardless of the Tribes involved, one Nation should not operate a gaming facility in another Nation's territory without the affected Nation's prior consent to do so. To allow this would go against the express intent of Congress. As stated above, it also goes against the careful planning and negotiations that occur with the State and Compacted Tribes. The Compacts entered into by the State and the Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.

The process for establishing a new Tribal gaming facility is intended to consider the economic benefit to the impacted community and to the governance of the individual Tribe. This is recognized in our State's laws as well as under the Indian Gaming Regulatory Act. Washington is proud of its history. To allow for the Colville Tribe to expand gaming beyond its own territory into another Tribe's territory heralds the coming of the day and the potential for any Tribe to do so. This goes against Washington's history of regulating gaming, and the State's history of respecting individual Tribal sovereigns in the compacting process.

This is not about supporting Colville or the Yakama Nation on this. Rather, this is about the precedent that would be set if Colville is permitted to establish and operate a casino over 100 miles away from their headquarters, and in the Yakama Nation's Treaty Territory without their consent. Although we do not oppose Colville opening a new casino, we respectfully recommend that they do so within their own territory.

Thank you for your attention to this vital matter of tribal sovereignty and economic development. Please contact us if you would like to discuss this further.

Sincerely,



Senator Curtis King
14th Legislative District



Senator Matt Boehnke
8th Legislative District

Cc: Governor Jay Inslee
Kathryn Leathers, Governor General Counsel
Craig Bill, Director, Governor's Office of Indian Affairs
Alysia Levy, Chair of the Washington State Gaming Commission
Deb Harland, Secretary of Interior
Bryan Newland, Assistant Secretary for Indian Affairs
Bryan Mercer, Northwest Regional Director Bureau of Indian Affairs

From: [Mogavero, Tobiah C](#)
To: [Bibiana Sparks](#); [Ryan Sawyer](#); [KT Alonzo](#); [David Zweig](#)
Subject: FW: [EXTERNAL] Question about recent scoping hearing
Date: Thursday, May 2, 2024 6:18:19 AM

FYI

From: Christopher Aadland <ChristopherAadland@ctuir.org>
Sent: Wednesday, May 1, 2024 1:31 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Question about recent scoping hearing

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Hi Tobiah.

My name is Chris Aadland and I'm a reporter for the Confederated Umatilla Journal, which is the newspaper for the Confederated Tribes of the Umatilla Indian Reservation Community.

So, I'm interested in keeping tabs on Colville Tribes casino proposal in Pasco as the EIS process unfolds.

I unfortunately missed the April 24 virtual scoping hearing. Was that meeting recorded, and if so, can you share that with me so can get a better sense of what all those who commented during the meeting had to say?

It would be enormously helpful if you could somehow share a recording of that.

I hope to hear from you soon either way.

Thanks,
Chris



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Dacie R Stanton

Phone Number & Email: (509)985-4108 Dacie_Stanton@Yakama.com

Mailing Address: 270 Coburn Loop Rd White Swan, WA 98952

Comment/Statement:

I am writing this statement supporting the Yakama Nation and our Ceded Land Base. We, as Yakamas surpass the Treaty of 1855 & our land rights have been known in our family history to stretch into what is now known as Canada and Idaho, Montana, Oregon. To allow the Colville Tribe to embark onto our Ceded Lands and stake claim through the Paulose Band is a direct disregard to our Federally recognized Treaty of 1855 which I believe is a total insult to the Yakama Nation and its membership. This would open the floodgates to allow such extinction of the Yakamas and their land base to be abused by the Colvilles and other Tribes along with the United States of America and its leaders. Our Treaty would mean nothing to any other entity. Our lands would be stolen and divided up for the taking. Its with great sadness that us Yakamas are being abused in this manner and nobody sees the wrong with this situation. I do not support this claim made by the Colville Tribe.

For more information: colvilleeis.com / ***To submit an emailed statement:*** tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Signed Name

#7676

Date



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

May 1, 2024

Eirik Thorsgard
Regional Archaeologist
Bureau of Indian Affairs
911 NE 11th Avenue
Portland, Oregon 97232-4169

Subject: Colville Tribes Casino and Commercial Project, Franklin County, Washington

Thank you for contacting the Yakama Nation regarding the above proposal located within the Ceded Lands of the Yakama Nation, the legal rights to which were established by the Treaty of 1855 (12 Stat. 951), between the Yakama Nation and the United States Government. The Treaty set forth that the Yakama Nation shall retain rights to resources upon these lands and, therefore, it is with the assistance of the United States Federal Government that Yakama Nation claims authority to protect traditional resources.

In review of the Cultural Resources Study completed for the Confederated Tribes of the Colville Reservation's *Colville Tribes Casino and Commercial Project, Franklin County, Washington*, there are concerns regarding the ethnographic context, archaeological methods and results, consultation, and inadvertent discoveries protocol. We cannot concur on this report.

The ethnographic report by Gross (2022) omits association of the project area within the Confederated Tribes and Bands of the Yakama Nation. Sources cited in the ethnographic section are largely affiliated/employed with the Colville (i.e. Shannon and Moura, Hart 2003, Capuder 2018). Background research provided in Appendix A. includes Landreau's (2017) report which documents this area as the Ceded Lands of the Yakama Nation referencing sources such as Hunn and Selam (1990) and Schuster (1998); however, these are not considered in the Gross' (2022) report.

The two most significant historic documents discussing cultural affiliation in the locality are the Lewis and Clark Corps Discovery (1805) and the Yakama Treaty of 1855 (12 Stat. 951). The ethnographic context does not include these primary references which associate this area with the Tribes Bands of the Yakama Nation. Specifically, those that are referred to as part of the Yakama tribe/band.

When considering Lewis and Clark Corps Discovery (1805), the information is uniquely important. It represents a glimpse of the history of the landscape prior to and leading up to the Treaty of 1855. On October 18, 1805, William Clark remarked upon the area known as *Kusis*. He describes the area generally within the vicinity of the project location. Clark explains that the Nation north and west of the Snake River Confluence as the So-Kulk or

Sokulk. The Sokulk are further described by the Meriweather Lewis as Sahaptin speakers.

The Sokulk are associated with Yakama or Pshwanapam and Shyiks that are included in the Yakama Treaty (Yakima Treaty of 1855, 12 Stat. 951). Clark further explains that the nation at the Second forks of the “Tape tete River” or Topxatut/Yakama River to the Snake River as the Nation of the “Chim-nâ-pum” (Clark, October 18, 1805). The Chimnapam are widely recognized as the Yakama (Journals of Lewis and Clark in Moulton 1983-5:287, 369; 6:474, 483, 490; 7:178, 181; Boyd 1998:469). Scholars provide further insight into this early encounter stating: the ‘Chimnapams and Sokulks today are known as the Yakamas and Wanapams respectively’ (Journals of Lewis and Clark, University of Nebraska 2002). Meriwether Lewis examined the vocabulary of the Sokulk and Chimnapam and identified them as sharing the same language known today as Sahaptin or Ichishkin Sinwit (Journals of Lewis and Clark, University of Nebraska 2002).

In this context it important to understand that the Wanapams are synonymous with the Yakama and Shyiks. The Wanapams are descendant members who followed the teachings of Smoholla at the Yakama/Pshwanapam village known as P’nah. The Yakama/Pshwanapam and the Shyiks are distinctly included in the Treaty of 1855 and Yakama Nation is therefore the legal successors.

The Yakamas or Lewis and Clark’s “*Camnâpam*, ‘the people of the *Chamnâ*” refers to the village “at the confluence of the Yakima River with the Columbia River”(Journals of Lewis and Clark, University of Nebraska 2002). It has been documented “The Yakimas lived in the vicinity of present Pasco, Franklin County, Washington, on both sides of the river...” and “...lived in the immediate vicinity of the Snake-Columbia fork” (Journals of Lewis and Clark, University of Nebraska 2002).

The ethnographic section of the report states the nearest village was Pasxa and affiliated with the Palouse, and omits documentation of the earliest historic records associated this place with the Yakama. The large year-round village near present-day Pasco is documented in the earliest records as “ku’sis meaning two rivers meet” and “was occupied mainly by Yakama people, but many Walula and some Umatilla people lived there also.” (Journals of Lewis and Clark, University of Nebraska 2002). The site was ‘an important trading center’ and a valuable fishing location.’ (Journals of Lewis and Clark, University of Nebraska 2002). The association with the Yakama is also documented in Ray (1936:46), another primary source, who further described the Yakama village of *Kusis* as a ‘valuable site for fishing and taking eels’. Relander (1986) documents this was one of the largest villages on the Columbia, referring to it as Kosith.

Further, when considering the association of Pasco to Pasxa the following should also be considered. In Ichishkin Sinwit or Sahaptin, Yakama Nation understands that the word to describe sage brush lands is pasxa or “pshxú” (Beavert and Hargus 2009) and tall grass lands similarly are known as “pisco” a name that is given to a Yakama band, “Piscopam”

people from the tall grass lands (Splawn 1917). However, according to historical records, “Pasco” received its name from by Virgil Gay Bogue, location engineer of the Northern Pacific Railroad. There are two sources that discuss a justification for his choice in the name Pasco, both which relate the conditions at locations in South America such as Cerro de Pasco, Peru one of the flattest and hottest places Bogue had visited (Letters from F. W. Dewart and McCartney in Meany 1923).

The ethnographic context continues with further discussion on the Palouse, Gross (2022) stating “The Palus were recognized in the U.S. treaty with the Yakama, but the Palus actually never recognized the terms...In 1896, the Commissioner of Indian Affairs directed Indian Agent L.T. Erwin of the Yakima Agency to travel to the Palus settlements along the Palouse River in an unsuccessful attempt to induce the Palus to move to the Yakama Reservation or another reservation of their choice (Capuder 2018, Hart 2003).” **The fact is the Palouse were signatory to the Yakama Treaty of 1855 and are represented by the Confederated Tribes and Bands of the Yakama Nation.** There are many enrolled Yakama members with Palouse ancestry. The oral histories of these places are recalled through Yakama enrolled tribal members.

The report discusses at length the establishment of the Colville Reservation which was set aside by Executive Order in 1872. **The Treaty established in 1855 with the Yakama Nation ratified in 1859 was in place two decades before the establishment of the Colville Reservation.** The Colville Reservation establishment created a boundary in which they were to remain friendly to neighboring tribes and could not leave the reservation without the consent of the Commissioner of Indian Affairs. This is contrasting to the Explicit and Reserved Rights that were established as a constitutional right by a council of Treaty Indians recognized by the federal government today known as the Yakama Nation (12 Stat. 951).

The report indicates that tribal consultation was conducted with CCT Guy Moura on June 15, 2021, who identified no information on cultural resources within the project area but expressed minimal expectations given proximity to water. No other tribal consultation was conducted. The report stated they ‘presumed any additional consultation would be completed by the BIA as the lead federal agency’. **The consultant did not provide the report to the Yakama Nation for review and comment despite the project being located within Yakama Treaty Territory.**

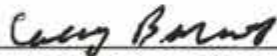
The report relies on the DAHP archaeological model as an explanation for the presence/absence of sites based on distance to water. Models are good for identification of types of sites (i.e. habitation vs. gathering area) not whether a particular place was utilized by native peoples. The project area is only a few miles north of present-day Pasco. Its location in proximity to a large village site may indicate that methods were not adequate for identifying sites.

The archaeological methods state a 12-inch diameter mechanical auger was utilized for the probes. It is unclear from the description if there was controlled screening of sediments. The report only indicates sediments were screened with ¼-inch hard mesh with probes extending between 10cm and 150cmbs. The figure provided for the probes are not numbered, but distinguishes between 95 'auger test locations' and 4 'deep auger test locations'. However, there is no probe table detailing the depth or characterization of soils for each probe to allow for an understanding if the methods were adequate. The size of the screen would not capture artifacts smaller than ¼" such as pressure flakes. The figure indicates probes were largely placed within the pivot field with only a small fraction of the auger probes (i.e. 11 of the 99) were excavated outside of the agricultural field. The survey transects are not depicted on the map.

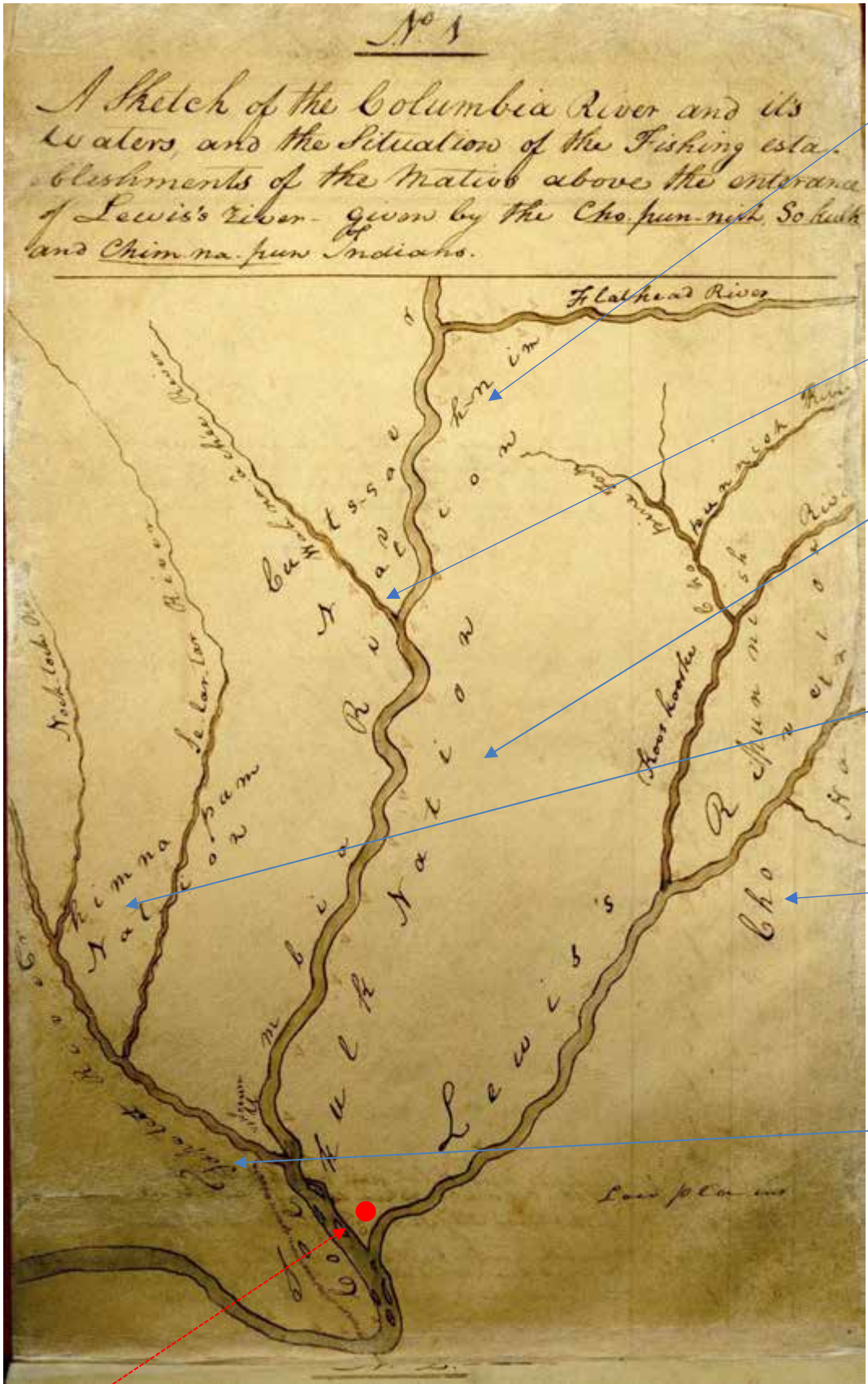
The inadvertent discovery protocol indicates in the event of artifacts are uncovered during construction, 'the Colville Tribes and BIA' would be notified and if human remains are uncovered during construction, 'the coroner, Colville Tribes, BIA, and DAHP should be notified immediately'. The Yakama Nation was omitted from this notification process, despite the proposed undertaking being located within the Ceded Lands.

The Yakama Nation appreciates your solicitation to our staff regarding the Pasco Casino Project. In response, please contact by e-mail Marcus Shirzad Marcus@yakamanation-olc.org with the Yakama Nation Office of Legal Counsel and myself.

Sincerely,



CASEY BARNEY, YAKAMA NATION CULTURAL RESOURCE PROGRAM
PROGRAM MANAGER
casey_barney@yakama.com



No 1
 A Sketch of the Columbia River and its Waters, and the Situation of the Fishing establishments of the Natives above the entrance of Lewis's River - given by the Cho-pun-nish, Sokulk and Chim-na-pun Indians.

“Cuts-sahnim” Today referred to as Pahutsanim Meaning the five standing legendary figures in Ichishkinsinwit dialect.

“Wah naa che’e” Today referred to as Wenacha or Wenatchee River Water issuing through a mountain pass in Ichishkinsinwit dialect.

“Sokulk” Today referred to as Shyiks or Shkukol A root that is dug in this area in the Ichishkinsinwit dialect.

“Chimnapum” Today known as Yakama or Lower Yakama. A horn or confluence where water goes two directions in the Ichishkinsinwit dialect.

“Cho pun nish” Today known as Toppenish A landslide that occurred in legendary times in the Ichishkinsinwit dialect.

“Tapetet” Today known as Top-tut or Yakima River A type of spear fishing in the Ichishkinsinwit dialect.

Note: The general location of the project area in a place known as “Kusis” shown as Sokulk and Chimnapum Nation (Yakama) adjacent to Tapetet River (Top-tut or Yakima River).

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COMMISSIONER LADON LINDE

DISTRICT 3

May 2, 2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos

Dear Regional Director Mercier:

As Yakima County Commissioners, we believe that tribes are an integral part of this country's history, culture, and future. It is important to remember that Tribal Nations are sovereigns, each with their own peoples, histories, cultures and territories. Today, we write to express concern about the Confederated Tribes of the Colville Reservation's ("Colville") intent to establish and operate a gaming facility in Pasco, Washington, 165 miles south of their reservation and within another sovereign Nation's Treaty-defined Territory.

We believe by granting the Colville their petition to establish and operate a casino in another Tribe's territory (the Yakama Nation) sets a very harmful precedent for expanding gaming beyond the State's intention to regulate gaming in a safe and respectful manner and enter into careful compact negotiations with federally recognized Tribes both within the State, and if this Colville petition is granted, potentially with those out of State Tribes whose ceded areas include Washington.

We share the Yakama Nation's concern and join in their opposition to another Tribe operating a casino in their Treaty Territory. Regardless of the Tribes involved, one Nation should not operate a gaming facility in another Nation's territory without the affected Nation's prior consent to do so. To allow this would go against the express intent of Congress. As stated above, it also goes against the careful planning and negotiations that occur with the State and Compacted Tribes. The Compacts entered into by the State and the Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.

The process for establishing a new Tribal gaming facility is intended to consider the economic benefit to the impacted community and to the governance of the individual Tribe. This is recognized in our State's laws as well as under the Indian Gaming Regulatory Act. Washington is proud of its history. To allow for the Colville Tribe to expand gaming beyond its own territory into another Tribe's territory heralds the coming of the day and the potential for any Tribe to do so. This goes against Washington's history of regulating gaming, and the State's history of respecting individual Tribal sovereigns in the compacting process.



COMMISSIONER LADON LINDE DISTRICT 3

This is not about supporting Colville or the Yakama Nation on this. Rather, this is about the precedent that would be set if Colville is permitted to establish and operate a casino over 100 miles away from their headquarters, and in the Yakama Nation's Treaty Territory without their consent. Although we do not oppose Colville opening a new casino, we respectfully recommend that they do so within their own territory.

Thank you for your attention to this vital matter of tribal sovereignty and economic development. Please contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in blue ink, appearing to read "LaDon Linde", is written over a horizontal line.

LaDon Linde
Commissioner, District 3

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] NOI Comments to Colville Tribes Fee to Trust and Casino Project
Date: Friday, May 3, 2024 1:08:10 PM

From: JACKIE MCARTHUR <amosbench@gmail.com>
Sent: Thursday, May 2, 2024 4:33 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comments to Colville Tribes Fee to Trust and Casino Project

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The Okanogan were at Treaty Council in 1855. The Palus and many other engendered people were forced onto agency rolls, but the confluence was their home. The confluence of the snake and columbia rivers are enjoined by many tribes, including the tribes of the Colville Confederated, CTUIR and Yakama Nation. All are confederated. There were most certainly palus Indians who were on Colville Agency Indian rolls, they were Nez Perce as well.

The Nez Perce could set claim there as well. Both CTUIR and Yakama benefit from casinos that are in largely populated areas, where the Colville and Nez Perce do not. Colville Confederated Tribes should have access and allowance to build the casino and move the said land from fee to trust. I cannot expect the other tribe's to understand this as it comes down to revenue, but each Tribe has their members to serve and assist and that assistance threshold is spelled out in their gaming compacts.

Thank you

Jackie McArthur

Colville Confederated Tribes

Okanogan and Lakes Bands

x8374

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Subject: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project

Mr. Mercier,

I am writing in support of the Colville Tribes application to convert their land from fee-to-trust and to develop a Casino Project in the City of Pasco, Franklin County, Washington. I am an enrolled member of the Confederated Tribes of the Colville Reservation and I am Palus and Nez Perce from my mother's side of my family.

Although treaty law is not a consideration within the Indian Gaming Regulatory Act, constituent member tribes of the Confederated Tribes of the Colville Reservation are parties to the Treaty of 1855, the Nez Perce Treaty and the Moses Agreement.

The Indian Claims Commission has recognized that the "Yakama Nation" that exists today is not the same entity contemplated by the Treaty, and thus has not acquired the rights of the original Treaty signatory tribes. The following is from the U.S. v. Oregon case where Colville attempted to intervene:

Before the Court of Claims in *The Confederated Tribes of the Colville Reservation v. The Yakima Tribes of the Yakima Reservation*, the Indian Claims Commission (ICC) was asked to resolve a dispute between the Yakima and Colville Tribes regarding their respective claims for unpaid compensation for lands ceded under the Yakima treaty of 1855. In allocating the damage award, the ICC found that the Chelan, Wenatchi, Entiat, Columbia and Palus tribes were parties to the Treaty of 1855, and that the Colville represented their interests for the purpose of allocating a monetary damage award. In so doing, the ICC made the following factual determinations: (1) the Yakima Tribe was "not synonymous with nor the successor to the Yakima Nation which was created in 1855 and was . . . wronged by the treaty of 1855," (2) the "Yakima Nation which was created in 1855 does not exist as an entity today," (3) "a significant number of Indians who were members of various of the fourteen tribes or groups comprising the Yakima Nation became located on the Colville Reservation. Indians from the Chelan, Entiat, Wenatchi, Columbia and Palus tribes in particular became located in large numbers on the Colville Reservation," and (4) "there was no movement as a tribe by either the Chelan, Entiat, Wenatchi or Columbia onto the Yakima reservation although individual members of each of the four tribes did move to that reservation."

It has been stated that Pasco is approximately 130 miles from the Colville Reservation and this will set a precedence. Please look at this from our perspective, our Palus people have suffered dispossession from our ancestral lands and it was ok for the federal government to move us onto the Colville Reservation at this great distance. Our Palus people have suffered immensely because of this dispossession. This gaming operation will give us an opportunity for our people to visit the lands of our ancestors and the places where they hunted and fished and gathered.

The Colville Reservation is located in Okanogan and Ferry Counties. The unemployment rate for Okanogan is 8.6% and 11.7% for Ferry Counties. (Washington State Unemployment Security Department) 1 in 4 people live in poverty on the Colville Reservation. The unemployment rate is about 14% and the median income is nearly \$46,000. Sources:

<https://censusreporter.org/profiles/25200US0760R-colville-reservation/> and <https://www.census.gov/tribal/?aianihh=0760>.

The Colville Tribes Gaming Operation at Pasco will bring employment and training opportunities to Colville Tribal members, members of other tribes local to Pasco and to local citizens. In closing, I know a favorable decision for the Colville Gaming operation in the homelands to a constituent tribe will be in the overall best interest of not only the Colville Tribes but the region.

I remain respectfully yours,

Rodney Cawston, PhD

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] NOI Comments Colville Tribes Fee to Trust and Casino Project
Date: Friday, May 3, 2024 1:42:01 PM

From: COLLEEN CAWSTON <colleenfawston@comcast.net>
Sent: Thursday, May 2, 2024 8:01 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comments Colville Tribes Fee to Trust and Casino Project

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Good evening Mr. Mogavero,

I participated in the scoping meeting last week for the Colville Tribes Fee to Trust and Casino Project. In addition to my verbal comments please accept these written comments for the record.

I am an enrolled tribal elder of the Colville Tribes. I was a young teenager during the Indian Claims Commission and as such recall the strife that this brought to my family as we have members both who are Colville and Yakama. Families were divided not by their choice by the action of the federal government. I witnessed how the arguments between the tribes as it related to those shared tribes of the Treaty of the 1855 including Palus, Wenatchi, Chelan and Entiat. The result of the claims commission resulted NOT in award solely to the Yakama Nation on behalf of these tribes, but to BOTH Colville and Yakama. (Cases 161, 222 and 224) showed that Colville have ancestral lands inclusive of in the Palus area (aka Pasco). And that the decision was articulated that both Colville and Yakama share this history. However, unlike the Yakama Nation we the Colville Tribe have always recognized our relatives to the south. It pains my heart as it did my elders in the 70's to see a governmental action divide our people. Please make the proper decision in support of the need for Tribal Governments to support their membership, and one such way is with gaming.

I heard from the leadership and people of both the Yakama and Umatilla Tribes that the Colville Gaming operations would be an adversely impact their revenues. History once again shows this is not factual. In Washington State all along the I-5 Corridor you have multiple Tribal casinos operating very successfully. This same defense was raised with both the Kalispel and Spokane Tribes petitioned for Fee to Trust for Gaming in Airway Heights, Washington. The Kalispel's were opposed by the Couer

d'Alene and subsequently the Kalispel's to the Spokane's developments. However, BOTH Kalispel and Couer d'Alene have expanded their operations including but not limited to the hotels, golf and entertainment venues. So too will bringing a gaming operation to one of the homelands of the Colville's (the Palus) in Pasco. The growth will have a positive impact to the regions and add to the development in Southeastern Washington.

Within IGRA each tribe must negotiate a compact with the respective State. I during the negotiations of the Colville Compact was our Tribal Chairperson, and as such the lead negotiator for the Tribes. How any Tribe in Washington can have more than one casino is because of our negotiations. I met not only with Governor Locke but also Governor Gregoire (our negotiations took over 2 years and two Governors) and advised that the Colville Tribes has twelve tribes in our Confederation, and as such we should have 12 casinos. What we arrived at in our final compact was 6 Casinos, and that they needed to have geographic distance between them. Governor Locke specifically asked what areas, to which I replied, to the homelands of our constituent tribes. This is the history of why Colville has this provision in our Compact. And as a result, other tribes in Washington also have opened secondary casinos.

In closing I implore upon the decision makers to take into account all that the Colville Palus descendants have been enduring since being moved from their homelands, and right this terrible wrong. Despite this physical removal the hearts and spirits have remained, and families (like my husband and our children and grandchildren) continue to remember the teachings of the elders to always remember the lands we come from.

If you need to contact me for any clarification to this, please do not hesitate to email me at colleenfcawston@comcast.net or call at 360-259-3020.

Respectfully yours

Colleen F. Cawston
enrolled Colville Tribal Elder
mother and grandmother to Palus Colville's.

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] NOI Comments, Colville Tribes Fee-to-Trust and Casino Project
Date: Friday, May 3, 2024 1:46:36 PM

From: Arielle Cawston <cawston.aa@gmail.com>
Sent: Friday, May 3, 2024 10:44 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comments, Colville Tribes Fee-to-Trust and Casino Project

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Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Subject: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project

Mr. Mercier,

I am writing in support of the Colville Tribes application to convert their land from fee-to-trust and to develop a Casino Project in the City of Pasco, Franklin County, Washington. I am an enrolled member of the Confederated Tribes of the Colville Reservation and I am Palus and Nez Perce from my father's side of my family.

Although treaty law is not a consideration within the Indian Gaming Regulatory Act, constituent member tribes of the Confederated Tribes of the Colville Reservation are parties to the Treaty of 1855, the Nez Perce Treaty and the Moses Agreement.

The Indian Claims Commission has recognized that the "Yakama Nation" that exists today is not the same entity contemplated by the Treaty, and thus has not acquired the rights of the original Treaty signatory tribes. The following is from the U.S. v. Oregon case where Colville attempted to intervene:

Before the Court of Claims in *The Confederated Tribes of the Colville Reservation v. The Yakima Tribes of the Yakima Reservation*, the Indian Claims Commission (ICC) was asked to resolve a dispute

between the Yakima and Colville Tribes regarding their respective claims for unpaid compensation for lands ceded under the Yakima treaty of 1855. In allocating the damage award, the ICC found that the Chelan, Wenatchi, Entiat, Columbia and Palus tribes were parties to the Treaty of 1855, and that the Colville represented their interests for the purpose of allocating a monetary damage award. In so doing, the ICC made the following factual determinations: (1) the Yakima Tribe was "not synonymous with nor the successor to the Yakima Nation which was created in 1855 and was . . . wronged by the treaty of 1855," (2) the "Yakima Nation which was created in 1855 does not exist as an entity today," (3) "a significant number of Indians who were members of various of the fourteen tribes or groups comprising the Yakima Nation became located on the Colville Reservation. Indians from the Chelan, Entiat, Wenatchi, Columbia and Palus tribes in particular became located in large numbers on the Colville Reservation," and (4) "there was no movement as a tribe by either the Chelan, Entiat, Wenatchi or Columbia onto the Yakima reservation although individual members of each of the four tribes did move to that reservation."

It has been stated that Pasco is approximately 130 miles from the Colville Reservation and this will set a precedence. Please look at this from our perspective, our Palus people have suffered dispossession from our ancestral lands and it was ok for the federal government to move us onto the Colville Reservation at this great distance. Our Palus people have suffered immensely because of this dispossession. This gaming operation will give us an opportunity for our people to visit the lands of our ancestors and the places where they hunted and fished and gathered.

The Colville Reservation is located in Okanogan and Ferry Counties. The unemployment rate for Okanogan is 8.6% and 11.7% for Ferry Counties. (Washington State Unemployment Security Department) 1 in 4 people live in poverty on the Colville Reservation. The unemployment rate is about 14% and the median income is nearly \$46,000. Sources:

<https://censusreporter.org/profiles/25200US0760R-colville-reservation/> and <https://www.census.gov/tribal/?aiaiihh=0760>.

The Colville Tribes Gaming Operation at Pasco will bring employment and training opportunities to Colville Tribal members, members of other tribes local to Pasco and to local citizens. In closing, I know a favorable decision for the Colville Gaming operation in the homelands to a constituent tribe will be in the overall best interest of not only the Colville Tribes but the region.

These are the words of my father Rodney Cawston, who sent you this letter yesterday, as I could not have said it any better please hear our request and honor our peoples rights.

Respectfully,

Arielle Cawston

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] NOI Comments colville Tribes Fee to Trust and Casino Porjece
Date: Friday, May 3, 2024 1:50:17 PM

-----Original Message-----

From: Lucy Luevano <luevanolucy@yahoo.com>
Sent: Friday, May 3, 2024 10:56 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comments colville Tribes Fee to Trust and Casino Porjece

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I want to support the Colville Tribes request to get lands to Fee to Trust in the Tri Cities area in support of their endeavors for a new casino in Pasco, WA.

I am enrolled at the Confederated Tribes of the Colville Tribes. My bloodlines come from the Palus/Palouse; Nez Perce; Moses/Columbia; Wenatchi; Entiat tribes that are a part of the Colville Tribes confederation.

My eldest son Moses Luevano, Indian Name: Peo peo ly-iy-tomin My eldest daughter Michelle Luevano Indian Name: Te los tun my these two names are from our grandparents - grandparents that are Palus/Palouse from the Snake River area.

We make annual visits to the Snake River to pay homage and respects to our homeland and our ancestors.

We too count, we are Palus/Palouse.

Thank you,

Xaslu

Lucille M. Luevano, CCT Enrollment #5055

705 Birch Street

Coulee Dam, WA. 99116

(509) 634 - 9701

lucy.luevano@colvilletribes.com

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] NOI Comments, Colville Tribes Fee-to-Trust and Casino Project
Date: Friday, May 3, 2024 1:55:11 PM
Attachments: [NOI Comments, Colville Tribes Fee-to-Trust and Casino Project_YNMemberComments 05.24.pdf](#)

From: Star Diavolikis <Star_Diavolikis@Yakama.com>
Sent: Friday, May 3, 2024 11:40 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comments, Colville Tribes Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good morning,

Attached are multiple written comments submitted by enrolled members of the Confederated Tribes and Bands of the Yakama Nation. This grouped submission comes from providing a comment opportunity to our tribal members who cannot submit their statement otherwise for various reasons.

I appreciate the BIA taking the time to read, understand, and consider the perspective of all communities and lives that are involved.

Please contact me if there are any questions. Thank you,

Star Diavolikis (xaslú)

Public Information Officer

Confederated Tribes and Bands of the Yakama Nation

Office: (509) 865-5121 x4411

Work Cell: (509) 830-6698

Follow the Yakama Nation [Facebook](#) and [Instagram](#)!



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Vera Hernandez

Phone Number: 509 961-9587

Email: vher Hernandez3777@gmail.com

Comment/Statement:

according to FGRA PL 100 -297 Section B.
Colville Tribes request should have
been declined.

CCT is not a treaty tribe, like YN.
Our boundaries ~~are~~ is in our treaty
of 1855.

Again BIA has trust responsibility
to protect our treaty.

~~I'm~~ although my daughters &
grandchildren are enrolled CCT.
they receive percapita dividends
but nothing else because they live
off reservation.

I'm opposed to CCT wanting to
put a casino in Pasco area.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Vera Silleguats Hernandez

Signed Name

04-24-24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Jolena Marie Tilleguots

Phone Number: 509-930-4209

Email: Jolena_Tilleguots@yakama.com.

Comment/Statement:

I am against the Colville tribes claim to the Palouse area. I descend from Weowicht, first warchief of the Yakama. He had 7 sons and 1 daughter. Kae mox nith was the daughter and mother to Kamiakin. They were assigned areas to guard and protect. My ancestor is Winako one of the seven sons. Kae mox nith was assigned the Palouse area. When treaty negotiations started Kamiakin was selected as chief by his grandfather. It is written in the biography "Kamiakin" A.J. Splawn.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Jolena M. Tilleguots

Signed Name

4/24/23

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name:

Julia A Leslie

Phone Number:

509-480-8259

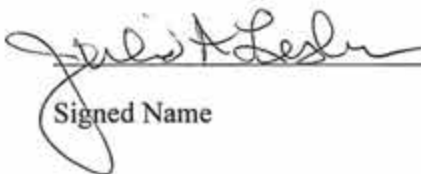
Email:

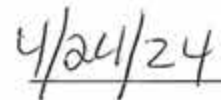
julia-leslie@yakama.com

Comment/Statement:

I oppose the development of the Confederated Tribes of Colville. I oppose of the purchase of Bouslet lands of the Colville in Pasco, WA. The Colvilles are ^{constitutional} ~~not~~ ^{tribes} and not a Treaty Tribes. They do not have ~~the~~ ^{exclusive} rights in the Yakama Nation territory. They have encroached in the territory "Ceded areas" of the Yakama. I do not consider and disapprove this movement from the Colville Tribe. Yakama Nation is a Treaty Tribe (there is 2 tribes) in the state of Washington. The BIA has a trust responsibility to protect our Yakama Nation on our reservation and ceded areas. The US government made the treaties and no other tribes can invade in another tribes territory. If any tribes wants to build it should be only Yakama Nation.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.


Signed Name


Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Nathan Hill

Phone Number: 509 949 2844

Email: hillnathan710@gmail.com

Comment/Statement:

I oppose Colville putting a Casino
on Yakama Ceded Area we are
a Treaty Tribe & Colville signed
their treaty away when they signed
The Indian reorganize Act. And it
would be detrimental to the Yakamas
and Umatilla Tribe in an economic way
no disrespect but it is what it is.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Signed Name

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Leoda Yallup

Phone Number: 360 483 7020

Email: lvyallup@gmail.com

Comment/Statement:

Who sold the property and what right did this organization have to sell the ceded Yakama land? How was this approved? What can BIA do to backup the rightful owner "Yakama" to prevent Colville from going forward? Where is this property? I saw Pasco, but if they have allotment # and which business/sector made such a big mistake? Please stop this from going any further, it should not even get anywhere. Palouse was not seen on the signature of Treaty Dubas per Treaty, Yakama is and signed 1855. Please inform me this will NOT happen.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Leoda V Yallup

Signed Name

4/24/24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Maryjo Whitney-Blevins

Phone Number: (509) 985-3637

Email: ~~mjwhitney~~ mjwhitney@live.com

Comment/Statement:

It's so sad that a sister tribe choose to impede on the Yakama Nation's ceded territory with their proposed gambling site. We, as Tribal nations, have enough opposition from state, county and local governments, we don't need to be fighting among ourselves! All this proposal says to me is that the Colville Tribe is so greedy, they'll do absolutely anything to earn a few more bucks. And what role does the BIA have in this dispute? They need to work to keep peace ~~among~~ between tribes and respect the Treaty rights of each tribe. The 14 Tribes and Bands of the Yakama Nation have long held treaty rights, Rights that the Colville Tribes do not hold. The Colville's are also impeding on our southern neighbor, the Unatilla Tribes, areas as well. BIA please ~~to~~ do the right thing and stop ~~the~~ Colville tribe from impeding on other tribes territory!

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Maryjo Whitney-Blevins

Signed Name

4/24/24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: David Garcia

Phone Number: (509) 901-2499

Email: doubleclutch92@gmail.com

Comment/Statement:

As an enrolled member of the Yakama Nation, I am opposed to the Colville casino proposed site in Pasco, WA. The proposed site is within the ceded territory of the Yakama Nation.

This trespass will negatively affect our economy and tribal government functions.

The proposed Colville Casino should not be allowed to be built on Yakama Nation Land.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.


Signed Name

4-24-24
Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Sloane Olney enrollment # 90110

Phone Number: (509) 494-4839

Email: PINKRBSSESZ@GMAIL.COM

Comment/Statement:

I am against the building of this casino.
I do not believe that it would benefit
any tribal member in earnest.

Consider the location, Pasco, who's population
is primarily non-tribal / non-native people
who will take up all jobs provided due
to their proximity of the location.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Signed Name

4/24/24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Ida Jo R. Pinkham Maltos

Phone Number: 509-314-0402

Email: idajo.pinkhammaltos@yahoo.com

Comment/Statement:

Hello and Good evening,

why I'm addressing the decision made to build a casino at the Pasco, Washington site. If this were a well thought out plan, then were we not in the know? Instead it was announced to the people of Tri-cities and to the tribes last. This is an act of encroachment and is a disregard for all other tribes involved. Opening of this site would have a direct impact to our local communities. The direct impact to our livelihood would be crippling. Our future generations will have to work harder and for the most part, ask "us" why did this tribe do this to our people? I won't have a response! I won't have a response because our last war was with the non-natives.

Thank you,

Ida Jo R. Pinkham Maltos # YN 4918

Ida Jo R. Pinkham Maltos

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Ida Jo R. Pinkham Maltos

Signed Name

April, 2024

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Lee Arguette
Phone Number: 509 895 4911
Email: leearguette@gmail.com
Comment/Statement:

I'll add that with in coded
land is this possible, because
Rez Perce roamed in this
area too.

Tri Cities, WA

Let me know?

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Signed Name

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Cleo S. Clark

Phone Number: 509-901-1368

Email:

Comment/Statement:

Tribe needs to stay in their own jurisdiction.
Have their own land, build their.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Signed Name

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: *Verona Miller*

Phone Number: *509.910-5753*

Email: *Veronakiller*

Comment/Statement:

I dont think they should .

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Verona Miller

Signed Name

4-24-24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Lydia M. Bitsoi

Phone Number & Email: 910-709-0354 Lydia.bitsoi@hotmail.com

Mailing Address: PO Box 162 Brownstown, WA 98920

Comment/Statement: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project

The Yakamas were the first inhabitants of the Pasco area and this area is still undisputedly within the Yakama Nation's Treaty Territory. Our unique cultures, traditions, and language is embedded within the roots of this region and it is deeply connected to the survival of our people. The Colville's false claim to these lands and resources will undoubtedly stir up an intertribal warfare. My written statement is straight forward and an unwavering belief that allowing the Colville's to secure a Casino within our Ceded Territories will lead to long-lasting detrimental effects for us, the Yakamas. Our people have already resorted to disputes over these lands and we demand continued support and recognition that the Yakamas are the only legal authority to the Palouse Band and the City of Pasco, as outlined in Article I of the Treaty of 1855.

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

If mailing, please mail to: Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region,
911 NE 11th Avenue,
Portland, Oregon 97232.

Please include your name, return address, and "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" on the first page of your written comments.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.


Signed Name

5/1/24
Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Debra Warner

Phone Number:

Email:

Mailing Address: 401 East Road Toppenish WA 98948

Comment/Statement:

I think we could just share with other tribes and create a strip of casino - native casino's.

Our casino may be built more classy our may be more profitable, than other tribes and draw more clients to our casino's.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Signed Name

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: *Layla Umtnch*

Phone Number:

Email:

Mailing Address: *401 Fort Road Toppenish WA 98548*

Comment/Statement:

*I oppose any tribe NOT YAKAMA
Setting up a Casino in the
YAKAMA Nation Ceded area.*

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Layla K Umtnch *04/25/24 Roll #4387*

Signed Name

Date

umtnch



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Ned Tillequots Jr. YN Roll # 2810

Phone Number & Email: 509-949-7131, ned@yakama.com

Mailing Address: POB 174 White Swan, WA, 98952

Comment/Statement: Opposed to proposed Colville Casino

1. Impacts Yakama Nation's socio-economic environment. Colville casino gross & Net revenues will lessen the Yakama's Net Gaming revenues and the Pendleton/Vmatille Casino negatively.
2. Yakama Ceded Area, Yakama's Treaty territory and is NOT Colville's Area.
3. Colville is an Executive order tribe from 1870's & they agreed to stay on their own reservation (Southern portion) and agreed to give up their Northern territory and NOT interfere, i.e. they have no ceded area.
4. Palouse, Not their tribe, band of their original Tribe.
5. Colville should NOT be allowed to change their purchased lands at Pasco, WA. from Fee to Trust. Sec'y of Interior, Deb Haaland should NOT sign the Fee to Trust request.
6. Colvilles are Renegades, 3 casinos and NO Gaming Compact, Did Not want to follow the IGRA federal laws for Indian Country.

For more information: colvilleis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Ned Tillequots Jr.

Signed Name

April 25, 2024

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Yvina M. Sanchez

Phone Number: 509 895-1123

Email: Vargasn@yakama.com

Mailing Address: 50 Kemper Rd, Wapato, WA 98951

Comment/Statement:

I feel Colville should stay on their land & not use our (Yakama) land to be making money. I don't feel BIA should allow this to happen. Stop trying to use our land use your own land!

Thank You!

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Yvina Sanchez

Signed Name

4/25/24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Ezilda F Winnier #5545

Phone Number: 509 910 5871

Email: ~~xxxxxx~~ ezilda_winnier@yakama.com

Comment/Statement:

I want to express that when this began we as Yakama members believed that it wouldn't go this far. Because of the Ceded Territory of the Yakama Nation. However we are now having to fight over the issue. This is important for both Tribes, it seems that BIA has allowed this to slip through as if they want to see the Plateau People to become weak. I am offended that the BIA allowed this however this is a part of historical strategy to break Treaties as well as bring chaos amongst Family Tribes. Unacceptable.

I have no idea how this will be resolved. If Colville's build their Casino, they already have Gas Stations, 12 Feathers Casino in Lake Chelan which is our Territory.

What shall we do? Be Landlords & collect rent?

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Ezilda F. Winnier #5545

Signed Name

4/25/24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Rudy Bass

Phone Number: 509-952-9882

Email: Bass.rudy81@gmail.com

Comment/Statement: colville opposition

I oppose a Colville Casino
On Yakama Nation Ceded Land

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Rudy Bass

Signed Name

4-25-24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: TAsheena Piel
Phone Number & Email: 509.985.3082 / tpiel777@aol.com
Mailing Address: 250 Granho / m Rd, Wapato, WA 98951
Comment/Statement:

As a member of the Yakama Nation I oppose the build of a Colville Casino in the Pasco, WA area. This is an encroachment into the Yakama Nation lands. As ceded territory of the Treaty of 1855, our treaty needs to be honored & kept. Yakama Nation Requested into that was never received. Please hear our words & do not break our treaty. Thank you!

For more information: colvilleeis.com / *To submit an emailed statement:* tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

TAP

Signed Name

4/25/24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Lisa Olney

Phone Number & Email: 5094808073

Mailing Address: PO Box 363 White Swan WA 98952

Comment/Statement:

I do not find this OK in any way.
Colville Tribe does not have jurisdiction
in Pasco - This is Yakama Nation Tribal
Territory.

For more information: colvilleeis.com / **To submit an emailed statement:** tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Lisa Olney

Signed Name

4-25-25

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Robert Olney JR

Phone Number & Email: 509 874-2606

Mailing Address: 1270 Wesley Rd WS, WA 98957

Comment/Statement:

I oppose the Colvilles entering the Yakama Nations Territory.
They need to stay out of Yakama Nations Ceded Territory;
point blank.

For more information: colvilleeis.com / *To submit an emailed statement:* tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Robert Olney JR _____

Signed Name

4-25-24 _____

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Windy April Cree YAKAMA 9634

Phone Number: 509 853 8968

Email: YAKAMACREE@gmail

Comment/Statement:

I oppose
Legends has many who ^{guests} come from
Tri cities - pop 300,000. We're compared to Seattle
a population of 3 million. Saying the city is big enough to
share. This will cost revenue.
This is not share you will
we can work together but not this way

I oppose

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Windy A Cree

Signed Name

4-25-24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Darrell Howard

Phone Number & Email:

Mailing Address: 7420 Midland Rd

Comment/Statement:

I have concerns about the impact their casino might incur upon our own legends casino, we are not getting enough business to better take care for the youth elderly and all Yakama nation members. The season have to be used more to ~~raise~~ draw more clients around the reservation with the perpetuity and tradition of our pow wow celebrations to better integrate the pleasure of enjoying our good nation

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Darrell Howard 4805

Signed Name

4.25.24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Bobby Tahmalwash
Phone Number & Email: #7009 / btahmalwash
Mailing Address: P.O. Box 35. Wapato, WA 98951

Comment/Statement:

I Believe That Laws have been Broken and are still being Broken, and if This is approved Then There is no Laws i guess Treatys have been Broken Scene They were First ~~and~~ made, is our Treaty Based on Broken promises. it's a abact on our Treaty Rights. and The BIA needs To Look into This matter.

For more information: colvilleeis.com / **To submit an emailed statement:** tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Signed Name

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: *Utsiah Emer*

Phone Number & Email: *509-480-4164*

Mailing Address: *P.O. BOX 261 Toppenish WA 98948*

Comment/Statement:

*I Approve for this to happen because us as
a Tribe needs the money.*

For more information: colvilleeis.com / **To submit an emailed statement:** tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Utsiah Emer

Signed Name

4-25-24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Latet Olney

Phone Number & Email: 509 731 2128

Mailing Address: 1270 Wesley Rd White Swan, WA 98952

Comment/Statement:

My ~~name~~ name is Latet and I
am a member of the Yakama
Nation tribe. I oppose of this
happening. This is not right & breaches
our Treaty of 1855 rights. The area
is of Yakama Nation territory.
We demand whats right?

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Latet Olney

Signed Name

04/25/25

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: *Crystal Whitefoot*
Phone Number & Email: *509 712 5837*
Mailing Address: *2321 West Wapato Road*
Comment/Statement:

*Yakamas have been told we
are going to build a casino
I believe Yakamas have the
right of the land.*

*For more information: colvilleis.com / To submit an emailed statement: tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"*

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Crystal Whitefoot

Signed Name

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: *THELISA E. White Nawa*
Phone Number & Email: *509-524-2091*
Mailing Address: *TRADA1954@gmail.com*
209 Wanity Park, Dr. Toppenish, WA
Comment/Statement: *98948*

I dont ~~believe~~ believe Colville Tribe should ~~be~~ ^{be} able to put a Casino there in Pasco. Our Tribe is suppose to have done that a long time ago. Who approved that? We also talked about a Casino along the Columbia that was talked about. Our Tribe the Yakama Nation should have another Casino there in Pasco.

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Theresa Nawa

Signed Name

04-25-24
Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Tamara Strong
Phone Number & Email: # 7478 YN
Mailing Address: Po box 363, White Swan, WA 98952
Comment/Statement:

I oppose the Colville Tribe entering the YAKAMA Territory. They sold thier rights out for Cattle, Land & money, Thats their fault!

Colville needs to stop being greedy and stick to their own area! Our Treaty Stands! This is YAKAMA Lands and Always be YAKAMA Lands!

Nye!

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Tamara Strong

Signed Name

4-25-24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Antoinette Leandraucci
antoinetteleandraucci125@gmail.com
Phone Number & Email:
(509) 830-8077
Mailing Address:
PO Box 209 Toppenish WA 98948
Comment/Statement:

My comments is, I would not casino @ Pasco
from Colville, Tribe, Just keep it the way it
is, Please keep it over Omak & Nespelam
Tribe that their own fault, Dont use
Yakama Rez. and Pasco. That my concern
to this, Us Yakama enroll member Enroll #
7803

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Signed Name

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

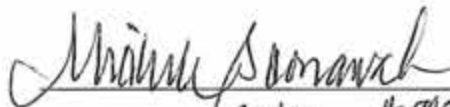
Name: "Pipian" Michelle Sonawah
Phone Number & Email: 509 985 3113 yethla@yahoo.com
Mailing Address: P.O. Box 104, Wapato WA 98951

Comment/Statement:

With all due respect to our relatives of Colville,
I am opposed to a plan to pursue a casino
off of their own reservation and within ceded land
of Yakama Territory.
I believe any opposition by a Yakama should
be of ~~the~~ ^{the} determining factor.
Their fee-to-trust request should not be processed
based on the location of their land purchased
location, far from their homelands.
A new Colville Casino at this site will adversely affect
the self determination of Yakamas now in place by
the Yakama Legends Casino.

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.


Signed Name Michelle Sonawah
Yakama #1021

04/25/2024
Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Genevieve SernaYadao

Phone Number & Email:
509) 910-6446 genevieve.sernayadao22@gmail.com

Mailing Address:
PO Box 649 Wapato, WA 98951

Comment/Statement:

I, Genevieve SernaYadao Roll #8486 Yakama Nation enrolled member Confederated of Tribes & Bands (855 Treaty).
I, am against this going back as far when our ancestors were here & history where they fought for our rights (Fishing - Timber - Revenue - Land.)
We fought & are still fighting for our rights as a Sovereign nation for our Yakama Jurisdiction.
Colville Tribe is not a Tribe (Therefore) they need to stay where they are at. West boundary Pasco, Wall Walla, Tri-cities, Umatilla, Richland, Kennewick & so many to name is on Yakama Nation Ceded land & it's within our Jurisdiction / Our Boundaries.
Yeah, money talks But I'll fight, voice my matters for my people - Family - ancestors - All Yakamas.
Bad enough we're arguing with the white people, State Federal Governments. IT'S not only going to affect our Revenue, Gaming / People, Being Taxed, Business.
Rich Gets Richer / Poorer Gets Poorer (Sick AND Tired of Being Broke)!! ^{minimum} wages Ain't covering it, working everywhere to match my pay rate! **NI** Thank You In Advance!!

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Genevieve SernaYadao

Signed Name

04/25/2024

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: *Mary E. Vargas*

Phone Number: *(509) 830-0208*

Email:

Mailing Address: *50 Waverly Park Dr. - Toppenish, Wa. 98998*

Comment/Statement:

*I would like to know why it took so long?
You should have given us a better notice about
the meeting for April 24, 24
myself I like to see the person talk face to
face, not on the phone. I am against you
asking us to put your casino on our land.
I attended the meeting on April 24, 2024,
you should have sent out more notice
to the people like flyers.
This casino is bad for our environment to swim.
It is in a dangerous area.
It sounds like this is all about money.
The meeting was very interesting.
No to your casino!!*

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Mary E. Vargas

Signed Name

April 25, 2024

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Elkay Lamebull

Phone Number: 509-930-0839

Email: elkaylamebull@gmail.com

Mailing Address: 5001 West Wapato Rd
Wapato WA 99157

Comment/Statement:

I oppose the building of a casino by the colville tribe.

If the land is yakama, yakama should be the one's using it.

if they get their (colville) get their way
Are they going to be paying rent?

OR they going to give our yakama tribe
any help for our organizations?

like our legends casino gives \$ to help
different entities.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Signed Name

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: *Jayyepum Ah-tost-wy Stacey Speckis*

Phone Number & Email: *(509) 504-3175*

Mailing Address:

Comment/Statement:

*Palak Naim,
I want to thank Jayyepum Ah-tost-wy
Stacey Speckis. I am an enrolled member of the
Yakama Nation.
I do not like how the Colville Tribe
wants to build a Casino on the land that
belong to the Yakama Nation. All of the
land that belong to Yakama Nation
an Nation had to be left for, livestock,
there is much of the Yakama Nation land is
taken already. I do not approve of the
Colville who "want to encroach on our
property" !!!*

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Stacey Speckis
Signed Name *24*

4/25/24
Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Regina Jerry

Phone Number: 509.594.8226

Email: rjerry@gmail.com

Mailing Address: PO Box 663, Toppenish, WA. 98948

Comment/Statement:

I am an elder and enrolled Yakama member. This is my oppose of any business transactions done on a casino that involved the Colville tribe trying to secure a casino site in Prosser, Wa.

These sites are not in the Colville's lands or territories, these lands are ceded and belong to the Yakama tribe.

If Colville wants their casino on our tribal lands, let the tribe buy/purchase these lands from the Yakama Nation.

Maps verify land owners. History verified land boundaries.

Colville has no right(s) to do any business without our Yakama Nation on their casino site in Prosser.

Oppose !!

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Regina Jerry

Signed Name

04/25/24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project


Name: Yas-Lam Olney
Phone Number & Email: yaslamo@yaho.com
Mailing Address: 205 Kuli Circle Wapato, Wa 98951
Comment/Statement:

We as Yakama people are in opposition of Colville tribe building any enterprise within Yakama Treaty territory and all ceded lands as we live and continue to be stewards of the land, our home.

For more information: colvilleis.com / To submit an emailed statement: tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.


Signed Name


Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: JENNIE Lou Phillips Honanie
Phone Number & Email: 509 307-5136 ylhonanie@yahoo.com
Mailing Address: 5550 Lateral C. Rd
Comment/Statement: WAFATZ, WA 98957

I agree with Colville's
TAKAMT'S we missed
out years ago.
we couldn't agree at
General Council.

For more information: colvilleis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Jennie R Honanie

Signed Name

April 25, 24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Cyra Olney

Phone Number & Email: 509-208-9988 Cyra.Olney23@gmail.com

Mailing Address: 208 huli circle wapato wa 98981

Comment/Statement:

I understand the Colville tribe's interest in pursuing another casino, and expanding the revenue for themselves. I understand that they can benefit greatly from this, however, this will also negatively impact the Yakama tribes Legends casino revenue. Our main and only source of income is Legends casino and hotel. We as a tribe already are struggling financially. A good portion of our revenue comes from tri-cities. Another concern of mine is the land where this plan is set on. This is Yakama nation ceded lands. This should mean something. Colville should not be allowed to build a casino here. It's not about being territorial, it's not about being "money-hungry" but it comes down to basic respect and following through with the treaties set in place. History speaks for itself.

For more information: colvilleis.com / **To submit an emailed statement:** tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Signed Name

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: *Carle Rae Spencer*

Phone Number & Email: *karlaspencer.62@gmail*

Mailing Address: *220 Nukshay Dr. Sheshta, WA 98957*

Comment/Statement:

I oppose this encroaching on our territory Yakama Tribe

For more information: colvilleeis.com / **To submit an emailed statement:** lobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Carle Rae Spencer

Signed Name

4.24.24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Virginia Mesplie

Phone Number & Email:

Mailing Address: 2383 W. Wapato Rd WAPATO WA 98951

Comment/Statement:

I oppose this
cause Colville ~~encouraging~~ ^{encroaching}
on our treaty rights and
this is Yakama Treaty which
needs to be honored since 1855
Treaty

For more information: colvilleis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Virginia Mesplie

Signed Name

4/24/24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Phyllis Miller Little Bull

Phone Number & Email: 509-406-5812

Mailing Address:

Comment/Statement:

To Colville Tribal members
To ~~Gottval~~
my answer is no

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Phyllis Little Bull

Signed Name

4-25-24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Christian Hanson
Phone Number & Email: (509) 895-1175 / Bolltron5000@gmail.com
Mailing Address: 6401 Branch Rd

Comment/Statement:

Why not have a
big council with both
Colville people and Yakama
people, Colville's on Yakama
ceded^{land} is wrong and sneaky

Also desperate I do hope we Yakama's
could find a way to help Colville's

For more information: colvilleis.com / *To submit an emailed statement:* tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Christian Hanson

Signed Name

4-25-24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Byron Dick
Phone Number: (509) 947-0335

Email: —

Comment/Statement:

6896

I wish the Colville Tribe didnt
build casino in pasco, wa. its going
to take business away from our
casino. It's in our ceeded areay
it not right! Our peopl always
bur river people since time
immorial since the white people
move here they put us
Yakama on Rez. It be
taking revenue from our people,
Please stop Colville Tribe building
Casino

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Byron Dick

Signed Name

April 25, 2024

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Carl George
Phone Number & Email: NA
Mailing Address: NA
Comment/Statement: Opposition

No Casino in Tri-Cities for
the Colville.

For more information: colvilleeis.com / *To submit an emailed statement:* tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

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Carl George

Signed Name

4-25-24

Date



Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Clayton Howell Jr.
Phone Number & Email: 509-480-5891 Claytonhowell.jr@gmail.com
Mailing Address: P.O. box 63 Brownstown wa 98920
Comment/Statement:

Colville ~~Casino~~

IT'S
YAKAMA ceded land

*For more information: colvilleis.com / To submit an emailed statement: tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"*

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Clayton Howell Jr.

Signed Name

4/25/24

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: Rudy Maldonado/YAKAMA/Klickitat #4314

Phone Number: 509-854-4546

Email: rlmaldonado4314@gmail.com

Comment/Statement:

I'm writing this in opposition to the Colville propose site in Pasco. The Bureau of Indian Affairs should of not entertain this at the get go because of the Government already Acknowledgement of the YAKAMA Treaty and Ceded areas. Their violating their own Fiduciary Trust Responsibility by their now actions! The Interior Department Deb Holland should rebuke them highly for their current STAYS! I question what's going on here! To me a lawsuit could be filed on this by the YAKAMA's and Umatillas because of the Entrustment happening here against these two tribes! The economic implications could affect these two tribes if the Colvilles get this proposal site! The misinformation that's been put out by the Colvilles to the general public is being allowed and the BIA know this but act like it's not happening! I have a enrollment card as a YAKAMA Tribal member and are allowed to hunt fish and gather because that's our Ceded area not the Colvilles who can only fish hunt and gather at there Colville Reservation because they don't have a ceded area! I'm not allowed to go to Colville Reservation to hunt and fish and gather because I'm not a Colville! Even though they purchased property in Pasco doesn't mean it should happen for them AT PASCO. casino

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Rudy Maldonado

4/25/2024

Signed Name

Date



Public Scoping Hearing Comment re: Colville Tribe Casino in Pasco, WA

Name: *Alfreda Peters*

Phone Number:

Email: *antypeters2@gmail.com*

Comment/Statement:

*My comments tonight are brief and
would like to reserve the right to add
additional comments before the end of
the comment period.*

*My comment/statement:
Yakama Nation is a Treaty Tribe of
14 Tribes and Band of 1855 as ratified
by US, and not an Executive Order tribe.
And rights are still retained in the Ceded
Area whereas Colville do not have this treaty
right
(over)*

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Alfreda Peters
Signed Name

4-24-24
Date

I am against the Colville coming onto
Yakama Nation Ceded Area of new Hanford
area sets.

The Colville did not ask approval to
enter our area as the treaty states.

I believe this should stop
the development of Colville Casino
here in our back yard.

Afreda Peters



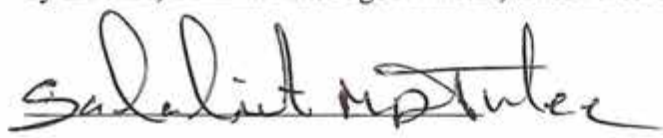
Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

Name: Tulee, MD Salaliit
Phone Number & Email: (360) 468-0431 tuleemal@gmail.com
Mailing Address: #223 Wenity Park Dr. Toppenish 98948
Comment/Statement:

THE federal government overcame our people and lands for one purpose: To begin business. This is why our land is called the land of opportunity.
Regardless of anyone's opinion, the decision to open the door for more revenue is a juggernaut that will be hard to petition against.
I am a Palus descendant and will reserve my feeling to myself. I would like to put a challenge to you, the federal government, if you truly weigh and measure the impact on land if you give the authority to build a business.
I challenge you to use your powers to stipulate the proposed business to be "green" in every aspect of their business.

For more information: colvilleis.com / To submit an emailed statement: tobiah.mogavero@bia.gov
If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.


Signed Name


Date

Stipulate that the Colville
Confederacy lead the way
in the use of solar power,
wind turbine, and ~~ecology~~
ecologically-made products.
Bring us into the future
and make amends to the
continued devastation of
the Manhattan Project.

With Regards,
Selahit
~~no~~ ~~no~~



COMMISSIONER KYLE CURTIS

DISTRICT 2

May 2, 2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos

Dear Regional Director Mercier:

As Yakima County Commissioners, we believe that tribes are an integral part of this country's history, culture, and future. It is important to remember that Tribal Nations are sovereigns, each with their own peoples, histories, cultures and territories. Today, we write to express concern about the Confederated Tribes of the Colville Reservation's ("Colville") intent to establish and operate a gaming facility in Pasco, Washington, 165 miles south of their reservation and within another sovereign Nation's Treaty-defined Territory.

We believe by granting the Colville their petition to establish and operate a casino in another Tribe's territory (the Yakama Nation) sets a very harmful precedent for expanding gaming beyond the State's intention to regulate gaming in a safe and respectful manner and enter into careful compact negotiations with federally recognized Tribes both within the State, and if this Colville petition is granted, potentially with those out of State Tribes whose ceded areas include Washington.

We share the Yakama Nation's concern and join in their opposition to another Tribe operating a casino in their Treaty Territory. Regardless of the Tribes involved, one Nation should not operate a gaming facility in another Nation's territory without the affected Nation's prior consent to do so. To allow this would go against the express intent of Congress. As stated above, it also goes against the careful planning and negotiations that occur with the State and Compacted Tribes. The Compacts entered into by the State and the Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.

The process for establishing a new Tribal gaming facility is intended to consider the economic benefit to the impacted community and to the governance of the individual Tribe. This is recognized in our State's laws as well as under the Indian Gaming Regulatory Act. Washington is proud of its history. To allow for the Colville Tribe to expand gaming beyond its own territory into another Tribe's territory heralds the coming of the day and the potential for any Tribe to do so. This goes against Washington's history of regulating gaming, and the State's history of respecting individual Tribal sovereigns in the compacting process.



COMMISSIONER KYLE CURTIS DISTRICT 2

This is not about supporting Colville or the Yakama Nation on this. Rather, this is about the precedent that would be set if Colville is permitted to establish and operate a casino over 100 miles away from their headquarters, and in the Yakama Nation's Treaty Territory without their consent. Although we do not oppose Colville opening a new casino, we respectfully recommend that they do so within their own territory.

Thank you for your attention to this vital matter of tribal sovereignty and economic development. Please contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "Kyle Curtis". The signature is written in a cursive style and is positioned above a horizontal line.

Kyle Curtis
Commissioner, District 2



April 29, 2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: **NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos**

Dear Regional Director Mercier:

As a State Representative, I believe that tribes are an integral part of this country's history, culture, and future. It is important to remember that Tribal Nations are sovereigns, each with their own peoples, histories, cultures and territories. Today, I write to express concern about the Confederated Tribes of the Colville Reservation's ("Colville") intent to establish and operate a gaming facility in Pasco, Washington, 165 miles south of their reservation and within another sovereign Nation's Treaty-defined Territory. I believe by granting the Colville their petition to establish and operate a casino in another Tribe's territory sets a very harmful precedent for expanding gaming beyond the State's intention to regulate gaming in a safe and respectful manner and enter into careful compact negotiations with federally recognized Tribes both within the State, and if this Colville petition is granted, potentially with those out of State Tribes whose ceded areas include Washington.

As I understand it, with the Treaty with the Yakamas of June 9, 1855, 12 Stat 951 ("Treaty of 1855"), the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") ceded certain rights to millions of acres of tribal land to the United States Government in exchange for the establishment of the Yakama Reservation and preservation of rights throughout the ceded lands. Article I of the Treaty of 1855 defines the scope of the Yakama Nation's ceded lands, their "Treaty Territory." The City of Pasco lies within this area. Colville does not have rights within this area or outside its reservation.¹ Nor does Colville have rights under the Treaty of 1855.²

The Colville Reservation was established by the Executive Order of July 2, 1872. Colville's Reservation was diminished by an 1891 Agreement where Colville sold the northern half of their Reservation for \$1,500,000.³ In *Antoine v. United States*, the United States Supreme Court held that the 1891 Agreement reserved Colville's off-reservation hunting rights only within the diminished northern half of its

¹ *Antoine v. United States*, 420 U.S. 194, 205 (1975).

² *United States v. Oregon*, 29 F.3d 481, 486 (9th Cir. 1994).

³ *Antoine*, 420 U.S. at 197-98.



Reservation.⁴ Accordingly, Colville's rights are limited to within the exterior boundaries of their 1872 Reservation. Neither the Executive Order of July 2, 1872 nor the 1891 Agreement extended Colville's rights beyond the exterior boundaries of their 1872 Reservation.

Colville has sought several times to gain usufructory rights outside of their 1872 Reservation boundaries by claiming rights under the Treaty of 1855. In *United States v. Oregon*, the United States District Court for the District of Oregon and the Ninth Circuit Court of Appeals both rejected Colville's Treaty of 1855-related claims.⁵ The Ninth Circuit reasoned that "by deliberately separating from the Yak[a]ma Nation, [Colville] failed to maintain political cohesion with the tribal entity in which the treaty fishing rights are vested [i.e., the Yakama Nation]."⁶ Thus, Colville does not have off-reservation rights outside their 1872 Reservation, including within the exterior boundaries of the Yakama Nation's Treaty Territory. In other words, Colville has no legal claim to the Yakama Nation's Treaty Territory, including the City of Pasco.

From my understanding, Congress has generally limited new tribal trust lands to those lands which consolidate or strengthen tribal governance over reservations, reduce checkerboarding, or protect tribal homelands.⁷ This requires a connection between the location of new trust land to a tribe's reservation or ancestral territory. Likewise, one of the main facts a tribe must include in an application to the Secretary for a gaming compact extension or amendment is the distance from the newly acquired trust land to the tribe's headquarters.⁸ The Indian Gaming Regulatory Act also limits gaming activities on lands taken into trust after October 17, 1988, unless certain location-based conditions are met.⁹ Specifically, gaming on newly acquired trust land is permitted if the lands (i) are within or contiguous to the tribe's reservation; or (ii) were acquired pursuant to a land claim settlement, for an initial reservation, or restoration of a tribe's reservation after termination.¹⁰ Congress' clear intention was to limit tribal gaming to tribal territories. Yet, Colville is seeking to open a gaming facility in the City of Pasco, 165 miles south of their headquarters and within the Yakama Nation's Treaty Territory.

The Secretary may only allow gaming on newly acquired trust land that don't meet the above requirements if, with the state governor's concurrence, the Secretary determines that gaming is in the best interest of the tribe and is not detrimental to the local community.¹¹ Because the City of Pasco is in the Yakama Nation's Treaty Territory, the Yakama Nation is a part of the local community impacted by a potential Colville casino in that area. A Colville casino in Pasco would most certainly be detrimental to the economic health of the Yakama Nation and the Yakama Nation's tribal sovereignty over its Treaty Territory. Similarly, the Secretary must disapprove a gaming compact or amendment if it violates the trust obligations of the United States to Indians.¹² Allowing another tribe to establish a gaming facility in

⁴ *Id.* at 205.

⁵ 29 F.3d at 486.

⁶ *Id.*; see also 25 U.S.C. § 151.3(a).

⁷ *Id.*

⁸ 25 C.F.R. § 292.17(g).

⁹ 25 U.S.C. § 2719.

¹⁰ 25 U.S.C. § 2719(a), (b).

¹¹ 25 U.S.C. § 2719(b)(1)(A).

¹² 25 C.F.R. § 293.14(c).



the Yakama Nation's Treaty Territory without the Yakama Nation's consent is a violation of the United States Government's trust obligations to the Yakama Nation.

I share the Yakama Nation's concern and join in their opposition to another Tribe operating a casino in their Treaty Territory. Regardless of the Tribes involved, one Nation should not operate a gaming facility in another Nation's territory without the affected Nation's prior consent to do so. To allow this would go against the express intent of Congress. As stated above, it also goes against the careful planning and negotiations that occur with the State and Compacted Tribes. The Compacts entered into by the State and the Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.

The process for establishing a new Tribal gaming facility is intended to consider the economic benefit to the impacted community and to the governance of the individual Tribe. This is recognized in our State's laws as well as under the Indian Gaming Regulatory Act. Washington is proud of its history. To allow for the Colville Tribe to expand gaming beyond its own territory into another Tribe's territory heralds the coming of the day and the potential for any Tribe to do so. This goes against Washington's history of regulating gaming, and the State's history of respecting individual Tribal sovereigns in the compacting process.

This is not about supporting Colville or the Yakama Nation on this. Rather, this is about the precedent that would be set if Colville is permitted to establish and operate a casino over 100 miles away from their headquarters, and in the Yakama Nation's Treaty Territory without their consent. Although I do not oppose Colville opening a new casino, I respectfully recommend that they do so within their own territory.

Thank you for your attention to this vital matter of tribal sovereignty and economic development. Please contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "Gina Mosbrucker".

Representative Gina Mosbrucker
Washington State Representative
14th Legislative District



May 3, 2024

Bryan Mercier, Regional Director
Bureau of Indian Affairs, Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Dear Bryan Mercier:

The U.S. Environmental Protection Agency has reviewed the Bureau of Indian Affairs' April 2024 Notice of Intent to prepare an Environmental Impact Statement for the Confederated Tribes of the Colville Reservation's Proposed Fee-to-Trust and Casino Project (EPA Project Number 24-0020-BIA). EPA has conducted its review pursuant to the National Environmental Policy Act and our review authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA and requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

In connection with an application from the Confederated Tribe of the Colville Reservation for a proposed Fee-to-Trust and Casino Project in Pasco, Washington, BIA proposes to evaluate the potential environmental impacts associated with construction of a casino resort. This includes a proposed 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities within a 164 acre project area of fee land to be placed in trust by the United States. BIA will identify and evaluate a range of reasonable alternatives, including a reduced intensity casino alternative, and an alternate-use (non-gaming) alternative.

EPA has concerns about the potential impacts from the project activities to several resource areas, including water quality, air quality, environmental justice, and climate change. Enclosed are EPA's scoping comments on specific topics important to consider in the project's NEPA analysis and opportunities for meaningful engagement.

Thank you for the opportunity to review the NOI for this project. If you have questions about this review, please contact Melynda Beam of my staff at (206) 553-6114 and beam.melynda@epa.gov, or me, at (206) 553-1774 or at chu.rebecca@epa.gov.

Sincerely,

REBECCA
CHU

Digitally signed by
REBECCA CHU
Date: 2024.05.03
11:06:52 -07'00'

Rebecca Chu, Manager
NEPA Branch

Enclosure

**U.S. EPA Detailed Scoping Comments on the
Confederated Tribes of the Colville Reservation's Proposed Fee-to-Trust and Casino Project
Franklin County, Washington
April 2024**

Water Quality

Construction projects, such as the proposed casino, typically have short and long term, direct, indirect and cumulative impacts to water quality. This includes the impacts of heavy machinery transporting materials within and outside of the site, development and expansion of existing access roads, and infrastructure hardening of surfaces. These activities may compact soils and change hydrology, impact the stormwater runoff characteristics, and change the ecological function and delivery of pollutants to the surrounding waters. Additionally, roads facilitate sediment transport to streams, increase habitat fragmentation and wildlife disturbance, and present risk of invasive plant infestations.

To adequately assess the potential temporal and direct, indirect and cumulative impact of the proposed activity on waters, EPA recommends the DEIS includes:

- A detailed description of the existing ecological characteristics of the site that may be impacted by the proposed activity, including identifying Waters of the United States (WOTUS) that may be directly and/or indirectly impacted.
- Data and evaluation of existing and new roads (road miles and density) associated with the proposed and predicted impacts to water quality by the roads.
- A detailed discussion of the hydrologic cumulative effects on the proposed project site and vicinity. Include analysis and characterization of the reasonably foreseeable direct, indirect, and cumulative impacts to groundwater and surface water resources. This includes identifying potentially affected groundwater basins and any potential for subsidence, as well as analyze impacts to springs or other open water bodies and biological resources.

Additionally, there are specific requirements under the Clean Water Act that EPA recommends be incorporated into the DEIS to identify relevant federal permits, licenses and other authorizations that will or may need to be obtained in implementing the proposal.

CWA § 303(d)

CWA § 303(d) requires that states, territories, and authorized Tribes identify waterbodies that do not meet water quality standards and to develop action plans called Total Maximum Daily Loads (TMDLs) to improve water quality. EPA recommends the DEIS include information on CWA § 303(d) impaired waters in the project area, including downstream waters, and any efforts related to TMDLs. Discuss what effect, if any, project discharges may have on impaired waterbodies. Describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with ongoing protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

CWA § 401

The CWA provides states and authorized Tribes the authority to grant, deny, or waive certification of proposed federal licenses or permits that may discharge into WOTUS. This section of the CWA is an important tool for states and authorized Tribes to help protect the water quality of federally regulated waters within their borders, in collaboration with federal agencies. In developing the DEIS, EPA recommends early coordination regarding CWA § 401 for the purposes of streamlining regulatory processes.

CWA § 404

CWA § 404 requires permits from the U.S. Army Corps of Engineers for the discharge of dredged or fill material into WOTUS. Wetlands, vegetated shallows, mud flats, and cobble substrates are all considered special aquatic sites under the CWA § 404(b)(1) Guidelines (40 CFR 230). EPA recommends the DEIS identify any discharges to WOTUS that are known, or likely, to occur and describe the discharges, control measures, and best management practices to prevent discharge of water and pollutants.

CWA§ 402 and Stormwater

In Washington, EPA issues National Pollutant Discharge Elimination System (NPDES) permits for federally owned facilities and permits on Tribal lands; EPA has delegated authority to issue other NPDES permits to the Washington Department of Ecology.¹ EPA recommends the DEIS identify any discharges to WOTUS that are known, or are likely, to occur during construction and operation of the project and how these discharges would be managed and minimized. Identify the NPDES permits that will be obtained for the construction phase, new (or modifications to) existing permits for operations, and how any previous permit exceedances could be prevented by incorporating pollution prevention measures into the project.

EPA encourages considerations for zero or low impact development techniques in project design to reduce stormwater volumes and mimic natural conditions.² Example techniques include:

- Minimizing creation of new impervious surface.
- Maximizing use of pervious pavement.
- Avoiding building over groundwater recharge areas.
- De-paving areas as mitigation for any new impervious surfaces needed for the project, to achieve no net increase in pollution generating impervious surface.

These techniques can lessen the impacts of stormwater runoff from impervious surfaces and can provide energy and other utility savings. Under Section 438 of the Energy Independence and Security Act (EISA), federal agencies are required to reduce stormwater runoff from federal development projects in order to protect water resources. This section of EISA applies to any “federal department or agency that owns, operates, occupies or is the primary user of the facility and has initiated the development or redevelopment project.”³ EPA recommends consideration of Section 438 of the EISA. The EPA Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of EISA can be accessed online.⁴

¹ <https://www.epa.gov/npdes-permits/washington-npdes-permits>. Accessed 4/25/2024.

² <https://www.epa.gov/green-infrastructure/what-green-infrastructure>. Accessed 4/10/2024.

³ <https://www.epa.gov/sites/default/files/2015-09/documents/eisa-438-faq.pdf>. Accessed 5/2/2024.

⁴ <https://www.epa.gov/greeningepa/technical-guidance-implementing-stormwater-runoff-requirements-federal-projects>. Accessed 4/8/2024.

Air Quality

EPA recommends the DEIS include a detailed discussion of ambient air conditions (existing conditions), National Ambient Air Quality Standards, and any applicable criteria pollutant non-attainment and maintenance areas in the analysis area and vicinity. Estimate criteria pollutant emissions and associated sources (e.g., diesel emissions from construction equipment). Assess potential air quality impacts during construction, maintenance, and operational activities associated with the project, such as from air toxics and criteria air pollutants, including diesel particulate matter emissions and fugitive dust emissions. For potential air pollutant emissions during construction and from increased vehicle traffic, identify potential exposure of these pollutants to any nearby populations. EPA recommends including a discussion of measures to minimize air quality impacts to the local environment and decrease exposure of construction, maintenance, and operational emissions to sensitive populations.

Consultation with Tribal Governments

EPA encourages BIA to consult with, and incorporate feedback from, Tribes when making decisions regarding the project. EPA recommends the DEIS describe the issues raised during the consultations and how those issues were addressed.

Environmental Justice

Executive Order (EO) 12898 *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, February 11, 1994 was supplemented by EO 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, April 26, 2023 which directs federal agencies, as appropriate and consistent with applicable law: to identify, analyze, and address disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns.

EJScreen is EPA's nationally consistent environmental justice screening and mapping tool.⁵ EJScreen offers a variety of powerful data and mapping capabilities that enable users to understand details about the population of an area and the environmental conditions in which they live. The tool provides information on environmental and socioeconomic indicators as well as pollution sources, health disparities, critical service gaps, and climate change data. The data is displayed in color-coded maps and standard data reports which feature how a selected location compares to the rest of the nation and state.

Assessing data from EJScreen is a useful first step in identifying locations in the area that may be candidates for further review or targeted outreach. EPA considers a project to be in an area of potential EJ concern when an EJScreen analysis for the impacted area shows one or more of the EJ Indexes at or above the 80th percentile in the nation and/or state. At a minimum, EPA recommends an EJScreen analysis consider EJScreen information for the block group(s) which contains the proposed action(s) and a one-mile radius around those areas. In addition, EPA recommends identifying any transient users of the project area to identify potential EJ concerns, consistent with Promising Practices

⁵ <https://ejscreen.epa.gov/mapper/>. Accessed 4/25/2024.

for EJ Methodologies in NEPA reviews⁶, which states that agencies can be informed by determining if any minority or low-income transient populations (e.g., Tribes, indigenous populations, migrant farmworkers) may be affected (e.g., may reside elsewhere but come within the affected area for subsistence fishing or to collect traditional medicines) by the project.

It is important to consider all impacted areas by the proposed action(s). Areas of impact can be very focused and contained within a single block group, or broader, spanning across several block groups and communities.⁷ Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators.⁸ Therefore, additional review or outreach may be necessary for the proposed action. To address these potential concerns, EPA recommends the DEIS:

- Apply methods from Promising Practices for EJ Methodologies in NEPA Reviews report to this project. This report compiles methodologies from current agency practices for integrating EJ considerations in NEPA processes. The Promising Practices Report provides particularly useful guidance in assessing the potential direct and indirect impacts of a project, as well as the potentially increased vulnerabilities certain populations may have due to the cumulative impacts of environmental harm.
- Apply guidance from the Council of Environmental Quality’s guidance document “Environmental Justice Guidance Under the National Environmental Policy Act” to this project (CEQ’s EJ Guidance).⁹
- Characterize the project site with specific information or data related to EJ concerns.¹⁰
- Describe potential EJ concerns for all EJ Indexes at or above the 80th percentile in the state and/or nation.
- Screen for and describe all individual block groups within or intersecting at least a 1-mile radius of the project, as well as transient users as explained above.
- Describe individual block groups within the project area in addition to an area-wide assessment.
- Supplement data with state and county level reports and local knowledge such as Washington’s Environmental Health Disparities mapping tool.¹¹

⁶ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf. Accessed 4/16/2024.

⁷ Agencies should define community as “either a group of individuals living in geographic proximity to one another, or a geographically dispersed set of individuals (such as migrant workers or Native Americans), where either type of group experiences common conditions” (Interim Justice40 Guidance – Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad, January 27, 2021).

⁸ EPA’s Technical Documentation for EJScreen: <https://www.epa.gov/ejscreen/technical-information-about-ejscreen>. Accessed 4/16/2024.

⁹ Environmental Justice Guidance Under the National Environmental Policy Act: https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf. Accessed 4/4/2024.

¹⁰ For more information about potential EJ concerns, refer to the July 21, 2021, Memorandum for the Heads of Departments and Agencies Interim Implementation Guidance for the Justice40 Initiative: <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>. Accessed 4/16/2024.

¹¹ <https://fortress.wa.gov/doh/wtn/WTNIBL/>. Accessed 4/25/2024.

It is important to consider both the potential short-term impacts of the proposed action(s) (e.g., construction noise, disrupted air quality, and viewscape), along with the potential long-term impacts (e.g., noise and air quality disruption due to vehicle traffic, disrupted access to areas of subsistence and traditional use by Tribes and indigenous populations) on communities with EJ concerns.

Indirect and Cumulative Impacts on Communities with EJ Concerns

EJScreen indicates that the proposed project is located within an area with potential EJ concerns and that these communities face significant environmental disparities. EPA ran EJScreen and found that the majority of the 13 EJ indexes are above the 80th percentile compared to the state, including 5 EJ indexes at the 99th percentile. Due to the environmental disparities in the project area, EPA recommends the DEIS consider the indirect and cumulative impacts of this project and the historically overburdened nature of the area.

EPA also recommends the DEIS consider the potential indirect and cumulative effects on public health (e.g. social and community impacts) associated with the proposed project.¹² Consider both the chemical and non-chemical stressors that may occur because of the population changes¹³ related to the proposed project, which can be both indirect and cumulative effects. In its Cumulative Impact Research Report, EPA states that while not all stressors fall under the purview of EPA, “because EPA actions and decisions to protect human health and the environment interact with or are affected by the cumulative impacts of both chemical and non-chemical stressors, both must be assessed to understand the full impact of a decision or action.”¹⁴

Guidance on how to analyze cumulative impacts has been published by the CEQ¹⁵ and EPA.¹⁶ Cumulative impact assessments require a systematic approach to characterize the combined effects from exposures to both chemical and non-chemical stressors over time across the affected population group or community.¹⁷ Elements to consider include community input; sources of stressors from the built, natural, and social environments; exposure pathways across media; community vulnerability, sensitivity, adaptability, and resilience; exposures to stressors in the relevant past and future;

¹² 40 CFR 1508.1(g)(4). (“Effects include ecological (such as the effects on natural resources and on the components, structure and functioning of affected ecosystems), aesthetics, historic, cultural, economic, social, or health, whether direct, indirect or cumulative. Effect may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.”).

¹³ 40 CFR 1508.1(g)(2). (“Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.”).

¹⁴ <https://www.epa.gov/system/files/documents/2023-05/CUMULATIVE%20IMPACTS%20RESEARCH-FINAL%20REPORT-EPA%20600-R-22-014A%20%2812%29.PDF>. Accessed 4/22/2024.

¹⁵ https://ceq.doe.gov/publications/cumulative_effects.html. Accessed 4/22/2024.

¹⁶ <https://www.epa.gov/sites/production/files/2014-08/documents/cumulative.pdf>. Accessed 4/22/2024.

¹⁷ 40 CFR 1508.1(g)(3). (“Cumulative effects, which are effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.”).

distribution of environmental burdens and benefits; and an approach for how to integrate data and information to assess cumulative impacts.

Meaningful Public Engagement

EPA recommends the DEIS detail the opportunities for effective and meaningful public engagement for communities with EJ concerns, as described in the Promising Practices for EJ Methodologies in NEPA reviews and EO 14096. We recommend the following measures to further advance meaningful involvement:

- Review and consider community feedback provided during the NEPA process. Ensure that the NEPA engagement approach is sensitive and responsive to the wellbeing of affected communities.
- Ensure that community feedback is reflected in the decision-making process. Design robust community engagement practices to maximize participation opportunities for communities that would be affected by the project, such as community-based workshops to facilitate discussion and issue resolution. Community-based workshops may also provide an opportunity to identify key issues and milestones for meaningful engagement in the NEPA process for the communities.
- Provide early and frequent outreach and engagement opportunities to collect and incorporate community feedback throughout the NEPA process and to maintain maximum transparency.
- Ensure that translation/interpretation services are provided to accommodate linguistically isolated populations.
- Address technology barriers that may prohibit participation from communities affected by the project.
- Ensure that meetings are scheduled at a time and location that is accessible for community participants, including scheduling meetings after work hours and on weekends as appropriate.
- Provide ample notice of meetings and commenting opportunities so that community members have sufficient time to prepare and participate.
- Promote engagement opportunities within appropriate outlets used by affected communities, such as newspapers, radio, and social media.
- Ensure that all project-related information is conveyed using plain language so that community members of varied reading proficiencies can readily understand the project-related information.

Climate Change

On January 9, 2023, CEQ published interim guidance to assist federal agencies in assessing and disclosing climate change impacts during environmental reviews.¹⁸ CEQ developed this guidance in response to EO 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. This interim guidance is effective immediately. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for evaluations in process, as agencies deem appropriate, such as informing the consideration of alternatives or helping address comments raised through the public comment process.

¹⁸ <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate> . Accessed 4/9/2024.

Consistent with the goals of EO 14008 *Tackling the Climate Crisis at Home and Abroad*, we encourage measures to provide for diverse, healthy ecosystems that are resilient to climate stressors; require effective mitigation and encourage voluntary mitigation to offset the adverse impacts of projects or actions; and reduce greenhouse gas emissions from authorized activities to the lowest practical levels. Given the long lifespan of the infrastructure, EPA recommends that the DEIS discuss how climate change could potentially influence the study area, and how construction of the proposed project could lessen or potentially mitigate for these impacts. In this discussion, include anticipated changes to the watershed (e.g., snowpack, runoff, precipitation, landslides, wildfire smoke) and how these changes may impact the hydrology in the project area and the operations of the project. EPA recommends using the Climate Mapping for Resilience and Adaptation tool to understand climate projections and hazards for the Franklin County and the project census tract in order to identify mitigation measures necessary for climate resiliency.¹⁹

Pollution Prevention/Green Building

The proposed action would involve construction of a new facility, which can provide an opportunity to design buildings that utilize green building techniques, reduces waste generation, and reduces energy consumption. Green building, also known as sustainable design, can assist Tribal communities to reduce the impact of construction on the environment while protecting the health, livelihood, and culture of Tribal residents.²⁰ Tribal owned or operated gaming facilities have many opportunities to implement green building and operations. Environmental improvements can save money and have lasting environmental and social impacts for the Tribe and for facility visitors.²¹ EPA recommends that the DEIS consider discussing a strategy to support low-impact building and operation.

In addition to implementing green infrastructure technologies to reduce environmental impacts, EPA recommends adopting hazard-resistant building codes to increase safety, reduce financial loss, and support rapid recovery after disasters. FEMA's National Building Code Adoption Tracking Portal²² notes that for Washington State, 2021 international building codes are mandatory statewide.²³

Noise

EPA recommends the DEIS analyze potential construction, maintenance, and operational noise impacts to neighboring sensitive human populations (e.g., residences, recreational users, etc.) as well as relevant wildlife and aquatic species. Describe the timing, duration, and reoccurrence of these noises at distinct stages of the project. EPA recommends identifying mitigation measures to lessen or avoid potential adverse impacts.

Protected Species and Habitat

The proposed project may impact federally and state protected species and their habitats. EPA recommends that the DEIS identify species and their critical habitats; impacts the project will have on these resources; and how the proposed project will meet all requirements under the Endangered

¹⁹ <https://resilience.climate.gov/>. Accessed 4/24/2024.

²⁰ <https://www.epa.gov/green-building-tools-tribes>. Accessed 4/23/2024.

²¹ <https://www.epa.gov/green-building-tools-tribes/greening-tribal-casinos>. Accessed 4/23/2024.

²² <https://www.fema.gov/emergency-managers/risk-management/building-science/bcat>. Accessed 4/24/2024.

²³ <https://sbcc.wa.gov/>. Accessed 4/24/2024.

Species Act (ESA), including consultation with the U.S. Fish and Wildlife Service under Section 7 of the ESA and National Marine Fisheries Service. Include impacts to identified Essential Fish Habitat (EFH)²⁴ within or near the project area where applicable. In addition, coordinate with the Washington Department of Fish and Game to define practices that will be protective of biota and habitat during implementation of the project.

Cumulative Impacts

Cumulative impacts are identified in 40 CFR 1508.1(g)(3) as “effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions over a period of time.”

In the cumulative impacts analysis, identify how resources, ecosystems, and communities in the vicinity of the planning area have already been, or will be, affected by past, present, or future activities. Characterize these resources in terms of their response to change and capacity to withstand stresses. We recommend focusing on resources of concern or resources that are “at risk” and/or are significantly impacted by the project before mitigation. EPA recommends that the DEIS identify which resources will be analyzed, which ones are not, and why. For each resource analyzed, we recommend the DEIS identify:

- Current condition of the resource as a measure of past impacts.
- Trends in the condition of the resource as a measure of present impacts. For example, the health of the resource is improving, declining, or in stasis.
- On-going, planned, and reasonably foreseeable projects in the study areas which may contribute to cumulative impacts.
- Future condition of the resource based on an analysis of impacts from reasonably foreseeable projects or actions added to existing conditions and current trends.
- Mitigation measures or conservation management actions that can be consistently and transparently applied to future projects.

Purpose and Need

The purpose of the proposed action is typically the specific objectives of the activity, while the need for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity. In the DEIS, clearly identify the underlying purpose and need to which the BIA is responding in proposing the alternatives. Discuss the proposed project in the context of the other projects ongoing or proposed in the area. For public transparency, EPA recommends using plain language to describe the purpose and need.²⁵

Alternatives

EPA recommends the DEIS include a reasonable range of alternatives, including a no action alternative, that meet the stated purpose and need for the project which are responsive to the issues identified during the scoping process. We encourage selection of alternatives that protect, restore, and enhance

²⁴ <https://www.habitat.noaa.gov/apps/efhmapper>. Accessed 4/1/2024.

²⁵ <https://www.doi.gov/plainlanguage>. Accessed 4/24/2024.

the environment. EPA supports efforts to identify and select alternatives that avoid, minimize, and/or otherwise mitigate environmental impacts. Describe the rationale used to determine whether impacts of an alternative are significant or not. Present environmental impacts of the proposed action and alternatives in comparative form to define the issues and provide a clear basis for choice among options by the decision maker and the public. Describe how each alternative was developed, how it addresses plan objectives, and how it will be implemented. Quantify the potential environmental impacts of each alternative to the greatest extent possible (e.g., acres of habitat impacted, changes in water quality).

1. The financial revenue impact the proposed Colville Tribes Casino will have on the Yakama Nation Legends Casino located in Toppenish, WA. This will cause financial impact towards the employment, social, and public services it provides for its Tribe members.
2. The Colville Tribes already have "3" operating Casinos in WA state, more than any other Tribes in WA.
3. The Colville Tribes have Tribal trust land in Manson, WA on the Lake Chelan shoreline that is worth millions of dollars in which it plans to develop. Therefore, Colville Tribes are not in "need" of another Casino to further its monetary gains.

Therefore, these aforementioned reasons are why I am opposing the Colville Tribes proposed plan to build a Casino in Pasco, WA

Thank you.

Sincerely,
Sharon Madson



From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] NOI Comments Colville Confederated Tribes Fee to Trust and Casino Project
Date: Friday, May 3, 2024 5:12:29 PM

From: Justin Boyd <justinboyd4sovereignty@gmail.com>
Sent: Friday, May 3, 2024 4:22 PM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] NOI Comments Colville Confederated Tribes Fee to Trust and Casino Project

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Bryan Mercier
NWRO RD
Bureau of Indian Affairs
911 NE 11th Ave
Portland, OR 97232

SUBJECT: NOI Comments, Colville Confederated Tribes FTT and Casino Project

Comes now, an enrolled Colville Tribal member, Justin Boyd.

I support the Colville Confederated Tribes Fee to Trust Application for a Casino Development Project in Franklin County, Pasco WA. Since time immemorial, these traditional territories of the constituent tribes/tribal members of the Colville Confederated Tribes have been known to be connected to this area. The elders and the future generation from the Colville Confederated Tribes are connected to these traditional territories. This FTT application, once approved, will help the Colville Confederated Tribes economically and this will help the future generations of tribal members to grow in that good way to become self-sufficient. The inherent sovereignty for the Colville Confederated Tribes continues to shape the traditional/cultural landscape of our children's future because the prayers of our ancestors help protect our lands, our people, our first foods, and our first medicines.

There are songs in the Salish language (Palus) that help preserve the sacred connection to our sacred places, and those songs are carried by the elders/tribal members of the Colvilles. Those traditional and cultural teachings have been passed down through generations and are written on the hearts of our people since time immemorial. The first foods and first medicines are known to be connected to the members of the Colvilles and those are located in these traditional territories. The ancestors and descendants are known to be living on the Colville Indian Reservation. There is scientific proof that

ties the ancient one aka. Kennewick Man to past Colville Business Council leaders and/or Colville Tribal members. This DNA from the ancient one is connected to the Colville Tribal members who share a unique history to this traditional territory and to our future. The traditional territories in the Franklin County (Pasco) areas have provided a way of living since time immemorial and will continue to provide a way of living for generations to come for the Colville Confederated Tribes.

Thank you for your time. I hope that this FTT Application continues to move forward.

--

/s/

Justin R. Boyd, MA

*Sinixt, San Poil, Entiat, P'squosa, Methow, Colville
Confederated Tribes of the Colville Reservation*

From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: Proposed Colville Casino; Scoping Period Extension
Date: Friday, May 3, 2024 5:16:27 PM
Attachments: [image001.png](#)
[20240503_Hester CTUIR Reply_Scoping Ext Request.pdf](#)

From: Haug, Brian J <Brian.Haug@bia.gov>
Sent: Friday, May 3, 2024 4:58 PM
To: Dan Hester <dhester@h-zlaw.com>
Cc: Mercier, Bryan K <Bryan.Mercier@bia.gov>; Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: Proposed Colville Casino; Scoping Period Extension

Daniel,

See attached reply letter regarding your April 29, 2024, request on behalf of the Confederated Tribes of the Umatilla Indian Reservation.

Best regards,



Brian J. Haug, RG/LG [he/him]
Regional Scientist
Bureau of Indian Affairs | [Northwest Regional Office](#)
Div. of Environmental & Cultural Resource Mgmt.
911 NE 11th Ave., Portland, OR 97232-4169 | in 503.347.0631 | soft
971.277.4167

*"The **environment** is where we all meet; where we all have a mutual interest; it is the one thing all of us share."* L. B. Johnson

><(((o))> Be green, keep it on the screen! Please consider the environment before printing this e-mail. ><(((o))>

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From: Daniel Hester <dhester@h-zlaw.com>
Sent: Monday, April 29, 2024 12:51 PM
To: Mercier, Bryan K <Bryan.Mercier@bia.gov>; Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Cc: Gary Burke (GaryBurke@ctuir.org) <GaryBurke@ctuir.org>; Gary George (gary.george@wildhorseresort.com) <gary.george@wildhorseresort.com>
Subject: [EXTERNAL] CTUIR Request for Extension to file NOI Comments, Colville Tribe Fee-to-Trust and Casino Project

Bryan and Tobiah,

This email follows up on my call with Tobiah this afternoon in which I requested an extension of time to file comments to the EIS scope for the Colville fee-to-trust and casino project. I

write on behalf of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and the Wildhorse Resort and Casino (Wildhorse) in making this request. Because of the significance of this proposed Colville project, and the devastating impact it would have on the CTUIR government and its economy, and on Wildhorse revenues, employment and operations, we need additional time to evaluate this proposed project and to provide comments. Accordingly, we request an additional 45 days beyond the current May 3rd deadline to provide comments. Thank you for your consideration of this request.

Dan

Daniel Hester
901 Front Street, Ste. 280
Louisville, CO 80027



ATTORNEYS AT LAW

Office: 303.815.1700
Cell: 303.601.9120
Fax: 303.389.9397

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From: [Mogavero, Tobiah C](#)
To: [Ryan Sawyer](#); [Bibiana Sparks](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] Support letter time extension
Date: Friday, May 3, 2024 5:41:55 PM

From: William Coleman <wdcoleman2121@yahoo.com>
Sent: Friday, May 3, 2024 9:03 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] Support letter time extension

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Mr Mercier

Is it possible to have 1 weeks additional time to get more TriCities residents to provide support letters for the Colville tribes projects
Thank you for the consideration

William (Bill) Coleman
TriCities resident
Retired former Nooksack Tribal Council member and Tribal Deputy Tribal Administrator

wdcoleman2121@yahoo.com
509 654 0634.

[Sent from Yahoo Mail for iPhone](#)



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

May 3, 2024

Sent via USPS and Email: tobiah.mogavero@bia.gov

The Honorable Deb Haaland
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Regional Director Bryan Mercier
Bureau of Indian Affairs - Northwest Region
911 Northeast 11th Avenue
Portland, Oregon 97232
Email: Bryan.Mercier@bia.gov

SUBJECT: Yakama Nation's NOI Comments, re: Concerns with NEPA/EIS Impacts from Colville's Fee-to-Trust and Casino Project (Case No. 49888)

Dear Secretary Haaland and Regional Director Mercier,

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") and submit these initial scoping comments in response to the Federal Register Notice published by the United States Department of the Interior ("Interior") on April 3, 2024 (89 Fed. Reg. 23041). The Confederated Tribes of the Colville Reservation ("Colville") requests that Interior acquire land into trust pursuant to 25 C.F.R. Part 151 and 25 C.F.R. Part 292 to construct a casino resort. Colville's proposed gaming facility would be located squarely within the Yakama Nation's territory recognized by the Treaty with the Yakamas of June 9, 1855, 12 Stat. 951 ("Treaty of 1855"), and more than 160 miles south of Colville's governmental agency—an unprecedented distance for gaming facilities in the Pacific Northwest. Colville bases its proposal on purported ties to the Palouse band, a signatory to the Treaty of 1855 lawfully and solely represented by the Yakama Nation today. Colville is attempting to step into the Yakama Nation's shoes to build a casino using the Yakama Nation's rights in the Yakama Nation's territory, while keeping all financial benefit for themselves. The Yakama Nation opposes this major federal action and asks that Interior apply a hard look approach to the justifications and consequences of Colville's proposal.

The lands described in the Federal Register Notice and Colville's March 27, 2023 Land Acquisition Application ("Fee-to-Trust Application" or "Application") are described as the "Pasco Property," a 165-acre parcel of land located in Franklin County, Washington. Filing of the Application triggers a variety of federal processes, including the preparation of an Environment Impact Statement ("EIS") per the requirements of the National Environmental Protection Act ("NEPA") (42 U.S.C. §§ 4321 *et seq.*). Ultimately, this major federal action will require a collection of final approvals, including approval of Colville's Fee-to-Trust Application and the Secretarial Determination required by the Indian Gaming

Regulatory Act ("IGRA") (25 U.S.C. §§ 2701 *et seq.*) and its implementing regulations found at 25 C.F.R. Part 292.

The Yakama Nation has great respect for our northern Salish speaking relatives. As Chairman of the Yakama Nation Tribal Council, I understand Colville's need to seek opportunities that further its self-determination, self-governance, and economic development. The Yakama Nation would have significantly less concern if Colville desired to develop its proposed casino resort on its 1.4-million-acre Colville Reservation. The Yakama Nation does, however, oppose Colville seeking Interior's approval and authorization to take the Pasco Property into trust for the development of its proposed off-reservation casino project. Not only is the Pasco Property far from the Colville Reservation—165 miles south of Colville's headquarters in Nespelem—the Pasco Property is located within the Yakama Nation's federally recognized lands defined by the Treaty of 1855.

Given Interior's trust responsibility owed to Colville, the Yakama Nation acknowledges the consideration that Interior must give to Colville, regardless of the absurdity of Colville's Application; however, Interior's trust responsibility extends to the Yakama Nation and other Indian tribes as well. Preparation of the EIS is an expensive process, and there will be financial impacts for all participating parties. Preparation of the EIS is resource intensive, and the allocation of time and attention here will take away from other work, including critical services Interior is obligated to provide to Indian tribes. Some of this could be mitigated if Interior were to perform a preliminary assessment of Colville's Application and issue an early determination of the suitability of this major federal action.

REQUEST FOR PRELIMINARY ASSESSMENT OF COLVILLE'S APPLICATION

Before scarce agency resources are expended on NEPA's environmental review process, the Yakama Nation asserts that examination of the existing record, on its face, is sufficient to reject the Application and Colville's misguided effort. Colville has made no legitimate demonstration of its "need" for these trust lands or yet another casino. Colville's claims of "justification" for its desired project siting of its project would, if accepted, have unprecedented repercussions on the Yakama Nation and surrounding Indian tribes—the most egregious being Colville's unlawful assertion of authority to act on behalf of the Palouse band, one of the fourteen tribes and bands confederated by the Treaty of 1855 into a singular sovereign nation, the Yakama Nation.

1) Colville's Existing Reservation and Trust Lands.

Colville is neither newly recognized, restored, nor landless. While the United States recognizes roughly 574 Indian tribes, it only recognizes approximately 326 federal Indian reservations (e.g., reservations, pueblos, rancherias, missions, villages, communities, etc.). At just under 1.4 million acres, the present-day Colville reservation is the 16th largest in the United States, and the second largest in Washington State. Colville's trust land base includes 887,832 acres of tribal trust lands and 267,000 acres of individual trust lands. While some Indian tribes can justify the need for additional land, Colville's claim of "need" relative to more than 80% of other Indian tribes throughout the United States is disingenuous.

Many of the larger Indian reservations in the United States are isolated and barren of basic natural resources, which challenges the basic human ability to survive on these lands, let alone build economic ventures. The Colville Reservation is located in northeastern Washington State, overlapping southeastern Okanogan County and southern Ferry County. It is bounded on the east and south by the Columbia River, on the west by the Okanogan River, and extends northward toward the U.S.-Canadian border. Forests cover almost two-thirds of the Reservation land area. Its commercial forest alone is 673,025 acres, accounting for 48.3% of the Reservation. Open rangeland and forested rangeland account for almost one-third of Reservation lands at 455,276 acres. Residential, agricultural, and surface water comprise the remainder. The Colville Reservation boasts tremendous natural resources, rich ecosystems, and stunning scenery.

Colville does not lack a Reservation, adequate trust lands, or attractive siting opportunities within its own territory to build a casino resort.

2) Colville's Existing Casinos.

All 29 federally recognized Indian tribes in Washington have negotiated gaming compacts with Washington. Gaming facilities sited on Indian reservation lands are authorized by federal law. Tribal gaming has become a business lifeline for Indian reservation economies. Without the tax base that many non-Indian governments enjoy, many Indian tribes depend on gaming revenue to fund essential government services provided on Indian reservations, like healthcare, public safety, housing, and education. And here, Colville's stated justification for its proposed casino project is "to improve the economic status of [Colville's] Tribal government so that it can provide comprehensive services and ensure the continued social and economic well-being of its Tribal members."

Colville's justification demands immense scrutiny, especially when considering that Colville already operates "3" casinos located at Lake Chelan, Omak, and Coulee Dam. Colville's economic engine already exists. Colville's "3" casinos is more than any other Indian tribe in Washington. Indian tribes with only "1" casino are able to support their Tribal governments and provide services to their people. Every Indian tribe could benefit from more revenue, and as many have done, they have invested into their existing gaming facilities, improving upon and maximizing what they already have. Colville has every opportunity to do the same.

3) Project Siting and Distance from Reservation.

Colville's proposed casino project is nowhere close to the Colville Reservation. The Pasco Property is located off-reservation, 165 miles south of Colville's headquarters in Nespelem, or 125 miles from the southern edge its Reservation boundary. As noted above, this is not a situation where an Indian tribe has no or very little reservation land, which would support the need for an off-reservation land acquisition. Instead, this is a situation driven solely by Colville's short-sighted financial interest.

There is an ongoing concern by many Indian tribes based in Washington about the potential for Colville to unwittingly disrupt the careful political balance of Tribal gaming in Washington, which depends upon the respect for one another's reservations and Treaty-defined territories. This respect has been the bedrock for inter-tribal governmental

relations since time immemorial, and remains the bedrock of Tribal gaming in Washington. If Colville were to convince Interior to sanction this major federal action, it would promote a harmful precedent that will destabilize the Tribal gaming economy—and in turn our Tribal governments—throughout our Region. The entirety of Washington would be opened to Tribal gaming projects proposed by Indian tribes from both within and outside the state expecting the same lack of federal scrutiny and disrespect for other Tribes' legally recognized territories as they pursue their off-reservation casino project proposals. The threat that this poses to the Yakama Nation's and other Indian tribes' continued ability to provide essential governmental services to our respective Members cannot be overstated.

The potential benchmark of 165 miles is no small distance. For reference, the linear distance between Seattle, Washington and Portland, Oregon is 145 miles; the linear distance between Seattle, Washington and Yakama Nation's agency headquarters is 128 miles; the linear distance between Portland, Oregon and Yakama Nation's agency headquarters is 129 miles. Disrupting the political balance of Tribal gaming in Washington through proliferation of distant off-reservation casinos is a monumental issue. Of equal consequence is how such proliferation might threaten the current status of Tribal exclusivity in the Washington gaming market, endangering all of Washington's gaming Indian tribes. If Colville's casino proposal is allowed to proceed, its policy impacts would be far reaching, both regionally and nationally.

4) *Yakama Nation's Treaty Territory.*

The Yakama Nation is the well-established sole legal successor to the Palouse band pursuant to the Treaty of 1855 and federal precedent interpreting our Treaty. Colville's tired attempt to claim our Palouse band and our territory as their own amounts to "cultural community shopping"—exploiting any minor connection it might have to areas proximate to the Pasco Property to support its false and misleading assertions that Colville is a legal successor to the interests of those indigenous tribes and bands that once called the region their homeland. Many Indian tribes have questioned Colville's sincerity and whether Colville is acting in good faith. Colville's convenient narrative that they now carry legal rights to Palouse ancestral lands because some of their membership descended from the Palouse band, is an affront to the Yakama Nation who holds the only legal authority to act on the Palouse band's behalf. Colville's Fee-to-Trust Application is merely a cynical new twist on their past efforts to acquire rights through the Yakama Treaty—something that the Courts have rejected many times already.¹

Regarding this specific matter, the Yakama Nation has provided numerous written comments to Interior that accurately detail the relevant historical record.² In short, Colville asserts rights outside their own executive order territory and within the Yakama Nation's Treaty Territory, claiming an ancestral tie to the Palouse band. The Palouse band is one of 14 tribes and bands – Yakama, Palouse, Pisquouse, Wenatshapam, Klikatat, Klinquit, Kow

¹ See, e.g., *United States v. Oregon*, 787 F. Supp. 1557 (D. Or. 1992), *aff'd* 29 F.3d 481 (9th Cir. 1994), *amended*, 43 F.3d 1284 (9th Cir. 1994), *cert. denied* 515 U.S. 1102 (1995); *United States v. Oregon*, 2008 U.S. Dist. LEXIS 62743 (D. Or., Aug. 13, 2008), *aff'd sub nom United States v. Confederated Tribes of the Colville Indian Reservation*, 606 F.3d 698 (9th Cir. 2010).

² See, e.g., Yakama Nation correspondence to Interior and the Bureau of Indian Affairs dated 09/08/23, 02/27/23, 06/08/21, 01/10/20.

was-say-ee, Li-ay-was, Skinpah, Wish-ham, Shyiks, Oche-chotes, Kah-milt-pah, and Se-ap-cat – that signed the Treaty of 1855. These 14 tribes and bands joined as one unified Nation under a shared political identify — the Confederated Tribes and Bands of the Yakama Nation.

The rights vested pursuant to the Treaty of 1855 belong to the Yakama Nation as a whole, and not to its constituent tribes and bands individually. In the Treaty of 1855, the Yakama Nation reserved rights that extend broadly throughout the Yakama Nation's Treaty Territory, and remain *exclusive and primary* as to any other original Nation within the lands described in Article I of the Yakama Treaty. The Pasco Property, located in Franklin County, Washington, unquestionably falls within the Yakama Nation's Treaty Territory. To claim a right within the Yakama Nation's Treaty Territory, Colville's constituent bands must have “maintained sufficient political continuity with [the Nation] who signed the treaty [so] that it may fairly be called *the same tribe*.”³ A showing of common ancestry alone is not sufficient to establish political cohesion.⁴ Likewise, a showing that an Indian tribe includes descendants of a signatory Indian tribe is inadequate.⁵ None of Colville's constituent bands have maintained any degree of political continuity with the Yakama Nation that is legally required to claim a right within the Yakama Nation's Treaty Territory.

Unlike Colville, the Yakama Nation is *the* legal successor to the Palouse band. Our stories, our Sahaptin/Ichishkin Sinwit language, and our traditions are tied to cultural and historical landscapes proximate to the Pasco Property and surrounding region. Our ancestors are buried here. We continue to exercise our Treaty-reserved rights in this area. For the Yakama Nation, our stance is entrenched in our respect for treaties, our respect for boundaries, and our respect for sovereignty. Colville's disregard for these sacred tenets cherished across Indian Country represents nothing more than a shameful cash grab. Moreover, if Interior were to reverse its policies and treat the Yakama Nation and Colville interests in the region as equal, it would undermine our ability to protect our Treaty-reserved rights, with cascading impacts that go far beyond the Fee-to-Trust Application at hand.

NEPA/EIS SCOPING COMMENTS

If Interior is intent on proceeding with the fee-to-trust process despite the balance of factors weighing heavily against approval of Colville's Application, then Interior can expect the Yakama Nation's continued engagement and opposition to this large-scale, destabilizing, controversial casino project. The Yakama Nation demands the proposed casino project be comprehensively analyzed in a full EIS at exhaustive levels and standards, with robust public involvement. As the only government entity with lawful authority to represent the Palouse band, the Yakama Nation demands complete access and authority over EIS information related to our Yakama Nation government, sovereignty, territory, economy, and people—which includes everything related in any way to the Palouse band.

³ See *United States v. Oregon*, 29 F.3d at 484, fn. 2.

⁴ *Id.* at 484 (citing *United States v. Suquamish Indian Tribe*, 901 F.2d 772, 776 (9th Cir. 1990)).

⁵ See *Suquamish Indian Tribe*, 901 F.2d at 776.

As for the level of EIS scoping this federal action demands, the Yakama Nation's ability to meaningfully comment is limited by the lack of a full project description from the documents Interior has shared to date. The Yakama Nation is confidently able to discern only the following facts from the Federal Register Notice and the project website (<http://www.colvilleeis.com>): 1) the proposed land to be acquired is located off-reservation in Pasco, Franklin County, Washington (Assessor Parcel No. 113130068); 2) the proposed use of the land is for Tribal gaming under IGRA; and 3) the proposed project includes a 184,200-square-foot casino, 200-room hotel, an event center, and supporting facilities.

The Yakama Nation has been able to obtain some additional information about the proposed project, but not without issue. Interior refused to release Colville's Fee-to-Trust Application without the Yakama Nation first submitting a Freedom of Information Act ("FOIA") request. And, what the Yakama Nation received was heavily redacted. Due to the excessive redactions, the Yakama Nation (and the rest of the public) are unable to discern what unique interests Colville claims that might justify this major federal action.

In a separately attached document, the Yakama Nation submits its initial set of EIS scoping comments. These should not be considered final; rather, they are merely preliminary based on the limited information Interior has made available thus far. The Yakama Nation reserves the right to supplement these comments with more EIS scoping comments when a full project description is shared, including Colville's full and unredacted Application.

RENEWED DEMAND FOR GOVERNMENT-TO-GOVERNMENT CONSULTATION

Pursuant 25 U.S.C. § 2719, gaming on lands acquired in trust by the Secretary after October 17, 1988, is prohibited unless one of the enumerated exceptions is met. The exception asserted for the casino project here allows gaming on such lands if:

“the Secretary, after consultation with the Indian tribe and appropriate State and local officials, *including officials of other nearby Indian tribes*,⁶ determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, ***and would not be detrimental to the surrounding community***, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination.”

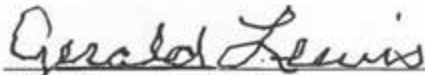
The Yakama Nation has asked for government-to-government consultation with Interior regarding this matter no less than seven times. To date, no federal official has met with the Yakama Nation to discuss this major federal action that could have a detrimental impact on Yakama Nation's inherent sovereign and Treaty-reserved rights. At the very

⁶ Surrounding community means local governments and nearby Indian tribes located within a 25-mile radius of the site of the proposed gaming establishment. Interior has already recognized the Yakama Nation's status as a local government having regulatory jurisdiction over lands subject to possible acquisition. (see BIA's May 8, 2023 Notice of Gaming Land Acquisition Application).

least, please respect the integrity of our sacred government-to-government relationship and provide the Yakama Nation with the audience the law requires you to provide.⁷

For further discussion regarding this comment letter and the renewed request for consultation, please respond in writing with a courtesy copy to Mr. Ethan Jones, Lead Attorney for the Yakama Nation Office of Legal Counsel, at P.O. Box 151, Toppenish, WA 98948, and electronically at ethan@yakamanation-olc.org.

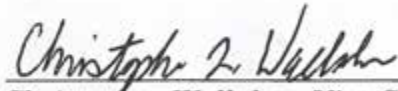
Respectfully,



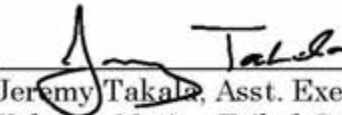
Gerald Lewis, Chairman
Yakama Nation Tribal Council



Stephen Selam, Executive Secretary
Yakama Nation Tribal Council



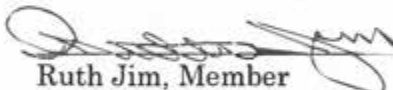
Christopher Wallahee, Vice Chairman
Yakama Nation Tribal Council



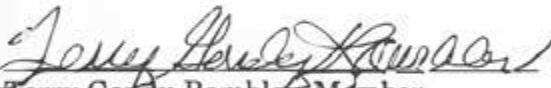
Jeremy Takala, Asst. Executive Secretary
Yakama Nation Tribal Council



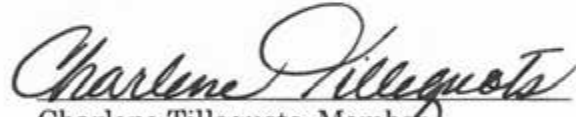
Terry Heemsah, Sr, Sgt-at-Arms
Yakama Nation Tribal Council



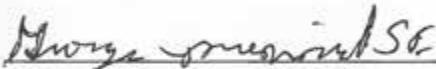
Ruth Jim, Member
Yakama Nation Tribal Council



Terry Gandy-Rambler, Member
Yakama Nation Tribal Council



Charlene Tillequots, Member
Yakama Nation Tribal Council



George Meninick, Sr., Member
Yakama Nation Tribal Council




Arnold Eyle, Member
Yakama Nation Tribal Council



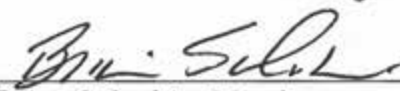
Caseymac Wallahee, Member
Yakama Nation Tribal Council



Deland Olney, Member
Yakama Nation Tribal Council



Ralph Sampson, Jr., Member
Yakama Nation Tribal Council



Brian Saluskin, Member
Yakama Nation Tribal Council

⁷ See 65 Fed. Reg. 67249, Executive Order No. 13175 (November 6, 2000); See also 63 Fed. Reg. 27655, Executive Order No. 13084 (May 19, 1998).

As referenced in the attached comment letter, the Yakama Nation submits these initial scoping comments in response to the Federal Register Notice published by Interior on April 3, 2024 (89 Fed. Reg. 23041).

GENERAL COMMENTS

1) Federal and State Level Approvals

The Environmental Impact Statement ("EIS") scoping the draft EIS must provide a clear and complete explanation of the federal and state level approvals required for the project, and address whether Colville will be required to implement any feasible mitigation or consider alternative to the project. EIS scoping should specifically address whether discretionary approvals are required from the National Indian Gaming Commission ("NIGC"), the U.S. Environmental Protection Agency ("EPA"), the U.S. Fish and Wildlife Service ("FWS"), and the U.S. Army Corps of Engineers ("ACE"). This list is provided only for example and is not intended to be exhaustive. The EIS scoping should describe the criteria for issuing those approvals, including the ability of the federal and state level agencies to impose any feasible mitigation. In support of this, Interior is urged to provide a more thorough description in advance of the preparation of a final scoping document to allow interested agencies to better evaluate the potential for and nature of impacts within their jurisdictions.

2) Purpose and Need for Project Alternatives to the Proposed Project

The EIS scoping and the draft EIS should contain a complete statement of purpose and need for the proposed casino project. This is necessary to evaluate the rationale for and appropriateness of the project site and to evaluate potential alternatives to the casino project and site as proposed. Typical alternative for such major federal actions include a reduced-intensity alternative, a non-gaming alternative, and a no action alternative. The EIS scoping and draft EIS must include another alternative – a project location that is within the Colville Reservation.

3) Mitigation

Colville has made publicly available through press releases information relating to how it proposes to mitigate potential impacts of the proposed casino project. The proposed mitigation apparently is largely in the form of payments to the City of Pasco, Franklin County, and the Port of Pasco. Colville has provided no information about how the casino project will affect all surrounding areas, including the surrounding municipalities, unincorporated areas of Franklin County, and federally recognized Indian tribes. The potential impacts from the proposed casino project will be substantial. Moreover, cash payments may serve to mitigate certain socioeconomic and infrastructure impacts, but will not fully mitigate environmental impacts and other reasonably foreseeable indirect impacts (temporary and permanent) from the proposed casino project. The EIS scoping and the draft EIS needs to evaluate and recommend concrete mitigation measures to reduce or eliminate impacts throughout the surrounding area, irrespective of any proposed cash payments.

SPECIFIC COMMENTS

1) Cultural/Historic/Archeological Resources

The proposed project location is within a region that is legally recognized under federal law as the Yakama Nation's Treaty-defined territory (*see* 12 Stat. 951). There is no question that the proposed project location may contain archeological and cultural resources important to the Yakama people. Beyond the presence of nearby recorded archeological sites and traditional cultural properties, the proposed project location is proximate to several water bodies, including the Columbia River. Given this proximity, there is reasonable probability that indigenous villages would have been situated on and around the proposed project location. Moreover, given the scale of the proposed project—construction of a 184,200-square-foot casino, 200-room hotel, event center, an event center, restaurant/bars, parking and infrastructure, and other supporting facilities—it is reasonably foreseeable that any ground disturbance at the project location would likely unearth archeological and cultural resources, which would be an adverse impact of significant consequence to the Yakama Nation. The EIS scoping and draft EIS must allow for processes to gain more information in order to properly assess the potential impact of the proposed project on the Yakama Nation cultural resources and traditional cultural properties. The Yakama Nation emphasizes the importance of considering cultural resources and proper National Historic Preservation Act (“NHPA”) review. Interior must undertake review pursuant to the NHPA and consult with the State Historic Preservation Office (“SHPO”) and surrounding Tribal Historic Preservation Offices (“THPO”), including concurrence on the Area of Potential Effects (“APE”) and necessary identification and evaluation of cultural and historic resources and the project's impacts.

2) Water Supply

Franklin County and the surrounding region is currently facing dramatic water shortages that are drought-related, but also systemic. This water is vital for instream flows and supporting resident and anadromous fish habitat. It is critical that the basin be protected from overdraft of the water table. Given the scale of the proposed, the EIS scoping and draft EIS must adequately study the risk to the community, wildlife, and vegetation from drought and the short term and long term impact of siting a casino that consumes massive amounts of water out of the local aquifer on this area. The EIS scoping and draft EIS must outline the need to identify off-site water supplies to support the proposed project. Similarly, Interior must carefully consider impacts to surrounding water bodies and associated riparian areas and/or potential wetlands and whether permitting is required under the Clean Water Act.

3) Biological Resources

Due to the proximity of the project to the Columbia River, which is protected habitat under various federal laws, Interior must initiate Section 7 consultation under the Endangered Species Act (“ESA”). Ultimately, the EIS scoping and draft the EIS should provide sufficient information regarding the baseline environmental setting to understand the proposed project's significant impacts on the environment. The baseline assessment

must include examination for protected, threatened or endangered, or other special-status plant, fish, avian, and wildlife species and potentially located within the proposed project location and surrounding lands. The EIS scoping and draft EIS should describe aquatic habitats, such as wetlands, vernal pools, and/or waters of the United States or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the project site.

4) Wastewater

It is reasonably foreseeable that the proposed project would result in an increase in water use and wastewater demand that could significantly drawdown on regional wells and the overall groundwater basin, even with implementation of an on-site tertiary wastewater treatment plant. The EIS scoping and draft EIS must include a comprehensive water/wastewater assessment, and explain how the proposed project's impacts can be addressed through implementation of actions that do not draw from or otherwise impact existing sources. Further, the EIS scoping and draft EIS must study groundwater contamination stemming from various elements of this proposed project from construction, underground pipes, onsite wastewater treatment, and other sources can cause varying degrees of groundwater contamination. Study must assess the potential adverse effects from contamination to groundwater from these sources including the impact on individuals and agricultural users of common well water and the effects on the aquifer.

5) Socioeconomic/Environmental Justice Impacts

The EIS scoping and draft EIS should include a specific analysis of reasonably foreseeable and disproportionate impacts on the Yakama Nation's Treaty-reserved rights. The proposed project location is within a region that is legally recognized under federal law as the Yakama Nation's Treaty-defined territory (*see* 12 Stat. 951). Article I and Article III of the Yakama Treaty establish, at the very least, a primary, reserved, and perpetual right to access, use, and derive income and other benefit ("usufructuary rights") from over twelve million acres of *off-Reservations* lands—Yakama Nation's Treaty Territory. The EIS scoping and draft EIS must examine the potential for adverse impacts to the Yakama Nation's rights and interests secured and reserved by the Yakama Treaty.¹

The EIS scoping and draft EIS should include a specific analysis of reasonably foreseeable and disproportionate impacts on the surrounding Indian reservations, indigenous communities, Tribal government, and tribal casinos. The proposed project would derive visitation from population centers in Central and Southeastern Washington. Two tribal casinos are a 1-hour drive from the proposed Project site. One of those two casinos is Yakama Nation Legends Casino, whose market area encompasses the City of Pasco. The capture rate for the subject property would be large, resulting in incredible declines for the revenues of Yakama Nation Legends Casino. Revenues from Yakama Nation Legends Casino are the primary source of funding for Tribal governmental functions and fund

¹ *See* *Confederated Tribes and Bands of the Yakama Nation v. United States Dep't of Agric.*, 2010 WL 3434091, at *4 (E.D. Wash. 2010) (observing that a threatened federal undertaking "would immeasurably harm the [off-Reservation] resources and waterways enjoyed by the Yakama Nation . . . as well as the Yakama Nation's [commercial] logging industry.").

critical services to tribal members. For example, the revenue from Yakama Nation Legends Casino goes directly to the Tribal government's general fund, which supports housing for tribal members, funds social services, education, environmental protection, fire safety, information technology, public safety, and tribal programs. The EIS scoping and draft EIS must examine the potential for adverse impacts to the Yakama Nation's commercial enterprises that support its Tribal government operations.²

The EIS scoping and draft EIS should analyze reasonably foreseeable and disproportionate impacts on minority and low-income populations, and analyze socioeconomic issues such as employment, housing, local business revenue, substitution effects, property values, problem gambling, and crime rates.

6) Land Use

If the property at issue is placed into trust by the United States, that land is then exempt from local city, county, and state zoning and land use regulations. The EIS scoping and draft EIS should identify existing land use policies applicable to the location of the proposed project, including zoning and land use regulations. There should be an assessment of potential conflicts with local city, county, and state land use regulations. There should be an assessment of potential conflicts with nearby airports, and also the potential for land use conflicts with other surrounding lands used for agricultural, residential, environmental protection, and other uses.

7) Infrastructure

The proposed project is located in a largely undeveloped area and has unmet infrastructure needs. The EIS scoping and the draft EIS should consider all reasonably foreseeable necessary improvements to or extensions of the infrastructure in the surrounding area. These should be identified and the impacts associated with the required improvements should be evaluated. Cost estimates for necessary infrastructure improvements also should be provided in order to evaluate the adequacy and feasibility of any proposed mitigation.

8) Land Resources/Geology/Soils

The proposed project will require extensive grading and disruption to the current geology. The EIS scoping and draft the EIS should analyze what the impact will be to the local environment caused by site grading and development and should also study what the impact will be to residents from grading and development at the location of the proposed project.

9) Future Development of the Project Site

The proposed project is located on a large undeveloped site, giving rise to the possibility of additional future development. The EIS scoping and the draft EIS should

² *Id.*

consider all reasonably foreseeable future development plans, including any proposed retail uses or other commercial development.

10) Public Services

If the property at issue is placed into trust by the United States, that land is then exempt from State and local taxation. 25 U.S.C. § 5108. The EIS scoping and draft EIS must consider the impacts on the County resulting from the removal of the property from the tax rolls. The proposed project will have significant impacts on the demand for public services. Once the property is placed in trust, it will not generate any property taxes that can be used to offset those impacts.

The proposed project will easily bring in tens of thousands of visitors a day. Further, the risk of fire, crime, and other human health and safety issues is very real. Careful planning is essential. The proposed project will have significant impact on the demand for public services, including police, fire, and emergency services. The EIS scoping and the draft EIS should include a thorough analysis of the potential for an increase in crime and the demand for police services in all surrounding areas. The analysis of the increase in demand for services should not be limited to the City of Pasco and Franklin County, even if they have agreed to provide such services. The proposed project is adjacent to several other jurisdictions. The potential for impacts in all surrounding jurisdictions needs to be addressed.

Colville has made publicly available through press releases information relating to how it proposes to mitigate potential impacts of the proposed casino project. Colville has mentioned entering into contracts for fire protection and emergency services with a local fire district. However, the EIS scoping and draft EIS should evaluate both the increase in demand for on-site services and the increase in demand in surrounding areas. Moreover, most of the local jurisdictions have in place back-up agreements that will result in impacts to other jurisdictions if demand increases in any one area. The EIS scoping and draft EIS should study the emergency response time of fire, police, and ambulance service during high traffic volume times and assess how the increase in traffic to a casino resort at the proposed location will further impair emergency response.

11) Traffic – Roads and Transit

The proposed project will easily bring in tens of thousands of visitors a day. The EIS scoping and the draft EIS should evaluate the increase in demand for police, emergency and social services related to an increase in traffic-related incidents. It is reasonably foreseeable that the proposed project will result in a substantial increase in traffic on surface streets in the surrounding area. A key issue to examine is the capacity and condition of those surface streets and whether those streets can handle the anticipated increase in traffic. The EIS scoping and the draft EIS should evaluate the current and projected level of service on existing roadways, as well as any necessary roadway improvements to determine if impacts can be mitigated.

Any significant increase in traffic will significantly affect traffic conditions next to the proposed project, but also conditions on adjacent and connecting highways that run

through the surrounding communities. Specifically, the EIS Scoping and draft EIS should evaluate impacts and potential mitigation for the following roadways segments: Hwy 82, Hwy 182, Hwy 12, Hwy 395. The EIS scoping and draft EIS should evaluate these impacts along with any necessary mitigation to improve capacity and traffic flow.

The EIS scoping and draft EIS should evaluate the adequacy of the existing transit infrastructure and identify and evaluate the impacts associated with necessary upgrades to serve the proposed project. The evaluation should provide analysis of the potential for increased use of mass transit to reduce traffic congestion resulting from the Project. The EIS scoping and draft EIS should consider whether the facilities purpose built for the proposed project are designed to encourage use of transit. The evaluation should address necessary public transit accommodations on existing roads and the need for road widening to accommodate expanded transit service. The evaluation should examine the possibility of a dedicated shuttle service for employees and patrons to reduce impacts on traffic and the existing transit system.

12) Jobs

The number of employees needed to operate the proposed casino is unknown. Given the scale of the proposed project—construction of a 184,200-square-foot casino, 200-room hotel, event center, an event center, restaurant/bars, parking and infrastructure, and other supporting facilities—it is reasonably foreseeable that greater than 1,000 employees will be needed to work at the casino, resort, and supporting facilities. The EIS scoping and draft EIS must include a comprehensive assessment of the number of jobs the project would create for Colville's 9,300 enrolled members who live on or near the Colville Reservation, the reasonable likelihood that its members would make the estimated daily round trip of 250 to 400 miles for newly created jobs, and the impacts to multiple communities – the area surrounding the Pasco Property and the Colville Reservation – caused by the economic exodus of Colville's enrolled members choosing to move closer to the location of the proposed project for work. Also, while short term jobs would be created for the construction phase of the project, the EIS scoping and draft EIS must include a comprehensive assessment of the number, type, and skill level of jobs that would be created for the existing community.

13) Housing

The number of employees needed to operate the proposed casino is unknown. Given the scale of the proposed project—construction of a 184,200-square-foot casino, 200-room hotel, event center, an event center, restaurant/bars, parking and infrastructure, and other supporting facilities—it is reasonably foreseeable that greater than 1,000 employees will be needed to work at the casino, resort, and supporting facilities. The EIS scoping and draft EIS must include a comprehensive assessment of the housing needs and demand for housing that will be needed to support the proposed project. A casino operation as described will employ many lower wage service workers who will need to obtain housing in the vicinity. This is likely to increase the demand for affordable housing at the low and very low income levels. Typically that housing can only be produced with some degree of public participation. The EIS scoping and draft EIS should describe and quantify the wage levels of the jobs being introduced, the anticipated number of jobs, and the number of housing units necessary to meet this demand.

14) Noise, Hazards, and Aesthetics

The proposed project will drastically change the environment surrounding the proposed Project. The EIS scoping and draft EIS must include a comprehensive assessment of the reasonable expectation of increase in litter, vandalism, homelessness, and drug use from more people being present 24 hours a day and increased traffic and visitors who have no connection to the community. The EIS scoping and draft EIS must study how many residents will be impacted by traffic, noise, light pollution, loss of scenic corridor, and contributing hazards resulting from inflow of tens of thousands of visitors daily with increase in crime and accidents, and increase in drunk and intoxicated driving accidents on local residents.

15) Air Pollution and Public Health

The EIS scoping and draft EIS must study the possibility of local air pollution and public health impacts from increased vehicle traffic on neighborhood roads and highways, as well as the impacts from idling vehicles. The EIS scoping and draft EIS should assess all phases of the proposed project, including the foreseeable increase in air pollution from commercial trucks and offroad construction equipment during the project's construction, from delivery trucks and other commercial vehicles during the project's daily operations, and from buses, shuttles, and other passenger vehicles. It is likely that a project of this size will have a measurable impact on air pollution in nearby neighborhoods. The EIS scoping and draft EIS should assess the possibility that there will be long term public health impact due to inflow of tens of thousands of visitors daily, increasing particulate matter, air toxics, carbon dioxide emissions, and air pollutants.

16) Indirect Impacts and Cumulative Impacts

For each category identified above, the EIS scoping and draft EIS must provide an analysis of any reasonably foreseeable indirect impacts (temporary and permanent) and growth inducing effects from the proposed project, determine the significance of each indirect impact, and assess the significance of the proposed project's contribution to the indirect impact. Similarly, for each category identified above, the EIS scoping and draft EIS must provide an analysis of any reasonably foreseeable cumulative impacts associated with the proposed project, determine the significance of each cumulative impact, and assess the significance of the proposed project's contribution to the impact. Such analysis should include examination and study impacts during construction and over the life of the operation of the proposed casino project.



RECEIVED

MAY -7 2024

Public Scoping Comment re: Colville Tribe Casino in Pasco, WA
NOI comments, Colville Tribes Fee-to-Trust and Casino Project

BUREAU OF INDIAN AFFAIRS
NORTHWEST REGIONAL OFFICE
OFFICE OF THE REGIONAL DIRECTOR

24RD-0041

Name: Carol Craig

Phone Number & Email: 509.901.1123 carol_craig@yakama.com

Mailing Address: P.O. Box 779, Toppenish, WA. 98948

Comment/Statement:

I am a Yakama elder and know that Pasco is our traditional territory according to Article I of our 1855 Treaty for the Yakama Nation (YN). Our people traveled there seasonally to fish, hunt and gather at all usual and accustomed places also in the 1855 Treaty and guaranteed in perpetuity.

As history deems, the Palouse Band was a signatory to the Yakama Treaty, a legal document signed by the tribes and bands that became the YN. This was a direct process in 1855 when Yakama tribal leaders met with government officials and set the negotiations for the Treaty defining terms of land cession and resource rights.

Following that Treaty, the U.S. recognized that the YN is the only legal representative of the Palouse Band. They are not part of the Colville Tribe.

The site for the proposed casino by the Colville Tribe is far from where they live and approximately 125 miles south from the edge of its Executive Order Reservation boundary.

They are not a treaty tribe. The YN was established through a formal treaty process with the U.S. government while the Colville Tribe was established by Presidential executive order. In the late 19th and early 20th centuries, Congress stopped the use of treaty power in tribal affairs and Presidents assumed the functions for them.

The Colvilles Tribe also amplify their claim of "need" for the proposed casino in Pasco and already operate three other casinos, which is more than any other tribe in Washington State.

I implore you to take heed and listen to the Yakama people because that is considered encroachment of another tribe on our territorial land. Thank you, Carol Craig

For more information: colvilleeis.com / To submit an emailed statement: tobiah.mogavero@bia.gov

If emailing, please have the email subject line: "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project"

If mailing, please mail to: Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region,
911 NE 11th Avenue,
Portland, Oregon 97232.

Please include your name, return address, and "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" on the first page of your written comments.

I understand that my comment will be submitted on my behalf through the Yakama Nation government, and that it may be publicly available. I understand my words and information may be used as necessary by the BIA, Yakama Nation government, other involved parties, and possibly media.

Carol Craig

Signed Name

04/30/24

Date

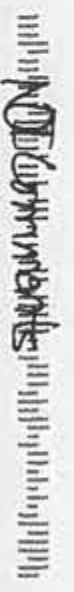
Craig
PO Box 779
Tappan, WA. 98948

Bryan Meicer Reg. Div. - BIA
NW Region, 911 NE 11th Ave.
Portland, OR. 97232

SEATTLE WA 980
1 MAY 2024 PM 3 L



97232-412899





05/02/2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos

Dear Regional Director Mercier:

As a Washington State Representative, I believe that tribes are an integral part of this country's history, culture, and future. It is important to remember that Tribal Nations are sovereigns, each with their own peoples, histories, cultures and territories. Today, I write to express concern about the Confederated Tribes of the Colville Reservation's ("Colville") intent to establish and operate a gaming facility in Pasco, Washington, 165 miles south of their reservation and within another sovereign Nation's Treaty-defined Territory. I believe by granting the Colville their petition to establish and operate a casino in another Tribe's territory sets a very harmful precedent for expanding gaming beyond the State's intention to regulate gaming in a safe and respectful manner and enter into careful compact negotiations with federally recognized Tribes both within the State, and if this Colville petition is granted, potentially with those out of State Tribes whose ceded areas include Washington.

As I understand it, with the Treaty with the Yakamas of June 9, 1855, 12 Stat 951 ("Treaty of 1855"), the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") ceded certain rights to millions of acres of tribal land to the United States Government in exchange for the establishment of the Yakama Reservation and preservation of rights throughout the ceded lands. Article I of the Treaty of 1855 defines the scope of the Yakama Nation's ceded lands, their "Treaty Territory." The City of Pasco lies within this area. Colville does not have rights within this area or outside its reservation.¹ Nor does Colville have rights under the Treaty of 1855.²

I share the Yakama Nation's concern and join in their opposition to another Tribe operating a casino in their Treaty Territory. Regardless of the Tribes involved, one Nation should not operate a gaming facility in another Nation's territory without the affected Nation's prior consent to do so. To allow this would go against the express intent of Congress. The Compacts entered into by the State and the Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.

¹ *Antoine v. United States*, 420 U.S. 194, 205 (1975).

² *United States v. Oregon*, 29 F.3d 481, 486 (9th Cir. 1994).

STATE REPRESENTATIVE
14th LEGISLATIVE DISTRICT
CHRIS CORRY

State of
Washington
House of
Representatives



APPROPRIATIONS
CAPITAL BUDGET
EDUCATION
HUMAN SERVICES &
EARLY LEARNING
RULES

The process for establishing a new Tribal gaming facility is intended to consider the economic benefit to the impacted community and to the governance of the individual Tribe. This is recognized in our State's laws as well as under the Indian Gaming Regulatory Act. Washington is proud of its history. Allowing the Colville Tribe to expand gaming beyond its own territory into another Tribe's territory heralds the coming of the day and the potential for any Tribe to do so. This goes against Washington's history of regulating gaming and the State's history of respecting individual Tribal sovereigns in the compacting process.

This is not about supporting Colville or the Yakama Nation. Rather, this is about the precedent that would be set if Colville is permitted to establish and operate a casino over 100 miles away from their headquarters and in the Yakama Nation's Treaty Territory without their consent. Although I do not oppose Colville opening a new casino, I respectfully recommend that they do so within their own territory.

Thank you for your attention to this vital matter of tribal sovereignty and economic development. Please contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Corry".

Washington State Representative
District #14

Cc:

Governor Jay Inslee
Kathryn Leathers, Governor General Counsel
Craig Bill, Director, Governor's Office of Indian Affairs (craig.bill@goia.wa.gov)
Alysia Levy, Chair of the Washington State Gaming Commission
Deb Harland, Secretary of Interior
Bryan Newland, Assistant Secretary for Indian Affairs
Bryan Mercer, Northwest Regional Director Bureau of Indian Affairs

From: [Mogavero, Tobiah C](#)
To: [Bibiana Sparks](#); [Haug, Brian J](#); [KT Alonzo](#)
Subject: FW: [EXTERNAL] New Casinos.
Date: Thursday, May 23, 2024 9:50:03 AM

FYI

From: Chuckandjane Good guys <cnjontheroad@gmail.com>
Sent: Thursday, May 2, 2024 11:40 AM
To: Mogavero, Tobiah C <tobiah.mogavero@bia.gov>
Subject: [EXTERNAL] New Casinos.

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

“NOI Comments, Colville Tribes Fee-to-Trust and Casino Project”

Charles Nicodemus

PO Box 25

Connell, WA. 99326

As a normal white guy of 82+ years. I have seen these casinos popup all over the USA and granted they are only a business and messes with normal humans. I have always felt heavy thoughts for any thing that would cause harm to an "Indian" person or persons. This Casino is in complete disregard for their fellow tribes and I cannot see any reason for a tribe NOT in our area to be able to come in and "grab" their fellow tribes peoples.

This to me is a direct Slap in the face to their cousins of the Umitilla and Yakama tribes.

Now knowing how the people of most ALL nations have been run over and left to fend on their own.

And as a small percentage of blood in myself, it hurts to see this type of thing go.

Thank you for your most needed consideration.

Kind regards

Charles Nicodemus , PO 25, Connell, WA. 99326

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Submitted by email to: tobiah.mogavero@bia.gov

Re: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project

Dear Mr. Mercier,

I am writing regarding the Bureau of Indian Affairs (BIA) intent to prepare an Environmental Impact Statement (EIS) to analyze the potential environmental consequences of the Confederated Tribes of the Colville Reservation (Colville Tribes) proposed Fee-to-Trust and Casino Project in the City of Pasco, in Franklin County, Washington.

As an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), I am deeply concerned about the impact the proposed casino would have on my tribe and its members. I am especially concerned about the potential socioeconomic impacts to the CTUIR that would result from a major casino development in Pasco. As part of the BIA's EIS, the economic impact to the CTUIR and its members must be carefully analyzed and fully mitigated for. If such mitigation is not possible, the proposed fee-to-trust must not be approved.

BIA must carefully examine the direct, indirect, and cumulative impacts of the Colville proposal. I am deeply concerned that the Colville Tribes, who already operate three casinos on their reservation, are attempting to establish a casino distant from their reservation and within another tribe's ceded lands. If approved, what precedent will this set? Will BIA approve fee-to-trust applications for gaming purposes for other tribes that seek to develop casinos within my tribe's ceded lands? BIA needs to recognize that approving the Colville application will have the effect of permitting a tribe to develop a casino over 150 miles from its reservation that will not employ Colville members residing on their reservation and which will have devastating impacts on the on-reservation casino and economy of the CTUIR.

I urge you to carefully consider the impacts of the Colville Tribes' proposed casino. In doing so, I believe you have no other choice but to deny the proposal.

Sincerely,

 X-1593

May 31, 2024

Bureau of Indian Affairs, Northwest Region
911 NE 11th Avenue
Portland, OR 98232

Attn: Bryan Mercier, Regional Director

RE: Confederated Tribes of the Colville Reservation's Casino Project EIS
US 395 MP 23.7 – Hillsboro Interchange Vicinity

- The proposed project is in the vicinity of U.S. Highway 395 (US 395), a fully-controlled limited access facility with a posted speed limit of 65 miles per hour. WSDOT has acquired all access rights to US 395, including the on- and off-ramps and Hillsboro interchange crossroad. Access to US 395 is available via the Hillsboro interchange and other existing public road intersections.
- We are not opposed to the project; however, we are concerned with the impacts project-generated traffic may have on the state highway system. WSDOT identifies any proposal where project-generated traffic would degrade a highway's level of service (LOS) below the established threshold as having a probable significant adverse impact. In the project area, US 395 is a Highway of Statewide Significance (HSS) with an operational threshold of LOS D.

In order to adequately identify any potential impacts to the state highway system, we request the project's EIS include a comprehensive traffic analysis. This analysis must assess the project's impacts to safety and operations of US 395 in the vicinity, including the Hillsboro interchange and Foster Wells intersection and recommend mitigation for impacted facilities. We also recommend any analysis of the state highway system generally conforms with current WSDOT [traffic analysis](#) and [safety analysis](#) guidelines.

Thank you for the opportunity to review and comment on this proposal. If you have any questions regarding this letter, please contact Jacob Prilucik at (509) 577-1635.

Sincerely,

Stephen P. Nugent Digitally signed by Stephen P. Nugent
Date: 2024.05.31 14:16:00 -07'00'

Stephen P. (Phil) Nugent
Region Planning Manager

SPN: jjp

cc: SR 395, File #2024_004

Confederated Tribes *of the*
Umatilla Indian Reservation

Board of Trustees & General Council



46411 Timine Way • Pendleton, OR 97801
(541) 429-7030 • fax (541) 276-3095
www.ctuir.org email: info@ctuir.org

June 3, 2024

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Submitted by email to: tobiah.mogavero@bia.gov

Re: NOI Comments, Colville Tribes Fee-to-Trust and Casino Project

Dear Mr. Mercier,

On behalf of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), I am submitting the following comments regarding the scope of the Environmental Impact Statement (EIS) that the Bureau of Indian Affairs (BIA) will be preparing to analyze the potential environmental consequences of the Confederated Tribes of the Colville Reservation (Colville Tribes) proposed Fee-to-Trust and Casino Project in the City of Pasco, in Franklin County, Washington. I have attached to this letter as Exhibit 1 a copy of the CTUIR's August 30, 2023 comment letter regarding the Notice of Gaming Land Acquisition Application filed by Confederated Tribes of the Colville Reservation, Case Number 49888, which comments the CTUIR incorporates herein by reference.

The CTUIR is a federally recognized Indian tribe, which entered into its Treaty of 1855, 12 Stat. 945 with the United States on June 9, 1855 (Treaty of 1855). The CTUIR's ceded territory as described in the Treaty of 1855 is located less than four miles from the proposed casino site and the CTUIR possesses treaty-reserved rights throughout its traditional use area, which includes the proposed casino site.

The CTUIR's scoping comments on the Colville Tribes proposed Fee-to-Trust and Casino Project are as follows:

1. The primary purpose of the EIS on the proposed Colville Casino Project in Pasco, Washington, is to ensure that the Department of the Interior "consider the environmental impacts of their actions in decision making." 40 CFR 1502.1. For the Department of Interior to meet this requirement, and for the public to comment on the scope and content of an EIS, there is a need to clearly define the proposed project under review. The BIA has failed to provide the CTUIR with a consistent definition of the Colville Casino Project. The CTUIR has received the following descriptions of the proposed Colville Casino Project:
 - a. According to the heavily redacted Colville fee-to-trust application, the site would be used for a casino and hotel, with no further unredacted detail.
 - b. The Section 106 National Historic Preservation Act (NHPA) Report prepared for the BIA on the Colville Casino Project states the project will include a 715,800 sq. ft. casino resort with these facilities: casino - 166,500 sq. ft., 400 room hotel tower - 226,000 sq. ft., restaurants - 73,300 sq. ft., event center - 38,000 sq. ft., convention center - 53,000 sq. ft., 4,500 parking spaces and "other appurtenant structures."

- c. At the April 24, 2024 EIS Public Scoping Hearing, the BIA described the proposed Colville Casino Project as consisting of a gaming floor of 70,500 sq. ft., bars (2) and restaurants (2) totaling 13,300 sq. ft., back of the house offices of 83,400 sq. ft, a hotel with 200 rooms, a pool, fitness center, steakhouse and offices (no hotel sq. footage provided), an event center with offices totaling about 14,500 sq. ft. and 1500 parking spaces.

The BIA must provide a clear and consistent definition of the proposed Colville Casino Project both to inform the scope and content of the EIS, to accurately analyze the environmental impacts of the project, and to facilitate effective participation in the EIS process by the CTUIR and the public.

2. The BIA needs to process the pending Colville fee-to-trust application under 25 CFR Part 151, and the yet-to-be-filed gaming trust application under 25 CFR Part 292, in a lawful manner that recognizes the rights of the CTUIR under its Treaty of 1855, 12 Stat. 945, and the trust obligation the BIA owes to the CTUIR. Based on the BIA handling of this matter to date, we have these concerns:
 - a. The belated and heavily redacted BIA response to our Freedom Of Information Act (FOIA) request for the Colville Part 151 fee-to-trust application suggests that the BIA is protecting Colville. As an example, the BIA inexplicably redacted the mileage from the proposed Pasco casino site to Nespelem under the FOIA exemption that protects confidential commercial and financial information. Any information in the Part 151 application that identified the project elements, benefits, or regulation was redacted.
 - b. The BIA failed to send notice of the Colville fee to trust application to the CTUIR. The CTUIR only received a copy of the notice because the Yakama Indian Nation (YIN) sent a copy to the CTUIR.
 - c. The BIA has failed to respond to the CTUIR's extensive comments on the Colville fee-to-trust application and the CTUIR demand that the BIA recognize the CTUIR as a "Nearby Indian tribe", or as a part of the "surrounding community" as those terms are defined in the 25 CFR Part 292 regulations (the regulations governing the 2-part determination under the Indian Gaming Regulatory Act (IGRA) for taking off-reservation land into trust for gaming purposes).

The August 30, 2023 letter attached as Exhibit 1 sets forth the basis for CTUIR's status as a Nearby Indian tribe and a part of the surrounding community for the purposes of 25 CFR Part 292.

3. The Colville Tribes do not have a legitimate claim or historical connection to the Pasco site. The Colville Reservation was established (and later diminished) by Executive Order. The April 9, 1872 Executive Order establishing the initial Colville Reservation was for eight identified bands that were "not parties to any treaty..." The Palus band was not one of the eight bands identified in the 1872 Executive Order. The Palus band was a signatory to the Yakama Treaty of 1855, 12 Stat. 951. An attempt by the Colville Tribes to assert off-reservation fishing rights under the Yakama Treaty of 1855 on behalf of the Palus band was rejected by the federal district court and the 9th Circuit Court of Appeals. *U.S. v. Oregon*, 29 F.3d 481 (9th Cir. 1994) (the Court agreed "with the result reached by the district court that the descendants of the Wenatchi, Entiat, Columbia, Chelan and Palus tribes now living on the Colville Reservation are not entitled to exercise treaty fishing rights...because we conclude that the constituent tribes when they entered the Colville Confederacy did not retain any treaty fishing rights accorded signatories to the 1855 treaties.").

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The CTUIR has a strong connection to the Palus band. According to the Section 106 NHPA Cultural Resources Study prepared for the Colville Tribes on the proposed Colville Casino Project, many members of the Palus band moved to the Umatilla Indian Reservation after it was created by the CTUIR Treaty of 1855. Page 11 of that Study notes that the “Palus were recognized in the U.S. treaty with the Yakama, but the Palus actually never recognized the terms ... and the Palus fought in the Yakima War of 1855 and the Coeur d’Alene War of 1858. Neither of these wars ended favorably for the native people and ... most were eventually pushed onto Confederated Tribes of the Umatilla Indian Reservation lands.

The CTUIR has strong treaty-based ties to Pasco and the Tri-Cities area. The CTUIR has participated in federal programs at the Hanford Site and the Tri-Cities area due to treaty and statutory rights that the Colville Tribes do not possess. For example, the CTUIR was designated an “affected Indian tribe” under 1982 Nuclear Waste Policy Act, 42 USC §10101, due to the treaty rights possessed by the CTUIR in and around Hanford. The CTUIR has participated in Bonneville Power Administration-funded wildlife mitigation programs to address Columbia River hydro-system impacts, which has resulted in the CTUIR acquiring and managing the 2,700-acre Wanaket Wildlife Area along the Columbia River in Oregon, and the 11,800-acre Rainwater Wildlife Area in Columbia County, WA. Both properties are in tribal trust status.

The Part 292 regulations require the Colville Tribes to show “significant historical connections” to the proposed casino site. 25 CFR §292.17(i). The EIS must address the Colville Tribes’ lack of historical connection to the proposed casino site in Pasco. In addressing this issue, the BIA should take into consideration the letter from Washington Representative Gina Mosbrucker, attached as Exhibit 2, which supports the CTUIR’s position that the Colville Tribes lack a historical connection to Pasco, therefore have no right to locate a casino there, and BIA approval would set a damaging precedent for all tribes in Washington.

4. Under the National Environmental Policy Act (NEPA), the BIA has an obligation to prepare an EIS on the proposed Colville Fee-to-Trust and Casino Project because approvals under Part 151 and 292 would be “major Federal actions significantly affecting the quality of the human environment.” The scope of the EIS must cover and inform the federal action of taking the 160-acre casino site into tribal trust status under the Part 151 regulations, and the 2-part determination to permit Indian gaming on the off-reservation land under Section 20 of IGRA and the Part 292 regulations. In evaluating the impacts of the Colville proposal, it is incumbent upon the BIA to include a thorough evaluation of the potential socioeconomic issues that arise under both the Part 151 and the Part 292 regulations, including the direct, indirect, and cumulative socioeconomic impacts of the proposed casino.

As described in the CTUIR letter attached as Exhibit 1, the CTUIR has standing as a Nearby Indian tribe as defined in 25 CFR Section 292.2 because the CTUIR has trust land within 25 miles of the proposed casino site (Wanaket and Wanapa). In addition, the Umatilla Indian Reservation is the closest Indian reservation to the proposed Pasco site (42.9 miles away) while the Colville reservation is 112 miles away. The CTUIR also has trust lands in Washington including French Town (Allotment 143-T-5596), which is 31.1 miles from the proposed casino site, and Rainwater Wildlife Area (11,800 acres), which is 53.83 miles from the proposed site. The CTUIR’s ceded territory is only 3.7 miles from the proposed site.

The CTUIR is also included in the Part 292 definition of the “Surrounding community.” This is important because the Interior Secretary has to determine that the proposed Colville casino would not be detrimental to the surrounding community as the second part of the two-part 25 CFR Part 292 determination. The CTUIR is a part of the surrounding community because it meets the definition of a Nearby Indian tribe and because the CTUIR

can demonstrate that the proposed Colville casino will have a direct, immediate and significant impact on the CTUIR's Wildhorse Resort and Casino revenues and the employment opportunities and CTUIR programs and services supported by Wildhorse revenues.

Accordingly, the EIS must evaluate the economic impact of the proposed Colville casino in Pasco on the CTUIR as a Nearby Indian Tribe and a part of the surrounding community. This evaluation of the proposed Colville casino must include an analysis of the loss of Wildhorse revenues and employment opportunities as well as the effect on CTUIR programs and services that are supported by Wildhorse revenue.

5. The EIS must evaluate the socioeconomic impact of the proposed Colville casino to comply with NEPA and to inform the Secretarial decision under the two-part determination under IGRA and Part 292. Part 292 requires that the Colville Tribes provide information on:
 - a. Anticipated impacts on social structure and services of surrounding community – §292.18(b);
 - b. Anticipated impacts on economic development, income and employment of the surrounding community – §292.18(c);
 - c. Anticipated cost of impacts to the surrounding community and sources of revenue to mitigate them – §292.18(d); and
 - d. If a Nearby Indian tribe has a significant historical connection to the land, then the impact to that tribe's traditional cultural connection to the land must be addressed by Colville – §292.18(f).

The EIS must thoroughly analyze and address each of these issues.

6. Pursuant to its Treaty of 1855, the CTUIR has treaty-reserved off-reservation rights to fish at usual and accustomed fishing stations and to hunt, gather traditional foods and medicines and to graze cattle on "unclaimed" lands. The BIA has a trust responsibility to protect these treaty-reserved rights, which are the supreme law of the land pursuant to the United States Constitution. The EIS must evaluate the impact that the proposed Colville casino would have on the exercise of these treaty rights and on the resources that support these treaty rights.
7. The EIS must evaluate the need for the proposed casino project. The proposal will not provide employment opportunities for members of the Colville Tribes residing on the Colville Reservation because of its extreme distance from the Colville Reservation. The distance from Nespelém to the proposed casino site is 165 miles, which would take about 2 hours and 51 minutes to drive each way – in good weather. Tribal members residing on the Colville Reservation could not feasibly commute that distance to work at the proposed casino site. Consequently, the proposed Colville casino in Pasco would not employ Colville members while eliminating jobs for CTUIR tribal members who live and work on the Umatilla Indian Reservation. Under the Part 292 regulations, the Colville Tribes' application must provide the distance of the proposed Pasco site to the Colville Reservation and their tribal government headquarters. 25 CFR §292.16(d) and §292.17(g). The Part 292 regulations also require the Colville Tribes to demonstrate the projected tribal employment, job training and career development associated with the proposed casino. 25 CFR §292.17(b). The EIS must evaluate each of these regulatory factors.

8. In addressing the need for the proposed casino project, the EIS should evaluate whether the Colville Tribes need another casino, distant from their reservation – especially a casino that would have such devastating impacts to the nearby on-reservation casino operated by the CTUIR. The Colville Tribes currently operate three casinos in Omak, Lake Chelan and Coulee Dam.
9. The Department of Interior and BIA need to recognize the precedent that approving the Colville casino in Pasco would have. If allowed, this action would permit a tribe to place a casino 165 miles from their headquarters on land to which it has no legitimate claim as its traditional territory (land which is in fact located in the aboriginal territory of the Yakama Nation), that would not employ Colville tribal members and that would have devastating impacts to the on-reservation economy of the CTUIR, which is supported by an on-reservation casino that employs, and provides governmental programs and services to, its members.
10. After years of BIA neglect, resulting in the loss of much of our reservation land base and treaty resources, and the failure of BIA to assist the CTUIR in developing a reservation economy, the CTUIR has successfully developed Tribal enterprises – most notably the Wildhorse Resort and Casino – that provides 1,100 jobs and now includes hotels, restaurants, RV park, golf courses, cineplex, bowling alley, food court, child entertainment center and museum, all of which are located on our Umatilla Indian Reservation and provide employment opportunities for our Tribal community. This is the type of Reservation economic development the BIA should be promoting and protecting. BIA approval of the proposed Colville casino in Pasco would have the effect of devastating the CTUIR economy that we have worked so hard in the past 35 years to establish. The EIS must carefully evaluate this socio-economic impact of the proposed casino project.
11. The BIA owes a trust responsibility to the CTUIR. The BIA cannot honor its trust obligations to the CTUIR by approving an off-reservation casino for the Colville Tribe that will have a devastating impact to the CTUIR economy, government and the services we offer our Tribal community.
12. The BIA has an obligation to identify and address reasonable alternatives to the proposed action. 40 CFR §1502.14. The BIA Notice of Intent to Prepare an EIS states that the EIS will evaluate “a range of reasonable alternatives” and that the alternatives “under consideration include: (1) a reduced-intensity casino alternative, and (2) an alternate-use (non-gaming) alternative.” The alternatives should include a casino site closer to the Colville Reservation that could employ Colville members. The EIS also needs to evaluate the no action alternative which is pertinent to the proposed casino project for all the reasons set forth above.
13. The EIS must carefully evaluate each of the areas of environmental concern identified in the Notice of Intent to Prepare an EIS, which includes impacts to land resources, water resources – both surface water and groundwater, air quality, noise pollution, biological resources, cultural/historic/archaeological resources, resource use patterns, traffic and transportation impacts, public health and safety, hazardous materials and hazardous wastes, public services and utilities, socioeconomic impacts – especially to the CTUIR as a Nearby Indian tribe and a part of the Surrounding community as defined in 25 CFR §292.2 – environmental justice, visual resources/aesthetics, and cumulative, indirect and growth-inducing effects – especially as they relate to the precedent that approving an off-reservation casino 165 miles from the Colville Tribes’ headquarters would have on nearby reservation-based casino operations and Tribal economies.

In conclusion, the CTUIR is very concerned about the environmental impacts of the proposed Colville Pasco casino. The CTUIR demands that the BIA carefully analyze these impacts, including but not limited to the direct, indirect, and cumulative socioeconomic impacts that the proposed casino would have on the CTUIR’s economy and ability to provide

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governmental services to its members. The CTUIR believes that in doing so, BIA can reach no other conclusion than that the proposed casino will have significant detrimental socioeconomic impacts that cannot be mitigated, and therefore must select an alternative that does not involve approval of a Colville casino in Pasco.

Sincerely,



for: Gary I. Burke, Board of Trustees Chairman
Confederated Tribes of the Umatilla Indian Reservation

Enclosures:

- Exhibit 1 - CTUIR August 30, 2023 Comment Letter regarding the Notice of Gaming Land Acquisition Application filed by Confederated Tribes of the Colville Reservation, Case Number 49888
- Exhibit 2 – April 29, 2024 NOI Comment Letter from Rep. Gina Mosbrucker to Brian Mercier – Respecting Tribal Territories when Siting Casinos

**Confederated Tribes of the
Umatilla Indian Reservation**

Board of Trustees



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August 30, 2023

Mr. Bryan Mercier, Regional Director
U.S. Department of the Interior
Bureau of Indian Affairs
Northwest Regional Office
911 NE 11th Ave.
Portland, OR 97232

RE: Notice of Gaming Land Acquisition Application filed by
Confederated Tribes of the Colville Reservation, Case Number 49888

Dear Mr. Mercier,

This letter follows up on my letter to you dated June 2, 2023 on the above-referenced Notice of Gaming Land Acquisition Application (Application) for the proposed Colville casino in Pasco, Washington (hereinafter referred to as the Pasco site). In that letter we requested that the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) should receive future notices regarding the Application and requested a 30 day extension to submit CTUIR comments to the Application. By letter from Bodie Shaw, the Acting Regional Director, dated July 27, 2023, we were informed the deadline for the CTUIR to provide comments on the Application had been extended to September 8, 2023.

Our ability to comment on the Application was initially frustrated by our inability to review the Application. Our attorney filed a FOIA request for the Application on May 8, 2023. Due to the Colville Tribe's claim that the entire Application was confidential and not subject to release under FOIA, the heavily redacted Application was not received until August 11, 2023. The Application is filed under the fee to trust regulations at 25 CFR Part 151 and does not address (so far as we can tell given the redactions) any of the requirements to use the Pasco site for gaming purposes at 25 CFR Part 292. The redactions in the Application and its appendices greatly restrict the ability of the CTUIR to comment on the proposed use of the Pasco site, and its environmental, economic and related impacts. The only information from the redacted Application about the proposed use of the Pasco site is that a casino and hotel is planned. Accordingly, we offer the following preliminary comments based on the limited information available to us and reserve the right to comment on the NEPA and Part 292 documentation at the appropriate time.

1. Background Information.

The CTUIR entered its Treaty of 1855, 12 Stat. 945, with the United States on June 9, 1855 (Treaty). In addition to establishing the Umatilla Indian Reservation in Northeast Oregon as the Tribal homeland, the CTUIR reserved off-Reservation rights to fish at usual and accustomed fishing stations, and to hunt, gather traditional foods and medicines and to graze cattle on “unclaimed land.” Treaty, Article 1. Our Treaty identifies our aboriginal lands, frequently referred to as “ceded lands,” which covered a large portion of south central Washington that surrounds the Pasco site that is the subject of the Application. The map attached to this letter as Exhibit 1 (CTUIR Map) shows that the CTUIR aboriginal territory lies to the west, east and south of the Pasco site, and the boundary of our aboriginal lands is about 3.7 miles from the Pasco site (the map refers to the Colville fee land that is the subject of the Application as the Pasco site). The CTUIR and its members have Treaty-reserved fishing rights on the Columbia, Snake, Yakima and Walla Walla Rivers that are proximate to the Pasco site. We also have the Treaty right to hunt, gather and graze cattle on unclaimed lands in the vicinity of the Pasco site. The Pasco site is located in the CTUIR traditional use area as shown on the map attached as Exhibit 2 to this letter (Traditional Use Map). The Traditional Use Map shows that the Pasco site is in an area that has been most heavily used by CTUIR members to exercise traditional and Treaty reserved possessory and usage rights.

Our Treaty has formed the basis for the U.S. to recognize the following:

- a) The CTUIR is a party to the longstanding Columbia River fishing litigation referred to as *U.S. v. Oregon*, a lawsuit that was originally filed in 1969. The only other Tribal parties are the Yakama Nation, Nez Perce Tribe and the Confederated Tribes of Warm Springs. The Colville Tribe sought to intervene as a party in the case, but their intervention was denied. *U.S. v. Oregon*, 29 F.3rd 481 (9th Cir. 1994) (The Court agreed “with the result reached by the district court that the descendants of the Wenatchi, Entiat, Columbia, Chelan and Palus tribes now living on the Colville Reservation are not entitled to exercise treaty fishing rights...because we conclude that the constituent tribes when they entered the Colville Confederacy did not retain any treaty fishing rights accorded signatories to the 1855 treaties.”).
- b) The CTUIR was recognized as an “affected Indian tribe” under the Nuclear Waste Policy Act, 42 U.S.C. § 10101 et seq. This recognition was based on the Secretary of the Interior finding that the CTUIR possessed “federally defined possessory or usage rights to other lands outside of the reservation’s boundaries arising out of congressionally ratified treaties [that] may be substantially and adversely affected by the locating of such a [nuclear waste] facility” at the Hanford Nuclear Reservation, which is just west and north of the Pasco site. The Secretary of the Interior also designated the Yakama Nation and Nez Perce Tribe as “affected Indian tribes.” The Colville Tribe

- was not eligible for such a designation.
- c) The Bonneville Power Administration (BPA) obligation under Federal law to mitigate the impacts of the Columbia River hydro-system on fish and wildlife has resulted in BPA funding the CTUIR for the acquisition, operation and maintenance of the Rainwater Wildlife Area in Washington (Rainwater), and the Wanaket Wildlife Area in Oregon (Wanaket). Wanaket was taken into Tribal trust status in 2011. Rainwater consists of over 11,800 acres and is located in Columbia County. The CTUIR is in the process of transferring all of Rainwater into trust status in 4 separate applications. The first of those applications – for the Savage property consisting of some 560 acres – went into trust status in 2022 and is located less than 54 miles to the east of the Pasco site. The BIA has approved the remaining 3 Rainwater applications which are in the final steps of being transferred into Tribal trust status.

Wanaket is located in Umatilla County, Oregon and consists of over 2,700 acres. Wanaket is located less than 25 miles from the Pasco site as shown on the attached CTUIR Map.

The CTUIR Treaty and its recognition of our aboriginal lands and the reservation of off-Reservation rights to fish, hunt, gather and graze cattle, demonstrates the CTUIR rights and interests in the area surrounding the Pasco site. The Federal government has relied upon these CTUIR Treaty rights in connection with Columbia River fishing, the Hanford Nuclear Reservation and mitigating fish and wildlife impacts caused by the Columbia River hydro system – and all within close proximity to the Pasco site.

2. The CTUIR Meets the Definition of a “Nearby Indian tribe.”

A tribe is considered a Nearby Indian tribe if it has Tribal trust lands within a 25 mile radius of the proposed gaming establishment. 25 CFR § 292.2. The proposed Colville gaming facility at the Pasco site is less than 25 miles from the 2,700 acre Wanaket Wildlife Area (Allotment 149-T-1125), as well as the 195 acre Wanapa Industrial Park (Allotment 143-T-2101), both of which are held in Tribal trust status for the CTUIR. The CTUIR manages Wanaket for wildlife and habitat maintenance purposes pursuant to an agreement with, and funding from, the Bonneville Power Administration (BPA). Wanapa is zoned for industrial development.

The attached CTUIR Map also demonstrates that the CTUIR is the Tribe with the closest proximity to the Pasco site. The CTUIR Map shows the following:

- a) The Umatilla Indian Reservation is the closest reservation to the Pasco site: 42.9 miles away – while the Colville Reservation is over 112 miles away;
- b) In addition to Wanaket and Wanapa, the CTUIR has Tribal trust land located

- at French Town (Allotment 156-T-1189), which is 31.11 miles from the Pasco site, and the Rainwater Savage property (Allotment 143-T-5596) which is 53.83 miles away. Rainwater Savage is a part of the Rainwater Wildlife Area which consists of some 11,800 acres. As of the date of this letter, the BIA has approved all CTUIR applications to transfer Rainwater land into Tribal trust status (Allotments 143-T-5598, 143-T-5599 and we are presently waiting on the final allotment number); and
- c) The aboriginal lands of the CTUIR that were recognized by the U.S. in Article 1 of the CTUIR Treaty, are just 3.73 miles away from the Pasco site.

3. The CTUIR Meets the Definition of the “Surrounding community.”

A tribe that meets the definition of a Neary Indian tribe, or a tribe that “can establish that its governmental functions, infrastructure or services will be directly, immediately and significantly impacted by the proposed gaming establishment” is to be considered a part of the “Surrounding community.” 25 CFR § 292.2. The CTUIR satisfies both of these criteria. First, as stated above, the CTUIR meets the definition of a Nearby Indian tribe.

In addition, the proposed Colville casino at the Pasco site would have a direct, immediate and significantly adverse impact on the CTUIR and its members because of the reduction in revenues at the CTUIR owned and operated Wildhorse Casino and Resort (Wildhorse). The Pasco site is located in the Tri-Cities area of south-central Washington which consists of Pasco, Richland and Kennewick. The Tri-Cities is the largest population center that Wildhorse serves and is about a 90 minute drive for most Tri-Cities residents. Currently, approximately 30 % of the Wildhorse revenues come from Tri-Cities’ residents. A consulting firm retained by Wildhorse, Profit Builder, estimates that Wildhorse revenues would be reduced by over \$38 million annually if the Colville casino is constructed at the Pasco site. A reduction in Wildhorse revenues of this magnitude would immediately result in a loss of Wildhorse revenues that provide vital support for Tribal programs and services for our Tribal community as well as a reduction in Wildhorse employment and the associated family wages and benefits.

Wildhorse revenues are the single largest contribution to the budget for CTUIR programs and services. All Wildhorse net revenues, except the small percentage deducted for dividends paid to Tribal members, are used by the CTUIR to support Tribal programs and services for our Tribal community. The table attached as Exhibit 3 shows the contribution in 2023 of Wildhorse revenues to support Tribal programs and services that meet the needs of our Tribal community. As we learn more about the size and scope of the proposed Colville casino facility and related amenities, we will be able to more accurately describe the economic impact of the proposed Colville casino project on our community. The CTUIR has retained the firm ECONorthwest, LLC to perform what they describe as a “cannibalization

analysis” to determine the extent of the reduction in Wildhorse revenues and employment caused by the proposed casino at the Pasco site. Their analysis will also examine the extent of the reduction in Wildhorse revenue to support CTUIR governmental services.

4. The CTUIR has a Significant Historical Connection to the Pasco Site.

The CTUIR has a significant historic connection to the Pasco site, as defined at 25 CFR Section 292.2, based on the following:

- a) As shown on the CTUIR Map, the Treaty identified the boundary of the aboriginal territory of the CTUIR as being just 3.7 miles from the Pasco site;
- b) As shown on Traditional Use Map, the Pasco site is located in an area that is most intensely used by CTUIR members for traditional practices such as fishing, hunting, gathering traditional foods and medicines and related cultural practices; and
- c) The CTUIR Treaty expressly recognized the significance and connection of the CTUIR to the area near the Pasco site. Article V “...stipulated that Pio-pio-mox-mox [Walla Walla Chief and Treaty signer] is secured for the term of five years, the right to build and occupy a house at or near the mouth of the Yakima River, to be used as a trading-post in the sale of his bands of wild cattle ranging in that district.” The confluence of the Yakima and Columbia Rivers is less than 7 miles from the Pasco site.

5. Colville Tribe Connection to Pasco.

The cultural premise of the Colville application is that the Pasco site land it has purchased is needed “to reestablish a trust land base in the traditional territories of the CCT’s constituent tribes, which include, among others, the Palus.” According to the Yakama Treaty of 1855, the Palouse Tribes’ chiefs and headmen were signatories to that Treaty. The April 8, 1872 Executive Order establishing the Colville Reservation states that the Reservation was established for the “following bands of Indians in Washington Territory, not parties to any treaty” and lists 8 bands, and the Palus/Palouse are not included in that list.

The Pasco site is 165 miles from the Colville governmental headquarters in Nespelem and will not provide employment opportunities to Tribal members who reside on the Colville Reservation because of its distance from the Colville Reservation (the drive time is estimated at about 2 hours and 51 minutes). Colville already has 3 casinos on its Reservation which provide employment and gaming revenue for the Colville Tribe.

6. Trust Responsibility.

The Interior Department must exercise its discretion in acting on the Colville Application in a manner that honors its trust responsibility to the CTUIR. The Department needs to insure that a Colville casino located over 112 miles from the Colville Reservation boundary and 165 miles from its governmental headquarters does not adversely affect CTUIR enterprises that play a critical role in the economy of, and the provision of governmental services on, the Umatilla Indian Reservation. This is especially the case when the Colville Tribe has multiple casinos and other assets available to it.

7. Effect on Wildhorse Foundation Grants to Charitable Organizations.

The proposed Colville casino in Pasco would reduce the Wildhorse Foundation grants to charities in the Wildhorse market area, which includes the Tri-Cities. Under the CTUIR – State of Oregon gaming compact, the CTUIR dedicates 3% of its net gaming revenue to provide grants to charitable organizations in 4 counties in Oregon and 3 counties in Washington, including Benton and Franklin counties in Washington. To date, the Wildhorse Foundation has awarded over \$18 million in grants to charitable organizations in the 7 counties in the Wildhorse market area. The proposed Colville casino would substantially reduce Wildhorse gross revenues, and would have a more adverse effect on Wildhorse net revenues. Consequently, the funding of Wildhorse Foundation grants would be reduced. There is no similar charitable giving requirement in the Colville gaming compact with the State of Washington.

By this letter, the CTUIR is requesting that, based upon the information and maps referenced in this letter, we be recognized as a “Nearby Indian tribe,” as a part of the “Surrounding community” and as a Tribe with a “Significant Historical Connection” to the Pasco site as those terms are defined in 25 CFR Section 292.2. Based upon this status, the Secretary of the Interior evaluation of the Application and Part 292 process for use of the Pasco site for gaming under the Indian Gaming Regulatory Act (IGRA) requires that the impact of the proposed casino on the CTUIR be carefully studied and considered. Because of the adverse impact that the proposed Colville casino would have on Wildhorse revenues and employment, and the resulting reduction in CTUIR programs and services to our Tribal community, we do not believe the Secretary could make a finding under IGRA that the proposed casino at the Pasco site “would not be detrimental to the surrounding community.”

If you have any questions regarding the content of this letter, feel free to contact Executive Director, Don Sampson (DonaldSampson@ctuir.org), or our attorney, Daniel Hester (dhester@h-zlaw.com). Thank you for your consideration of our concerns.

Sincerely,

A handwritten signature in blue ink that reads "N. Kathryn Brigham". The signature is fluid and cursive, with the first name "N." and last name "Brigham" clearly legible.

N. Kathryn Brigham, Chair
Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation

cc: Michael Jackson, Superintendent, Umatilla Agency

Exhibits:

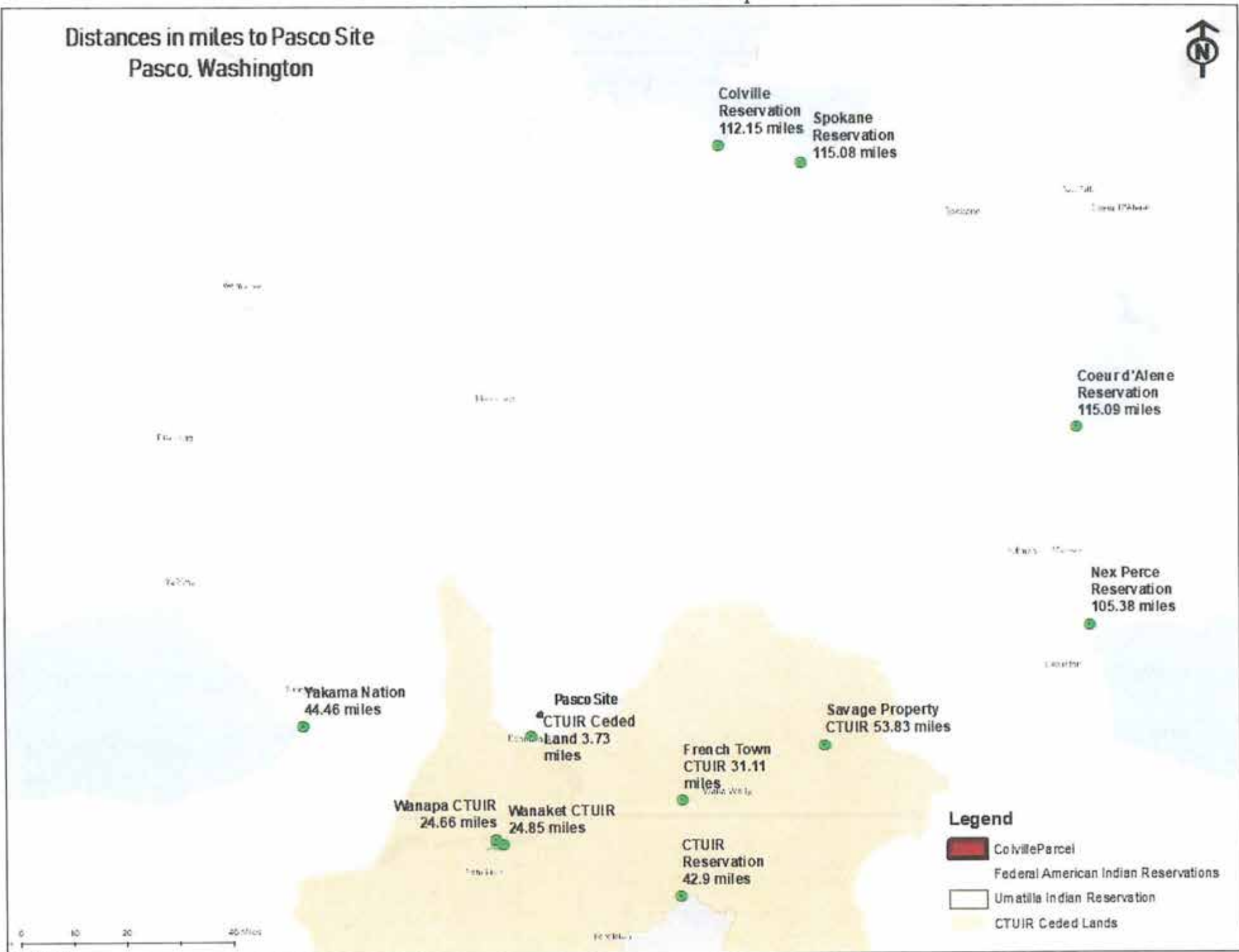
Exhibit 1: CTUIR Map

Exhibit 2: Traditional Use Map

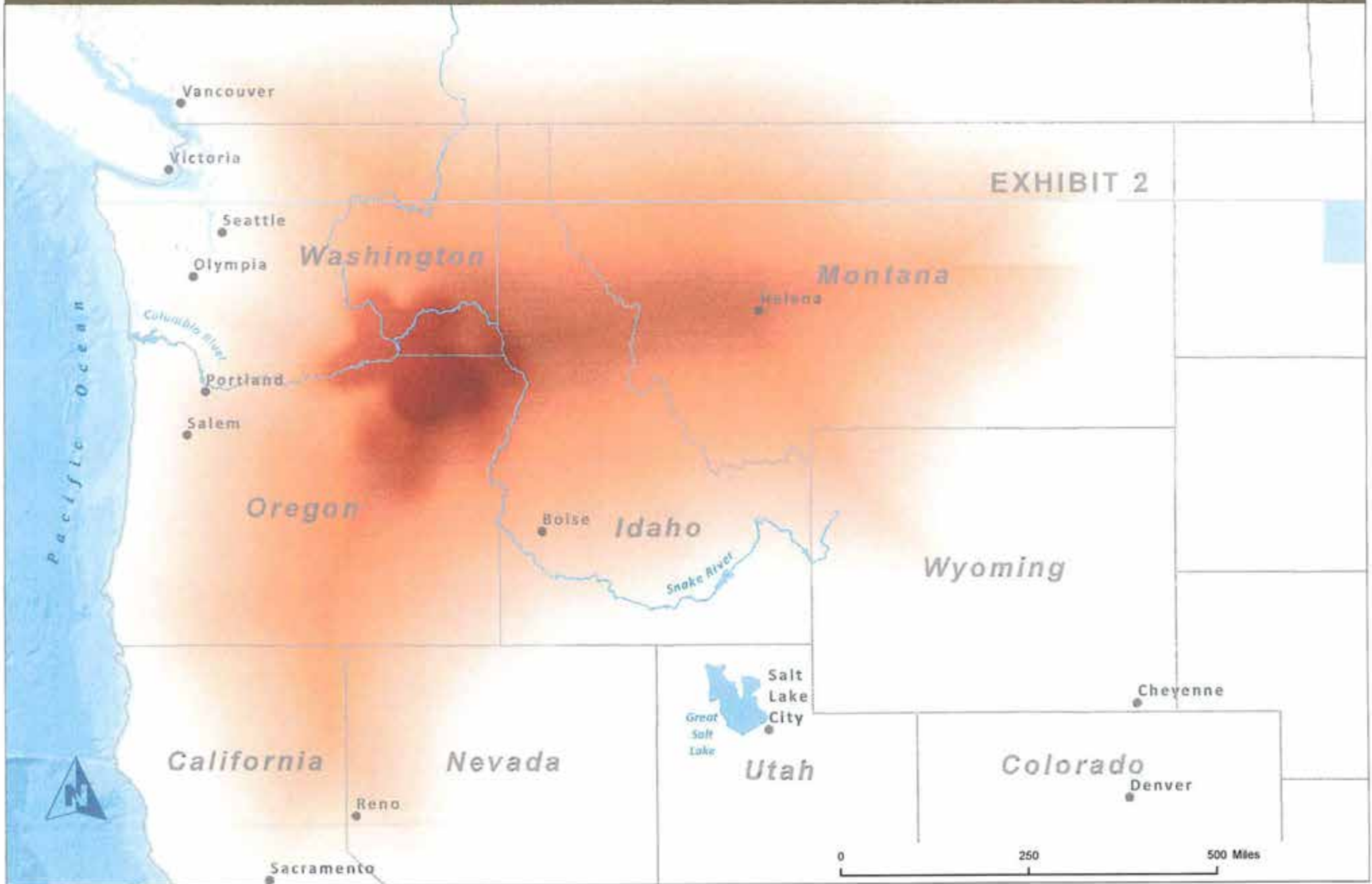
Exhibit 3: Wildhorse Revenue Contribution to CTUIR 2023 Budget

Exhibit 1 - CTUIR Map

Distances in miles to Pasco Site Pasco, Washington



Traditional Use by the Cayuse, Umatilla, Walla Walla Tribes



This map reflects traditional and customary areas used by the Cayuse, Umatilla and Walla Walla people over different seasons at or before treaty negotiations. Areas of heavier use are identified with darker color saturation. Data and information used to create this map includes the 1855 Treaty negotiation minutes, adjudicated use areas, oral histories information and documentation from literature.

This map reflects non-exclusive traditional uses beyond current reservation boundaries, aboriginal lands and ceded lands defined by the Indian claims Commission findings – all of which are judicially

EXHIBIT 3

CTUIR 2023 Budget Contribution from Wildhorse Resort and Casino

GAMING REVENUE ALLOCATION

Investments	\$	1,375,000
Land Purchases	\$	1,375,000
Seniors Pensions	\$	165,000
Litigation Reserves	\$	250,000
Water Rights Negotiations	\$	1,000,000
Contingency Fund	\$	1,809,926
COURT	\$	1,039,100
OFFICE OF EXECUTIVE DIRECTOR	\$	471,479
CHILDREN & FAMILY SERVICES	\$	1,904,317
COMMUNICATIONS	\$	604,348
ECONOMIC & COMMUNITY DEVELOPMENT	\$	1,909,768
EDUCATION DEPARTMENT	\$	5,680,549
ENROLLMENT	\$	755,742
FINANCE	\$	86,373
GAMING COMMISSION	\$	2,977,339
HOUSING	\$	18,222
HUMAN RESOURCES DEPT	\$	590,703
INFORMATION TECHNOLOGY	\$	1,337,743
NATURAL RESOURCES	\$	2,612,882
PLANNING OFFICE	\$	1,008,622
PUBLIC SAFETY	\$	2,119,403
PUBLIC WORKS	\$	1,332,820
UMATILLA TRIBAL POLICE	\$	5,546,644
TAMASTSLIKT	\$	2,334,943
NIXYAAWII COMMUNITY FINANCIAL SERVICES	\$	150,000



April 29, 2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: **NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos**

Dear Regional Director Mercier:

As a State Representative, I believe that tribes are an integral part of this country's history, culture, and future. It is important to remember that Tribal Nations are sovereigns, each with their own peoples, histories, cultures and territories. Today, I write to express concern about the Confederated Tribes of the Colville Reservation's ("Colville") intent to establish and operate a gaming facility in Pasco, Washington, 165 miles south of their reservation and within another sovereign Nation's Treaty-defined Territory. I believe by granting the Colville their petition to establish and operate a casino in another Tribe's territory sets a very harmful precedent for expanding gaming beyond the State's intention to regulate gaming in a safe and respectful manner and enter into careful compact negotiations with federally recognized Tribes both within the State, and if this Colville petition is granted, potentially with those out of State Tribes whose ceded areas include Washington.

As I understand it, with the Treaty with the Yakamas of June 9, 1855, 12 Stat 951 ("Treaty of 1855"), the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") ceded certain rights to millions of acres of tribal land to the United States Government in exchange for the establishment of the Yakama Reservation and preservation of rights throughout the ceded lands. Article I of the Treaty of 1855 defines the scope of the Yakama Nation's ceded lands, their "Treaty Territory." The City of Pasco lies within this area. Colville does not have rights within this area or outside its reservation.¹ Nor does Colville have rights under the Treaty of 1855.²

The Colville Reservation was established by the Executive Order of July 2, 1872. Colville's Reservation was diminished by an 1891 Agreement where Colville sold the northern half of their Reservation for \$1,500,000.³ In *Antoine v. United States*, the United States Supreme Court held that the 1891 Agreement reserved Colville's off-reservation hunting rights only within the diminished northern half of its

¹ *Antoine v. United States*, 420 U.S. 194, 205 (1975).

² *United States v. Oregon*, 29 F.3d 481, 486 (9th Cir. 1994).

³ *Antoine*, 420 U.S. at 197-98.



Reservation.⁴ Accordingly, Colville’s rights are limited to within the exterior boundaries of their 1872 Reservation. Neither the Executive Order of July 2, 1872 nor the 1891 Agreement extended Colville’s rights beyond the exterior boundaries of their 1872 Reservation.

Colville has sought several times to gain usufructory rights outside of their 1872 Reservation boundaries by claiming rights under the Treaty of 1855. In *United States v. Oregon*, the United States District Court for the District of Oregon and the Ninth Circuit Court of Appeals both rejected Colville’s Treaty of 1855-related claims.⁵ The Ninth Circuit reasoned that “by deliberately separating from the Yak[a]ma Nation, [Colville] failed to maintain political cohesion with the tribal entity in which the treaty fishing rights are vested [i.e., the Yakama Nation].”⁶ Thus, Colville does not have off-reservation rights outside their 1872 Reservation, including within the exterior boundaries of the Yakama Nation’s Treaty Territory. In other words, Colville has no legal claim to the Yakama Nation’s Treaty Territory, including the City of Pasco.

From my understanding, Congress has generally limited new tribal trust lands to those lands which consolidate or strengthen tribal governance over reservations, reduce checkerboarding, or protect tribal homelands.⁷ This requires a connection between the location of new trust land to a tribe’s reservation or ancestral territory. Likewise, one of the main facts a tribe must include in an application to the Secretary for a gaming compact extension or amendment is the distance from the newly acquired trust land to the tribe’s headquarters.⁸ The Indian Gaming Regulatory Act also limits gaming activities on lands taken into trust after October 17, 1988, unless certain location-based conditions are met.⁹ Specifically, gaming on newly acquired trust land is permitted if the lands (i) are within or contiguous to the tribe’s reservation; or (ii) were acquired pursuant to a land claim settlement, for an initial reservation, or restoration of a tribe’s reservation after termination.¹⁰ Congress’ clear intention was to limit tribal gaming to tribal territories. Yet, Colville is seeking to open a gaming facility in the City of Pasco, 165 miles south of their headquarters and within the Yakama Nation’s Treaty Territory.

The Secretary may only allow gaming on newly acquired trust land that don’t meet the above requirements if, with the state governor’s concurrence, the Secretary determines that gaming is in the best interest of the tribe and is not detrimental to the local community.¹¹ Because the City of Pasco is in the Yakama Nation’s Treaty Territory, the Yakama Nation is a part of the local community impacted by a potential Colville casino in that area. A Colville casino in Pasco would most certainly be detrimental to the economic health of the Yakama Nation and the Yakama Nation’s tribal sovereignty over its Treaty Territory. Similarly, the Secretary must disapprove a gaming compact or amendment if it violates the trust obligations of the United States to Indians.¹² Allowing another tribe to establish a gaming facility in

⁴ *Id.* at 205.

⁵ 29 F.3d at 486.

⁶ *Id.*; see also 25 U.S.C. § 151.3(a).

⁷ *Id.*

⁸ 25 C.F.R. § 292.17(g).

⁹ 25 U.S.C. § 2719.

¹⁰ 25 U.S.C. § 2719(a), (b).

¹¹ 25 U.S.C. § 2719(b)(1)(A).

¹² 25 C.F.R. § 293.14(c).



the Yakama Nation's Treaty Territory without the Yakama Nation's consent is a violation of the United States Government's trust obligations to the Yakama Nation.

I share the Yakama Nation's concern and join in their opposition to another Tribe operating a casino in their Treaty Territory. Regardless of the Tribes involved, one Nation should not operate a gaming facility in another Nation's territory without the affected Nation's prior consent to do so. To allow this would go against the express intent of Congress. As stated above, it also goes against the careful planning and negotiations that occur with the State and Compacted Tribes. The Compacts entered into by the State and the Tribes are drawn up with the historical intention to limit and give exclusivity of gaming to Tribes.

The process for establishing a new Tribal gaming facility is intended to consider the economic benefit to the impacted community and to the governance of the individual Tribe. This is recognized in our State's laws as well as under the Indian Gaming Regulatory Act. Washington is proud of its history. To allow for the Colville Tribe to expand gaming beyond its own territory into another Tribe's territory heralds the coming of the day and the potential for any Tribe to do so. This goes against Washington's history of regulating gaming, and the State's history of respecting individual Tribal sovereigns in the compacting process.

This is not about supporting Colville or the Yakama Nation on this. Rather, this is about the precedent that would be set if Colville is permitted to establish and operate a casino over 100 miles away from their headquarters, and in the Yakama Nation's Treaty Territory without their consent. Although I do not oppose Colville opening a new casino, I respectfully recommend that they do so within their own territory.

Thank you for your attention to this vital matter of tribal sovereignty and economic development. Please contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "Gina Mosbrucker".

Representative Gina Mosbrucker
Washington State Representative
14th Legislative District

State of
Washington
House of
Representatives



June 3, 2024

Sent via Electronic Mail
tobiah.mogavero@bia.gov

Bryan Mercier, Regional Director
Bureau of Indian Affairs
Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: **NOI Comments, Colville Tribes Fee-to-Trust and Casino Project - Respecting Tribal Territories When Siting Casinos**

Director Mercier,

It has come to our attention that the Confederated Tribes of the Colville Reservation are pursuing a gaming project in Yakama Nation ceded territory. We take tribal sovereignty and respect for tribal treaty rights very seriously, which is why we have chosen to weigh in on this matter.

We have several concerns, which include the inevitable impact on casino revenue of the nearby Confederated Tribes of the Umatilla Indian Reservation and the Yakama Nation, each of whom depend on patrons from the Tri Cities area to sustain their casino operations at Wildhorse Casino and Legends Casino respectively. Each of these tribes operates just one casino, which generates revenue to fulfill their government service obligations to their members. The Confederated Tribes of the Colville Reservation operate three already.

Additionally, we are concerned about the fundamental unfairness of authorizing operations of one tribe to encroach into another's treaty-ceded territory without the express consent of the tribe with historical and legal history in said territory. The Yakama Nation has an established relationship with the United States government through their 1855 treaty, which included the ceded the territory in question here.

We urge you to reject authorizing expansion of gaming in Yakama treaty territory without the Yakama Nation's express consent. Doing otherwise would set a harmful precedent regarding fundamental concepts of sovereignty for other Indian tribes as well.

Sincerely,

Handwritten signature of Representative Skyler Rude in black ink.

Representative Skyler Rude
16th Legislative District

Handwritten signature of Representative Mark Klicker in black ink.

Representative Mark Klicker
16th Legislative District

Handwritten signature of Representative April Connors in black ink.

Representative April Connors
8th Legislative District

Cc: Governor Jay Inslee
Kathryn Leathers, Governor General Counsel
Craig Bill, Director, Governor's Office of Indian Affairs
Alicia Levy, Chair of the Washington State Gaming Commission
Deb Haaland, Secretary of Interior
Bryan Newland, Assistant Secretary for Indian Affairs
Bryan Mercier, Northwest Regional Director Bureau of Indian Affairs

Attachment 2
Notice of Intent

and indirect and growth inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the **Federal Register**; and (3) transfer of the Strawberry Fields Site in to trust.

Locations where the FEIS is Available for Review: The FEIS is available for review at <https://reddingeis.com>. Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority

This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR part 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by delegation the authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2024-07048 Filed 4-2-24; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

**[245A2100DD/AAKC001030/
AOA501010.999900]**

Notice of Intent To Prepare an Environmental Impact Statement for the Confederated Tribes of the Colville Reservation's Proposed Fee-to-Trust and Casino Project, Franklin County, Washington

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) in connection with the Confederated Tribes of the Colville Reservation (Colville Tribes) proposed Fee-to-Trust and Casino Project in the City of Pasco, Franklin County, Washington. This notice also opens public scoping to identify potential issues, concerns, and alternatives to be considered in the EIS.

DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than 30 days after publication of this Notice of Intent (NOI) in the **Federal Register**. The time and date of the public scoping meeting will be announced at least 15 days in advance through a notice to be published in the local newspaper (*The Tri-City Herald*) and online at <http://www.colvilleis.com>.

ADDRESSES: You may mail written comments to Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" on the first page of your written comments. You may also submit comments through email to Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, at: tobiah.mogavero@bia.gov, using "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, Northwest Region, (435) 210-0509, tobiah.mogavero@bia.gov. Information is also available online at <http://www.colvilleis.com>.

SUPPLEMENTARY INFORMATION: The Colville Tribes submitted a Fee-to-Trust application to the Bureau of Indian Affairs (BIA) requesting the placement of approximately 164.63 acres of fee land in trust by the United States upon which the Colville Tribes would construct a casino resort. The facility would include an approximately 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities. The proposed Fee-to-Trust property is located within the boundaries of the City of Pasco, Franklin County, Washington. The proposed trust property is comprised of one parcel (Assessor Parcel No. 113-130-068) bound by N. Capitol Avenue to the west, commercial and industrial development to the west and south, and agricultural parcels to the north and east. The purpose of the proposed action is to improve the economic status of the Tribal government so that it can provide comprehensive services and ensure the continued social and economic independence and well-being of its Tribal members.

The proposed action encompasses the various federal approvals that may be required to implement the Colville Tribes' proposed project, including approval of the Colville Tribes' Fee-to-Trust application and Secretarial Determination pursuant to section 20(b)(1)(A) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A)). The EIS will identify and evaluate issues related to these approvals and will also evaluate a range of reasonable alternatives. Possible alternatives currently under consideration include: (1) a reduced-intensity casino alternative, and (2) an alternate-use (non-gaming) alternative. The range of alternatives evaluated in the EIS may be expanded based on comments received during the scoping process.

Areas of environmental concern preliminarily identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural/historic/archaeological resources; resource use patterns; traffic and transportation; public health and safety; hazardous materials and hazardous wastes; public services and utilities; socioeconomic; environmental justice; visual resources/aesthetics; and cumulative, indirect, and growth-inducing effects. The range of issues to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and at the public scoping meeting. Additional information, including a map of the proposed trust property, is available by contacting the

Attachment 3

Notice of Intent Mailing List
and Newspaper Publication

NOI Mailing List

Name	Title/Position	Agency/Organization
Local Government		
Adam Lincoln	City Manager	City of Pasco
Lisa Beaton	City Manager	City of Kennewick
Jon Amundson	City Manager	City of Richland
Carla Meyer	Clerk	Benton City
	City Clerk	Mesa City
Brent Gerry	Mayor	West Richland
Counties		
Mike Gonzalez	County Administrator	Franklin County
	Comissioners	Franklin County PUD
Jim Raymond	Sheriff	Franklin County Sheriff's Office
Josie Delvin	County Clerk	Benton County
Lori Smith	Executive Secretary	Umatilla County
Diane Harris	Clerk of the Board	Walla Walla County
Special District		
Vicki Gordon	Comissioner	Port of Pasco
Representatives		
Patty Murray	U.S. Senator	United States Senate
Maria Cantwell	U.S. Senator	United States Senate
Dan Newhouse	WA 4th - US Represenative	House of Representatives
Bruce Chandler	15th District	WA State Legislature
Bryan Sandlin	15th District	WA State Legislature
Nikki Torres	Senator 15th	WA State Legislature
State Agencies		
Joby Shimomura	Chief of Staff - Office of the Governor	State of Washington
Lucy Temple	NEPA/SEPA Program Manager	Washington State Department of Transportation
Gabe Philips	Tribal and Regional Integrated Planning Manager	Washington State Department of Transportation
Colleen Cawston	Tribal Relations Liaison	Washington State Department of Transportation
		Washington State Department of Transportation
Brook Beeler	Eastern Region Director	Washington State Department of Transportation
Tribes		
Jarred-Michael Erickson	Chairman	Colville Tribes
Alan Crawford	Chairman	Confederated Tribes of the Umatilla Indian Reservation
Garold Lewis	Chairman	Confederated Tribes and Bands of the Yakama Nation



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
141692	549855	Print Legal Ad-IPL01720540 - IPL0172054		\$328.08	2	61 L

Attention: Kristen Miner

Kristen Miner
 PO Box 1105
 Murphys, CA 95762

kminer@acorn-env.com

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Notice of Scoping Period Extension for Draft Environmental
Impact Statement for the Colville Tribes Fee-to-Trust and Casino
Project, City of Pasco, Franklin County, Washington

NEPA LEAD AGENCY: Bureau of Indian Affairs, Department of the Interior
 SUMMARY: The Bureau of Indian Affairs (BIA) is announcing a thirty (30) day extension of the public scoping period for the proposed Colville Tribes fee-to-trust and Casino Project in the City of Pasco, Franklin County, Washington. The BIA published a Notice of Intent to prepare an Environmental Impact Statement (EIS) for the proposed action pursuant to the National Environmental Policy Act (NEPA) on April 3, 2024.

DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than Monday June 3, 2024. Please visit www.colvilleeis.com for additional information.

ADDRESSES: Written comments regarding the scope of the EIS can be submitted as follows:

By mail: You may mail written comments to Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" on the first page of your written comments.

By email: You may also submit comments through email to Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, at: tobiah.mogavero@bia.gov, using "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, Northwest Region, (435) 210-0509, tobiah.mogavero@bia.gov. Information is also available online at <http://www.colvilleeis.com>.

SUPPLEMENTARY INFORMATION: On April 3, 2024, the BIA published in the Federal Register (89 FR 23041) a Notice of Intent to prepare a Draft EIS for the Colville Tribes Fee-To-Trust and Casino Project, City of Pasco, Franklin County, Washington. BIA then held a virtual public hearing on April 24, 2024. The proposed action consists of the acquisition of approximately 164.63 acres of fee land into trust by the United States upon which the Colville Tribes would construct a casino resort. The facility would include an approximately 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities. The proposed fee-to-trust property is located within the boundaries of the City of Pasco in Franklin County, Washington.

The proposed action encompasses the various federal approvals that may be required to implement the proposed action, including approval of the Colville Tribes' Fee-to-Trust application and Secretarial Determination pursuant to section 20(b)(1)(A) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A)). The EIS will identify and evaluate issues related to these approvals and will also evaluate a range of reasonable alternatives. The range of issues to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and at the public scoping meeting. Additional information is available online at <http://www.colvilleeis.com>.

Public Comment Availability

Comments, including names and addresses of respondents, will be included as part of the administrative record and Scoping Report for the EIS. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment — including your personal identifying information — may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

IPL0172054
 May 8 2024

COUNTY OF BENTON)

SS

STATE OF WASHINGTON)

Mary Castro, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 05/08/2024, and ending on 05/08/2024 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
 05/08/24

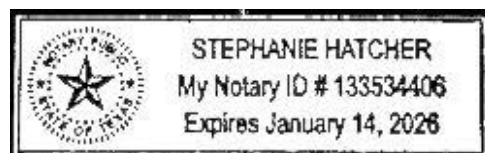
Mary Castro

(Signature of Legals Clerk)

Sworn to and subscribed before me this 8th day of May in the year of 2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

Attachment 4

Scoping Comment Period Extension
Documentation



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
141692	549855	Print Legal Ad-IPL01720540 - IPL0172054		\$328.08	2	61 L

Attention: Kristen Miner

Kristen Miner
 PO Box 1105
 Murphys, CA 95762

kminer@acorn-env.com

DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Notice of Scoping Period Extension for Draft Environmental
Impact Statement for the Colville Tribes Fee-to-Trust and Casino
Project, City of Pasco, Franklin County, Washington

NEPA LEAD AGENCY: Bureau of Indian Affairs, Department of the Interior
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DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than Monday June 3, 2024. Please visit www.colvilleeis.com for additional information.

ADDRESSES: Written comments regarding the scope of the EIS can be submitted as follows:

By mail: You may mail written comments to Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and "NOI Comments, Colville Tribes Fee-to-Trust and Casino Project" on the first page of your written comments.

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FOR FURTHER INFORMATION CONTACT: Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, Northwest Region, (435) 210-0509, tobiah.mogavero@bia.gov. Information is also available online at <http://www.colvilleeis.com>.

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The proposed action encompasses the various federal approvals that may be required to implement the proposed action, including approval of the Colville Tribes' Fee-to-Trust application and Secretarial Determination pursuant to section 20(b)(1)(A) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)(A)). The EIS will identify and evaluate issues related to these approvals and will also evaluate a range of reasonable alternatives. The range of issues to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and at the public scoping meeting. Additional information is available online at <http://www.colvilleeis.com>.

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Mary Castro, being duly sworn, deposes and says, I am the Legals Clerk of The Tri-City Herald, a daily newspaper. That said newspaper is a local newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published continually as a daily newspaper in Benton County, Washington. That the attached is a true copy as it was printed in the regular and entire issue of the Tri-City Herald and not in a supplement thereof, ran 1 time (s) commencing on 05/08/2024, and ending on 05/08/2024 and that said newspaper was regularly distributed to its subscribers during all of this period.

1 insertion(s) published on:
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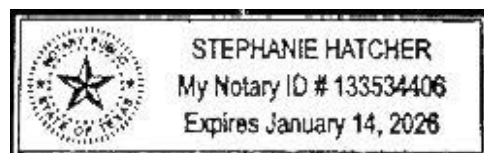
Mary Castro

(Signature of Legals Clerk)

Sworn to and subscribed before me this 8th day of May in the year of 2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
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Attachment 5

Public Scoping Hearing Transcript

Public Hearing Commenter Log

#	Name of Commenter	Title/Affiliation of Commenter
1	Jarred-Michael Erickson	Confederated Tribes of the Colville Reservation Chairman
2	Colin Hastings	Executive Director of Pasco Chamber of Commerce
3	Corinne Sams	Board of Trustees Member of Umatilla Reservation
4	Adam Lincoln	City of Pasco Manager
5	Stephen McFadden	Director of Economic Development of Port of Pasco
6	Dan Hester	Attorney for Umatilla Tribe
7	Toby Patrick	
8	Ruth Jim	
9	Andrew Zack Jr.	
10	Christopher Wallahee	Vice Chairman of Yakama Nation
11	Rodney Cawston	Colville Tribes member
12	Tony Monroe	Yakama Nation member
13	Roberta Wilson	member of the Umatilla Tribes and the Board of Trustees
14	Steven Selam	Yakama Nation member
15	Caseymac Wallahee	Yakama Nation member
16	Gary George	Chief Executive Officer for Wildhorse Resort and Casino (Umatilla)
17	Gary Burke	Chairman of the Umatilla Tribe
18	Ricky Gabriel	Colville Tribes member
19	Mrs. Rodney Cawston	
20	Brian Saluskin	Yakama Nation Tribal Council Member
21	Yvette Joseph	
22	Meghan Francis	Colville Tribes member
23	Laurene Contreras	member of the Yakuma Nation
24	Arnold Eyle	Yakama Nation Tribal Council
25	Katie Cortes	Yakama Nation tribal member
26	Matthew Yahyowan	
27	Suzanne Clem	HR Director at Wild Horse Resort and Casino of the Umatilla Tribes

28	Letisha Peterson	Yakama Nation member, General Manager of Legends Casino Hotel
29	Allan Tovey	General Manager of Wild Horse Casino and Yakama Tribal Member
30	Ethan Jones	Lead Attorney for Yakama Nation
31	Jeremy Takala	Yakama Nation Tribal Council
32	Terry Goudy Rambler	Yakama Nation Tribal Council
33	Ione Jones	
34	Donella Miller	Yakama Nation member
35	Asah Yallup	Yakama Nation member
36	Gerald Sam	Colville Tribes member
37	Zorana Hueso-Selam	Yakama Nation member
38	Charlene Tillequots	Yakama Nation Tribal Council
39	Dora Goudy Smith	Yakama Nation member and Chair of Gaming Commission
40	Terry Heemsah Sr.	Yakama Nation member
41	Idajo Pinkham Maltos	Yakama Nation member
42	John Sirois	Assistant to the Colville Tribes
43	Julia Saluskin	Yakama Nation member
44	Aticia Bray	Colville Tribes member
45	Cato Moses-Hyipeer	Yakama Nation member
46	Starla Moses-Hyipeer	Yakama Nation member
47	Cecil Jackson	Yakama Nation member
48	Darnell Sam	Colville Tribes member
49	Vera Hernandez	Yakama Nation member
51	Mitch Wilson	

SCOPING MEETING FOR THE
CONFEDERATED TRIBES OF THE COLVILLE RESERVATION
FEE-TO-TRUST AND CASINO PROJECT

WEDNESDAY, APRIL 24, 2024

6:00 P.M.

Reported by:

Brooke Silvas, CSR 10988

Job No. 1133779

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WEDNESDAY, APRIL 24, 2024

6:00 P.M.

TOBIAH MOGAVERO: Are we ready to begin?

Good evening. The Bureau of Indian Affairs welcomes you to this scoping meeting for the Confederated Tribes of the Colville Reservation Fee-to-Trust and Casino Project.

My name is Tobiah Mogavero. And I'm the NEPA coordinator for Northwest Region of the Bureau of Indian Affairs, or BIA for short. Here with me are several other representatives from the BIA, including Brian Haug, environmental scientist for the Northwest Region. And we also have environmental consultants representing the BIA with the NEPA process.

Bibiana Sparks with Acorn Environmental will give a brief presentation on the proposed action and the associated Environmental Impact Statement process.

Thank you.

BIBIANA SPARKS: Thank you, Mr. Mogavero.

Before we begin, note that this hearing will be recorded and will be closed captioned for the hearing impaired. To activate the closed captioning feature, please click on the closed captioning icon at the bottom of your screen.

1 The National Environmental Policy Act, or NEPA
2 for short, is a procedural statute that requires federal
3 agencies to consider environmental impacts of federal
4 actions and projects prior to approval and
5 implementation. In this case, the federal actions
6 required to implement the Tribe's project include: The
7 fee-to-trust acquisition by the BIA of an approximately
8 160-acre property in the city of Pasco, Washington;
9 issuance of a two-part determination by the Secretary of
10 the Interior for gaming eligibility of the site under
11 the Indian Gaming Regulatory Act.

12 The proposed trust property is located in the
13 city of Pasco, in Franklin County, Washington.

14 As shown here, the property is located just
15 east of US Highway 395 and currently consists of an open
16 agricultural field. Local access from US Highway 395 to
17 the property is provided by Kartchner Street and North
18 Capitol Avenue.

19 The components of the Tribe's proposed project
20 are shown in this table. The proposed casino would
21 contain approximately 2,000 gaming devices and 30 table
22 games. The hotel would be eight stories tall and have
23 200 rooms. Other amenities include restaurants, an
24 event center, parking, and other supporting utilities.

25 This slide shows the site plan of the

1 Tribe's proposed project with the casino and hotel
2 located within the central portion of the site.
3 Surface parking with approximately 1,500 spaces
4 would be developed around the casino and hotel. And
5 retention ponds would be developed to manage storm
6 water on the site.

7 Prior to deciding on the Tribe's application
8 and proposed project, the BIA must complete the NEPA
9 project to determine the potential environmental
10 impacts. The NEPA process begins with a proposed
11 federal action.

12 The first step of the NEPA process is to
13 determine whether a categorical exclusion or an
14 exemption applies. Categorical exclusions are
15 appropriate if an action is minor or would not normally
16 result in significant impacts. This does not apply in
17 this case.

18 If it is not appropriate to issue a categorical
19 exclusion, the federal lead agency would consider
20 preparing an environmental assessment to determine
21 whether significant environmental impacts could occur.

22 If no potentially significant impacts are
23 identified, the lead agency will prepare a finding of no
24 significant impact for the action and conclude the NEPA
25 process.

1 If there is a more than moderate likelihood
2 that a significant impact could occur because of an
3 action, the lead agency should prepare an EIS.

4 This is the NEPA path we're on for this
5 project. We are currently on EIS step 2, scoping
6 period, highlighted in yellow on this slide.

7 The BIA published the Notice of Intent, or NOI,
8 to prepare an EIS on April 3rd, 2024. The NOI is
9 available online at covilleeis.com. Future NEPA
10 documents will also be published on this website for
11 public review.

12 Scoping is the process by which lead agencies
13 solicit input from the public and interested agencies on
14 the nature and extent of issues and impacts to be
15 addressed in the EIS and the methods by which they will
16 be evaluated. The scope of a document includes the
17 extent of the action, the range of alternatives
18 assessed, and the types of impacts to be evaluated.

19 The scoping comment period, including this
20 scoping hearing, provides the public with an
21 opportunity to comment on the scope of the upcoming
22 EIS. The scoping comment period for the proposed
23 project ends May 3rd, 2024. Comments received
24 during the scoping comment period, whether written
25 or spoken at this hearing, will be considered

1 equally by the BIA.

2 After the close of the scoping comment
3 period, the BIA will prepare a scoping report that
4 summarizes comments received during the scoping
5 period. Each comment letter received and the
6 transcript of this scoping hearing will be included
7 in the scoping report. The BIA will utilize the
8 scoping report during preparation of the Draft EIS.

9 The Draft EIS will analyze potential
10 environmental impacts of the proposed action, along
11 with the reasonable range of alternatives. The
12 Draft EIS will be made available to the public for
13 at least a 45-day review and comment period.
14 Another public hearing similar to this one will be
15 announced and held during this 45-day comment period
16 to gather verbal comments from the public.

17 This slide presents the list of
18 environmental issues we currently expect to evaluate
19 in the EIS.

20 After the public review and comment period on
21 the Draft EIS is closed, the BIA will prepare a Final
22 EIS. The Final EIS will include responses to
23 substantive comments received on the Draft EIS during
24 the 45-day comment period. When completed, the Final
25 EIS will be made available to the public for review. No

1 sooner than 30 days after the publication of the Final
2 EIS, the BIA may issue a Record of Decision, or ROD,
3 that includes its decision on the proposed action.
4 Issuance of the ROD marks the end of the NEPA process.

5 Information regarding the NEPA process and
6 future NEPA documents for this project are available
7 online at colvilleeis.com.

8 Written comments can be mailed to Bryan Mercier
9 at the address shown on the slide.

10 For further information, you can contact Tobiah
11 Mogavero using the information provided on the slide.

12 We will now begin the comment portion of
13 the evening. Please note that the purpose of the
14 hearing tonight is to listen to your comments and
15 concerns and make sure that those comments are
16 carefully recorded for the record. The BIA will not
17 be answering questions or discussing details of the
18 analysis at this time. The Draft EIS will be
19 prepared in consideration of all substantive
20 environmental issues and concerns raised tonight.

21 To request to speak, please raise your hand
22 using the icon at the -- on the Zoom platform or by
23 pressing star 9 if you are dialing in by phone.

24 Once your name is called, please unmute
25 yourself by using the icon on the Zoom platform or by

1 pressing star 6 if you are calling in by phone.

2 Please remember to identify yourself at the
3 beginning of your remarks.

4 Speakers will each have three minutes to
5 provide comments. If you have a lengthy comment, we
6 encourage you to submit that comment in writing. All
7 comments will receive equal weight, whether they are
8 spoken or written.

9 When you have finished providing your comments,
10 the moderator will lower your hand and mute you again.

11 Please call the help line at (949)861-5954 if
12 you are having technical difficulties.

13 We will first invite Chairman Erickson from the
14 Confederated Tribes of the Colville Reservation to
15 speak.

16 JARRED-MICHAEL ERICKSON: Can you all hear
17 me?

18 MODERATOR: Yes.

19 JARRED-MICHAEL ERICKSON: All right.

20 [Speaking non-English] Hello. Good day. My name is
21 Jarred-Michael Erickson. I'm the chairman of the
22 Confederated Tribes of the Colville Reservation. I
23 would like to thank you, everyone, for attending
24 tonight. We are excited to hear the comments about our
25 proposed casino project from those in attendance and

1 look forward to continued feedback as we work through
2 this environmental analysis process.

3 A considerable amount of work has been
4 accomplished to get to this point. We purchased the
5 property in 2019 and have been diligently working
6 through the fee-to-trust process since the acquisition.
7 This includes a number of items required in the Code of
8 Federal Regulations and the BIA fee-to-trust handbook.
9 We have shared -- shared our tentative development plan
10 [indiscernible] analysis and formed the development of
11 our project alternatives.

12 The Pasco project will provide economic benefit
13 to both the Confederated Tribes and surrounding
14 communities. The project is projected to support
15 roughly 2,000 jobs during construction and over 5,000
16 direct and indirect jobs over the first ten years of
17 operation. This will be beneficial for both the Pasco
18 area and the Colville tribes.

19 Based on the most recent data, over half of the
20 tribal members live off -- excuse me -- lives off the
21 reservation. It is important to create employment
22 opportunities both within and outside the boundaries of
23 our reservation. The revenue from this project will be
24 used to support unmet needs for the Colville Tribal
25 Government, with over 9200 tribal members on limited

1 funding from the Bureau of Indian Affairs and Indian
2 Health Service. The Tribal Council will have a funding
3 source to provide adequate health, education, public
4 safety, and other social services to our membership.
5 This will also provide a funding source for
6 [indiscernible] natural resource management goals, which
7 are largely underfunded by the federal government.

8 We have developed a number of agreements with
9 local government entities through this process and
10 shared presentations for those preliminary plans with
11 the Pasco City Council, Board of Pasco, and Franklin
12 County commissioners. We are committed to expanding
13 this relationship as we continue to work on this
14 project. [Speaking non-English] Thank you.

15 MODERATOR: Thank you for your comments.

16 The next speaker is Colin Hastings.

17 COLIN HASTINGS: Thank you for your time and
18 comment on this project. My name is Colin Hastings.
19 I'm the executive director of the Pasco Chamber of
20 Commerce, representing over -- our member businesses
21 and over 3,000 businesses in Pasco. We have been
22 engaged with the Confederated Tribes of the Colville
23 Reservation for a few years now, since the purchase of
24 the land, for their Pasco project. The Pasco chamber
25 is supportive of this economic development in our

1 hometown. The 108 -- 160-acre site will be a
2 springboard for the local economy and provide more
3 jobs for our residents, as well for the Colville
4 Tribal members.

5 The Pasco Economic Development Project will
6 enhance and diversify our economy in the city as well as
7 the Franklin County in our greater Tri-Cities area. The
8 project will increase tourism and strengthen our way of
9 life in our community.

10 We are pleased with the friendship that we have
11 created with the Colville Tribe. As supporting the
12 Pasco project to its fruition, we first see many areas
13 beyond this development to plan for the future of Pasco
14 which we know the tribe will be an integral part of this
15 process. We appreciate the understanding and respective
16 interests as this project moves forward. Our area
17 welcomes the new and exciting economic development to
18 better our community.

19 Thank you for your time.

20 MODERATOR: Thank you.

21 The next speaker is Corinne Sams.

22 Corinne Sams, you can unmute yourself.

23 CORINNE SAMS: Can you hear me?

24 MODERATOR: Yes.

25 CORINNE SAMS: Thank you. My name is Corinne

1 Sams. And I'm a board of trustees member from the
2 Confederated Tribes of the Umatilla Indian
3 Reservation. And first of all, I would like to say
4 I'm extremely disappointed that the CTUIR has never
5 approached for a G2G with Colville. This is not how
6 Northwest tribes treat one another. And we certainly
7 do not encroach on other tribe's ceded territories.
8 The CTUIR does not support the Colville proposal to
9 develop a casino in Pasco. The Pasco site is located
10 within the traditional use area of the CTUIR adjacent
11 to the aboriginal lands described in the CTYR treaty
12 of 1855. The CTUIR aboriginal lands are located just
13 3.73 miles from the Pasco site. The Umatilla Indian
14 Reservation is the closest reservation to the Pasco
15 site, 42.9 miles away, while Colville Reservation is
16 over 112 miles away. The CTUIR has tribal trust land,
17 Wanapum wildlife area, and Wanapum industrial park,
18 located within 25 miles of the proposed casino. And
19 therefore, the nearby Indian Tribe within the
20 definition set forth in 25CFR292.2. The CTUIR is a
21 surrounding community. Pursuant to the CFR292.9, our
22 government functions, infrastructures, and services
23 will be directly and immediately and significantly
24 impacted by this proposal. I might add that the
25 Colville are not included in the U.S. v. Oregon

1 agreement because they do not have any rights to the
2 Columbia River. They were also excluded from the
3 Inflation Reduction Act funding determined by NOAA
4 that Colville does not qualify for the funding because
5 they do not have the rights. These are both examples
6 that solidify that our ceded and usual and accustomed
7 treaty rights supersede any efforts that the Colville
8 Tribe has on encroaching on our territories and treaty
9 resources. The CTUIR is the largest landowner in
10 the -- the seventh largest landowner in the state of
11 Oregon. The EIS must carefully take into account that
12 the federal trust responsibility to the CTUIR and the
13 adverse impacts that propose in this casino proposal
14 would have on the CTUIR and its members.

15 Thank you.

16 MODERATOR: Thank you.

17 The next speaker is Adam Lincoln.

18 ADAM LINCOLN: Can you hear me okay?

19 MODERATOR: Yes.

20 ADAM LINCOLN: Thank you.

21 My name is Adam Lincoln, the City Manager for
22 the City of Pasco, Washington. I'm going to echo a lot
23 of the comments that Mr. Hastings made earlier. There
24 was a cooperation agreement that the Pasco City Council
25 had agreed to enter into. The conversation with tribal

1 leadership has been very positive and very focused on
2 job creation, economic development and tourism. These
3 are all things that the city council for the City of
4 Pasco has valued for many years. And they're council
5 goals. And they look forward to continuing to partner
6 with the tribe and tribal leadership on the acreage
7 development as this project moves forward. We're
8 excited to be partners. Thank you very much. That's
9 all I have.

10 MODERATOR: Thank you.

11 The next speaker is Stephen McFadden.

12 STEPHEN McFADDEN: Good evening. My name is
13 Stephen McFadden. I'm the director of economic
14 development for the Port of Pasco. I'm happy to be
15 here this evening. Since early 2023, the Port of
16 Pasco has been building a relationship with the
17 Colville with regard to their proposed economic
18 development projects in the Pasco area. If you were
19 to look at the Port of Pasco's stated mission, it has
20 an emphasis -- emphasis on economic development. And
21 based on the information that we had reviewed, our
22 Port Commission authorized us to sign a cooperation
23 agreement and issue a letter of support in May of
24 2023. The Port is committed to supporting the efforts
25 which will improve the economy in the Pasco region and

1 enhance our tourism industry. And for that reason, we
2 are in support of this proposed project that is being
3 presented by Colville. Thank you.

4 MODERATOR: Thank you.

5 The next speaker is Dan Hester.

6 DAN HESTER: Good evening. Can you hear me?

7 MODERATOR: Yes, I can.

8 DAN HESTER: Thank you.

9 My name is Dan Hester. I'm the attorney for
10 the Umatilla Indian Tribe. And I would like to follow
11 up on comments that were made by Corrine Sams, our board
12 of trustees member. I want to address issues that we
13 included in our comments on the fee-to-trust application
14 submitted by the tribe. The first being that the
15 tribe -- the Colville Tribe's claim to the site, which
16 is based on their connection to the Palouse Tribe, does
17 not support the proposed casino site location. The
18 Colville Reservation was originally established by an
19 1872 executive order that was set up for 8 bands that
20 cannot include the Colville because they were
21 signatories to the Yakama Treaty. In fact, many of the
22 [indiscernible] actually moved to various reservations.
23 Most notably, the Umatilla Indian Reservation. In fact,
24 on page 11 of the Colville Section 106 report on the
25 proposed site, it is noted that most of the Palouse

1 moved to the Umatilla Indian reservation after the wars
2 in the 1850s and 1860s. In fact, our Chairman
3 Burke's, grandfather is a Palouse. As Cor mentioned,
4 the Tribe is a nearby Indian tribe, who will be
5 providing comments to that effect, in large part because
6 of the devastating impact of a Colville casino in Pasco
7 that would greatly reduce the revenues that Wildhorse
8 Resort, which are the principal support for tribal
9 programs and services that benefit the tribal community
10 at Umatilla. We believe that that would be a very
11 substantial impact. And an approval by the BIA would be
12 a violation of the BIA's trust obligation to the CTUIR,
13 as well as revenue support a wide array of governmental
14 services to the tribal community. We would also point
15 out that the Colville Tribe have three profitable
16 casinos on their reservation. And we believe that the
17 BIA should be supporting on-reservation economic
18 development where tribal members can live, work, and
19 raise their families. As was pointed out, this Colville
20 casino site is 156 miles from the Nespelem and the
21 Colville reservation. It is a two-hour-and-54-minute
22 commute each way, which we don't think tribal members
23 living on the reservation are going to do to get to work
24 at this proposed casino site. We also believe that the
25 tribe has established an on-reservation economy that the

1 Wildhorse Resort is essential to and that it would be
2 negligent of the BIA to approve a casino for the
3 Colville Tribe in Pasco that would have the devastating
4 impact on the reservation economy that we have worked so
5 hard to develop. We will be providing additional
6 comments by the May 3rd deadline regarding this EIS
7 scoping document.

8 Thank you for your time.

9 MODERATOR: Thank you.

10 The next speaker is Toby Patrick.

11 TOBY PATRICK: Thank you. I would just like
12 to say that the Colville Tribe already has three
13 profitable casinos on its reservation. The Umatilla
14 Tribe only has one due to the tribal-state compact.
15 The Colville casino site is 156 miles from the
16 Nespelem Colville Reservation. According to Google,
17 two -- two-hours-54-minutes drive from the Pasco site.
18 The distance Colville members living on reservation
19 cannot reasonably travel to the proposed casino site.
20 So this proposal would provide limited benefits to
21 Colville members who reside on the reservation and it
22 would not do that. Thank you.

23 MODERATOR: Thank you.

24 The next speaker is Ruth Jim.

25 RUTH JIM: Thank you. I find it really

1 disheartening that the Bureau of Indian Affairs would
2 even consider turning the land into trust down at
3 Pasco. You know, Colville -- the Colville Tribe has
4 three avenues to come down to Pasco from Nespelem.
5 Nespelem is where their agency is. One way is
6 156 miles. The other is 168 miles. And another way
7 is 231 miles. If they are going to get approved to do
8 this, it is going to set a precedent. And you are
9 going to -- you're going to start an Indian war.
10 Because you're going to have tribes infringing on
11 other tribes' territory. I know that the Colville are
12 saying they're doing it because of the Palouse people.
13 But the Colvilles don't have a treaty right. The only
14 Palouse that have treaty rights are the ones enrolled
15 in the Yakama Tribe. It is kind of unfortunate that
16 all of the documents that the Yakama Nation has
17 requested in regards to this application, we have been
18 denied access to those. And I would hope and pray,
19 you know, because the federal agencies, they're
20 supposed to follow their reserved rights doctrine, you
21 know, in regards to treaty tribes. Yakama is a treaty
22 tribe. All the natural resources, the water and
23 things, those are all going to be affected by the --
24 by the establishment of a great casino like they're
25 planning. Are they planning to have a swimming pool?

1 A golf course? Do they have a right -- water right to
2 all of these things? Because I'm sure they're going
3 to have to dig a well or something for all that water.
4 And as it is, you know, we're beginning to be in a
5 drought. I thank you for your time.

6 MODERATOR: Thank you for your comments.

7 The next speaker is Andrew Zack Jr.

8 ANDREW ZACK JR.: Hello.

9 MODERATOR: Hello.

10 ANDREW ZACK JR.: Hello. Andrew Zack Jr.

11 I'm a second-year undergraduate at the Northwest
12 Indian College. So if this casino does get
13 established in Tri-Cities, I guarantee that it will
14 affect both the Umatilla and Yakama Tribe financially
15 and economically. And I don't see why the Colvilles
16 could have come to us so we could have worked on it
17 together. Various tribes have worked together on
18 economic development projects. And others have looked
19 into international trade markets. As we look the
20 Confederated Tribes of the Siletz Indians and the
21 Credit from the Confederated Tribes of the Grand Ronde
22 Community Oregon developed a 15-acre property. And if
23 we look at the Muckleshoot Tribe from Washington, they
24 formed a joint venture to build an inter-tribal casino
25 in Las Vegas. The Cayuse Tribe, also in Washington,

1 partnered with the Mohegan Tribe of Connecticut to
2 develop and manage the Cayuse casino. And several
3 other tribes are working together on other gaming
4 deals. So yeah. That is just my question. I don't
5 like the conflict that has arose with this decision.
6 But I don't see where we could settle on a certain
7 level to where we could all manage -- manage this
8 together. That is all. Thank you.

9 MODERATOR: Thank you for your comment.

10 If anybody else would like to speak, please
11 raise your hand.

12 The next speaker is Christopher Wallahee.

13 CHRISTOPHER WALLAHEE: Hello.

14 MODERATOR: Hello.

15 CHRISTOPHER WALLAHEE: [Speaking non-English]
16 Christopher Wallahee. I'm the vice chairman of the
17 Yakama Nation. And, you know, the Yakama Nation
18 consistently opposed Colville's proposed casino
19 project. It has raised many concerns for reasons that
20 should weigh heavily in DOI BIA's decision. So we
21 have the 14 bands, Confederated Tribes and Bands of
22 the Yakama Nation that have joined as one unified
23 nation under a shared political identify, the
24 Confederate Tribes and Bands of the Yakama Nation.
25 The Yakama Treaty ratified by Congress on March 8th,

1 1859, established an unbroken government-to-government
2 relationship with the United States. Article 2 of the
3 Yakama Treaty reserved to the Yakama Nation a
4 reservation for its exclusive use and benefit.
5 Article 1 of the Yakama Treaty reserved other vested
6 rights across the Yakama Nation ceded lands and usual
7 and accustomed areas. This is the Yakama's treaty
8 territory. As expressly stated in the Yakama Treaty,
9 the Article 1 treaty territory encompasses a region
10 that extends from the confluence of the Columbia and
11 Methow Rivers, southwesterly along the Columbia to the
12 Cascade Range. It includes Mount Adams and stretches
13 up to the North Cascade Mountains. It returns east
14 back to -- and across the Columbia River. Out to the
15 north side of the Snake River. It returns downstream
16 to the confluence of the Palouse. The Yakama Nation
17 ceded certain rights to an expanse of land roughly
18 one-third the size of a modern-day Washington state.
19 To secure, among other rights, the right to the
20 benefit of our treaty territory of the Yakama Nation
21 and our people exclusive and primary as to all other
22 original nations. There is no question that the city
23 of Pasco is within the boundaries of the Yakama
24 Nation's territory treaty as outlined in Article 1 of
25 the Yakama Treaty. To this day, our members exercise

1 their rights both within and beyond this treaty
2 territory. Because I want to still, you know, share
3 the same things as our councilwoman Ruth shared. You
4 know, the same statement is that we have not been
5 provided any opportunity for comment on this, you
6 know, information from the BIA.

7 Thank you.

8 MODERATOR: Thank you.

9 The next speaker is Roberta Wilson.

10 Roberta Wilson, please unmute yourself.

11 ROBERTA WILSON: Thank you.

12 MODERATOR: We're getting some feedback. Can
13 you maybe turn off or turn down the speaker on your
14 computer.

15 ROBERTA WILSON: Okay. Is that -- no.
16 That's not better. I'm sorry.

17 MODERATOR: Okay.

18 ROBERTA WILSON: Oh. Okay. I'm sorry. I
19 still have feedback.

20 MODERATOR: That's all right. Can you please
21 call the technical assistance hotline that is on the
22 slide, and they will help you correct that.

23 ROBERTA WILSON: Okay.

24 MODERATOR: The next speaker is CF Cawston.
25 CF Cawston, if you could unmute yourself, please.

1 RODNEY CAWSTON: Can you hear me?

2 MODERATOR: Yes, we can.

3 RODNEY CAWSTON: [Speaking non-English] Good
4 evening. Good evening, everybody. My name is Rodney
5 Cawston. And I am an enrolled member of the Colville
6 Confederated Tribes, but I descend from the Chief
7 Joseph Band of Nez Perce and Palouse from my mother's
8 side. I just really want to thank all of those who
9 are supporting the Colville Tribe in our efforts to
10 bring our people back to our homelands. There are a
11 lot of discussion of the distance of our -- of the
12 Colville Tribe from the city of Pasco in that area.
13 Well, think of how I feel as Palouse member. And this
14 was the country of my ancestors. And yet, my people
15 were displaced such a distance from the area of where
16 my people once lived. This is a trust responsibility
17 of the BIA. It is a trust responsibility to us as
18 well. Those of us who are Palouse and those who were
19 moved onto the Colville Reservation. And the Palouse
20 there were moved there. Some of them were moved there
21 after the war with Chief Joseph and his people. And
22 then others that still remained in the Palouse country
23 were eventually moved onto the Colville Reservation.
24 This is what I knew and what I grew up in here in
25 Nespelem, Washington, growing up amongst all of my

1 Nez Perce and Palouse people. And, you know, to me, I
2 guess it is a shame that I can hear some of my
3 relatives and people that I know that I call very,
4 very dear friends of mine and acquaintances to, you
5 know, say that we have no rights in -- to our own
6 country of where our people once came from. We share
7 meals of traditional foods in our longhouses. And we
8 can greet each other. But yet, when we want to
9 provide that opportunity for our people to once again
10 set foot back in our own homelands. It is a shame,
11 you know, that as I said we can't work together. But
12 the Colville Tribe, we announced as soon as the
13 property was purchased that the intent of the tribe to
14 develop this property and that extension of that hand
15 can go both ways and needs to go both ways. You know,
16 for them to welcome us back into our homeland. I wish
17 that, you know, we could have seen something more, you
18 know, where, you know, our people could come together
19 and pray together and live together and once again
20 share these resources together once again. I think
21 about my children, you know, and how they feel when
22 they go to the longhouse and when we, you know -- they
23 listen to us about -- and our elders about the
24 teaching of our people from the Palouse and also from
25 the Nez Perce that we hand down to them.

1 MODERATOR: Mr. Cawston.

2 RODNEY CAWSTON: Yes.

3 MODERATOR: I apologize for interrupting.
4 Your time is up.

5 RODNEY CAWSTON: I just want to thank you for
6 being able to provide this time. And I will provide
7 some written comments as well. [Speaking non-English]

8 MODERATOR: Thank you.

9 The next person to speak is Tony Monroe.

10 TONY MONROE: Good evening. My name is Tony
11 Monroe. And I currently live in Seattle, Washington.
12 I'm a Yakama tribal member and a descendant of
13 Palouse. I take this -- I take this time and this
14 opportunity to speak on behalf of myself, but also
15 the -- on behalf of our Palouse people. The name that
16 I've been given and the name that I carry is
17 Koo-lat-toose. That's the man's name who signed our
18 treaty, our Yakama Nation Treaty of 1855. So I take
19 this very seriously. I am an enrolled Yakama. And my
20 family is a part of the -- part of the Palouse that
21 this land belonged to. It was taken -- it was taken
22 from us, literally. And the treaty, we were told if
23 we didn't sign that treaty we would walk knee-deep in
24 blood. And so we gave up that land and it is our
25 ceded area. It is a Yakama Nation ceded area. And

1 that's who it belongs to. And with great respect I
2 give to the Colvilles who are Palouse descendants far
3 removed and also the ones in Umatilla that were moved.
4 And I just really wanted to speak up to this and
5 oppose it. Another thing that I want to bring out is
6 several years ago, I personally was involved in a
7 study that the Yakama Nation looked at all of the
8 trust land that we owned in the state, not just on our
9 reservation but also ceded areas and other places that
10 is in trust. And we do own trust land in the
11 Tri-Cities area. We do have that land there. And I
12 want my people to know that -- that we did that study.
13 And the reason we didn't explore this as long as maybe
14 five, six years ago is that land that we have in trust
15 is actually a cemetery where our people are buried.
16 So these are the things that I want to bring out and
17 say in the opposition to the -- to this proposal.
18 This is a Yakama Nation ceded area of the Palouse
19 people and we signed a treaty. And also our Chief
20 Kamiakin, who is also himself a Palouse. So that's
21 all I have to say. Thank you for the time.

22 MODERATOR: Thank you.

23 The next speaker is Roberta Wilson. Please
24 unmute yourself.

25 ROBERTA WILSON: Thank you. Is that better?

1 Is that better?

2 MODERATOR: It is. Yes. Thank you.

3 ROBERTA WILSON: Okay. All right. And I am
4 a member of the Confederated Tribes of the Umatilla
5 Reservation. And I'm also an elected official on the
6 governing board of trustees. And I expressly must
7 consider and protect the best interests of my people.
8 And the CTUIR has treaty rights. And the BIA owes us
9 the trust responsibility, as well as the Colvilles.
10 But the BIA cannot honor its trust obligations to the
11 CTUIR by approving an off-reservation casino for the
12 Colville Tribe. It will have devastating impacts on
13 the CTUIR economy, our government and services that we
14 offer to the tribal community, as well as other
15 communities through our Wildhorse Foundation that is
16 funded by the casino that we have here on our
17 reservation, which is our only casino. And we have
18 had to pull ourselves up by our own bootstraps after
19 years of adverse decisions made against us that
20 resulted in the loss of much of our reservation land
21 base and treaty resources. And we have developed
22 successful tribal enterprises, most notably the
23 Wildhorse Hotel and Casino that provides 1100 jobs,
24 that includes our hotel -- hotel, restaurants, RV
25 park, golf courses -- golf courses, cineplex, food,

1 and a wide array of other enterprises, including our
2 technical arm of holdings which employs people from
3 the Tri-Cities area, as well as other outlying areas.
4 With our Wildhorse Foundation, we fund generously all
5 surrounding -- a lot of the surrounding communities,
6 including Benton County, Columbia County, and Walla
7 Walla County. That includes Candlelight Great Kids,
8 which is a cheer, flag, and tackle football team, was
9 awarded \$12,000 last year. The YWCA in Walla Walla
10 received \$30,000 for a child care startup. And
11 Columbia County received \$16,000. And the Dayton
12 School District received close to \$30,000. And so it
13 not only adversely impacts us as tribal members, it
14 also impacts cities and counties across the Northwest.

15 MODERATOR: Thank you.

16 The next speaker is phone number ending in
17 8090. Please press star 6 to unmute your phone.

18 STEVEN SELAM: Hello. Can you hear me?

19 MODERATOR: Yes, we can.

20 STEVEN SELAM: My name is Steven Selam. I'm
21 a member of the Yakama Nation. I'm an elected
22 official for the Yakama Nation. I just want to
23 provide a comment today. I wanted to echo some of the
24 things that were previously talked about. Talking
25 about our treaty and our treaty rights. Article 2

1 reserves the Yakama reservation for exclusive use and
2 benefit. And reserves other rights across the Yakama
3 Nation ceded land in usual and customary. The area
4 that we're talking about today is a usual and
5 accustomed area, which was reserved for the Yakama
6 Nation's use. Our elders, our ancestors fought for
7 this land. Our elders were at the council of Walla
8 Walla in 1855 to sign the Treaty of 1855. The Palouse
9 members of the Yakama Nation were there to sign the
10 treaty. They reserved the treaty rights. And I have
11 nothing wrong with the Colville Tribe, but they're
12 encroaching on our land. Not only are they
13 encroaching land, but they're encroaching into treaty
14 territory. It is the responsibility of the federal
15 government to come with government-to-government
16 relationships and talk to us, to get our comments. We
17 shouldn't have to call into a number on a Zoom meeting
18 for an environmental meeting. It should have happened
19 earlier. There should be a government-to-government
20 relationship to get our comment. We shouldn't have to
21 call in. I want to talk about socioeconomic impacts
22 too because this will impact our community. It funds
23 a lot of employment. It provides social welfare
24 payments for members. And those will be cut. We will
25 see cuts across the board. Not only will our members

1 see cuts, but our communities will see cuts too
2 through community contributions. I really want to
3 provide the comment that the federal government does
4 not have another broken treaty promise. I really want
5 the government to step up and [indiscernible]
6 consultation. Thank you. That's all.

7 MODERATOR: Thank you for your comments.

8 The next speaker is Caseymac Wallahee.

9 CASEYMAC WALLAHEE: Can you hear me?

10 MODERATOR: Yes, we can.

11 CASEYMAC WALLAHEE: Thank you. [Speaking
12 non-English] My name is Caseymac Wallahee. I'm a
13 member of the Yakama Nation Tribal Council. So today
14 we just want to give comments to the opposition of
15 Colville moving into our -- our territory, our ceded
16 lands, the treaty rights that we have. The
17 significance that Colville places on the Pasco
18 property is tied to its assertions of a shared history
19 with the Yakama Nation. Colville asserts rights
20 within the Yakama Nation's treaty territory, claiming
21 an ancestral tie to the Palouse Band who were
22 signatories to the Yakama Treaty. Viewed in the light
23 most favorable to Colville, this legal assertion of
24 rights is patently misleading. It is a legal
25 assertion that has been repeatedly rejected by the

1 federal courts. The Palouse Band was the signatory to
2 the Yakama Treaty, a legal document signed by the
3 tribes -- tribes and bands that became known as the
4 Confederated Tribes and Bands of the Yakama Nation.
5 Pursuant to the Yakama Treaty, the United States
6 recognizes that the Yakama Nation is the only legal
7 representative of the Palouse Band. Colville has no
8 legal authority to represent the Palouse Band, even if
9 some members of the Palouse Band might have moved to
10 the Colville Reservation. Colville and its
11 constituent bands only its existence as a federally
12 recognized tribe through an executive order that
13 defines and places limitations on what can be
14 considered Colville's tribal homelands. Here in the
15 Pasco property, which Colville purports to claim for
16 themselves, is without question land defined by
17 Article 1 of the Yakama Treaty, the very treaty which
18 numerous federal courts have already concluded cannot
19 be claimed by Colville. The DOI, BIA, Washington
20 State, and local governments must refuse to legitimize
21 Colville's misleading assertions and reject Colville's
22 efforts to reject Yakama Nation's history. So, you
23 know, with our Yakama Treaty and everything that we
24 have in place already, we've been opposing the
25 Colville moving into our treaty territory for years.

1 We're just asking the BIA, the DOI, the Washington
2 State, the Pasco, and the Tri-Cities area to hear our
3 words. You know, we have 160-mile-plus radius that
4 the Colvilles are from their tribal headquarters. And
5 this would set a very bad precedent to where tribes
6 would be moving away from their -- their -- their
7 headquarters and building casinos and encroaching on
8 other tribes' treaty lands, their homelands. So I
9 just want to say thank you to you for listening to us
10 today. And I want to say thank you to the other
11 tribal council nation members, the Yakama Nation and
12 Umatilla, who are speaking today in opposition. Thank
13 you.

14 MODERATOR: Thank you for your comments.

15 The next speaker is Gary Burke.

16 GARY BURKE: Hello.

17 MODERATOR: I'm sorry, Gary. We're getting
18 some feedback. Can you please silence your speaker on
19 your computer.

20 GARY BURKE: Better?

21 MODERATOR: I'm afraid not.

22 GARY BURKE: How about that? Better?

23 MODERATOR: No. I'm afraid we're still
24 getting some feedback. If you could please call the
25 technical help line that's on the slide. They will be

1 able to help you. And we will get you back in line.

2 The next speaker is Gary George.

3 GARY GEORGE: Thank you. My name is Gary
4 George. I'm the chief executive officer here for the
5 Wildhorse Resort and Casino, which is owned and
6 operated by the Confederated Tribes of Umatilla. And
7 I just wanted to offer a few comments that I hope will
8 be reviewed by the Bureau and the environmental
9 consultants on this. But everything that has been
10 identified as financially -- financial aid beneficial
11 to the Colville Tribe is certainly a negative to
12 probably both the Umatilla and the Yakama Tribes and
13 the communities that we built here on our reservations
14 within our reservation lands. Both of us have built
15 economies that provide employment opportunities. And,
16 of course, we have constructed local economies that
17 have been dictated by the Indian Gaming Regulatory Act
18 here on the reservation lands. So we just want to
19 make sure that the Bureau understands that, you know,
20 we've done everything by the books, so to speak. And
21 now we have someone that wants to move into an area
22 that may be more prosperous away from the reservation.
23 And yet, you know, they can talk about the positive
24 benefits of their project. But there seems to be
25 little fanfare for -- from the Bureau about the

1 negative impacts to all of the local tribes. And, of
2 course, that is shown by no consultation at all. The
3 other part is as we go through the EIS, the potential
4 conflicts of land use. It is a cultural area that is
5 being converted to casino or tribal gaming lands.
6 Removal -- we see this as a removal of the tax
7 property and how restitution might be made to the
8 County and the City and maybe even the Port. How law
9 enforcement, fire protection, and so forth are going
10 to be handled. So what does that mean, the removal
11 from tax rolls and the impact. And a question, is the
12 BIA equipped to handle additional lands in trust. I
13 know as a tribe, we've had difficult times with the
14 Bureau getting realty issues resolved. So I hope that
15 by the Bureau thinking of moving the land into trust
16 they feel they can deal with it. The other impacts to
17 some of the local businesses there, the card rooms and
18 so forth, what are the impacts to those businesses in
19 Pasco and in the greater Tri-Cities area. And, you
20 know, I think that -- I think it has been mentioned a
21 few times that the Colvilles have three different
22 casinos in Coulee Dam, Omak Okanogan area, and, of
23 course, Mill Bay.

24 MODERATOR: I'm sorry to interrupt. I'm
25 sorry to interrupt, sir, but your time is up. Please

1 conclude your comments.

2 GARY GEORGE: That would be it. They have
3 three profitable casinos.

4 MODERATOR: Thank you.

5 The next speaker is Gary Burke. Please unmute
6 yourself.

7 Go ahead.

8 GARY BURKE: Can you hear me better now?

9 MODERATOR: Yes. Much better. Thank you.

10 GARY BURKE: Okay. I'm Gary Burke, chairman
11 of the Umatilla Tribe here in Oregon. Umatilla made
12 their treaty between the United States and the
13 Walla Walla and the Umatilla Tribes and the Bands of
14 Indians in Washington and Oregon territories.
15 Concluded at Camp Stevens and the Walla Walla Valley,
16 Washington territory. June 9th, 1855, ratified by the
17 Senate. March 8th, 1859, proclaimed by the President
18 of the United States, James Buchanan. I believe that
19 the Bureau of Indian Affairs has that fiduciary
20 responsibility and had no consultation from the Bureau
21 or from Colville about their trespassing issue that is
22 happening right now. Although we realize that they're
23 believing in their rights. But the Yakama and
24 Umatilla set aside 6.5 million acres ceded to the
25 United States. I say the United States. That's

1 Washington, Oregon, and Idaho. And we have
2 tributaries from the big river all the way to its
3 mouth. The President of the United States said this.
4 It is in the best interest of the Indians according to
5 the 25CFR. They say that's the law of the land from
6 that time on. Purity of the land, the water, that we
7 still hold in obligations with the United States of
8 America and the other tribes. Our tribes is Bands of
9 the Cayuse and the Umatilla and Walla Walla to date
10 and other bands. By signing this treaty, we said we
11 would follow the treaty. If this happens in the state
12 of Washington without authorization or consultation by
13 the BIA, we're looking at breach of contract of our
14 treaty and the other treaties with the Yakama,
15 Nez Perce, Warm Springs that we signed that is
16 supposed to last forever on June 9th, 1855. So with
17 that said, I hope they really look at that kind of
18 trespassing issue of our ceded territories that we
19 still have to date in commerce with the United States.

20 MODERATOR: I'm sorry to interrupt, sir. But
21 your time is up. Please conclude your comments.

22 GARY BURKE: Thank you for listening to the
23 Confederated Tribes of the Umatilla Indian
24 Reservation. Thank you.

25 MODERATOR: Thank you.

1 The next speaker is Ricky Gabriel.

2 RICKY GABRIEL: [Speaking non-English]

3 I'm a direct descendant of Chief Moses and
4 I'm also a Colville Confederated tribal member. The
5 territories at question in the Tri-Cities Pasco
6 territories were Chief Moses territories. I haven't
7 heard one word about Chief Moses in the whole
8 meeting. Those are -- those are his homelands in
9 between -- in between the Yakamas and the Umatillas
10 and Nespalem. Chief Moses had nine wives. They had
11 all of the tribes. They had overlapping
12 territories. And they never fought about their
13 foods or territories. They shared them. And they
14 shared everything between each other. So when it
15 comes to the -- you know, the treaties and, you
16 know, there's a lot of -- a lot of overreach between
17 tribes and arguments over lands and territories and
18 resources. Mostly natural resources. And if you
19 look back in some of those court cases, you might
20 look up one called the Icicle Creek in Leavenworth
21 which was a fishing treaty case. I still fish in
22 that Icicle Creek. I've fished there since I was
23 nine years old, when my mother first took me. And I
24 fish with Yakamas down there today and -- and
25 Colville both. So I don't think there's really an

1 issue between -- you know, between the tribes. I
2 could follow up and say that there's an issue with
3 the Methow and the Yakama too far north beyond what
4 their treaty rights are or -- or fishing all the way
5 into the Puget Sound. But I don't talk about that.
6 So I think that when it comes to the territories,
7 those are Chief Moses territories in question. And
8 my aunt who named me gave me that name to remind
9 people of and remind myself of who I am every day.
10 And that's where I'm from. And that's what she
11 would say in the traditional ways. We still do
12 business with the Yakama today in the fuels
13 department. And, you know, we still fish with them.
14 And, you know, there's a lot of -- a lot of
15 arguments saying that, you know, we don't have any
16 business together. But we have business together.
17 You know, but I just want all of the tribes to
18 remember who we are and that we are overlapping and
19 we're all one people, as my aunt would say. So
20 instead of declaring war on each other and
21 everything else. Because I'll be down there fishing
22 this year with the rest of us. And most
23 importantly, I still dig roots in Chief Moses
24 territory, all the way down there by Pasco and
25 Richland. So -- [Speaking non-English] Thank you.

1 That's all.

2 MODERATOR: Thank you.

3 The next speaker is Mrs. Cawston.

4 MRS. RODNEY CAWSTON: [Speaking non-English]
5 Can you hear me?

6 MODERATOR: Yes, we can.

7 MRS. RODNEY CAWSTON: Therefore, I will go.
8 I just wanted to echo the sentiments that the Colville
9 Tribe and especially our Palouse people have every
10 responsibility as well as right to be in our
11 homelands. Colville ceded more land in our -- in the
12 agreements than any other tribes in the northwest.
13 There was a difference of six months between a treaty
14 and an executive order. Congress passed that
15 authority to the executive branch. And that's what
16 the difference was. It was signed for the reservation
17 April 9th, 1872. But we have five signatory tribes to
18 the 1855 Treaty, inclusive of the Wenatchi, of which I
19 am. And I know the long, hard battles we've had in
20 that territory to retain our recognized rights that we
21 have today. All of our ancestors fought for our
22 existences. All of us have a responsibility to
23 recognize the coexistence that historically our people
24 have had with one another. Economics has been proven
25 to be successful and fruitful in Airway Heights,

1 Washington, where we have three tribal casinos within
2 geographic distances closer than what would be at
3 Pasco. We are asserting again that responsibility.
4 We do have membership that reside in that homeland.
5 And they have felt isolated from their tribal
6 government. And the reason we have three facilities
7 is there was a hard negotiation that the Colville
8 Tribal Council did in negotiating our gaming compact
9 that other tribes have benefited from in Washington
10 state to be able to have more than one facility. In
11 our gaming compact, we negotiated for more than three.
12 And we, through our council, through our leadership,
13 expect that they shall abide by what was negotiated
14 for over 20 years ago in our gaming processes. I just
15 want to say that I love all of our relatives. And it
16 aches my heart that we afford for these kinds of
17 things to divide us. Why not let us unite with one
18 another. [Speaking non-English] I'll yield the rest
19 of my time back to the audience. Thank you.

20 MODERATOR: Thank you.

21 The next speaker is Matthew Yahyowan.

22 Mr. Yahyowan, if you could please unmute
23 yourself.

24 Matthew Yahyowan, please unmute yourself.

25 Okay. We're going to move on to the next

1 speaker. The next person to speak is Brian
2 Saluskin.

3 BRIAN SALUSKIN: Good evening. [Speaking
4 non-English] I'm tribal council member, Yakama Nation.
5 Before I was a tribal council member, I worked as a
6 fisheries biologist with the Yakama Nation for 18
7 years. We often -- we often did work down there in
8 the Tri-Cities area in our usual and accustomed areas,
9 protecting the resource, you know, that is protected
10 by our treaty of 1855. And understanding those treaty
11 rights, as a treaty tribe, you know, those are the --
12 you know, those are the ones that are mentioned in our
13 Constitution of the United States. In protection --
14 protecting those treaties are -- you know, they're --
15 they are the laws of the land, I guess, is how they --
16 how they state it in there. And in dealing with, you
17 know, allowing this to happen. And, again,
18 understanding the history, you know, not only our
19 history, the Umatillas, the Nez Perces, and Colvilles,
20 and the rest of the treaty tribes of the Columbia
21 River. Yeah, Colville did cede quite a bit of land,
22 but that land that was ceded was in the northern
23 territory. Nothing in the southern territory. So
24 there's no ceded -- you go through the ceded land, you
25 know, within each tribe, and there is nothing that

1 even comes close to our ceded territories in the
2 south. And, again, it is setting a dangerous
3 precedent. Like if somebody could just buy land
4 around your -- I mean, even around the reservation --
5 forget about ceded territory -- and then own it and
6 say, hey, can we turn this fee into trust land, you're
7 basically allowing an executive order tribe to turn,
8 you know, fee land to trust land and say, hey, that's
9 our reservation now. You know. So -- you know,
10 that's real -- you know, a dangerous precedent that
11 you're setting. And that tribal trust land, you know,
12 to -- to an executive order tribe. But yeah, and,
13 again, going back to some of the comments that are --
14 our other tribal council members had made, you know,
15 in regards to the Palouse Band, understanding, you
16 know, again the history of the Palouse Band. You
17 know, there was some misplaced families, you know,
18 that were pushed into the Colville territory, you
19 know, when -- at first when -- and they weren't
20 welcome. They didn't want to be there. But then, you
21 know, after it benefited the Colville people, then
22 they're accepted. So, again, you know, you've got to
23 understand the history and take everything into
24 context. You know, there's a lot of things that --
25 you know, that are said on here that can be misleading

1 or misrepresented as far as the Colville, their
2 territory and their rights to it. Again, that's --
3 their ties to the Palouse -- they're trying to have
4 their ties to the Palouse. But, again, the United
5 States only recognizes the Yakama Nation as a legal
6 representative of the Palouse Band. So just taking
7 those things into context and my comments. And that's
8 all I have to share. Thank you.

9 MODERATOR: Thank you for your comments.

10 The next speaker is Yvette Joseph.

11 YVETTE JOSEPH: [Speaking non-English] Yvette
12 Joseph. Can you hear me?

13 MODERATOR: Yes, we can.

14 YVETTE JOSEPH: Great. It is interesting to
15 follow Brian. Congratulations on your appointment.
16 In 1879 -- and I did a [indiscernible] on history
17 common law. Chief Moses traveled down the Columbia.
18 And he had to ride a steamer. And then down to San
19 Francisco to catch the train across to Washington,
20 D.C. And he went with Chil-lee-leet-sah, who was one
21 of the chiefs of the Umatilla Tribe and two others as
22 well. And the thing about Chief Moses -- and my
23 brother Ricky mentioned this -- that he is named after
24 Lucash [phon.] in Kamiakin. We are direct descendants
25 because of those different wives of Chief Moses. And

1 what I have to say is that back then, they did really
2 face war. Not with each other, but war with the U.S.
3 government. And so Kolcharin and Alhive [phon.] were
4 both basically murdered in or around that time. And,
5 you know, those are our relatives. And, you know, it
6 wasn't just, you know, people getting relocated. They
7 were being forced in probably what -- what probably
8 were not very good marches from different territory,
9 from the south to the north to the east and to the
10 west, in the Columbia Basin and eastern Washington.
11 And it's just unfortunate that those things happened
12 under General George Wright out of Spokane. And, you
13 know, it is just -- I'm mentioning this because, you
14 know, when we say we're going to declare war against
15 others, it is really hard because myself, my
16 grandmother is [indiscernible]. She was a full-blood.
17 She was Umatilla and she also had a little bit of
18 Walla Walla there. But I know Wallowa is one of the
19 areas of our -- my relatives from Pendleton. I could
20 be enrolled in Pendleton. I have post relatives there
21 who live there today. So I don't want to be at war
22 with my relatives. I want to get along with them.
23 And I want them all to -- to prosper economically.
24 Now, I'm mentioning this because my dear nephew who
25 has passed, our former chairman, Mike Finley, he was

1 an individual who believed in history, worked for the
2 state historical department. But he made certain when
3 Kennewick Man was under discussion, he offered his own
4 DNA to test to see if he was related to us. And he
5 was. In fact, that DNA sample is the closest evidence
6 of any of our Native people being related to the
7 Kennewick Man way back over history. So I would say
8 the evidence is there. The science is there. And
9 history, you know, if we could all -- if we all told
10 our stories, we would know these things to be true.
11 So please support the development of this casino. You
12 know, and I do think we can invite all of you to be
13 somehow a part of this. But thank you. [Speaking
14 non-English]

15 MODERATOR: Thank you.

16 The next speaker is Meghan Francis.

17 MEGHAN FRANCIS: Hello. Can you hear me?

18 MODERATOR: Yes, we can.

19 MEGHAN FRANCIS: Hi. I'm a Colville Tribal
20 member and a member of the Palouse Band. My
21 great-great-great grandfather was Charlie Walpacon
22 [phon.] and his son was Art Circle [phon.]. And the
23 stories that I was told, you know, that he grew up on
24 the Snake River, Art Circle did, and he was moved to
25 the Colville Indian Reservation. And I just think it

1 is important for my son and all of our children of the
2 Palouse Band and the Colville Confederated Tribes to
3 remember those stories. And it is important for us to
4 be able to exercise our sovereign rights, to have
5 economic development in our homelands. You know, it's
6 been mentioned that we have three casinos. And we
7 have a compact with the State of Washington, and we
8 could have six casinos. So it is really important to
9 remember what our tribal leaders have done in the past
10 to give us this opportunity. And I just appreciate
11 hearing everyone's opinions and ideas. And
12 respectfully, like, we all have our own history and
13 our own oral stories that we've been told. And I
14 think it's -- everyone has their own truths. But I
15 just want everyone to welcome the idea of the Colville
16 Confederated Tribes having a casino in Pasco. You
17 know, this is like what happened in Airway Heights.
18 So there's two successful casinos in Airway Heights.
19 And I think Pasco and the Tri-Cities area has enough
20 economic development for other tribes to build a
21 casino as well. So I hope we can set this precedent
22 and be successful and work together as tribes. And
23 hopefully we won't be the only tribe in the Tri-Cities
24 with casinos one day maybe. But right now, I'm just
25 grateful for the leaders like Francis and the others

1 who have created this opportunity for us. And I just
2 want to say thank you for my time.

3 MODERATOR: Thank you.

4 The next speaker is Laurene Contreras.

5 LAURENE CONTRERAS: Good evening. Can you
6 hear me?

7 MODERATOR: Yes, we can.

8 LAURENE CONTRERAS: Thank you. Yes, my name
9 is Laurene. My Indian name is Tina. I'm a member of
10 the Yakama Nation. The work that I do and -- you
11 know, the -- on behalf of, you know, the Yakama Nation
12 is we work at the Hanford area on cleanup. And so
13 I've heard from a number of my elected officials this
14 evening. And I appreciate their words. And then, you
15 know, just hearing other people, it's great to hear,
16 you know, that, you know, we're trying to, you know,
17 remember the history, you know, of this area. And,
18 you know, like I've heard many of the speakers this
19 evening say is that we all have ties. And, you know,
20 my concern is the fact that, you know, we -- the work
21 that we do, it is like we're constantly, you know,
22 being -- having to address the federal government on
23 all levels to protect our treaty rights when that
24 shouldn't even be in question. So I'm just, you know,
25 I guess stating my personal comment as a tribal member

1 of the Yakama Nation, that I'm not in support of the
2 casino being established there. Because of the fact
3 that, you know, that is our ceded territory. And you
4 cannot change, you know, the treaty and that history.
5 And, you know, the younger generation, you know, that
6 work on many levels, you know, are actually trying to
7 do that, you know, to, you know, exert that. You
8 know, they have this right there. And so, you know,
9 I'm speaking out on behalf of myself, you know, that
10 I'm in opposition of this because of the fact that it
11 is, you know, 100 percent Yakama Nation treaty
12 territory. And it should not be, you know, considered
13 or approved. Thank you for your time.

14 MODERATOR: Thank you.

15 The next speaker is phone number ending in
16 2118. Please press star 6 to unmute your -- unmute
17 yourself.

18 Hello, you may begin. If you are speaking, we
19 can't hear you. You have unmuted yourself, but perhaps
20 you have your phone on mute.

21 ARNOLD EYLE: Oh, thank you. Okay. Am I
22 back?

23 MODERATOR: Yes. We can hear you now.

24 ARNOLD EYLE: My name is Arnold Eyle. Member
25 of the Yakama Nation and Yakama Tribal Council. When

1 I first heard this, the first thing I thought of was
2 our elders from all of our lands. It was the elders
3 that kept us together as a people. And I was afraid
4 when we started hearing this, the claims made on lands
5 where we all come from. And the lands, we can't help
6 the way they were made. But through our treaties and
7 the land that were given to us. But I was told by
8 another elder here if they build a casino, so what?
9 We can all do it down there too. There is nothing to
10 stop us from doing it. There will just be two casinos
11 there. And it will still be, you know -- we can still
12 hold that relationship. Because when I first talked
13 to other people here, I found it hard and difficult
14 because of the relationship of family that we have.
15 Because I have family members that own that and do
16 own. The Moses family. And I'm very close with them.
17 And I would hate to be divided by this -- especially
18 by the -- what we call the mighty dollar or the
19 casinos. So I hope we can work through this and come
20 to an understanding and an agreement somehow in the
21 future. Because I know the process is a very, very
22 long process. And I know they're nowhere close to
23 getting that part finished. And so -- but, you know,
24 I just want to say that I hope that we can come to
25 some kind of understanding between us. I hate to be

1 divided by the dollar or the people or by relying on
2 a -- or a line on a piece of paper. That is just my
3 thoughts. Thank you.

4 MODERATOR: Thank you. Can you please
5 restate your name for the record.

6 ARNOLD EYLE: Arnold Eyle.

7 MODERATOR: Thank you.

8 The next speaker is Katie Cortes. Katie, can
9 you please unmute yourself.

10 KATIE CORTES: Yes, I can. Yes, I can. Can
11 you hear me?

12 MODERATOR: Yes, we can.

13 KATIE CORTES: Okay. My name is Katie
14 Cortes. But my maiden name is Katie Sampson. My
15 enrollment number is 10226. I'm a Yakama Nation. And
16 I just want to place my comment that if we do -- if
17 you guys do do the casino over there in Tri-Cities, it
18 would be a lot more easier for -- don't mean to sound
19 racist, but that the Whites will take more advantage
20 of us. Knowing that we're -- one -- one
21 [indiscernible]. And then the other would be like,
22 okay, then if they can do it, we can do it. When
23 they're going to -- we're going to start losing more
24 rights as much as we already did. We lost a lot of
25 rights in these past couple of years. So please keep

1 in mind that other people are watching. And then I
2 hope that this doesn't become a big issue. And please
3 put lives of others ahead. Because that's what they
4 probably want. So just -- just keep in mind other
5 people as well. Okay.

6 MODERATOR: Thank you for your comment.

7 The next speaker is Matthew Yahyowan. Matthew
8 Yahyowan, if you could please unmute yourself.

9 MATTHEW YAHYOWAN: Hello. Can you hear me?

10 MODERATOR: Yes, we can.

11 MATTHEW YAHYOWAN: Oh. [Speaking non-English]
12 Son of Georgie Allen and Renita Phillips, who is
13 buried across Nespelem longhouse. And [indiscernible]
14 I have two high school diplomas. And I love my people
15 up there and in Pendleton also. I want to say that
16 everyone [indiscernible] underneath the Department of
17 Interior. And there is so much that they could do. I
18 graduated from BFA Higher Education Program. And our
19 concerns shouldn't be with the BIA. It should be with
20 the Federal Trade Commission because the treaties
21 don't talk about gambling. This is -- this was land
22 that was -- that has to be turned back to trust. And
23 it is a positive thing. Because a lot of the families
24 here and are all over Indian country have no jobs, but
25 they have qualifications and skills. And this will be

1 a good thing for all our families, in every program
2 that there is. Especially the Yakama Nation forest
3 projects. And the hemp program of the Colville could
4 be huge. So it wouldn't be a fire hazard building.
5 So I stand with this because it has been going on for
6 over 20 years now, this plan. And the permit has
7 already been signed. It just needs to be
8 [indiscernible] the trust. But if this is going to be
9 opposed, the people are not going to be sued. It's
10 going to be the tribal employee members that file the
11 paperwork because it violates the Federal Trade
12 Commission. Because casinos are not a franchise.
13 They're only enterprise. And that's what should be
14 acknowledged. This was settled over in the Carolinas.
15 And everybody should look at the Carolina cases. And
16 that's all I have to say. Love you all.

17 MODERATOR: Thank you for your comments.

18 The next person to speak is phone number
19 that ends in 7609. Please press star 6 to unmute
20 your phone.

21 SUZANNE CLEM: Hello. This is Suzanne Clem.
22 I'm the human resource director at Wildhorse Resort
23 and Casino, owned by the Confederate Tribes of the
24 Umatilla Indian Reservation. I want to speak on the
25 impact that this would have on our workforce. We are

1 located in an extremely rural portion of Oregon and
2 Washington. We have -- we struggle with the current
3 ability to hire employees for our needs. The impact
4 this would have on being able to create positions, be
5 able to retain the old employees, is something that
6 hasn't been discussed yet. We don't have a lot of
7 opportunities in a lot of different highly populated
8 areas to get employees from. I think when I hear of
9 the fourth casino being built, with the ability to
10 build six, and we don't have that. We don't have that
11 ability. This casino has been an economic engine and
12 continues to provide so many opportunities for the
13 Umatilla Tribe. That, you know, this seems to
14 threaten the economic status of the Umatilla Tribe and
15 their ability to provide self-funded programs. And I
16 just want that to be kept in mind. It is also about
17 the workforce. Thank you.

18 MODERATOR: Thank you.

19 The next speaker is Letisha Peterson.

20 LETISHA PETERSON: Good evening. Can you
21 hear me?

22 MODERATOR: Yes, we can.

23 LETISHA PETERSON: [Speaking non-English]
24 Good evening. My name is [Speaking non-English]. My
25 English name is Letisha Peterson. And I'm a tribal

1 member of the Yakama Nation. My bloodline is a direct
2 descendancy of the Klikatat, the [indiscernible], and
3 the Palouse people. My grandfather is actually -- is
4 the late Howard Jim and Metis Jim Waters. My
5 grandfather was Willie Waters a direct descendant of
6 the Palouse Band. As stated, I am a tribal member of
7 the Yakama Nation. And I'm currently the Yakama
8 Legends Casino general manager. I have been employed
9 here for 15 years. Legends Casino employs over 700
10 people. We are over 50 percent tribal-member
11 employed, in addition to the 50 percent non-tribal.
12 We have a lot of contributions to our communities,
13 including the Tri-Cities area, the Yakama County, and
14 the Benton County, and the -- and the communities of
15 the Tri-Cities that we produce -- or we provide Yakama
16 Cares funds to support not only our county, but the
17 surrounding counties of Tri-Cities. And our -- our
18 contributions support all of the nonprofit
19 organizations of the areas that support not only our
20 community, but yours as well. I would like to note
21 that the -- the Legends Casino also supports the
22 Franklin County and the surrounding communities, in
23 addition to a lot of the events and activities that
24 happen in the area. We currently are -- we currently
25 are supporters of various events that happen in the --

1 in the community. We've been supporting the events
2 for over 25 years, as Legends Casino has just
3 celebrated our 25th anniversary last year. We're not
4 new to the area. We've been contributing --
5 contributors to the raceway Apple Cup, the River Fire,
6 the Senior Expo, the Women's Expo, Sportsmen's Show,
7 Children's United Way of Central Washington, the Water
8 Follies, and members of the Tri-Cities Chambers. We
9 also support a lot of the radio stations, the TV
10 stations with our advertising and support to the area.
11 Currently, Legends Casino is the largest contributor
12 to support over 11,000-plus tribal members of the
13 Yakama Nation. We support our tribal members in
14 employment and distributions and supporting the jobs.
15 And the funds go directly back to our Yakama and our
16 Tri-Cities areas as people live in the area. It is a
17 direct impact. I would just like to say that
18 Washington casinos have a very good working
19 relationship. We work regularly with each other. We
20 support one another. As mentioned by one of our
21 tribal leaders, this could potentially cause a rift in
22 a long-standing powerful relationship that we've been
23 able to maintain. I would just like to -- just like
24 to say on behalf of the Yakama Nation, this would
25 directly impact Legends Casino and the profits that

1 directly support our tribe. And I would like strong
2 consideration that we only have one casino. And we
3 don't have three. So it is a direct impact. And I
4 just appreciate your time. Thank you.

5 MODERATOR: Thank you for your comments.

6 The next speaker is Allan Tovey.

7 ALLAN TOVEY: Hi. Can you hear me?

8 MODERATOR: Yes, we can.

9 ALLAN TOVEY: Okay. Hi. My name is Allan
10 Tovey. I'm the general manager at Wildhorse Resort
11 and Casino. And I'm also a tribal member here at
12 Umatilla, at the CTUIR. I want to talk about a couple
13 of things. But one of them I wanted to bring up was
14 the location and the issue with traffic there on 395,
15 which I think would be the turnoff that would be taken
16 in a couple of those areas. It is a kind of dangerous
17 area of -- as far as driving. I know that we've lost
18 a couple -- I've lost a couple friends on that
19 highway, just because there is not a clear turnoff.
20 It is -- it is just taken off the side of the road.
21 It is a little bit dangerous. Anyway, I wanted to
22 bring that up.

23 I also wanted to bring up, you know, we've been
24 in business close to 30 years here at Wildhorse. And
25 we've helped develop an economy here I know as well as,

1 you know, with Colvilles and the Yakamas as well. You
2 know, we have developed an economy on our reservation
3 that we -- that we worked very hard for. And I think
4 something like this would be a detriment not only to
5 our -- our -- our casino and our -- our -- our
6 reservation and our community, but it also would open it
7 up to other tribes doing the same thing around the
8 country. This is a dangerous type of thing for -- to
9 happen, this off-reservation type of gaming. So I just
10 wanted to leave it there. And thank you.

11 MODERATOR: Thank you.

12 The next speaker is Ethan Jones.

13 ETHAN JONES: All right. Can you hear me?

14 MODERATOR: Yes, we can.

15 ETHAN JONES: Great. My name is Ethan Jones.
16 And I serve as lead attorney for the Yakama Nation.
17 First, I want to acknowledge and support the testimony
18 today by Yakama Nations Tribal Council Vice Chairman
19 Christopher Wallahee, Executive Secretary Steven
20 Selam, Council Members Ruth Jim, Caseymac Wallahee,
21 Brian Saluskin. And I understand that we have
22 additional council members who will be speaking as
23 well. The Yakama Nation strongly opposes BIA
24 entertaining a proposal for Colville to develop a
25 casino within the Yakama Nation's treaty territory.

1 To be clear, Colville has no legally recognized rights
2 in Pasco. Colville is not the legally recognized
3 successor to the Palouse Band. Colville's proposed
4 development is located entirely within the Yakama
5 Nations treaty territory, defined in Article 1 of the
6 Treaty of the Yakamas of June 9th, 1855. Over the
7 years, Colville has repeatedly attempted to assert the
8 Yakama Nation's treaty rights as their own. And they
9 have been rejected each time by federal courts. The
10 Icicle Creek case was mentioned. That case rejected
11 Colville's attempt to assert Yakama Nation treaty
12 rights. Further, BIA has not made public the full
13 application submitted by Colville for this
14 development. BIA has placed comment deadlines on the
15 Yakama Nation to set forth the impacts of the
16 development, including the scoping comment deadline.
17 But the Yakama Nation has not been given Colville's
18 application necessary to be fully informed when making
19 its comments. We have appealed BIA's refusal to
20 disclose the Colville application under the Freedom of
21 Information Act. Despite repeated outreach to BIA on
22 the appeal, BIA is not being responsive. BIA has also
23 ignored requests from the Yakama Nation for formal
24 government-to-government consultation to discuss
25 Colville's proposal. The Yakama Nation has set

1 multiple requests to the Department of the Interior
2 for years. The United States has a treaty
3 relationship with the Yakama Nation, not Colville.
4 Why isn't the federal government responding?
5 Colville's proposed development is located 165 miles
6 away from their tribal headquarters in Nespelem. If
7 BIA were to approve this development, it would
8 establish a precedent throughout the Pacific Northwest
9 that tribes can develop casinos far outside their
10 reservation. The Yakama Nations within 165 miles of
11 Seattle, Vancouver, Spokane, Tacoma, is that really a
12 Pandora's box that BIA wants to open up with this
13 proposal? Colville has three casinos funding their
14 essential governmental services. And this would be
15 their fourth. The Yakama Nation has one casino to
16 serve its 11,000 members. Colville's proposal would
17 decimate the Yakama Nations ability to provide those
18 essential governmental services and realize the full
19 measure of its self-determination. And finally,
20 Colville has undertaken a concerted effort to rewrite
21 the history of the Palouse Band in the Tri-Cities area
22 and within their reservation to create new legal
23 rights. The Yakama Nation, as the legal successor to
24 the Palouse, must be heard by the BIA on this proposal
25 in formal government-to-government consultation.

1 Thank you.

2 MODERATOR: Thank you.

3 The next speaker is Jeremy Takala.

4 JEREMY TAKALA: Good evening. Can you hear
5 me?

6 MODERATOR: Yes, we can.

7 JEREMY TAKALA: Thank you for your time. My
8 name is Jeremy Takala. I'm Yakama Nation tribal
9 council member. And I'm also a member of the Yakama
10 Nation. My name is [Speaking non-English]. I'm
11 currently serving my second term for the Yakama Nation
12 tribal council. I'm representing and protecting our
13 treaty territories. As was mentioned before, you
14 know, I want to be clear, I know we're talking about
15 breaking bread and sharing meals with each other and
16 all that. And yes, I understand. But this is totally
17 disrespectful to who we are and our treaty territories
18 that was ratified by Congress in 1855. This is the
19 usual and accustomed rights that we still maintain to
20 this day. And for our folks in the Tri-Cities area,
21 please, please, I encourage you guys to reach out to
22 the Yakama Nation or the Umatilla. And please don't
23 be by false narratives that you are here. We have
24 very well precedent in this Tri-Cities area, including
25 Pasco. Very well you guys benefit from the work that

1 Yakama Nation and Umatilla is doing when it comes to
2 natural resources or cleanup efforts. The -- during
3 the mascot bill consultation, the Kamiakin Braves
4 reached out to the Yakama Nation to develop
5 consultation and partnership with the Yakama Nation
6 because they're directed and respected, knowing this
7 is the Yakama Nation territory. They did not reach
8 out to the Colville because they recognize that this
9 is our territory. Again. The proposal as mentioned
10 will set precedent for Washington state treaty tribes
11 but also throughout Indian country. This is a concern
12 that many tribal leaders should have in protection and
13 the responsibility that they have. As mentioned
14 before, Colville has three profitable casinos -- Lake
15 Chelan, Omak, and Coulee Dam. More than any other
16 tribes in the Washington state. Economically, this
17 will impact the Umatilla and the Yakama Nation that we
18 provide governmental services to our people. That is
19 very disrespectful for Colville to go that route. The
20 United States holds a treaty obligation to protect the
21 Yakama Nation from Colville, the entity the U.S.
22 created by executive order. This seems like the BIA
23 and DOI has and knows this is part of their
24 responsibility to us treaty tribes of 1855 that had
25 been ratified by Congress. Again, BIA has not been

1 responsive, nor DOI, to our requests. I also, again,
2 want to mention that we always and will have our
3 presence in this area. I want to reiterate that we
4 are not against Colville looking at gaming
5 opportunities. But please do so within your respected
6 area. A handful of Palouse tribal members back then
7 did go to Colville Reservation. But many of those
8 Col- -- those Palouse descendants came from the Yakama
9 Nation. By all means, you know, if there is Palouse
10 people out there, you know, they have the usual and
11 accustomed rights by the Yakama Nation Treaty. I want
12 to thank you guys for hearing the Yakama Nation and
13 many more of our tribal members, our council. But,
14 again, I appreciate your time. And we, again, oppose
15 the -- the casino proposal in the Pasco. Thank you.

16 MODERATOR: Thank you for your comments.

17 The next speaker is Terry Goudy Rambler.

18 TERRY GOUDY RAMBLER: Hello.

19 MODERATOR: Hello.

20 TERRY GOUDY RAMBLER: Thank you. My name is
21 Terry Goudy Rambler once again. And I'm a Yakama
22 Nation Tribal Council representative for over 11,000
23 enrolled membership. I'm here today to express many
24 of the Yakama Nation councilmen, the Umatilla
25 councilmen, and tribes that have opposed Colville. I,

1 too, oppose Colville. We have one casino. Umatilla
2 has one casino. And the other tribe I believe might
3 have one. But if Colville builds in our territory,
4 you are going to cease all of our revenues just about
5 and destroy our casinos. Because, to me, it would
6 take all of the revenue from Umatilla, from Yakama
7 Nation, and the other tribe that only has one casino
8 also. And we depend on that for our people. I'm
9 going to stop on that part. But I want to express to
10 the BIA, it is your trust responsibility to make sure
11 that our treaty right isn't taken advantage of. And
12 I'm highly upset about our treaty right territory not
13 being acknowledged by BIA. And if Colville is going
14 to be allowed to go into our territory, it is going to
15 open up a whole can of different organizations that is
16 going to be doing that clear across the United States,
17 I believe, like what has been interpreted. A lot of
18 the tribes are going to be going into other
19 territories to build. And is that what the BIA wants,
20 to have the tribes fight against each other? Because
21 that's what is going to happen. And I'm just here to
22 state that Yakama Nation will not step down against
23 Colville building in their ceded territory because I
24 truly believe if we went into their territory to build
25 right next to them, they would not allow that. I'll

1 stop there. Thank you.

2 MODERATOR: Thank you.

3 The next speaker is Ione Jones.

4 IONE JONES: Hello? Can you hear me?

5 MODERATOR: Yes, we can.

6 IONE JONES: Good afternoon. Today I am
7 writing on behalf of Khimstonik, an organization
8 representing the lineal descendants of Wow-yick-ma
9 Nah-khee-um Nu-shwa, the people of the Lower Snake
10 Rivers Palouse. We are deeply concerned about the
11 proposed Colville Casino Project and its potential
12 violations of our sovereign rights and the federal
13 laws designed to protect cultural and environmental
14 resources of the Palouse people. It has come to our
15 attention that the proposed Colville Casino Project,
16 located within traditional territories of the Palouse
17 people, is proceeding without adequate consideration
18 of its environmental and cultural impacts. The
19 Confederated Tribes of Colville Reservation, Colville,
20 acquired the land in 2019. 165 miles south of their
21 headquarters. While there are Palouse members
22 enrolled in Colville, our people are enrolled in other
23 federally recognized tribes throughout the area. We
24 believe if this casino is approved, our sovereign
25 rights, as well as several federal laws, would be

1 violated, including violation of sovereign rights. As
2 the original Palouse hereditary stewards of the areas
3 surrounding the Lower Snake Area River, we believe
4 that the construction of this casino will create
5 further culturally misappropriation by following
6 genocide and ignoring the rights of the original
7 lineal descendants that currently exist today.
8 There's a false narrative by many today on who were
9 the last members living on the Snake River.

10 Number two, National Historical Preservation
11 Act. The Colville casino project site is likely to
12 contain important cultural and historic resources,
13 including archeological sites and traditional cultural
14 resources. Failure to conduct a thorough cultural
15 resource assessment and consult with affected bands and
16 tribes, including the Lower Snake River Palouse,
17 violates the provision of NHPA.

18 Number three, Native American Graves Protection
19 and Repatriation Act. The proposed Colville Casino
20 protect area -- project area may contain sacred sites of
21 cultural significance to the lineal descendants of the
22 Lower Snake River Palouse people. Any disturbance or
23 desecration of these sites without proper consultation
24 and consent would constitute a violation of NAGPRA.

25 Clean Water Act and Clean Air Act. We urge the

1 Bureau of Indian Affairs to immediately halt the
2 Colville Casino Project until a thorough cultural
3 resource evaluation can be conducted in compliance with
4 NEPA, NHPA, NAGPRA, ARFA, CWA, and CAA.

5 Furthermore, we request meaningful consultation
6 with Khimstonik and other affected members of the
7 Palouse throughout the decision-making process. We
8 believe the tribal resources would be better used to
9 create environmental and cultural restoration in the
10 area.

11 Thank you for your attention in this matter.
12 We are committed to protecting our cultural heritage and
13 ensuring that federal laws are upheld to safeguard our
14 environment and sovereign rights. Thank you for your
15 time today.

16 MODERATOR: Thank you.

17 The next speaker is Donella Miller.

18 DONELLA MILLER: Hello. Can you hear me?

19 MODERATOR: Yes, we can.

20 DONELLA MILLER: Hello. My name is Donella
21 Miller [indiscernible]. I am an enrolled member of
22 the Yakama Nation, and also of Palouse and Walla Walla
23 descent. And, you know, I appreciate the -- the time,
24 this listening session. But in all due respect, I
25 really don't understand the BIA entertaining the --

1 this fee-to-trust request because it's well
2 documented, well known that these lands lie within the
3 treaty territories of the Yakama Nation and also
4 borders with our sister tribe, the Confederated Tribes
5 and Band of the Umatilla Indian Reservation. And as
6 you have heard tonight, there are -- there are great
7 concerns of the -- the encroachment of the Colville
8 Tribe in our treaty territories. And also really
9 getting to the bottom line, I'm not going to speak
10 negatively about impacts to -- to our -- our casinos,
11 or having a casino there in that area because, quite
12 honestly, it would be in the best interest of the
13 Yakama and the Umatilla to expand their economic
14 development into that area. And rightfully so. Being
15 that it's both of our treaty territory. And I would
16 hope that we would be two sovereigns that could work
17 together to address and make that happen rather than
18 having an outsider come and encroach in our area. And
19 I also mean no disrespect to our relatives up north
20 that may be of Palouse descent. But, you know, the
21 majority of the Palouse people relocated to the Yakama
22 Reservation and were a signatory of the Treaty of
23 1855. And that was a choice made by those -- those
24 elders, that us in the -- the generations beyond have
25 to accept and deal with. And if there are people

1 within the Colville Tribe that would like to come and
2 meet the blood quantum requirements to come and enroll
3 with the Yakama Nation, you know, they always have
4 that option. But as far as the Colville Tribe as a
5 whole, you know, retaining right to our treaty areas,
6 that's -- that's just untrue, inappropriate, and
7 disrespectful to our people. And, you know, we all
8 share relatives. But that doesn't mean that we have a
9 right to go on other people's land. And, you know,
10 build -- expand their economic development for their
11 own benefit and exclude the -- the true people who
12 have the treaty rights in that area. That's all.
13 Thank you.

14 MODERATOR: Thank you.

15 The next speaker is Asah Yallup.

16 Asah Yallup if you're speaking, we can't hear
17 you.

18 The next speaker is --

19 Oh, Asah, I see that you have unmuted yourself,
20 but we still cannot hear you.

21 ASAH YALLUP: Hello? Can you guys hear me
22 now?

23 MODERATOR: Yes. We can hear you. Thank
24 you.

25 You may proceed with your comments.

1 ASAH YALLUP: Can you hear me right now?
2 Then I would like to speak. I would like to speak on
3 behalf of all of those who are currently Yakama Nation
4 members. I have been enrolled member ever since I was
5 a little kid. But just hearing what other people talk
6 about of this new project being built, I believe that
7 it's -- I don't want to talk ill will about our
8 brothers up north. But they never really -- the way I
9 heard it coming from elders and those down below who
10 taught me, they never really liked us as much. So I
11 don't really -- really support this project as much.
12 I won't talk on behalf of how it will impact us. But
13 I can just take on what the other people have said
14 about how they already have several things built up
15 and they make all of this revenue. And it will
16 disrupt our chain of revenue with our forestry and
17 everything that we worked to pull in over the ages.
18 Other than that, thank you.

19 MODERATOR: Thank you.

20 The next speaker is Gerald Sam.

21 GERALD SAM: Hello. Thank you. Can you hear
22 me?

23 MODERATOR: Yes, we can.

24 GERALD SAM: [Speaking non-English] I speak
25 on behalf of the Colville people. I come from a long

1 line of family that shares bloodlines both Wenatchi,
2 Entiat, Moses-Columbia. And from what my
3 understanding is both of our reservations, before the
4 government divided us a second and a third time, was
5 that we all shared this area. It wasn't just your
6 guys' area, respectfully. And I'm not quite
7 understanding why everybody is worried about the
8 revenue that may go on when we may be able to come
9 together as three tribes -- Umatilla, the Yakama, and
10 the Colville -- ourselves and be able to actually try
11 to make this area work for all three of us in a shared
12 fashion. Because a long time ago, even before all of
13 this government and all of this paperwork, we were
14 people that were -- whether we got along or not, they
15 were people that had to learn how to get along. And
16 there were families that were intermingled. Like
17 our -- our borders, reservation-wise were right up
18 against each other until the government divided us
19 another time. And I'm not quite understanding why
20 everyone is so upset. To me, it seems like a great
21 opportunity for our young men to be out here working,
22 doing construction, getting in on the trades, and
23 actually being able to share a profit by working
24 together as a team. And I'm having a whole lot of
25 trouble just understanding why the other -- the other

1 nations are opposing us so hard because of what we
2 have going on and what's currently going on. I mean,
3 we're only trying to do better for ourselves and for
4 the next -- or for our descendants. I don't quite
5 understand why everyone is so upset when we're just
6 trying hard to work for things that could be
7 profitable and helpful to our nation. Seems to me
8 that they're trying to talk about lands that were
9 ceded. But they were also taken from us too because
10 they were a shared land. Or else, we wouldn't be able
11 to do this kind of stuff. It seems like we also went
12 through and did the proper paperwork to at least talk
13 to the State and get this approved. So I don't
14 understand why these other two nations are opposing us
15 like they usually do or like we all do. It sounds
16 like intermingling -- or inner fighting amongst the
17 tribes when they're trying -- when they're trying to
18 act as if there is none. And I just don't understand.
19 Because I'm a new young man who don't know the history
20 between all other tribes fully. But I just don't
21 understand why we can't share this, share these type
22 of opportunities. I come from a long bloodline of
23 Sams, the Dicks, the Condons, the Smiths. And we had
24 people who were advisers. And my grand- --
25 great-great-great grandfather Smith Condon was an

1 adviser between us and the Yakamas and figured out how
2 to peacefully intermingle with these tribes while
3 following through with these kind of opportunities way
4 back when, back in -- I think it was in the '50s,
5 '60s, '70s, and they traveled around.

6 MODERATOR: I'm sorry to interrupt. I'm
7 sorry to interrupt, but your time is up.

8 GERALD SAM: All right. That's all I have.
9 I just don't understand.

10 MODERATOR: Thank you.

11 The next speaker is Zorana Hueso-Selam.

12 ZORANA HUESO-SELAM: Hello. Can you hear me?

13 MODERATOR: Yes, I can.

14 ZORANA HUESO-SELAM: Okay. Hi. My name is
15 Zorana Hueso-Selam. I'm an enrolled member of the
16 Yakama Nation. I would like to note that Colville did
17 not cede their land, but relinquished all claims on
18 all of their executive orders. Chief Moses
19 relinquished all claims among the government for all
20 lands elsewhere on the executive order on July 7th,
21 1883, for \$1,000 a year. They did not reserve any
22 rights outside of their reservation. This is not
23 about a casino, but encroachment on our lands and
24 rights. The Colvilles -- I'm sorry to say this, but
25 they care about money. They use their Palouse when it

1 is convenient for them. Only the Yakama Palouse have
2 reserved rights through the 1855 Treaty. I would also
3 mention that this is -- any environmental impacts
4 isn't to their land. It is to the Yakama Nation land.
5 And we have been down there to provide cleanup for the
6 Columbia River. And if there's any impacts by a
7 casino, they're not going to be providing it. It's
8 going to come from our funding, not theirs. I would
9 also like to echo that the City of Pasco, they reached
10 out to the Yakama Nation, to the Umatilla to get facts
11 from us, not just from the Colville. Thank you.

12 MODERATOR: Thank you.

13 The next speaker is Charlene Tillequots.

14 CHARLENE TILLEQUOTS: Hello. Can you hear
15 me?

16 MODERATOR: Yes, we can.

17 CHARLENE TILLEQUOTS: Okay. I just wanted to
18 remind everyone that our treaties are the supreme law
19 of the United States, Article 6, U.S. Constitution.
20 My name is Charlene Tillequots. My roll number is
21 5685. I am a citizen of the Yakama Nation and also
22 sit on our tribal council. This is my sixth year
23 serving. And it really disturbs me that they are
24 encroaching on our ceded territory, the Colvilles.
25 And knowing that we have a treaty in place. And I

1 can't figure out why the Bureau is putting this upon
2 us to -- to get these comments from everyone when they
3 should just look at our treaty and look at our -- and
4 what it says there. And look at Colville. And we
5 know the impact it is going to have on our
6 communities. It is all about money. And it is really
7 sad that we have to look at the mighty dollar to
8 profit for our people. But we -- we have casinos. We
9 all have a casino. Colville has three. They could
10 have six. And my thoughts are, you know, I look at
11 their bands, and I see that they also have Nez Perce
12 Band. Are they going to encroach on the Nez Perce
13 next after this? That's my question. I'm just
14 thinking of about all these things, how they're coming
15 upon our ceded territory. And I'm hoping that once --
16 if Ms. Holland decides to sign this deed of trust what
17 kind of can of worms she is going to open up to all of
18 the United States, to all these nations. Because we
19 could all encroach on other people's territory. And I
20 don't think they see this. You know, it's -- it's
21 really tough to see -- see us fighting amongst each
22 other. One thing that I want to say is as people, we
23 always respect one another. And we're losing that
24 respect right now. And that is all I want to comment
25 for now. Thank you.

1 DORA GOUDY SMITH: Hello? Hello?

2 Yes. My name is Dora Goudy Smith. I'm an
3 enrolled member of the Yakama Nation. And I'm also
4 currently serving as the chair of the Yakama Nation
5 Gaming Commission. And I would like to support all of
6 the comments of our tribal council and our office and
7 legal council. And I wanted to share that there is
8 great frustration with the Department of the Interior,
9 BIA. And that there is supposed to be consultation.
10 And I'm happy that this is happening. But there has
11 been many attempts to reach out to the Department of the
12 Interior and the Bureau of Indian Affairs Portland area
13 office with very little success. So I'm hoping that
14 this consultation will reach them and help them to
15 understand the concerns of the Colvilles encroaching
16 upon our treaty -- our treaty ceded lands. But the
17 other thing that I wanted to mention was in the Indian
18 Gaming Regulatory Act, that there are statements in
19 that. And it's public law 100-297. And one of the
20 paragraphs it states is that on -- on the second page of
21 it, under letter B, "Any lands titled to which is either
22 held in trust by the United States for the benefit of
23 any tribe or individuals or held by any Indian tribe or
24 individual subject to restriction by the United States
25 against alteration and alienation and over which an

1 Indian tribe exercises governmental power." Yakama
2 Nation exercises governmental power over the Tri-Cities
3 area because it is a part of the treaty ceded area. So
4 what the Department of the Interior is doing and the
5 BIA, Portland area office, is that they're breaking the
6 Indian Gaming Regulatory Act law. And they need to look
7 at this very closely. It's really unfortunate that
8 we're having this challenge. And unfortunately that we
9 have to bring up the trust responsibility that the
10 Department of the Interior are supposed to uphold on
11 behalf of our treaty and our tribe. But I really hope
12 that you look at this very closely. Because what you're
13 doing is you're breaking the Indian Gaming Regulatory
14 Act. And when you read that, the Yakama Nation does
15 have governmental power over that area because it is
16 ceded in our treaty. Our people still go there. I was
17 there last weekend for an event that honored our foods
18 and our water. And I truly am disturbed that this
19 challenge is going on. So I hope that the Department of
20 the Interior, that the Secretary of Interior, Deb
21 Holland, will look at this very closely. Because it is
22 against the law. It is illegal what you're doing, what
23 you're proposing. And that's all I have to say at this
24 time. We will be submitting written comments as well.
25 Thank you for this opportunity.

1 MODERATOR: Thank you.

2 I'm sorry. Is there anybody who has not spoken
3 that would like to speak? Please raise your hand.

4 The next speaker is Terry Heemsah Sr.

5 TERRY HEEMSAH SR.: Can you hear me?

6 MODERATOR: Yes, we can.

7 TERRY HEEMSAH SR.: Okay. Thank you. Good
8 evening. Terry Heemsah. Given name is [name].
9 Yakama Nation 7076. And yes, agree with all other
10 comments. Encroachment of the Yakama Nation treaties
11 ceded territory. And all the way up to Icicle, all
12 the way up to Canada from the Columbia River to the
13 ocean. It is the Yakama Nation's ceded territory.
14 And back to the government, there's been letters that
15 have been sent. And understanding that they are not
16 here. So hopefully this time on this, they will hear
17 us, the encroachment on the Yakama Nations' ceded
18 lands. And -- talking about the Palouse ferry is
19 where my father's father has lands all the way down
20 from the Columbia River down to the Vancouvers. And
21 hopefully that they will hear or see the letters that
22 we sent and understand that they can't pass this,
23 honor the request for the fee of trust for Colville,
24 because they're in our ceded lands. And as well all
25 the Yakama Nation voice their opinion of encroachment,

1 speaking for all the enrolled members and Indian
2 tribes and other tribes that have concern. Once this
3 gets passed, and you have heard that there will be
4 more encroachment. So hopefully the government will
5 understand that they need to not honor this request.
6 Thank you.

7 MODERATOR: Thank you.

8 If anybody else who has not spoken would like
9 to speak, please raise your hand.

10 The next speaker is Charlene Tillequots.

11 CHARLENE TILLEQUOTS: Thank you. I already
12 spoke. So I did already speak already.

13 MODERATOR: Oh, okay. Thank you.

14 CHARLENE TILLEQUOTS: Uh-huh.

15 MODERATOR: The next speaker is Idajo
16 Pickland -- Pinkham Maltos. Idajo Pinkham Maltos.

17 IDAJO PINKHAM MALTOS: This is Idajo Pinkham
18 Maltos.

19 MODERATOR: Thank you.

20 IDAJO PINKHAM MALTOS: Hello and good
21 evening. I'm addressing the decision made to build a
22 casino at the Pasco, Washington site. If this were
23 well thought -- a well-thought-out plan, then why were
24 we not in the know? Instead, it was announced to the
25 people of the Tri-Cities and to the tribes last. This

1 is an active encroachment and a disregard for all
2 other tribes involved. Opening this site would have a
3 direct impact on our local communities. The direct
4 impact to our livelihood would be crippling. Our
5 future generations would have to work harder and for
6 the -- most -- for the most part, ask us why did we
7 let the tribe do this to our people. I won't have a
8 response. I won't have a response because our last
9 war was with the non-Natives. Thank you. Idaho
10 Pinkham Maltos. Yakama Nation member 4918. Good
11 night.

12 MODERATOR: Thank you.

13 The next speaker is John Sirois.

14 JOHN SIROIS: Hi. [Speaking non-English] My
15 name is John Sirois. I'm assistant of the Colville
16 Confederated Tribes. I really appreciate this -- this
17 listening session. And look forward to, you know,
18 actually seeing some of the comments. You know, as a
19 former tribal leader, as a historian, as someone that
20 fishes on the river, you know, it's -- I would love to
21 see some of the sentiments that have been expressed
22 about how we should come together. But it is
23 confusing when folks talk about encroachment on their
24 land when we all belong to the land as Native people.
25 So it's confusing and it is sad that I think a lot of

1 our tribes nowadays are being influenced and led by,
2 you know, the -- the modern-day society law of
3 claiming this over that, even though they know we're
4 all related and we all have ties to that land. So,
5 you know, I look forward to the future generations
6 being able to -- to look at these situations
7 differently. Because the accusations of, you know,
8 encroachment is quite a bit ironic when -- when the
9 lower river tribes have tried to stop us from fishing,
10 have refused to recognize us in versus Oregon. You
11 know, we have a responsibility to these beings for the
12 land. And, you know, it's sad that we're being
13 opposed again, just for economic. You know, they talk
14 about having three casinos. Those are really small
15 casinos that are job producers. You know, I
16 respect -- I respect their feelings. And I hope that
17 they, in turn, will respect and listen to us and
18 actually listen to a lot of the history that has not
19 been shared with you and the shared territory, the
20 land that we currently have still down in trust land
21 that we have down there in the Tri-Cities from our
22 Palouse members that are enrolled at the Colville
23 Confederated Tribes. So I look forward to a really
24 good outcome following the process. And to a bright
25 future of providing some economic benefits for -- for

1 everybody in the region. So with that, I thank you
2 for the time. And yield my time back to the audience.

3 MODERATOR: Thank you.

4 The next speaker is Julia Saluskin.

5 JULIA SALUSKIN: Good evening. Can you hear
6 me?

7 MODERATOR: Yes, we can.

8 JULIA SALUSKIN: Good evening. My name is
9 Julia Saluskin. I'm a Yakama tribal member. I'm a
10 descendant from the signing of the Treaty of 1855.
11 And I am very torn by this decision. I want to
12 address my comments to the Department of Interior, the
13 Department of Land Management, and the Bureau of
14 Indian Affairs. Because the Bureau of Indian Affairs
15 has a trust responsibility to uphold the treaties for
16 each tribe. And we're talking about today. We're
17 talking about reservation boundaries. And we're
18 talking about ceded area boundaries. We're not
19 talking about territories. And that my grandfather,
20 who was Wenatchi, could have been Colville or Yakama.
21 And he chose Yakama. And that is the way it was
22 probably with a lot of band members, in that they
23 chose the tribe that they went with. And so they have
24 to share those rights where they preside now. And if
25 you look at our ceded boundary, it is in the area

1 proposed. That area is industrial and agriculture. I
2 drive through there several times. I go to Spokane.
3 I go to Lapwai. I go to Walla Walla. I go to
4 Pendleton. And I would just encourage the
5 sustainability of that land management practice in
6 Pasco to stay that way. And that the decision to turn
7 the fee into trust be denied. That there's been a
8 history of BIA issues that have not been beneficial to
9 a lot of tribes, especially the Yakamas. And that one
10 of them is during the Allotment Act. That they were
11 given 80 acres of land. And the BIA was trying to
12 propose the Jones Bill, to have 60 acres of those sold
13 to not Indians. And the Indians get to keep 20 acres.
14 And we lost the water rights. And so our native
15 people couldn't even farm that land and were starving.
16 And they just wanted to get rid of us so the
17 not-Indian could encroach on our land. That is how I
18 feel is happening now. Only it's pitting Indian
19 against Indian. And this has to stop. The Colville
20 Tribe has their own reservation boundary.

21 MODERATOR: I'm sorry to interrupt.

22 JULIA SALUSKIN: My time is up?

23 MODERATOR: Yes, it is.

24 JULIA SALUSKIN: Okay. And they should
25 develop in their own areas. Thank you.

1 MODERATOR: Thank you.

2 The next speaker is Jonnie Bray.

3 ATICIA BRAY: Hi. It is actually -- I'm
4 using my mom's account. I'm Aticia Bray. I'm a
5 member of the Colville Tribe. And I wanted to start
6 by saying that I feel like this is -- this whole
7 discussion is like telling monarch butterflies that
8 they can't come farther north than Oregon. It's not
9 true. They don't know those boundaries or the laws of
10 White man. The White man. But that's, in fact, what
11 we're talking about is the White man's laws. And the
12 Yakama Nation keeps talking about their ceded
13 territories. And their ceded territories means that
14 they surrendered it or yielded it. And somebody
15 earlier brought up the decision relating to the
16 Icicle. And in that decision, it says, along with
17 four other signatory tribes -- the Entiat, Chelan,
18 Columbia, and Palouse Tribes. The Wenatchi did not
19 move on to the surveyed Yakama Nation Reservation.
20 And based on that, their claim to Wenatchi territory
21 was upheld. Likewise, and in this opinion, it clearly
22 says that the Palouse Tribe was not surrendered solely
23 to the Yakama Nation. It says that they were their
24 own -- they were a party to it. The Yakama Nation
25 Treaty doesn't belong to the Yakama Nation. It was

1 the location where the treaty was signed. And all of
2 these other people chose not to go live on their
3 reservation. And did not cede their traditional
4 territories. And both the Umatilla and the Yakama
5 acknowledge that the Palouse people are the people
6 from this territory. And it is worth noting that the
7 person with the DNA that was most closely related to
8 the ancient one or the Kennewick Man who was a
9 descendent of the Palouse. And that is Barbara Riva.
10 Thank you.

11 MODERATOR: Thank you.

12 The next speaker is Cato Moses-Hyipeer.

13 CATO MOSES-HYIPEER: Hello. Can you hear me?

14 MODERATOR: Yes, we can.

15 CATO MOSES-HYIPEER: Okay. My name is Cato
16 Moses-Hyipeer. [Speaking non-English] I'm a member of
17 the Yakama Nation, Confederated Tribes and Bands of
18 the Yakama Nation. And when I was 14, the Palouse
19 Band were recognized within the Treaty of 1855,
20 June 9th. And it was within the plateau area, within
21 the Cascades and along the Columbia River, that's
22 where many of our people of the Yakama Nation
23 exercised their rights to food gather and many of our
24 other accustomed areas where we would move around
25 during the seasons. I want to express as a member of

1 the Yakama Nation, as well as our interpreter of
2 general council, that I fully support our leadership,
3 our tribal council, so many other voices of our Yakama
4 Nation. But it is also important that everyone that
5 has made their appearance here today to voice their
6 verbal comments. It is at this time that we try to
7 say in the most respectful manner that I believe it
8 was mostly on the decision of the Colville Tribe for
9 their fee-to-trust and the casino. But I would just
10 like to thank the many voices of the Yakama Nation, of
11 our leadership, to express their concerns, their
12 comments at this time. I want to just say that it is
13 an honor to be a member of the Yakama Nation and being
14 a direct descendant of Chief Joseph. My lineage comes
15 from my mother's side of the Palouse band. I thank
16 you for this opportunity. And [Speaking non-English].
17 That's all I have to say.

18 MODERATOR: Thank you.

19 The next speaker is phone number 2118.

20 If there is anybody else who would like to
21 speak, please raise your hand.

22 Phone number 2118.

23 MITCH WILSON: My name is Mitch Wilson. I
24 just wanted to provide a comment too. I'm at the
25 Yakama Nation Heritage Cultural Theater. And I just

1 wanted to acknowledge that all of the Yakama members
2 here in the theater are here listening to these
3 comments. And I just wanted to bring that out, that
4 this is a very important issue for the Yakama Nation.
5 I hear the Colville members saying they don't
6 understand. They don't understand. I think they
7 should really look at what the treaty rights are and
8 what the contributions that they are giving to the
9 federal government for dismantling our treaty rights.
10 I think that would be really important for them to
11 look at and learn about the harm that they're causing.
12 There are very few treaty tribes left that have an
13 unbroken chain from all of the different areas that
14 the federal government tried to destroy our tribe.
15 This is just another attempt that is chipping away and
16 whittling down our treaty rights. I'm very surprised
17 that it is another tribe contributing to that, that
18 weakening of our treaty rights. Thank you. That's
19 all.

20 MODERATOR: Thank you.

21 If there is anybody who has not spoken that
22 would like to speak, please raise your hand.

23 Next speaker is identified by User One. User
24 One, please unmute yourself.

25 User One, I see you have unmuted yourself, but

1 we cannot hear you. User One, please try to unmute
2 yourself again.

3 I'm sorry, User One, we still can't hear you.
4 If you're calling in by phone, perhaps you need to
5 unmute your device.

6 If there's anybody else who would like to
7 speak, please raise your hand. The next speaker is Cato
8 Moses-Hyipeer.

9 STARLA MOSES-HYIPEER: Can you hear me?

10 MODERATOR: Yes, we can.

11 STARLA MOSES-HYIPEER: My name is Starla
12 Moses-Hyipeer. I'm using my brother's phone. I also
13 go by Linetta. And on my mother's side, I belong to
14 the Palouse. My concern with Colville Casino Project
15 is focused on the cultural and the historical, you
16 know, land resources. In the treaty of the
17 Confederated Tribes and Bands of the Yakama Nation of
18 1855, it is stated in our first article, the ceded
19 lands description. This land description has the
20 lands the Colville's casino is described to be in.
21 Their project proposal. The USA government has a
22 trust responsibility to the Yakama Nation by that 1855
23 Treaty and are to be held by their own constitution,
24 Article 2, Section 2, that treaties are binding
25 agreements, forming the supreme law of the land. The

1 Yakama Nation, by our treaty, has retained our access
2 to traditional sites. Whereas the Colville chiefs had
3 relinquished theirs. I believe one of the chiefs that
4 was mentioned before was Chief Moses, who was married
5 into the Owhi Band. Owhi being a Yakama chief. Owhi
6 and Qualchan, his son, were killed during the
7 conflicts Yakama Nation had with the U.S. government.
8 Chief Kamiakin himself was self-exiled to areas that
9 now Colville claim. Our Yakama chiefs roamed quite a
10 bit of the territories that we call America, North
11 America. It's in our languages. The description of
12 these lands. We have the proof in our histories that
13 we had access to these lands before. And our
14 relationship with the Nez Perce is in the language as
15 well. One of Chief Joseph's speeches was in
16 [indiscernible]. The language is dying. Only a
17 handful of us speak it. Myself included from my
18 father's side. Chief Joseph himself was also from the
19 Palouse. But I'm also from the Red Heart Band, one of
20 the ones that was along the Snake River. And that's
21 from my mother's side through Andrew George.

22 MODERATOR: I'm sorry to interrupt. But your
23 time is up.

24 STARLA MOSES-HYIPEER: Thank you. This is my
25 opposition to the Colville's Casino Project. Thank

1 you.

2 MODERATOR: Thank you.

3 The next speaker is Cecil Jackson.

4 CECIL JACKSON: Hello?

5 MODERATOR: Hello.

6 CECIL JACKSON: Good evening. Cecil Jackson.
7 Member of the Yakama Nation. Share a few words. The
8 Colville Tribe is making these moves that will prosper
9 themselves is good and all. And their economic team
10 that has been working to make things happen for
11 themselves and the multiple sites that they have
12 casinos being out and abroad. It is good for them.
13 It benefits them. You know, they're within their
14 bounds -- the boundaries. That's good for them. And
15 as everybody [indiscernible], you know, operate within
16 their boundaries. Everybody is trying to grow. Every
17 tribe has to grow and prosper and benefit our peoples.
18 Variety of businesses that benefit from them. Not
19 just tribal businesses, but our local businesses, our
20 regional businesses. As we had to, you know, partner
21 with our other tribes on business ventures, as well as
22 resources, as well as the water, the land -- or the
23 land resources that we all have. You know, we all
24 have a very relatable struggle. But at times, we find
25 ourselves in this part where things are in front of us

1 that challenge us in our ventures, challenge us in our
2 endeavors to, you know, be self-sufficient and
3 self-sustaining. Many challenges that have brought
4 forth. And here, we have business -- we have a
5 government that is there to protect us. But at times,
6 when things like this arise and happen, it makes it
7 feel as if, you know, they're not looking out for our
8 best interest when things like this happen, when this
9 situation happens. It is like we're -- to move
10 forward. We're pitted against each other. And our
11 tribes, we have many shared families here, you know,
12 from the Yakamas, the Colvilles, Nez Perce, the
13 Umatillas, the Warm Springs and west of here. Many of
14 us are trying to make things happen for ourselves and
15 our people. And our leadership is doing the best that
16 they can. You know, all leadership is doing the best
17 that they can to, you know, make themselves
18 self-sufficient and not rely so much on the government
19 and expand their infrastructure, expand their
20 businesses and expand, you know, their reach. And
21 sometimes that reach can overreach onto our
22 neighboring tribes, you know, without thinking and
23 without so much forethought. But when we don't
24 consult with each other, it does make things realize
25 that we're being so intrusive to each other's land and

1 each other's economic growth. And it feels as if
2 we're digging in each other's pockets there. But, you
3 know with some consulting that would have been
4 beneficial to all sides, all parties affected by all
5 of this.

6 MODERATOR: I'm sorry to interrupt, sir. But
7 your time is up. Please conclude your comments.

8 CECIL JACKSON: I just want to share that
9 this evening. Thank you.

10 MODERATOR: Thank you.

11 Anybody who has not spoken and would like to
12 speak, please raise your hand.

13 The next speaker is Darnell Sam.

14 DARNELL SAM: Can you hear me?

15 MODERATOR: Yes.

16 DARNELL SAM: Good evening. [Speaking
17 non-English] My name is Darnell Sam. I'm a Colville
18 Tribal member. A descendant. You know, there's
19 historical perspectives on, you know, who -- who has
20 traditional rights, inherent rights, so on and so
21 forth. There are two shared constituent tribes on the
22 Colville Confederacy and on the Yakama Nation
23 Confederacy. And those two tribes are the Palouse and
24 the Wenatchi. The history is that the descendants of
25 those two constituent tribes chose where they would

1 go. There were those that stayed within their
2 traditional territory. And those territories have
3 been -- been, you know, categorized by allotments and
4 those allotments are -- are identified through BIA,
5 you know, through a title code. And there are
6 allotments within the Colville Confederated Tribe, you
7 know, within the traditional territories.
8 Understanding history of the Yakama Nation. And they
9 have ceded rights. Ceded meaning they gave up their
10 right to that land. They sold that land to the State.
11 The Colville Confederated Tribe never ceded their
12 rights. They have an interpretation that because we
13 have an executive order, that we are subservant or,
14 you know, less than they are. The federal government
15 doesn't decipher the difference between the Col- --
16 between, you know, federal recognition. You know, we
17 look at things differently, as they do. As you sit
18 here and listen to all comments that we, you know,
19 apparently are encroaching on their -- their -- their
20 ceded rights. You know, but contrary to that is that
21 we -- we didn't cede those rights. We stayed within
22 our traditional territories. We know our history and
23 we know who our people are. We know our lineal
24 descent. We're not here to say that we're better or
25 we're more than we are. We are equal. I, you know,

1 wanted to get on here to speak at least, you know,
2 from a different perspective, you know, not to the
3 extent of, you know, about, you know, one being better
4 or more than the other. The history is the history.
5 And, you know, we can -- you can -- you can tote your
6 treaty to your benefit all you want. You know, we
7 have, you know, our perspectives as well. And it is
8 not -- you know, we're not here to say that we're --
9 we're more or better than anybody else. You know,
10 that -- you know, this is not just they speak to the
11 benefits, the economic benefits to their tribes and to
12 their members. We can say the same for the Colvilles,
13 that we are advocating for the economic benefit of our
14 people, of our descendants and all people within
15 the -- within the territory.

16 MODERATOR: I'm sorry to interrupt, sir, but
17 your time is up.

18 DARNELL SAM: Okay. Thank you. [Speaking
19 non-English]

20 MODERATOR: The next -- the next speaker is
21 phone number ending in 9587. Please press star 6 to
22 unmute your phone.

23 VERA HERNANDEZ: Hello?

24 MODERATOR: Hello.

25 VERA HERNANDEZ: This is Vera Hernandez. My

1 name is Vera Tillequots Hernandez. I am a member of
2 the Yakama Nation. And I also have children that are
3 enrolled Colvilles and grandchildren who are enrolled
4 Colvilles. And that was my nephew, Darnell Sam, that
5 just spoke before me here. And I have a great respect
6 for him and family up there. But I'm speaking and I'm
7 opposed to -- to them wanting to have a casino site in
8 the Pasco area. According to gaming commissioner that
9 spoke earlier, the Ingram public law 100-297, section
10 B, should have been taken into consideration when
11 Colville submitted their request for another casino
12 site. Because it should have been declined there,
13 based on that -- that public law. Yes, Colville Tribe
14 is not a treaty tribe like Yakama Nation. Our
15 boundaries are in our Treaty of 1855. And we all
16 stand behind our treaty. Again, the BIA has the trust
17 responsibility to protect our treaty. And I hope
18 they -- they do that. That is their job. That's all
19 I have to say. Like I said, my grand- -- my children
20 and grandchildren are Colville. They receive
21 dividends from the tribe and nothing else because they
22 live off of the reservation. And thank you.

23 MODERATOR: Thank you.

24 If there is anybody who has not spoken and
25 would like to speak, please raise your hand. And if

1 you're joining us by phone, press star 9 to raise your
2 hand.

3 Seeing no hands raised, this concludes the
4 verbal comment portion of this hearing.

5 TOBIAH MOGAVERO: I'm unmuted. Does this
6 conclude the public scoping meeting?

7 MODERATOR: No more hands are raised
8 requesting to speak, Mr. Mogavero.

9 TOBIAH MOGAVERO: So I would like to thank
10 everybody for their time and that I would also like to
11 invite everyone to email me at the address listed
12 below, with your comments that we can add to our
13 administrative record for this environmental impact
14 statement. Thank you.

15 (Public meeting concluded at 8:50 p.m.)

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COURT REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) SS.
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I, BROOKE SILVAS, a certified shorthand reporter for the State of California, do hereby certify:

That the said public meeting was taken down by me remotely in stenotype at the time and place therein stated and thereafter reduced to typewriting under my direction, and that the deposition transcript is a true and correct record of the proceedings here held.

I further certify that I am not of counsel or attorney for any of the parties hereto or in any way interested in the event of this cause and that I am not related to any of the parties thereto.

Dated: May 6, 2024

Brooke Silvas

BROOKE SILVAS

CSR No. 10988



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Attachment 6

Cooperating Agency Correspondence

U.S. Environmental Protection Agency, Region 10
Casey Sixkiller, Regional Administrator
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Subject: NEPA Cooperating Agency Invitation – Colville Tribes Fee-to-Trust and Casino Project EIS

Dear Mr. Sixkiller,

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA) to analyze the potential environmental consequences of the Confederated Tribes of the Colville Reservation's (Tribes') application for a 160-acre fee-to-trust transfer and casino project in the City of Pasco within Franklin County, Washington (see attached map). The proposed project includes the development of a 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities. Additional project details are provided in the Notice of Intent, which can be reviewed at the following website: colvilleeis.com.

The BIA, Northwest Region is serving as the Lead Agency for NEPA compliance. The BIA anticipates that future project-related regulatory reviews and approvals from the United States Environmental Protection Agency (USEPA) may be necessary. Therefore, the BIA, Northwest Region is extending an invitation to the USEPA, Region 10 to participate in the NEPA process as a Cooperating Agency. Please inform this office of your willingness to accept this role at your earliest convenience.

If you have any questions or need additional information, please contact:

Tobiah Mogavero, Regional NEPA Coordinator
Bureau of Indian Affairs, Northwest Regional Office
911 Northeast 11th Avenue
Portland, OR 97232-4169
435.210.0509 or tobiah.mogavero@bia.gov

Sincerely,

Washington State Department of Transportation, South Central Region
Attn: Todd Trepanier, Region Administrator
2809 Rudkin Road
Union Gap, WA 98903-1648

Subject: NEPA Cooperating Agency Invitation – Colville Tribes Fee-to-Trust and Casino Project EIS

Dear Mr. Trepanier,

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA) to analyze the potential environmental consequences of the Confederated Tribes of the Colville Reservation's (Tribes') application for a 160-acre fee-to-trust transfer and casino project in the City of Pasco within Franklin County, Washington (see attached map). The proposed project includes the development of a 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities. Additional project details are provided in the Notice of Intent, which can be reviewed at the following website: colvilleeis.com.

The BIA, Northwest Region is serving as the Lead Agency for NEPA compliance. A traffic impact study will be prepared for the project, and the BIA anticipates that future project-related regulatory reviews and approvals from WSDOT may be necessary associated with traffic mitigation. Therefore, the BIA, Northwest Region is extending an invitation to WSDOT to participate in the NEPA process as a Cooperating Agency. Please inform this office of your willingness to accept this role at your earliest convenience.

If you have any questions or need additional information, please contact:

Tobiah Mogavero, Regional NEPA Coordinator
Bureau of Indian Affairs, Northwest Regional Office
911 Northeast 11th Avenue
Portland, OR 97232-4169
435.210.0509 or tobiah.mogavero@bia.gov

Sincerely,

City of Pasco
Attn: Mayor Pete Serrano
525 N 3rd Avenue
Pasco, WA 99301

Subject: NEPA Cooperating Agency Invitation – Colville Tribes Fee-to-Trust and Casino Project EIS

Dear Mayor Serrano,

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA) to analyze the potential environmental consequences of the Confederated Tribes of the Colville Reservation's (Tribes') application for a 160-acre fee-to-trust transfer and casino project in the City of Pasco within Franklin County, Washington (see attached map). The proposed project includes the development of a 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities. Additional project details are provided in the Notice of Intent, which can be reviewed at the following website: colvilleeis.com.

The BIA, Northwest Region is serving as the Lead Agency for NEPA compliance. At this time, the BIA is extending an invitation to the City of Pasco to participate in the NEPA process as a Cooperating Agency. Please inform this office of your willingness to accept this role at your earliest convenience.

If you have any questions or need additional information, please contact:

Tobiah Mogavero, Regional NEPA Coordinator
Bureau of Indian Affairs, Northwest Regional Office
911 Northeast 11th Avenue
Portland, OR 97232-4169
435.210.0509 or tobiah.mogavero@bia.gov

Sincerely,

Franklin County Board of Commissioners
Attn: Rocky Mullen, Chair of the Board, Commissioner for District 2
1016 N 4th Ave. Room A102
Pasco, WA 99301

Subject: NEPA Cooperating Agency Invitation – Colville Tribes Fee-to-Trust and Casino Project EIS

Dear Commissioner Mullen,

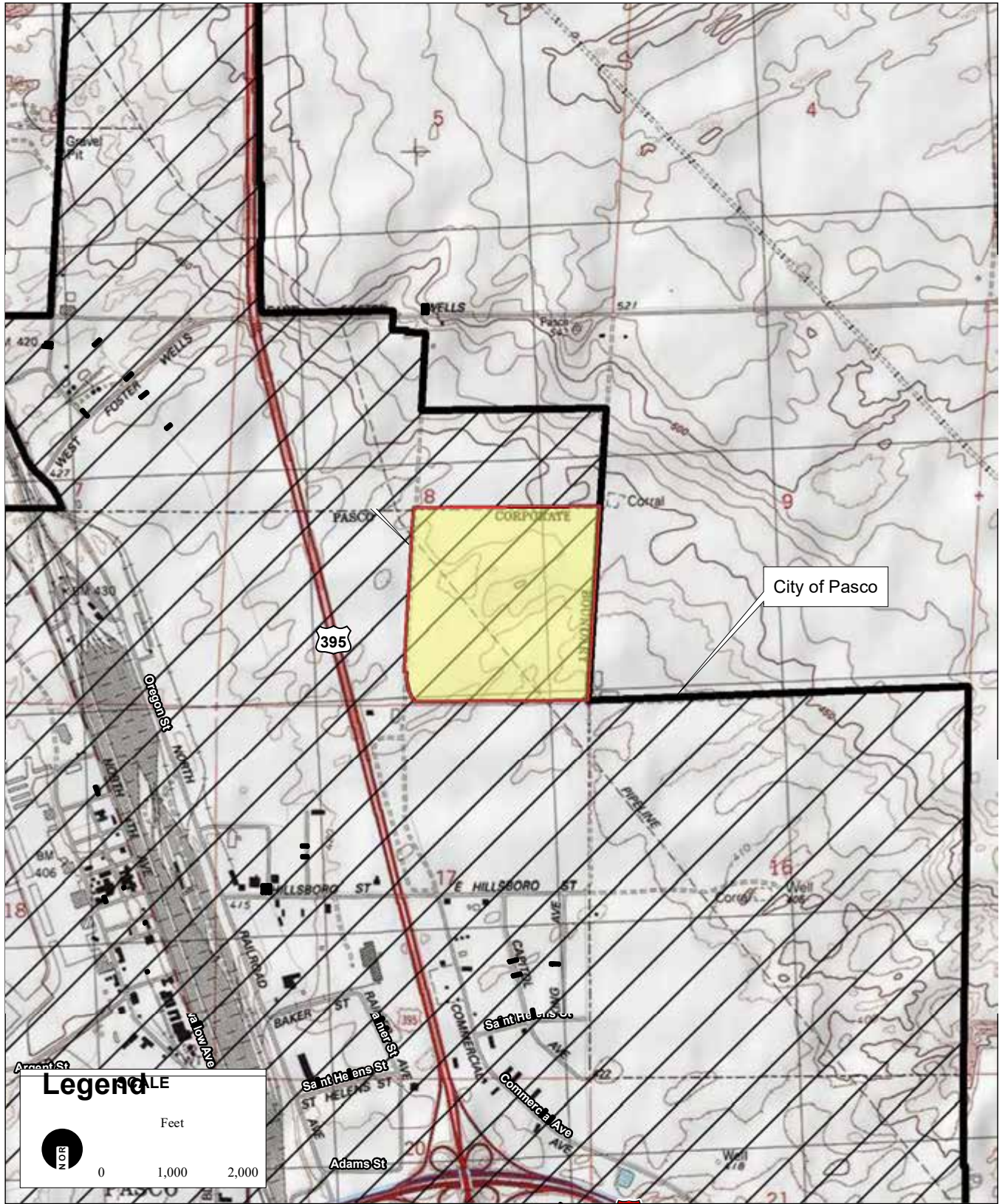
The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA) to analyze the potential environmental consequences of the Confederated Tribes of the Colville Reservation's (Tribes') application for a 160-acre fee-to-trust transfer and casino project in the City of Pasco within Franklin County, Washington (see attached map). The proposed project includes the development of a 184,200-square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities. Additional project details are provided in the Notice of Intent, which can be reviewed at the following website: colvilleeis.com.

The BIA, Northwest Region is serving as the Lead Agency for NEPA compliance. At this time, the BIA is extending an invitation to Franklin County to participate in the NEPA process as a Cooperating Agency. Please inform this office of your willingness to accept this role at your earliest convenience.

If you have any questions or need additional information, please contact:

Tobiah Mogavero, Regional NEPA Coordinator
Bureau of Indian Affairs, Northwest Regional Office
911 Northeast 11th Avenue
Portland, OR 97232-4169
435.210.0509 or tobiah.mogavero@bia.gov

Sincerely,



SOURCE: "Glade, WA" USGS 7.5 Minute Topographic Quadrangle, T9N R30E, Sections 8, Willamette Meridian Baseline & Meridian; ESRI, 2022; AES, 7/25/2022

Site and Vicinity

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: 07/15/2024	PREPARED BY: Derrick Braaten
MEETING DATE REQUESTED: 7/24/2024	PRESENTED BY: Derrick Braaten
ITEM: Consent Agenda	TIME NEEDED: N/A
SUBJECT: Accepting NEPA Cooperating Agency Designation - Confederated Tribes of the Colville Reservation Application	
FISCAL IMPACT: TBD - This item is a request for the County to act as a Cooperating Agency during the NEPA process. As a NEPA Cooperating Agency, the County will have standing to require mitigation of impacts on County services from this proposal, among other matters.	
BACKGROUND: The Confederated Tribes of the Colville Reservation's (CTCR) has submitted an application to the Bureau of Indian Affairs (BIA) to convert 160 acres of fee-simple land, located within the municipal boundaries of the City of Pasco on Parcel #113-130-068, to tribal trust land, and the proposed development of a 184,200 square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities, on said property. This item is a request for the County to act as a Cooperating Agency during the NEPA process. As a NEPA Cooperating Agency, the County will have standing to require mitigation of impacts on County services from this proposal. The most likely services impacted will be County infrastructure, Emergency Services, County Law Enforcement, the County's Judicial System, and some existing County facilities.	
RECOMMENDATION: It is recommended that the BoCC concur with accepting the invitation to be a Cooperating Agency regarding the NEPA process for the proposed CTCR project, and that the BoCC Chair sign the letter, as submitted.	
COORDINATION: This item was brought before the BoCC during a workshop on July 3, 2024. The BoCC directed Staff to generate a letter for the BoCC Chair to sign, accepting the request for the County to act as a Cooperating Agency regarding this matter, following said workshop.	
ATTACHMENTS: (Documents you are submitting to the Board)	
1.	Accepting NEPA Cooperating Agency Status - CTCR Project, Franklin County, WA
HANDLING/ ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list name(s) of parties that will need a pdf) Clerk of the Board: Copy of Signed Letter Planning: Copy of Signed Letter BIA, NW Region: Original of Signed Letter	



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

July 23, 2024

Kurt Fredenberg
Deputy Regional Director – Indian Services
BIA Northwest Region
911 Northeast 11th Avenue
Portland, OR 97232-4169

RE: Confederated Tribes of the Colville Reservation NEPA Cooperating Agency Request

Deputy Director Fredenberg,

On behalf of Franklin County, WA, I would like to thank you for the invitation to become a Cooperating Agency, regarding the NEPA being prepared for the Confederated Tribes of the Colville Reservation's (CTCR) application to convert 160 acres of fee-simple land (Parcel #113-130-068) to tribal trust land, and the proposed development of a 184,200 square-foot casino, 200-room hotel, an event center, eateries, and supporting facilities, on said property.

Due to the likely impact to Franklin County infrastructure, Franklin County emergency services, existing and proposed County public facilities, and impacts to the County's judicial services, Franklin County has significant concerns regarding this development.

Therefore, Franklin County formally accepts the BIA's invitation to be designated as a Cooperating Agency during the NEPA process for this proposal, and looks forward to working with both CTCR and BIA as this proposal develops.

With regard,

Rocky Mullen
Chair of the Board, District 2 Commissioner
Franklin County Board of County Commissioners



REGION 10

SEATTLE, WA 98101

July 8, 2024

Tobiah Mogavero, Regional NEPA Coordinator
Bureau of Indian Affairs, Northwest Regional Office
911 Northeast 11th Avenue
Portland, Oregon 97232

Dear Tobiah Mogavero:

Thank you for inviting the U.S. Environmental Protection Agency to participate as a cooperating agency during the Bureau of Indian Affairs' Environmental Assessment for the Confederated Tribes of the Colville Reservation's application for a 160-acre fee-to-trust transfer and casino project. EPA's participation as a formal cooperating agency commands a higher commitment of regional program staff resources above and beyond our regular early and routine involvement and requires a signed agreement between our agencies. Unfortunately, we are not able to commit staff resources at a level to support involvement as a cooperating agency at this time. Therefore, we decline to participate as a formal cooperating agency.

Alternatively, we offer to participate in meetings to discuss potential environmental concerns as needed. We particularly appreciate early involvement opportunities during project development and the beginning stages of NEPA document preparation. Early stages provide the EPA with opportunities to help identify important resource issues and to help achieve maximum avoidance of environmental impacts. We request BIA notify EPA of the Draft Environmental Assessment public comment period.

To further discuss EPA's participation on this project, please contact Emily Bitalac at (206) 553-2581 or bitalac.emily@epa.gov, or me at (206) 553-6387 or at baca.andrew@epa.gov. For a more timely response, it is preferred that future communications are sent to R10-NEPA@epa.gov.

Sincerely,

Andrew J. Baca, Acting Director
Environmental Justice, Community Health, and
Environmental Review Division