

DAVID WU
1ST DISTRICT, OREGON

1023 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3702
TELEPHONE: (202) 225-0855

820 SOUTHWEST MAIN STREET
SUITE 606
PORTLAND, OR 97205
TELEPHONE: (503) 326-2901
(800) 422-4003

<http://www.house.gov/wu>



Congress of the United States
House of Representatives
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BY HAND DELIVERY

April 28, 2005

The Honorable Gale Norton
Secretary of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Norton:

I write in strong opposition to the Tribal-State Compact (the Compact) signed by Oregon Governor Ted Kulongoski and the Confederated Tribes of the Warm Springs Reservation on April 6, 2005. The Compact would allow an off-reservation gambling casino in the Columbia River Gorge, a National Scenic Area.

The Columbia River Gorge is the crown jewel of Oregon's many natural wonders: a spectacular and unique sea level cut through the Cascade Mountain Range. It is 80 miles long and up to 4,000 feet deep. The Columbia River flows between the Gorge's north walls in Washington State and its south walls in Oregon. It is a natural wonder and a National Scenic Area.

Placing a casino in the Columbia River Gorge has been presented as a choice between Hood River and Cascade Locks, two communities on the Oregon side of the Columbia River Gorge. I emphatically reject this Hobson's choice. The Hood River casino site is a red herring -- neither physically buildable nor legally available for gambling purposes. The argument that unless a casino is permitted in Cascade Locks (where residents do want it) it inevitably will be built in Hood River (where residents don't want it) is a smoke screen used to hide other appropriate, non-Gorge sites. I will further address this false choice in future communications. The rest of this letter will focus on the effects of a casino in the Columbia River Gorge, Oregon tribal policy, and neighboring communities.

The proposed 500,000-square-foot gambling casino would dramatically alter the Columbia River Gorge and have a significant negative effect on the environment by increasing traffic, congestion, and air pollution. Specifically, the proposed casino would draw an estimated three million visitors per year for non-Gorge related reasons, resulting in millions of additional vehicle trips per year.

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This increased traffic would exacerbate existing air pollution problems in the Columbia River Gorge. State and federal agencies have already determined that air quality in the Columbia River Gorge is significantly degraded and that visibility is impaired 95% of the time within this National Scenic Area. Also, according to the United States Department of Agriculture Forest Service Pacific Southwest Research Station, this area suffers acid rain and fog as severe as what falls in industrial cities such as Washington D.C./Baltimore, Pittsburgh, and New York.

The casino and associated development would place enormous growth pressure on the community of Cascade Locks. It would create pressure to expand the Cascade Locks' urban growth boundary, an important feature of Oregon's land-use planning law, which currently limits Cascade Locks expansion into the surrounding National Scenic Area. Although I am told the residents of Cascade Locks favor building the gambling casino in Cascade Locks, I also understand that all of the communities surrounding Cascade Locks oppose building the gambling casino there.

As you know, Section 20 of the Indian Gaming Regulatory Act (IGRA) prohibits off-reservation gaming absent consultation with local governments; consultation with other tribes; a finding of no detriment to local communities; and concurrence of the Governor in that finding. The Compact is so specific in its siting that it precludes this process from occurring and therefore comes to you in advance of that required consultation and finding process. Further, because the Columbia River Gorge National Scenic Area is unique and is tied into the surrounding Portland metropolitan area, this proposed casino would have a huge effect on my Congressional District. Accordingly, the communities within my Congressional District should be a part of the Section 20 consultation and no detriment review.

In addition, the National Environmental Policy Act (NEPA) requires federal agencies to consider the environmental effects of proposed actions, as well as reasonable alternatives to those actions. To meet this requirement, federal agencies must prepare an Environmental Impact Statement (EIS). An EIS is especially essential when dealing with this Compact, given the very detailed specificity with which this Compact sites the casino within the Columbia River Gorge National Scenic Area.

This is more than a mere compact to govern gaming; it is a blueprint for the development of a specific, large-scale, commercial casino complex within one of Oregon's most scenic and ecologically sensitive areas.

Considering the site-specific nature of this Compact, it is essential that you apply NEPA. However, the 45 days given you under IGRA to consider this Compact will not give you sufficient time to undertake an EIS, let alone review the environmental impact of the Compact. It is important that this proposal be thoroughly vetted to take into account the environmental impact on the Columbia River Gorge National Scenic Area, its habitat (where there are six endangered and threatened species and over forty sensitive species), and the surrounding communities. Because this is not possible under the IGRA timeline, I believe you are required to disapprove this Compact at this time so that its

impact can be more carefully studied in accordance with other federal law not related to Indian lands or gaming in this case, NEPA.

This is not a decision that should be rushed, and through compact disapproval, you must exercise your authority to defer action until an environmental review can take place. Any other course would violate federal laws not related to IGRA.

Further, I know that you have expressed concerns about the proliferation of off-reservation casinos (see, letter from you to Governor George Pataki dated November 12, 2002). Allowing this casino in the heart of the Columbia River Gorge on far-removed land from the Tribe's existing reservation could set a precedent, encouraging other Tribes to demand off reservation casinos closer to the lucrative Portland market. Allowing for an off-reservation casino in this situation would set an adverse precedent at the national level.

Until now, Oregon's policy has been to limit each tribe to one casino on reservation land held in trust. This policy has been stable over the years and has prevented an "arms race" to get closer to the lucrative Portland metropolitan market. Breaking this existing Oregon policy will inevitably lead to more off-reservation casinos throughout Oregon and potentially also in neighboring Washington State. Indeed, once this is allowed, there is no stopping point. All tribes would have their interests affected adversely -- both by an "arms race" to the Portland metro area and by a potential general public backlash against all Indian gaming.

By disapproving this Compact, you can protect the Columbia River Gorge National Scenic Area, limit off-reservation Indian casino proliferation, protect the long term interests of all federally recognized tribes in Oregon, and act in the best interests of the surrounding communities, ranging from Hood River to Corbett to Portland to Beaverton.

It is time for you, Madame Secretary, to choose, taking into account not just this Tribe, but all Oregon tribes, non-Indian communities on both sides of the Columbia River Gorge, and the interests of these not for just now, but for centuries to come.

Thank you for your kind consideration. If I can be of any additional assistance, please call me or my staff at (202) 225-0855.

With warm regards,

A large, stylized handwritten signature in black ink, appearing to read 'David Wu', with a long horizontal flourish extending to the right.

David Wu
Member of Congress